



## RESPONSE TO UNDERAGE DRINKING INCIDENTS

POLICY & PROCEDURE NO.		PAGES:	6
<b>1.24</b>	<b>15-GO-6</b>	ISSUE DATE:	February 26, 2015
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>None</b>		EFFECTIVE DATE:	February 26, 2015
ISSUING AUTHORITY: <i>Kenneth M. Paulhus</i> Chief Kenneth M. Paulhus		REVISION DATE:	N/A

## RESPONSE TO INCIDENTS OF UNDERAGE DRINKING

### POLICY

The Southborough Police Department recognizes that there is a significant social problem among those under 21 years of age who unlawfully possess and drink alcoholic beverages. This problem is especially serious among those who are enrolled as students at the middle school and the high school. Aside from the obvious addicting qualities and health ramifications to this age group, such activity often leads to behavioral problems, criminal acts and motor vehicle accidents leading to property damage, serious injury and occasionally death. The focus of the policy and procedures of this department dealing with this topic is not only the underage drinker but those who may enable the underage drinker to access alcohol, including but not limited to parents and other relatives, associates and others who may be of legal drinking age and vendors of alcoholic beverages.

## PROCEDURES

Whenever possible, meaning within the constraints of working conditions and available manpower, officers of the Southborough Police Department who encounter underage drinkers under the influence or who are in possession of alcoholic beverages or who are present at a drinking party or who are attempting to purchase alcoholic beverages or who are in possession of identification which alters their age to allow purchase of alcoholic beverages, shall respond as follows:

- A. In situations which allow, make a **custodial arrest**.
- B. Where no grounds for custodial arrest exist but there are subjects under the influence, take into protective custody (even if these subjects are released to a parent or other responsible adult at the location of the incident).
- C. Where arrest was not a reasonable option, because of available manpower or the number of offenders involved, take sufficient information to allow criminal complaints to be filed and seize available evidence and contraband.
- D. Whenever a custody situation occurs involving a juvenile, officers need to comply with regulations governing notifications, custody, release and bail pertaining to juveniles (Refer to MGL Chapter 119, Section 67).
- E. Whenever officers places into protective custody a **school aged** youth for an alcohol related offense, regardless of which town the youth goes to school in, the reporting officer will send a email message to the Juvenile Officer/SRO listing the names and dates of birth of those involved so follow up referral can be made to the appropriate school system. The message should include the name of the school each subject attends
- F. The policy of the department regarding legal aged adults who are providing alcohol to underage youth to drink is that they will be appropriately charged according to state statute.
- G. While circumstances may arise where officers do not want to file criminal charges or take a subject into custody as described above, merely disbursing subjects or releasing them without some arrangements made for release to a **parent or other responsible adult** with arrangements for

follow up notification or intervention of some types is not allowed.

- H. Where the availability of sufficient manpower allows and where the lack of other volatile circumstances permit, officers who encounter subjects at a drinking party should make every reasonable effort to ensure that those who are intending to drive away from such event (when the police cause a party to break up) are not impaired by alcohol they may have consumed. (Applies to all ages)
- I. When the department has sufficient advance notice of a large drinking party or within our ability to do so on short notice of such an event, one or more of the detectives will be notified. When the department becomes aware of large or disruptive drinking parties involving underage youth it is mandatory that the Chief of Police and the lieutenant be notified. Should the attempt to notify not be successful the shift supervisor will proceed according to policy in a timely manner.
- J. Underage youth who are present where a drinking party is in progress or who are with other youth that are in possession of alcoholic beverages or who are taken into custody for an alcohol related offense **shall be listed on the incident report**. (In circumstances where there are extremely large numbers of youth present or where youth run away at the sight of police officers, it may not be possible to obtain all or any of this information) Parents or guardians of youth who are not released directly to their parents or guardians or where the parents or guardians were not personally advised by officers of this department about the incident and involvement of their son or daughter will be sent an "alcohol letter" from the department so informing them.
- K. Diversion of alcohol related juvenile cases, the adjusting of alcohol related juvenile cases or alternative sentencing programs are defined and dictated by the court. It will be the responsibility of the Juvenile Officer/SRO to represent the department in court concerning participation in these programs. When conveying the department's position, the Juvenile Officer/SRO will consider factors such as:
  - a. The nature and seriousness of the alleged offense;
  - b. Whether the act involved violence;
  - c. Whether the juvenile was under the influence of drugs and/or alcohol during the incident;

- d. The juveniles past record if any and
- e. The availability of court approved community based rehabilitation programs

#### **Ch. 138 § 34**

**Sale, delivery or furnishing alcoholic beverages to persons under twenty-one years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person; Or**

**whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered any such beverages or alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age; Or**

**Whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, or whoever furnishes any such beverage or alcohol for a person under 21 years of age. Misdemeanor Punishable by: A fine NMT \$2,000 or by imprisonment for not more than one year or both.**

**For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged.**

#### **Ch. 138 § 34A**

**A person under twenty-one years of age who purchases or attempts to purchase alcoholic beverages or alcohol, or makes arrangements with any person to purchase or in any way procure such beverages, or who willfully misrepresents his age, or in any way alters, defaces or otherwise falsifies his identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his own use or for the use of any other person. Misdemeanor punishable by: Fine of NMT three hundred dollars. 180 day license suspension upon conviction.**

#### **Arrestable Offenses**

#### **Ch. 138 § 34B**

**Any person who transfers, alters or defaces any such (liquor purchase identification) card or license, or who makes, uses, carries, sells or distributes a false identification card or license, or uses the identification card or motor vehicle license of another, or furnishes false information in obtaining such card or license, Misdemeanor punishable by: A fine of NMT two hundred dollars or by imprisonment for not more than three months.**

#### **Ch. 138 § 34C**

**A person under twenty-one years of age not accompanied by a parent or legal guardian, knowingly possesses, transports or carries on his person, any alcohol or alcoholic beverages, Misdemeanor punishable by a fine of NMT fifty dollars for the first offense and NMT one hundred and fifty dollars for a second or subsequent offense. A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court, and said registrar shall thereupon suspend for a period of ninety days the license of such person to operate a motor vehicle.**

#### **Ch. 119 § 63**

**Any person who shall be found to have caused, induced, abetted, or encouraged or contributed toward the delinquency of a child, or to have acted in any way tending to cause or induce such delinquency, may be punished by a fine of not more than five hundred dollars or by imprisonment of not more than one year, or both.**

**Section 24B Stealing, forging or other falsification of learner's permit, operator's license, use or possession; penalties; Felony**

whoever has in his possession, or utters, publishes as true or in any way makes use of a falsely made, stolen, altered, forged or counterfeited learner's permit, license to operate motor vehicles, an identification card issued under section eight E, and whoever has in his possession, or utters, publishes as true, or in any way makes use of a falsely made, stolen, altered, forged or counterfeited learner's permit, license to operate motor vehicles, and whoever has in his possession, or utters, publishes as true, or in any way makes use of a falsely made, stolen, altered, forged or counterfeited signature, facsimile of the signature or validating signature stamp of the registrar or deputy registrar, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison for not more than five years or in jail or house of correction for not more than two years.

Whoever falsely impersonates the person named in an application for a license or learner's permit to operate motor vehicles, or procures or assists another to falsely impersonate the person named in such an application whether of himself or another, or uses a name other than his own to falsely obtain such a license or whoever has in his possession, or utters, publishes as true, or in any way makes use of a license or learner's permit to operate motor vehicles that was obtained in such a manner shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two years. **Felony**