

# Should the MLB Impose Stricter Penalties on Players Charged With DUI?

by Anthony Caruso on April 26, 2012

During Spring Training this year, several Major League Baseball players were arrested for driving under the influence. The incidents have renewed the debate over whether players should be punished more severely by the league for off-the-field misconduct like drunk driving. While we agree with the sentiment, as sports law attorneys, we know that it is easier said than done.

Critics of the league's current stance on DUIs only have to look back to this Spring Training for evidence of the problem. Tampa Bay Rays minor league pitcher Matthew Brian Bush was arrested after he struck a motorcyclist and left the scene. Boston Red Sox pitcher Bobby Jenks was also arrested after hitting two vehicles in the parking lot of a nightclub in Fort Myers. These are only the most recent DUI accidents involving professional baseball players. Detroit Tigers first baseman Miguel Cabrera was one of six players arrested last year during Spring Training. He reportedly drank from a bottle of liquor in front of a deputy and refused to cooperate. He later pleaded no contest to DUI.

In light of these incidents and others, many believe that the league should punish players when they are arrested for DUI. They argue that the league and the players' union have a responsibility to send a message to both players and fans that drinking and driving will not be tolerated. They also question why manager Ozzie Guillen can (repeatedly) be fined and suspended for his off-the-field comments, while DUI offenders go unpunished.

After six highly publicized DUI arrests last season, rumors swirled that the MLB and the players' union were working on a stricter alcohol abuse policy as part of the new collective bargaining agreement. However, the new policy does not call for punishment of DUI offenders, leading many critics to argue that it still lacks teeth.

According to an MLB press statement announcing the five-year CBA, "The parties agreed on a program of mandatory evaluation by a trained professional for Players who are suspected of an alcohol use problem (including Players who are arrested for DWI or other crimes involving alcohol), and for players who are arrested for crimes involving the use of force or violence."

The new provision likely resulted from a compromise between the league and the players' union, which has long argued that players should not be held accountable for off-duty misconduct. The argument has some validity given that conduct outside the scope of employment is not normally subject to discipline by an employer (i.e., an accountant is generally not suspended from his job after a DUI arrest). Of course, others will argue that professional baseball players, as public figures, should be held to a higher standard.

Even after the recent arrests, the union is unlikely to change its position on suspensions. Therefore, the two sides may have to get creative in working to address what still appears to be a serious problem. Given the negative impact of DUI arrests on both the league and the players (never mind the risk to the general public), both sides have a vested interest in finding a workable solution.