



# GENERAL ORDER OPS-21 ALCOHOL AND UNDERAGE PERSONS

EFFECTIVE AUGUST 10, 2018

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This General Order contains the following sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURES
- IV. IMPLEMENTATION
- V. CANCELLATION

## **I. POLICY**

The Howard County Department of Police (HCPD) shall maintain a strict enforcement policy concerning alcohol use and possession by underage persons. This policy is meant to cover a variety of circumstances including field and private parties, sales to underage persons by licensed beverage dealers, use of alcohol at school events, and related motor vehicle violations.

## **II. DEFINITIONS**

- A. Juvenile Civil Citation: Used to charge juveniles with the commission of all delinquent acts, except crimes that are automatically waived to adult criminal court by law.
- B. Minor: Any person younger than 18 years.
- C. Underage: Any person younger than 21 years.

## **III. PROCEDURES**

- A. Every incident or report of alcohol use by underage persons that comes to the attention of the HCPD will be promptly and fully investigated.
- B. In all alcohol related incidents, the investigating officer will attempt to identify the source of the alcohol. The officer must be alert to the use of altered or counterfeit identification.
- C. Any incident or report of alcohol use by underage persons that involves an arrest, citation, or summons by the HCPD will be reported and documented.<sup>1</sup>
- D. The officer's findings will be documented on the appropriate report form. Enforcement will occur by using a Criminal or Civil Citation or criminal arrest. Detailed instructions regarding both criminal and civil citations are outlined in General Order OPS-42, Criminal and Civil Citations.
- E. If applicable, a written citation or summons should be used rather than taking a juvenile into custody. A copy of the citation shall be sent to the juvenile's parent or guardian.<sup>2</sup>
- F. Special attention will be given to after school activities and popular gathering spots.
  - 1. A representative of the school is to be notified of any alcohol violations observed on school property or at school sponsored events during any school-related activity.
  - 2. If violations are observed after school hours or when a representative of the school is not on the property, a copy of the report shall be forwarded to the Youth Section for the notification to be made.

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<sup>1</sup> CALEA 82.2.2 e

<sup>2</sup> CALEA 44.2.1 b

3. Notification shall be made whether the violator is a student at the school or not.
- G. In the event the HCPD responds to a party where underage persons are found to be in possession of and/or consuming alcohol, the Area Supervisor will make sure that the officer contacts the person responsible for the party and that pertinent information is obtained about the age of the party holder and the extent, if any, of alcohol use and related information.
1. If it is determined that there are alcohol violations within a house or a building and legal access can be gained, enforcement action will be initiated. These actions should include issuance of citations to violators, identification of those responsible for the event, and contact with the property owner.  
  
Note: Refer to General Order OPS-08, Search and Seizure, for information on who may consent to searches and when a search warrant is required.
  2. If during the assessment of an incident it is determined that a stronger response is required, the following charges should be considered:
    - a. Places where Drinking is Prohibited: Article 2B, §19-202 Annotated Code of Maryland.
    - b. Underage Possession: Criminal Law, §10-114 Annotated Code of Maryland.
    - c. Failure to Furnish Proof of Identification and/or Age: Criminal Law, §10-120 (a) Annotated Code of Maryland (an arrest is warranted).
    - d. Obtaining for Underage Consumption: Criminal Law, §10-116 Annotated Code of Maryland.
    - e. Furnishing for or Allowing Underage Consumption: Criminal Law, §10-117 Annotated Code of Maryland.
- H. If an underage person is arrested for DUI or DWI, any underage passengers present in the vehicle and suspected of alcohol violations will be charged with the appropriate alcohol citation as defined in Criminal Law, §10-125 Annotated Code of Maryland.<sup>3</sup>
- I. During routine business checks of licensed beverage dealers, officers will be alert to any alcohol sales made to underage individuals.
1. Individuals appearing to be underage will be checked for appropriate identification.
  2. Any incident involving a licensed liquor establishment will be properly documented. The report will include the name of the employee who sold the alcoholic beverages.
  3. Supervisors will ensure all reports of alcohol violations are forwarded to the Liquor Inspector by the end of the shift for follow-up purposes.

#### **IV. IMPLEMENTATION**

- A. The Education and Training Division will present updates of current alcohol laws as changes occur.
- B. The HCPD Liquor Inspector(s) shall ensure that all applicable liquor laws are enforced and inspections of liquor establishments are conducted. The Liquor Inspector(s) shall report to the Professional Standards Section.

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<sup>3</sup> CALEA 61.1.9  
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- C. Periodic undercover inspections of liquor establishments will be conducted by the HCPD Liquor Inspector and as directed by the Chief of Police or his designee.

V. **CANCELLATION**

This General Order cancels and replaces General Order OPS-21, Alcohol and Underage Persons, dated February 15, 2006.

AUTHORITY:



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Chief of Police