

## TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



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| TITLE: ALCOHOL USE BY UNDERAGE PERSONS                 | NUMBER: 806      |
| EFFECTIVE DATE: September 26, 2013                     | REVIEW DATE:     |
| X New    Amends    Rescinds                            |                  |
| AUTHORITY:<br><b>Alan M. Goldberg, Chief of Police</b> | CALEA STANDARDS: |
|  | TOTAL PAGES: 3   |

**01 Purpose:** To establish policy and procedures relative to alcohol use by underage persons.

**02 Policy:** The department will maintain a strict enforcement policy concerning possession and use of alcohol by underage persons. This is a comprehensive policy meant to cover a variety of circumstances, specifically including field and private parties, sales to underage persons by licensed beverage dealers, use of alcohol at school events, and all motor vehicle related violations.

**03 Definitions:**

- A. Juvenile Civil Citation – Used to charge juveniles with the commission of all delinquent acts, except crimes that are automatically waived to adult criminal court by law.
- B. Minor – Any person younger than 18 years.
- C. Underage – Any person younger than 21 years.

**05 Procedures:**

- A. Every incident or report of alcohol use by underage persons that comes to the attention of the TPPD will be promptly and fully investigated. Also, any incident or report of alcohol use by underage persons that involves an arrest, citation, or summons by the TPPD will be reported and documented.
- B. Investigative results will be documented on the appropriate report form. Enforcement will occur through issuance of a Criminal or Civil Citation, or by criminal arrest.
- C. If an underage alcohol user is a minor (under 18 years of age) who furnishes proof of identity and is to be charged with a single violation, he/she will be issued a Uniform Juvenile Civil Citation and released to a parent or guardian. A copy of the citation will also be sent to the juvenile’s parents or guardians, in accordance with guidelines.
- D. Special attention will be given to after-school activities and popular gathering spots. A representative of the school is to be notified of any alcohol violations observed on school property or at school sponsored events.
- E. If an underage person is arrested for DUI/DWI, any underage passengers in the vehicle and involved in alcohol violations will be charged with the appropriate alcohol citation, as defined in Criminal Law, §10-125, Annotated Code of Maryland.
- F. Whether the TPPD is apprised in advance of a party or responds to a party already underway that allegedly involves the serving of alcoholic beverages to underage persons, responding officer(s),

whenever possible, will effect a “controlled dispersal” that encompasses the following objectives:

1. To stop any underage consumption of alcohol.
2. To strictly enforce any alcohol violations.
3. To safely disperse those in attendance.

**G.** Enforcement procedures in the controlled dispersal will include:

1. Verify the location and existence of violations.
2. Determine assistance required for scene management and control.
3. Identify the host/owner of the property. The Shift Supervisor will ensure the responding officer(s) contacts the person responsible for the party and that pertinent information is obtained as to the age of the party holder and the extent, if any, of alcohol use.
4. Photograph evidence of alcohol consumption.
5. Utilize tools to determine appropriate enforcement action, i.e., PBTs, DREs, etc.
6. Place proper charges against the violators.
7. Collect evidence.
8. Ensure notifications are made to the Shift Supervisor. The Shift Supervisor or designee will notify the Duty Commander telephonically or by e-mail, depending upon the exigency of the incident.
9. Complete appropriate event reports, to include a Command Summary at a minimum, that provide pertinent details, e.g., number of arrests/citations, identity and age of host, location of event, etc.

**H.** If it is determined that there are alcohol violations within a house or building, and legal access can be gained, enforcement action will be initiated. These actions should include issuance of citations to violators, identification of those responsible for the event, and contact with the property owner. (**Note:** Legal entry may only be gained by consent or through a search warrant. Only a resident of the house or building may consent, as opposed to a guest or relative.)

**I.** If, during the assessment of a particular incident, a stronger response is required, the following charges should be considered:

1. Places where Drinking is Prohibited – Article 2B, §19-202, Annotated Code of Maryland.
2. Underage Possession – Criminal Law, §10-114, Annotated Code of Maryland.
3. Failure to Furnish Proof of Identification and/or Age – Criminal Law, §10-120 (a), Annotated Code of Maryland.
4. Obtaining for Underage Consumption – Criminal Law, §10-116, Annotated Code of Maryland.
5. Furnishing for or Allowing Underage Consumption – Criminal Law, §10-117, Annotated Code of Maryland.

**J.** In all alcohol related incidents, the investigating officer will attempt to identify the source of the alcohol. The officer must be alert to the use of altered or counterfeit identification.

**K.** Supervisors will regularly assess the extent of alcohol violations in city/county parks and open space areas and assign sufficient personnel to affect strict enforcement action.

**L.** During routine business checks of licensed beverage dealers, officers will be alert to any alcohol sales made to underage individuals.

**1.** Individuals appearing to be underage will be checked for appropriate identification.

**2.** Any incident involving a licensed liquor establishment will be properly documented. The report will include the name of the employee who sold the alcoholic beverages.

**3.** The Records Clerk will forward all reports of alcohol violations to the Montgomery County Department of Liquor Control, 201 Edison Park Drive, Gaithersburg, MD 20878, telephone 240-777-1900, FAX 240-777-1962, e-mail [dlc@montgomerycountymd.gov](mailto:dlc@montgomerycountymd.gov).

**M.** The Community Outreach Officer shall work to reduce underage drinking through education, enforcement and prevention programs.