



# Policy and Procedures

## HOLMEN POLICE DEPARTMENT

SCOPE: **JUVENILE UNDERAGE ALCOHOL**

NUMBER: 2.5

SCOPE: ALL DEPARTMENT PERSONEL

ISSUED: 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL

REVIEWED: 02/18/2017

### **PURPOSE**

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To establish a departmental policy and procedure for dealing with the juvenile/underage drinker, to reduce the risk of accidents and/or injuries, and to reduce liability.

### **POLICY**

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The policy of the Holmen Police Department is to respond to and investigate all loud party/juvenile/underage drinking complaints.

#### **1. LOUD PARTY/JUVENILE/UNDERAGE DRINKING COMPLAINT OUTSIDE - PRIVATE OR PUBLIC PROPERTY**

- a. After receiving a loud party/juvenile/underage drinking complaint, the officer will respond and investigate. Where the party is loud and there is no sign of juvenile/underage drinking, the officer will warn or cite accordingly.
- b. Where the officer finds evidence of juvenile/underage drinking, the officer should call for assistance and make contact with and check those individuals remaining at the scene. The officers should base their findings on their observations of the individuals noting any bloodshot eyes, slurred speech, any staggering or the smell of an intoxicant about their person. The officer should also attempt to get a PBT reading on each individual.
  - i. Those juvenile individuals found to be drinking should be cited and detained until they can be released to a parent, legal guardian or responsible adult.
  - ii. Those underage individuals (17 to 20 years of age) found to have been drinking shall be cited and released in the event they test below .08 and do not appear to be under the influence.
  - iii. Those underage individuals testing .08 or above, and/or appear to be under the influence, should be cited and released to a responsible party, if possible.
  - iv. Any juvenile/underage individual found to be incapacitated shall be hospitalized.
- c. An attempt should be made to identify those individuals who may have left the scene by running vehicle registration checks on the vehicles remaining on location.
  - i. An attempt should be made to contact the owners and/or the parents of the owners of these vehicles.
  - ii. Advise them of the situation and ask them to come to your location and remove the vehicles.
  - iii. Advise them that this is to prevent their child or someone else's child from returning to the scene after the officers leave and drive the vehicle away while under the influence.
- d. If you are unable to locate the owner and/or parent, or if contacted and they refuse to come to your location and remove the vehicle, and if the vehicle is found to be parked on private property without consent or illegally parked, it should be towed.
- e. Any juvenile/underage drinker, 20 years of age or younger, must test .00 before being allowed to drive away from the party scene.

- f. Evidence left at the scene (tappers, cans and bottles of beer, etc) shall be photographed or taken if necessary as evidence.

**2. LOUD PARTY/JUVENILE/UNDERAGE DRINKING COMPLAINT INSIDE – PRIVATE RESIDENCE/BUILDING**

- a. Whenever the officer receives a call of a loud party/juvenile/underage drinking complaint at a private residence/building, the officer will respond and investigate. Where the party is loud and there is no sign of juvenile/underage drinking, the officer will warn or cite accordingly.
- b. If there is evidence of juvenile/underage drinking, the officer should, before taking further action, call for assistance, and, if able, wait until assistance arrives.
  - i. The officers should then position themselves so as to keep all sides of the private residence/building under surveillance.
- c. The officer will then attempt to gain legal entry by asking permission to enter from someone having the authority to grant them permission to enter the residence.
  - ii. If permission is denied and the owner and/or responsible adult is not at the residence, the officer should try to make contact with the owner and/or responsible adult who can give the officers permission to enter.
  - iii. In the event this fails, the officer (s) should then contact his/her supervisor and a determination should be made as to whether there is probable cause to get a search warrant.
  - iv. If probable cause exists, the officer(s) should then contact the District Attorney's Office and attempt to obtain a search warrant (telephonic).
- d. Any individual leaving the private residence/building who appears to be a juvenile and/or underage should be stopped and checked and the appropriate action taken.
- e. After legal entry has been gained, the officers shall continue their investigation and take appropriate action. This being cite and release or cite and detain as circumstances dictate.
- f. Any juvenile/underage individual found to be incapacitated should be hospitalized.
- g. In the event any individuals left the scene prior to additional assistance arriving, the officer should try to identify these individuals by the vehicles left at the location.
  - i. This can be done by running vehicle registration checks on the vehicles and then contacting the owners or parents of the owners.
  - ii. Advise them of the situation and ask them to come to your location and remove the vehicle.
  - iii. Advise them that this is to prevent their child or any other child from returning to the scene after the officers leave and drive the vehicle away while under the influence.
  - iv. If you are unable to locate the owner and/or parent of the owner, or if contacted and they refuse to come to your location to remove the vehicle, and if the vehicle is found to be parked on private property without consent or illegally parked, it should be towed.
- h. Any juvenile/underage drinker, 20 years of age or younger, must test .00 before being allowed to drive away from the party scene.
- i. Evidence left at the scene (tappers, cans and bottles of beer, etc) shall be photographed or take if necessary and placed into evidence.

**3. LOUD PARTY/JUVENILE/UNDERAGE DRINKING COMPLAINT INSIDE OR OUTSIDE**

- a. The above policy and procedure should be adhered to when dealing with any juvenile and/or underage drinking situation.

**DISCLAIMER**

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This policy is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy may form the basis for departmental administrative action, but it is not intended for use in courts having civil or criminal jurisdiction.

Chief of Police Shane Collins