



# BRAINTREE POLICE DEPARTMENT

## Policy and Procedure

### Underage Drinking

**2019-59**

Date of Issue: 03/12/2019	Issuing Authority:
Review Date :	
Revised:	Chief Paul Shastany
Certification Standards: Accreditation Standards: <b>1.2.7</b> Optional Accreditation Standards:	

**Purpose**            The purpose of this directive is to provide guidelines to members of the Braintree Police responding to complaint(s) involving the gathering of underage individuals consuming or possessing alcoholic beverages.

**Policy**            It is the policy of the Braintree Police Department to enforce laws pertaining to the possession and/or consumption of alcoholic beverages by persons under the age of 21.

Since every call regarding underage drinking has a unique set of circumstances, deviation from these guidelines is certainly permissible at the discretion of responding officers. However, officers who deviate from this policy must have a reasonable justification for doing so. **[1.2.7]**

**Definitions**      Underage Person: Any person younger than 21 years of age

**Procedure**        Upon receipt of an underage drinking complaint, police units should be dispatched to the location where the violation is occurring. Additional units may be assigned if deemed appropriate.

Upon arrival at the scene, officers should attempt to:

- Confirm the existence of an on-going breach of peace or other violation of law;
- Determine if anyone is in need of medical or other assistance;
- Assess the need for additional police personnel to maintain an adequate level of protection for investigating officers; and

- Proceed with appropriate enforcement action and the restoration of order.

Officers should make every reasonable effort to determine if in fact there are persons under the age of 21 on scene in possession of alcoholic beverages, and if so, identify those persons. If officers are able to determine the identity of the person supplying the alcoholic beverage (or drugs) to persons under the age of 21, appropriate enforcement action consistent with Massachusetts General Laws should be taken.

If officers determine that court action is not required, they shall at a minimum create Master Cards in the department's computer system for those underage persons. Any persons under the age of 18 must be picked up by a parent or guardian. Although it is preferred that any persons under the age of 18 be transported to the police station to be picked up by a parent/guardian, if deemed appropriate by the officers on scene, parent/guardians may pick up persons under the age of 18 from the scene of the incident.

If an officer observes an underage person, who has been drinking alcoholic beverages, either driving or attempting to drive a vehicle, they shall not allow that person to continue to operate. Preferably, in the case of juveniles, vehicle keys will be confiscated and parents notified of the circumstances surrounding the confiscation. The keys will be held at the police station until such time as a parent or guardian can reclaim them. In instances involving persons 18 or over, keys will be held at the police station for a minimum of (12) hours or until a sober adult claims them (with the owner's permission). There may be times when the most prudent means of protecting the public at large, the drinking individual and/or the vehicle's owner, is to tow the vehicle from the scene in accordance with the department's policy on **Towing of Motor Vehicles**. Officers should be aware of the elements of M.G.L. c. 90 § 24 and take appropriate enforcement action if deemed appropriate. See Department policies on **OUI Enforcement** and **Traffic Enforcement and Management**.

If an underage person has already been entered into the Department's computer system for an alcohol or drug law violation, it is recommended, though not required, that court action be taken against this individual.

If an underage person is not already in our system, and dependent on the totality of the circumstances, he or she may be issued a warning for the offense and released to a parents, guardian or responsible adult. In instances where the offender is released to a responsible adult, every attempt will be made to contact the involved parents or guardian to

inform them of the incident. If unable to contact the parent/guardian, notification of this inability should be forwarded to the Administration so that a letter explaining the circumstances can be mailed to the parents/guardian.

**Nothing in this policy precludes an officer from making an arrest or placing an individual into protective custody for a first offense when, based on existing circumstances, he/she deems it appropriate.**

While at the scene, officers should make an attempt to photograph containers of alcoholic beverages and related signs of property destruction and/or evidence of other criminal acts using department equipment. All photographs should be attached to the incident entry in the department's computer system.

Anytime a significant incident of underage drinking occurs – such as large gatherings or unsupervised house parties, the Shift Commander will report the incident via email to Administration via the Deputy Chief of Operations.