

# Truro Police Department

## UNDERAGE DRINKING ENFORCEMENT

*General Order Number: OPS-6.19*

*Effective Date: November 28, 2001*

**REFERENCE:**

*Revised Date:*

*Accreditation Standards: 44.1.1. - 44.2.5.*

*Mass. Gen. Law Mass. Gen. Law. Chap. 138*

*Other: Truro Police Department Policy OPS-6.15 (Juvenile Operations)*

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### **POLICY:**

It shall be the policy of the Truro Police Department to enforce alcohol related laws and ordinances as they pertain to underage persons.

### **PROCEDURE:**

When a police officer has probable cause to believe that a person under the age of 21 is in possession, is consuming, transporting or procuring alcoholic beverages in violation of the Massachusetts General Laws, the officer shall proceed as follows:

1. The officer shall take steps necessary to assure the safety of the person(s) under 21 and to reduce their risk of physical injury.
2. If a person under 21 years of age exhibits behavior demonstrating that they are physically impaired and at the risk of physical injury, medical assistance shall be summoned.
3. All physical evidence that precipitated the officer's probable cause that a violation has been committed shall be seized, logged and retained through proper evidence procedures as evidence until such time as it can be disposed of legally.
4. If the officer has reason to believe that any person is incapacitated, the person shall not be permitted to operate a motor vehicle or leave unassisted.

5. If the officer has probable cause to believe that any person has provided alcoholic beverages to persons under the age of 21 in violation of Massachusetts General Laws, said person(s) shall be charged with
  - a. Contributing to the delinquency of a minor (*M.G.L. Ch.. 119 Sec. 63*)
  - b. Unlawful delivery or sale to a person under 21 years of age (*M.G.L. Ch. 138 Sec. 34*)
6. The officer at his/her discretion has the following enforcement options consistent with attendant facts and circumstances and Massachusetts General Laws:
  - a. Arrest
  - b. Summons
  - c. Town by-law
  - d. Protective custody
  - e. Parental Notification (*mandatory for persons under the age of 18*)
7. The officer shall make an incident report detailing the facts and circumstances relevant to the violations, factors and enforcement action taken.
8. This policy shall be used in conjunction with all other department policies, rules and regulations and general orders.