

**WESTBROOK POLICE DEPARTMENT  
GENERAL ORDER**

**SUBJECT:** UNDERAGE DRINKING ENFORCEMENT

**NUMBER:** 2-30

**EFFECTIVE DATE:** 04-08-2005

**AMENDED DATE:**

**AMENDS/SUPERCEDES:** All Previous Related Policies

**APPROVED BY:** Chief of Police: \_\_\_\_\_

**I. POLICY:**

The Westbrook Police Department recognizes that underage drinking contributes to a negative impact on the community and, therefore, this department fully supports the comprehensive enforcement of Maine's underage drinking laws. Recent research indicates that alcohol is the leading drug of choice among Maine youth<sup>1</sup>. Holding underage drinkers and the adults who enable underage drinking accountable helps generate opportunities for intervention and treatment, while also reducing the availability of alcohol to minors and increasing the deterrent effect of the laws. This in turn benefits the community through a reduction in other crimes and alcohol-related costs, as well as improved quality of life for both youth and the community in general.

It shall be the policy of this department that offenders of underage drinking laws will be charged with the appropriate offense for which officers have developed probable cause. However, at the same time, the department recognizes that there are situations when it is more appropriate to take other action. In those situations, officers are expected to document their decision not to charge an individual.

Officers must be aware of those locations and situations in the community where it is likely alcohol will be available to minors. Therefore, the department will utilize consistent proactive strategies to vigorously enforce underage drinking laws.

The department will provide education and training to its officers as to the effects that underage drinking has on youth, as well as the effect that underage drinking has on the community.

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<sup>1</sup> 2002 Maine Youth Drug and Alcohol Use Survey

The department recognizes that the criminal justice system and the community must work together to change community norms and behaviors related to underage drinking and youth access to alcohol. Therefore, the department will work with community based coalitions to develop opportunities where the community can discuss the impact that underage access to alcohol has on the community.

The department will work to build partnerships with local schools, colleges, community organizations, and businesses to develop strategies with the goal of reducing underage drinking and youth access to alcohol. These strategies will include intervention and educational programs to which violators can be referred when appropriate.

The department shall conduct an annual review of this policy to ensure the policy conforms to statutory requirements and best practices.

## **II. PURPOSE:**

To establish guidelines for the officers of this agency on the enforcement of Maine's under age drinking laws and laws related to underage access to alcohol.

## **III. PROCEDURE:**

### **A. Training:**

1. The department will ensure that all officers are familiar with the department's policy and philosophy concerning the enforcement of the underage drinking laws.

### **B. Possession of Alcohol by a Minor**

When an officer encounters a minor who is in possession of alcohol or liquor, as defined in 28-A M.R.S.A § 2051, the officer will take the following steps, when possible:

1. Seize the alcohol as evidence of a crime and secure the evidence as set forth in the department's evidence policy.
2. Identify the minor through the use of a valid form of identification with the purpose of establishing identification and date of birth.
3. Should the minor be intoxicated, the officer is to ensure that the minor is not in need of medical assistance.

4. Determine if the possession of alcohol is within the minor's scope of employment. If in a private residence, determine if the minor's parent or legal guardian is present.
5. For possession by consumption, determine where the minor consumed the alcohol.
6. Inquire from the minor whose alcohol it is and where it was obtained.
7. Should the minor be a juvenile, the officer shall make a diligent effort to contact the juvenile's parent(s) or legal guardian(s) as soon as practical.
8. The officer will conduct a full and thorough investigation to determine the source of the alcohol. This will include interviewing all known witnesses.
9. If probable cause exists, officers should seek charges against the offending minor. Officers who utilize their discretion and make a no-charge decision shall document that decision.

C. Illegal Transportation of Alcohol by a Minor:

Officers who encounter minors illegally transporting liquor as defined in 28-A M.R.S.A. § 2052 will take the following steps, when possible:

1. Seize the alcohol or liquor as evidence of a crime and secure the evidence as set forth in the department's evidence policy.
2. Identify the minor through the use of a valid form of identification with the purpose of establishing identification and date of birth.
3. Establish knowledge of the presence of the alcohol by the minor.
4. Determine if alcohol was transported as a result of the minor's employment or at the request of the minor's parent(s) or legal guardian(s).
5. Inquire from the minor whose alcohol it is and where it was obtained.
6. The officer shall conduct a full and thorough investigation to determine the source of the alcohol.
7. Should the minor be intoxicated, the officer is to ensure that the minor is not in need of medical assistance.
8. Should the individual be a juvenile, the officer shall make a diligent effort to contact the juvenile's parent(s) or legal guardian(s).
9. If probable cause exists, officers should seek charges against the offending minor. Officers who utilize their discretion and make a no-charge decision will provide a detailed written report to their supervisor explaining their decision and the successful resolution of the case.

D. The Investigation of Underage Drinking Parties:

Underage drinking parties are defined as situations where a group of minors have gathered and where many of those present are consuming alcohol. The department may become aware of these parties through citizen-initiated complaints or proactive police patrols. Citizens may make the agency aware of a planned underage drinking party in advance or an underage drinking party in progress or one that occurred in the recent past.

Should the department become aware of a planned underage drinking party, the investigating officer should obtain the following information from the informant:

1. Source of the informant's information.
2. Time and location of the planned party.
3. Person(s) responsible for the party.
4. Person(s) responsible for the property where the party is to be held.

The investigating officer will notify his or her supervisor of the impending party. The supervisor will make a strong effort to ensure the following:

1. That an officer is assigned to conduct a thorough investigation.
2. That the person(s) responsible for the property is notified of the information and is made aware of the Maine Liquor Liability Act and provisions of 28-A M.R.S.A. § 2081
3. That every effort is made to locate and seize the alcohol that is intended for the party.
4. That there is a law enforcement presence at the time and general location of the impending party, when staffing permits.

E. Underage Drinking Party in Progress

In the event the department receives a complaint on a drinking party in progress, the responding officers will make every effort to ensure the welfare and safety of the offending juveniles or minors. A supervisor or designee will be notified of the incident and respond to evaluate what manpower may be needed to safely disperse the party. The responding officers will do the following:

1. Establish the sponsor of the party.
2. Identify the person(s) responsible for the property where the party is being held.
3. Should the individual be a juvenile, the officer will make a diligent effort to contact the juvenile's parent(s) or legal guardian(s).
4. Follow procedures outlined in III (3) of this policy for any minors located at the party.
5. Officers will investigate the party to determine (1) where minors have obtained the alcohol and (2) to determine whether probable cause exists to support a violation of furnishing a place for minors to consume.
6. If probable cause is established, officers will charge the appropriate adults or juveniles for either furnishing alcohol to a minor or furnishing a place for minors to consume.
7. Should an investigation provide probable cause that a minor purchased alcohol from a licensed establishment, the officer should refer the case to the Maine Bureau of Liquor Licensing.
8. Should the department become aware after the fact of an incident where underage drinking occurred, the department will make every effort to

conduct a thorough investigation into the incident, especially with regard to the source of the alcohol.

9. In those cases where the department becomes aware of an underage drinking party in another jurisdiction, the department will contact the law enforcement agency responsible for that jurisdiction and provide that agency with the information.

- F. Staffing Levels and Officer Safety: Because underage drinking parties typically involve large groups of individuals, officers and supervisors must weigh the safety of the officers against the ability to take enforcement against party-goers. The Sergeant or Officer-in-Charge will determine if this department will handle the call alone or will call neighboring agencies for assistance. Similarly, other calls for service will dictate the depth of any juvenile alcohol investigation.