

TRAINING BULLETIN 2007-1
Underage Drinking Model Protocol
Date: July 1, 2007

INTRODUCTION

Law enforcement recognizes that parties involving underage drinking are matters of community concern, directly impacting the quality of life and safety of the entire community. Statistics show underage drinking is a leading cause of fatal crashes among teens, and is also a major factor in injury and property damage crashes. In 2004, of all fatal crashes involving 15-20 year olds, alcohol was the primary cause in 57% of the crashes. Therefore, law enforcement's response to these incidents shall be consistent with the guidelines enumerated below.

Vermont is faced with a significant problem in the form of underage drinking. The rural nature of the state adds another dimension to the problem of alcohol related crashes claiming the lives of far too many teenagers on a yearly basis. Because of the nature of this problem it is important that law enforcement take a pro-active stance against underage drinking.

This bulletin must be looked at as a guide. Each agency must decide if this model fits the need in the community it is intended to serve.

COOPERATIVE AND MULTI-AGENCY RESPONSE

This training bulletin is meant to provide to all of law enforcement the framework to develop a response to underage drinking parties. It emphasizes the importance of cooperation and collaboration between law enforcement agencies, as well as schools and other organizations in the community.

The nature of the underage drinking problem in Vermont lends itself to some unique problems. The rural makeup of the state creates a situation where parties are often in very remote areas, making response difficult. The fact that Vermont's law enforcement agencies are small causes a situation where available human resources may become an issue. It is for these reasons that multi-agency responses are necessary.

The pre-planning of response to and the investigation of drinking parties is very important. The development of regional task forces that respond to large gatherings of underage drinkers is strongly encouraged. It is suggested that all regional task forces use the name of S.T.A.R.T. (Stop Teenage Alcohol Risk Team). This will add credibility and unity to the effort. **Officers are encouraged to make use of the START program to increase the effectiveness of their response to these incidents. Agency heads should ensure that their officers are aware of the name of their START coordinator, which agencies participate in START, and the protocols of their area START program.**

RECEIVING COMPLAINTS OF UNDERAGE DRINKING PARTIES – DISPATCHER RESPONSIBILITIES

Receiving a complaint regarding underage drinking should be taken as seriously as any other report of a crime in progress. It is important that telecommunication staff be aware of the importance of the gathering of accurate and timely information. Agency heads should ensure that their dispatch staff is familiar with this protocol.

When at all possible, the call taker should obtain the identity of the caller and call back information.

The following points can be used as a guide for the telecommunication staff when receiving reports of parties:

- What is the location of the reported party?
- Is it in a house/dwelling or outside?
- Are there multiple entry and exit routes?
- Are there hazards for responding units?
- Are there man-made barriers (gates, etc.)?
- How many people are estimated to be involved?
- What is the nature of the gathering? (high school, college, fraternity, etc.)
- Is there alcohol or other drugs involved?
- Is there any violence at the scene?
- Does the caller know who owns the property?

EVALUATING THE RESPONSE

All responses to the scene of underage drinking should be measured and with safety as the number one priority.

The responding Officer(s) should:

- Evaluate the scope of the incident.
- Decide who is the Incident Commander/Responsible agency
- Identify a staging area for responding units.
- Identify how all responding officers will communicate

The Incident Commander should prepare an operational plan to include identified duties/tasks for individual Officers. Positions to consider may include:

- Case Officer
- Evidence Officer
- Security Officers
- Photographer
- Transport Officers

In developing a plan, the Incident Commander may wish to consider the following points:

- How many officers will it take to safely respond to this incident?
- Will START be utilized (recommended)
- Will Department of Liquor Control respond?
- Who will be responding to the scene?
- Will all of the officers respond or will some hold back until an evaluation is made as to the crowd's response to police presence?
- What will be the procedure for persons arrested or detained?
 - Transport to a Police facility?
 - Establish a holding/processing area at scene?

RESPONSE AND INVESTIGATION

Prior to arriving at the scene the incident commander should determine the appropriate agency response. S/he should provide the guidelines to all responding officers regarding how the officers are expected to contain the party. It should also be clear as to how to allow subjects to leave the party to include the screening for alcohol use. The following are guidelines to be used in response and investigation of an underage party.

- The first step is to contain the party.
- There should be no foot chase of subjects fleeing the area unless there is a risk of safety.
- Caution should be used in pursuing vehicles leaving parties. (Follow established policy.)
- Screen as many party goers as possible.
- Attempt to identify all subjects present (use audio or video recording equipment when possible).
- Record all license plates at the scene whenever possible.
- Use photographic equipment to document the scene to include video equipment.
- Enforcement is the preferred course of action to deter future incidents. Officers should also be alert to non-alcohol crimes or violations that may be present. Enforcement options include:
 - Arrest
 - Citation
 - Vermont Civil Violation Complaints (VCVC)
 - Diversion letters (see Training Bulletin 2005-2)
- Officers should remember to check the Teen Alcohol Safety Program (TASP) database to determine if the subject has had a prior adjudication for an offense under T7VSA656.
- All reports of underage drinking should be issued a case number. The report should include:
 - Names of involved persons
 - List of vehicles at scene
 - List of vehicles towed
 - Enforcement action taken
- One of the goals of the response should be to identify who supplied the alcohol.
- Care should be taken to document and secure all evidence.
- In cases where access to the site is blocked by residents/landowners, Officers should consider applying for a search warrant if probable cause exists.
- Utilization of other pro-active means to curtail parties should be considered. These include:
 - trespassing orders
 - Vermont Civil Violation Complaints for parking violations
 - towing of vehicles
- NOTE: When towing vehicles please refer to 23 VSA §§1101 and 1102, which outlines authority of Officers to tow vehicles. If towing is utilized the following points should be considered:
 - A warning should be issued (use a PA)
 - A log should be made indicating which vehicles were towed, by what company. This log should be forwarded to AOT (23 VSA §1102(b)) and a copy maintained with the case.
 - Vehicles should not be towed from private property

RELEASE OF INTOXICATED PERSONS

The safety of impaired persons is a serious concern for the responding officer. Care should be taken in the disposition of impaired persons at the conclusion of the investigation.

Impaired persons 18 or older: These individuals can be released if safe to do so, or be placed in protective custody if they meet the criteria for doing so (33 VSA §708).

Impaired persons 17 or younger: These individuals should be released to a parent or guardian. The officers may have the parents come to the scene if appropriate and safe. If a parent or guardian can't be located, Officers may have to take the subject into custody as a Child in Need of Services (CHINS). Impaired juveniles should not be released to other juveniles.

FOLLOW-UP INVESTIGATION

Every effort should be made to follow up on investigations involving underage drinking incidents. The following are suggestions to follow when conducting follow up investigations:

- Interview all witnesses who may help to identify the source of the alcohol.
- Take steps to notify parents of youths' attendance at the party.
- Use form letters to notify parents that their car was at the scene of an underage drinking party.

- Work with landowners to post land against trespassing.
- Brief the local Department of Liquor Control Investigator reference the party.

RELEASE OF INFORMATION RELATING TO POSSESSION OF MALT BEVERAGE VIOLATIONS (PMB)

Note this opinion from the Vermont Attorney General's Office: Law enforcement has the discretion to release information regarding a PMB violation to schools, newspapers, other entities and persons. At the same time, law enforcement also has the discretion to withhold release of the information to the public, in response to a request for such records, based upon the claim that the record is not a public record. The exception to the public records law that may be relied upon is 1 V.S.A. §317 (c)(7). Specifically, these records contain personal information that relate to a young person that reveals the intimate details of his/her life including information that may subject the young person to embarrassment, harassment, disgrace, or loss of employment or friends (Trombley v. Bellows Falls Union High School District No. 27 (1993) 160 Vt. 101). Bottom line, law enforcement has the discretion to determine under what circumstances the records or information contained therein will be released and to whom it will be released.

PREVENTION

It should be the policy of every agency to work in conjunction with the community served to PREVENT parties from taking place. It is sound policy to attempt to stop parties before they occur. In order to achieve that goal the following suggestions should be considered.

- Develop lines of communication with the schools (SRO's), parents and youth groups to gather information reference parties involving underage drinking.
- Utilize sources such as tip lines and Crime Stoppers to gather information about underage drinking parties.
- Patrol known locations for underage drinking to discourage parties from occurring.
- Use community policing models such as speaking to young people about the dangers of underage drinking and the potential consequences in order to discourage underage drinking.
- When information is developed about underage parties every effort should be made to contact the organizers/host to discourage them from holding the party. Inform the host of potential criminal and civil penalties.
- Use creative methods such as posting signs at party locations to warn of police presence.
- Information packets that detail the laws surrounding underage drinking and the civil liability involved should be developed and given to organizers of parties, teenagers and parents.
- Efforts should be put into working with property owners to post or block access to land that is used for parties.

It should be one of the primary goals of all law enforcement agencies to develop pro-active policies that prevent parties from occurring. It is more efficient to make an effort to prevent parties from taking place than to attempt to respond to active parties.

EDUCATION/PUBLIC INFORMATION

Every law enforcement agency should also work in the community to raise awareness reference the danger of underage drinking. This effort can be bolstered by the work of agency public information officers and all members. The areas to concentrate efforts are:

- Media (pre and post incident)
- VSP Community Advisory Boards
- Community Service Clubs

- Schools

Officers conducting public information sessions should make themselves aware of the information and other resources available on the START web site at vermontstart.org. Coordination or partnering with the local ADAP Prevention Consultant and/or substance abuse coalition will also help to assure that a consistent message is being given in the community. Lists of these people can be found on the law enforcement section of the START web site (click on "For START Teams", user = start, password = notminor.)

Consideration should be given to having school staff respond to scenes where underage drinking involves students (i.e., football coach responding to players drinking).

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