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American Athletic Institute - Alcohol Enforcement Training Division

## MISSION STATEMENT

The Alcohol Enforcement Training Division is committed to zero tolerance, to the rights of people, and to enforcing the law impartially. Proactive in addressing underage drinking issues, we are self-directed and self motivated to identify, develop and implement solutions for improving current underage drinking laws and strategies.

We must strive to improve methods of doing business, and support those we work with, those we work for and those that work for us. We must fulfill our mission with the highest degree of ethical and professional behavior, and be accountable for our actions. Our goal is to save lives.

The purpose of this guide is to assist your agency in developing procedures to reduce agency liability, to educate and enforce underage drinking laws and to assist in changing the social norms that underage drinking is no longer acceptable. It's unhealthy and illegal.

## **PREFACE**

The consumption of alcohol by our youth has reached a critical mass level. Alcohol affects our families and communities and claims more lives than any other drug combined. It is the leading cause of traffic accidents, fatalities, crime, and suicides, and contributes to the spread of sexually transmitted diseases and to underachievement in school and athletics.

Communities across the United States have mobilized treatment, enforcement and education efforts to reduce the tragic consequences of underage drinking. Clearly, no single approach can solve the problem facing our community. Each effort must be implemented and enforced consistently and fairly. Research reflects that effective and consistent enforcement will decrease sales to minors, decrease traffic accidents, decrease health problems and help build awareness to the dangers of underage drinking.

Some approaches have focused on educating young people about the dangers of drinking and equipping them with the knowledge and skills to make responsible choices. Other approaches have tried to strengthen the relationships young people have with family, peers, teachers and others. Still others have focused on the array of adult institutions that manufacture, distribute, sell, provide, promote, and regulate alcohol.

In 2006 the Sober Truth on Preventing Underage Drinking (STOP) Act was passed by a unanimous vote in the Senate and House. This was one of many indications that underage drinking is a priority at national, state, and community levels. Even the Surgeon General stated in his "Call to Action", our children are our priority.

This guide includes a basic outline on issues to consider when collaborating on a multijurisdictional approach to underage drinking enforcement. As with all material, be sure to check with your local prosecutor before implementing any new policy.

## **WHY ENFORCE LIQUOR LAWS IN YOUR STATE?**

If you want to change the social norms in your community regarding the acceptance and use of alcohol by minors and adults, you will find that regular business checks will decrease the sale to youth; and improve public awareness of this problem. Youth crimes are usually committed while under the influence of alcohol and other illegal substances.

More and more teens are drinking at younger ages – as young as age 11 for boys, and age 13 for girls. Youth that begin drinking prior to age 15 are 40% more likely to become alcoholics. When the United States rose the drinking age to 21, alcohol-related problems decreased, and research showed the number of youth that started drinking in their later years drank less and less often.

Let's face it; the views of the public often influence what laws our law enforcement leaders emphasize. The views of the officer can also severely affect what and how laws are enforced. Statistically, most Officers believe that underage drinking is a problem in their community and that they do not have sufficient resources to deal with the issue. Most say their own supervisors do not believe underage drinking is a "high priority".

The department's chief or sheriff should ensure that local laws (all laws) are being enforced and should regularly meet with members of the community and media. These meetings will help foster and influence change and help develop attitudes and beliefs that underage drinking is unhealthy, illegal and unacceptable. They also send a clear message that incidents regarding alcohol including DWI/DUI are not tolerable.

Community leaders should assess the underage drinking problem in their communities and consider effective approaches— such as community organizing, coalition building, and the strategic use of the mass media—to reduce drinking among underage youth.

If done correctly, this inexpensive and effective tool can help reduce alcohol related incidents involving youth. Nationwide research shows that over 50% of the youth in any community could purchase alcohol without being asked for identification. Alcohol compliance checks are just one of many strategies law enforcement and communities can use to reduce youth access.

The problems that occur with underage drinking have been documented thoroughly. Over 60 billion dollars is the estimated cost of alcohol use by youth. Over half of the nation's college students are victims of campus-related crimes and social problems such as assaults, noise complaints and sexual assaults.

It has also been documented that athletic performance and grade point averages decrease when the user consistently consumes alcohol. Furthermore, enforcing underage drinking laws, can prevent alcohol related tragedies, can reduce teen pregnancy and STD's, and can help keep kids safe by helping to reduce crimes social problems such as assaults, noise complaints and sexual assaults.

Because of legal and jurisdictional issues, agencies should agree upon an SOP as a guideline, so that the mission of the joint-task force can perform its duties.

The next few pages will refer to general law and law enforcement practices that should be followed. However, always refer to your prosecutor for clarity. Familiarize yourself with laws that would apply to alcohol enforcement as well as underage drinking laws.

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# **LAW ENFORCEMENT STRATEGIES**

Regardless of the types of enforcement activities your community chooses to deploy, there are several ways to build community awareness and support for your Underage Drinking Program. For example, out of the strategies listed below, you may choose not to enforce or arrest, but rather provide education about the program deployed. You may also choose not to enforce on the first round of checks and only use the results to build awareness to the problem.

If officers choose not to arrest or issue citations, they or buyer could provide the subject with a card stating the legal ramifications of the behavior if the subject would have completed it. Whatever you decide to choose, be fair, consistent and honest about your approaches to the underage drinking issue.

1. Raise public awareness about the negative effects of underage drinking.
2. Reduce the availability to alcohol to youth by enforcing UAD laws.
3. Change the social acceptance that underage drinking is illegal and unhealthy.

Some of your programs will require participation by youth under the age of 21. Ensure your local prosecutor and heads of administration understand this and are willing to support the use of underage persons during operations. Have a guideline on how youth can participate. The Supreme Court ruled in 1994 that minors could be used by law enforcement to check whether stores would sell them alcohol.

You should have these main components to these programs in place prior to beginning operations:

1. Use of the Media can be the most effective tool to publicize your efforts
2. Select your youth participants carefully and train them.
3. Gain community support by simply letting them know how important it is to apply these laws.
4. Identify locations where youth could obtain and consume alcoholic beverages

## ALCOHOL ENFORCEMENT TEAMS

You should designate a lead agency and individual to coordinate and spearhead the AET's activities and programs to reduce and prevent underage drinking. This will eliminate the confusion about goal, mission and duties. The Alcohol Enforcement Team Coordinator is responsible for overseeing all aspects of the AET, including but not limited to:

- Coordinate Alcohol Compliance Checks, Shoulder Taps & Special Event Patrols
- Track and record all alcohol violations conducted by minors and adults
- Track and record the number of alcohol poisonings within the team's jurisdiction
- Track and record the number of Responsible Alcohol Sales Trainings given to merchants as well as the number of sales persons trained
- Track and record the media releases and campaigns aimed within the team's jurisdiction
- Document quarterly evaluations to ensure goals & objectives are met
- Be sure every underage drinking complaint is investigated

You should encourage all agencies with arrest powers to participate in the program. This will increase your "pool" of resources (officers, vehicles, etc) as well as provide a county-wide multijurisdictional authority to enforce underage drinking laws. This also sends a strong message to the community that these laws will be enforced.

AET's exist because we know that we are able to intervene with an underage drinker and provide enforcement, education and counseling, we lessen the chance that those will become addicted to substances as an adult.

The minimum drinking age shall be enforced with **absolute zero tolerance** and should prohibit the following:

- purchase or attempted purchase, possession, and consumption of alcoholic beverages by persons under 21;
- possession of and use of falsified or fraudulent identification to purchase or attempt to purchase alcoholic beverages;
- provision of any alcohol to minors by adults, except to their own children in their own residences; and underage drinking in private clubs and establishments

## **ALCOHOL COMPLIANCE CHECKS**

If done correctly, this inexpensive and effective tool can help reduce alcohol related incidents involving youth. Checks have been conducted nationwide, and research shows that over 50% of the youth in any community could purchase alcohol without being asked for identification. Alcohol Compliance Checks are just one of many strategies law enforcement and communities can use to reduce youth access.

Prior to enforcement activities, all officers, members, and buyer involved should be briefed on the entire process. To ensure checks can be managed properly, a ranking supervisor or team leader should be assigned. This will also take the pressure off the on-duty patrol supervisor, so they can concentrate on responding to 911 calls in their jurisdictional.

## **SHOULDER TAPS**

Like compliance checks, shoulder taps, if done correctly are an inexpensive and effective tool to reduce youth access to alcohol. Should you elect to participate in a program like this, decide if you are using it to educate the public, enforce the law (unlawful transaction), or both. You may elect not to use your Alcohol Compliance Check buyers as this operation draws more attention to the youth. Additionally, your ACC buyers may have to check the business, and this would allow the business the opportunity to “get to know them”.

Prior to this operation you should ensure the local prosecutor and law enforcement administration are aware they will be conducted, and of course get permission from the youth’s parents if under the age of 18.

This program would put the youth in front of or behind the business. The youth would approach individuals selected by the supervising officer, identify themselves as being under the age of 21 and ask the individual to buy them an alcoholic beverage. It is at this point where the goal of the program is implemented. If “awareness” is your goal, you can simple provide the adult with a copy of the State statute if the sale was agreed upon. If “arrest” is your goal, and your agency allows the adult to purchase and supply the alcohol to the youth, than a plan/policy should be implemented prior to beginning the operation as to apprehending the supplier/suspect.

## **COPS IN SHOPS**

This program is a community partnership between local retailers and law enforcement designed to deter minors from attempting to purchase alcohol and to discourage adults from purchasing alcohol for minors. It places undercover police officers in participating retail locations to apprehend those underage who attempt to purchase alcohol and those adults that purchase alcohol for minors. The program has been implemented in 42 states nationwide and has proven to be an effective deterrent for alcohol abuse by minors.

Officers, posing as either employees of the retailer or customers, are stationed inside the retailer's premises to apprehend underage persons when they attempt to buy alcoholic beverages. The officers also have a secondary, educational role, which is to share their expertise with the retailer's employees on such subjects as false or fake IDs, the signs of intoxication, and the physical and behavioral characteristics of minors.

The goal of the program is not just to arrest and identify underage buyers and hold them accountable for their acts, but to leave the retailer's employees with a better understanding of the legal ramifications and knowledge necessary to comply with the law.

To enhance the awareness portion of your program, your agency and/or coalition could have warning labels made for doors and refrigerators that state "WARNING POLICE OFFICERS MAY BE POSING AS STORE EMPLOYEES."

## **SPECIAL EVENTS / PARTY PATROLS**

This is a proactive attempt to confront and disperse underage drinking at special events or known locations where underage drinking occurs. Based on your geographical area this can present some challenges. Most communities have a calendar of events, so choose the events that youth are more likely to attend. Also pay attention to concerts and "Battle of the Band"-type events. You can find these advertisement fliers at high schools, colleges, or where youth would commonly congregate.

The internet can provide valuable information on youth in your community. Most youth are enrolled in a social networking site where they share information about their daily lives and upcoming events. On most sites you can pick a geographical area to begin your search, or search out the names of those you have already had contact with in regards to alcohol and/or drugs.

## **CONTROLLED PARTY DISPERSALS**

Upon receiving the report of an underage drinking party, an officer should respond to the scene to verify the complaint. If an Alcohol Enforcement Team is not actively on patrol, a uniformed officer should respond. Once on scene, the officer should notify a supervising officer of what is observed, including alcohol violations by youth. The supervisor should then consider if additional shift officers are needed or if the incident requires the activation of an AET. Until additional units arrive, the officer should attempt to record license plate numbers, additional crimes as well as maintain surveillance of the party.

The following should be considered:

- Ensure that the number of officers responding is sufficient to manage the number of participants at the event.
- Officers should attempt to prevent anyone who is intoxicated or suspected of being in violation of a criminal law to leave the scene without being identified, cited and released to a responsible party.
- Identify and detain anyone observed violating a law, especially those that appear underage and who are in possession of alcohol. If some participants are not intoxicated and are not violating a criminal statute, they should either be released or asked to be used as “sober chauffeurs”. In either case, you should have their personal information for the report. This will document that when you had contact them, they were compliant with the law and/ or sober.
- If officers make contact with persons under the age of eighteen and they are deemed to have consumed alcohol, Officers should attempt to made contact by telephone with their responsible adult/guardian. If you can’t contact a responsible adult, document your attempt and inform your supervisor. The best scenario is that an officer transports the youth home or to the Police/Sheriff’s Office. If it is not an option, a “sober driver” may the next solution. If this is the case, document who the youth left with.
- If officers contact persons over the age of eighteen and under the age of 21 that have also been deemed to have consumed alcohol, officers should document the violation and issue the participant a citation. Typically in most states, “a minor in possession of alcohol” crime is not grounds for detention; unless another crime is committed in furtherance. (i.e. Assault, resisting arrest, obstruction of justice)

- Make telephone or personal contact with parents of those under the age of eighteen should be made as soon as possible. If the officer can't make contact at the time of the violation, perhaps because of gaps in cell phone coverage, it may be possible for your dispatch center to make phone contact; or a mutual aid request to another agency. As a courtesy, an officer or member of the team should attempt contact the next day. This helps follow through with the zero-tolerance approach.
- File reports as soon as possible after the event and include all pertinent information of those arrested and non-arrested. Include any photos and/or video evidence per department policy.
- When time allows, officers or supervisors that investigated the party, should send follow up letters to the home owner, renter, and rental agency as well as letters to those registered to the motor vehicle license plate number, recorded at the scene.

## **SEARCH AND SEIZURE**

Your agency should conduct search and seizures in accordance with your state law and within the guidelines of your policy and procedure manual. Most state law will address the following:

- When property (evidence) may be seized.
- Scope of the search as it pertains to “incident to arrest”.
- When it is NOT illegal, as well as when it IS.
- Most states also have a state constitution that may be more or less restrictive than the US Constitution, however, the basis for all state laws and policies have been set forth from the US Constitution and Supreme Court rulings.

## **SEARCH WARRANTS**

### **Fourth Amendment - Protection from unreasonable search and seizure**

*The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no WARRANTS shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

Under the fourth amendment of the US Constitution, searches by law enforcement require a warrant based on probable cause, although there are exceptions to this such as “Exigent Circumstances”, “Plain View”, “Hot Pursuit of Felon” and the “Destruction of Evidence”.

A search warrant is a court order issued by a judge or magistrate that authorizes law enforcement personnel to conduct a search of a person or location for evidence of a criminal offense and seize the item(s).

Most peace officers, prosecuting city / county attorney and or their states Attorney General has the authority to issue and request a search warrant within their own geographical jurisdiction as prescribed by their own particular state law.

Only after review of the warrant by prosecutors, should the warrant be executed. This is done to ensure the standards for probable cause have been met.

A judge shall issue or agree that the requirements of the search warrant have been met either by application, in writing or by telephone, as well as being made under oath or affirmation. During which time the Judge will determine the following as prescribed by your state law:

- Does the warrant state sufficient facts to support the probable cause to believe that the offense has been committed?
- Does the warrant state sufficient facts to support the probable cause to believe that evidence, and/or persons connected to the offense may be found?
- Does the warrant state a particularly area, place, object or person to be searched?
- Does the warrant state what or who is to be seized?

## **TELEPHONIC SEARCH WARRANTS**

For the purpose of this section a judge or magistrate is authorized to administer an oath or affirmation by telephone. Sworn and/or affirmed testimony given over the telephone must be recorded electronically by either the judge or peace officer. Most states require a transcribed verbatim of the conversation as soon as possible after the application is made.

The application process is the same as the search warrant: however, depending on your jurisdiction, and exigency, you may need to apply for a warrant over the phone. Most states have a telephonic search warrant statute and the requirements are common across the board.

Some questions to consider in your own jurisdiction:

- Does your search warrant direct a specific peace officer to carry out the warrant?
- Do you have to specify what is being seized?
- Is there a time of day or time limit on when a warrant can be served?
- Can only a peace officer serve the warrant?
- Does your state have a statute regarding necessary and reasonable force to be used to serve the search warrant?
- Do you stop searching once you have found the items you are looking for?

The practical advice when it comes right down to telephonic search warrants is this: it's a conversation. Write out your probable cause and simply tell the judge what has happened, what evidence you are looking for and why you think you'll find it in the place you want to search. Explain why it is necessary to do this over the phone rather than in writing.

Things to consider:

- The hour that the investigation is taking place,
- The distance from the crime scene, to your agency to prepare the warrant and then to the judge's residence,
- The possible destruction of evidence (although this could fall in to exigent circumstances, but check with your prosecutor first).

You will also need to note your "experience and training" as it pertains to this type of investigation that lets others know you know the subject matter.

The recorded conversation must mirror the transcript. Inform the Judge of everything you are seeing and gathering as clues. Be honest if you have doubt; the Judge will let you know if you have enough probable cause, as the warrant has to reflect what the Judge authorizes you to do. Remember, you only need 51% to achieve PC.

### **Critical Elements to consider (check the boxes)**

- The entire conversation must be recorded.
- Judge must put officer under oath.
- Officer must provide adequate justification (Probable Cause).
  - Facts to support PC that an offence has been committed.
  - Facts to support PC to believe that evidence, contraband or person connected with the offense may be found.
  - Description of place, object, or persons to be searched.
  - Description of whom or what is to be seized.
- Judge approves the warrant over the phone.
- Officer signs the officer's signature block with his/her name.
- The officer signs the judge's signature block with the judge's full name.
- The officer signs his/her initials by the judge's signature.
- Officer executes the search warrant
- Search Warrant must be provided to the judge for original signature ASAP.
- Recording must be transcribed ASAP, noting the date and time of conversation.
- Transcription must be reviewed and approved by the judge.
- Officer or judge files transcription with the court (per your local procedure).
- Officer keeps a copy of transcription.

## **CONSENT TO SEARCH**

A person may voluntarily agree to let law enforcement conduct a search of his or her person, premises, vehicle or another item within the person's control, even if there is a reasonable expectation of privacy. Even a roommate or spouse may grant third party consent. Depending on your state law, you as a law enforcement officer MAY/OR MAY NOT be required to advise the suspect that he or she may refuse consent for a search.

The consent to search must be free of coercion, including misleading statements or promises. Written documentation of this consent should be obtained, and it must be explained to the suspect, who must be aware of the area to be searched as well as the object of the search. Both officer and suspect should be required to sign a standardized consent form.

If items are seized during the search, provide the suspect an itemized list of what was taken as evidence.

## **PLAIN VIEW SEARCH**

Peace officers may seize evidence and persons pursuant to the "plain view doctrine" without a warrant under the following circumstances:

- The peace officer must be in a lawful position to observe the illegal item or person in question, and it must be easily seen (plain view).
- The item in question or person must be apparent. (Drugs, drug paraphernalia, wanted subject).
- The illegal item, now evidence, may provide probable cause for a warrantless search or support the application of a search warrant. This type of scenario usually pertains to vehicle searches.

## **STOP AND FRISK**

One of the most controversial law enforcement procedures is the stop and frisk search. This type of limited search occurs when law enforcement confront a suspicious person in an effort to prevent a crime from taking place. The officer has to inform the person as promptly as possible the reason for the stop.

This stop is different from an arrest, because it involves only a “temporary detention” of a person. If the officer uncovers evidence during the frisk, the stop may lead to an actual arrest, but if no further evidence is found, the person is released. This “frisk” is generally limited to a patting down of the outer clothing or unless a weapon is located and can be identified or articulated it is such.

During this temporary detention, the officer may request the name and present address of the person. If the person is in a vehicle, the officer can request a person’s driver’s license and vehicle information.

## **EXIGENT CIRCUMSTANCES**

This type of warrantless entry is usually into private property, for example, a residence or the property surrounding it. A search is reasonable, and a search warrant is not required, if all of the circumstances known to the officer at the time would cause a reasonable person to believe that entry or search was necessary to prevent physical harm to the officer or other persons, the destruction or concealment of evidence or the escape of a suspect - and if there was insufficient time to get a search warrant. The following examples are good rules of thumb to follow in determining exigent circumstances:

- The need to intervene and render medical assistance (Unresponsive subject).
- To prevent a criminal from committing continuous criminal acts.
- To prevent the criminal from escaping.
- The officer needs to preserve and protect evidence from being destroyed or damaged. (Check with your local prosecutor to determine if evidence considered being a misdemeanor would fall in to that category).

## **SEIZURE OF EVIDENCE / PROPERTY**

If and when property is lawfully seized, a receipt for that property should be given to the person in question and a copy retained for the case file. In some states, failure to do so could render it inadmissible in court.

## **INVESTIGATOR/ TEAM LEADER DUTIES:**

Most importantly Law enforcement is a team activity. As the first responding officer(s) on scene, part of your job is organizing the team to perform all the functions needed to close the case; such as direct incoming units to particular locations, coordinate with other responding agencies, such as Fire or EMS, and organize the collection of evidence. You may be replaced in this organizing role by a sergeant or other supervisor.

- Remember you are the acting liaison for all agencies involved in your task force and ensure you have enough resources as well as equipment needed to serve a search warrant or disperse an underage drinking party.
- Always conduct a briefing of all involved personnel to review team member responsibilities during the execution of the warrant as well as party dispersal.
- Surveillance and reconnaissance of the location prior to the warrant execution will ensure greater success.
- Contacting supervisors and local prosecutor and apprise them of your activity.
- Arrange for uniformed peace officers to be present during the execution. This will help identify to third parties and passerby's – that this is a law enforcement operation.
- Ensure that appropriate equipment is available to carry out the search warrant, including lighting, breaching equipment as well as protective gear.
- Keep additional forms on hand, as well as telephone numbers of judicial officers.
- After the execution of the warrant is complete, notify supervisors of the status of the situation by telephone as soon as it is practical after securing the site.
- Always brief post-execution of the search warrant to discuss inventory, seized items pursuant to the warrant as well as any other issue that may have come up.
- Be aware that the defense council has no legal right to be present during the service of the warrant, until law enforcement has officially cleared the scene.

- Be aware that the media also have no right to enter the scene during the execution of a warrant. If contact is made, state “No Comment”, until a media liaison or supervisor is contacted.
- Return of Service completed only by peace officer and file.
- Evidence seized shall remain in the custody of person designated in search warrant and maintain “chain of custody” at all times until placed in to evidence.
- Leave a receipt for property for all seized items.
- Be aware that only the prosecutor can determine whether the seized items can be returned to their owner.

(NOTE: In most cases, persons present at the search warrant scene are members of the “search party”; however, those not involved with the execution should remain outside until the search is completed. If someone leaves and returns without consent of the peace officer responsible, it would be best if they are not allowed back in.)

NOTE: Officers tend to be action-oriented people—the temptation is to rush in without taking the time to evaluate the situation could get someone hurt or violate a civil statute.

## **DOCUMENTING THE ACTIVITY**

Documenting the activity is the most important aspect of any investigation. The idea is to record what you see, hear and do so that later the event can be reviewed, for example in court. In every state the peace officer is a “witness for the state” prosecutor, meaning you can arrest and testify to a violation committed in your presence. Most courts see the officer as an “expert witness” so your statement to the court or jury does not question (in most cases) what you observed.

For underage drinking investigations such as in Alcohol Compliance Checks, some states have allowed the use of surveillance equipment in cases where the officer would be recognized or the situation would prove too obvious if the officer was present.

Surveillance equipment such as mini-cameras and digital recorders can save the officer and prosecutor a lot of time when the violation is recorded; however you should enlist the support of your local prosecutor before deciding to do this. In most cases, recording an ACC is not a violation of privacy as it occurs in public. At this time, these recorded transactions have not been deemed a seizure issue of the 4<sup>th</sup> Amendment.

## USE OF FORCE CONSIDERATIONS

As a law enforcement officer, you will come in contact with people in a wide variety of situations. Most encounters are social or business contacts. However, in some situations your duties may require you to physically control a person by giving them orders, directing their movement, or even taking them into custody. Your goal should always be to get subjects to comply voluntarily. If they comply, you will have achieved your objective without making the encounter unnecessarily adversarial and without any risk of injury to officer or subject.

In most states, Law enforcement officers may use force **when** it is needed to achieve control in specific situations:

- § To maintain control of resistive subjects
- § To detain persons suspected of a crime
- § Lawful arrest someone
- § To protect themselves and others
- § And to prevent escape

While investigating underage drinking, do not discount the seriousness of the contact just because you are making contact with youth. There will be times during the investigation where you may have to be close or closer to the subject to determine if they have been consuming alcohol. Remember, people under the influence are unpredictable, especially if they think there are legal ramifications of their behavior such as a citation or arrest.

Always keep in mind officer safety: for example, hold the Portable Breath Tester in weak hand. To complicate things, you will no doubt be making contact with several youth at once, so ensure you have enough officers to control the group. Always evaluate and weight out your “tactical” options.

Your agency should have set of policies and procedures that describe how officers are expected to carry out their duties. You need to know your agency’s policies on use of force and act within them. If you are acting within the scope of your department’s policy you are in most cases indemnified against individual liability in the performance of your duties. This means that if someone brings a lawsuit against you for a use-of-force incident, the governmental unit that you work for (such as a county or municipality) will face the liability—your individual assets won’t be at risk.

On the other hand, if you act outside the scope of your employment, defined by policy, you could face individual civil liability. If someone brings a lawsuit and you lose, you (or your insurance company) could have to pay the judgment.

# MULTIJURISDICTIONAL AGREEMENT BETWEEN AGENCIES

This agreement is made and entered into this \_\_\_ day of January, 200 by the between parties; \_\_\_\_\_ Police Department, \_\_\_\_\_ Police Department, \_\_\_\_\_ Police Department, \_\_\_\_\_ County Sheriff's Office, \_\_\_\_\_ Highway Patrol and U.S. National Forest, and Wildlife, Fish and Game Department

WHEREAS, it is the desire and intent of the parties to evidence their joint undertaking for the provision of mutual assistance investigating and prosecuting criminal activities involving alcohol which occur by the creating and operation of a multi-jurisdictional task force; within \_\_\_\_\_ County, \_\_\_\_\_;

WHEREAS, each of the parties provide law enforcement for some portion of \_\_\_\_\_ County, \_\_\_\_\_;

WHEREAS, the parties as set out above, by and through their representatives affixing their signatures below, consent and agree to span the geopolitical boundaries of all areas of \_\_\_\_\_ County to the fullest extent allowed under (State) law for the express purpose of investigating and prosecuting criminal activities involving alcohol by creating this \_\_\_\_\_ County Multi-jurisdictional Enforcement Team;

NOW THEREFORE, it is the intent of the parties to share jurisdiction under this Written agreement to the fullest extent permitted under (State) law and it is further agreed as follows;

## SCOPE OF SERVICES

It is agreed that parties shall assign, on a temporary basis, officers to participate in the \_\_\_\_\_ County Multi-jurisdictional Alcohol Enforcement Team to investigate and prosecute criminal activities involving alcohol which occur within the whole of \_\_\_\_\_ County for the duration of the agreement or until this agreement is rescinded as set forth herein.

## TERM OF RENEWAL

This agreement is effective as to each party at the date and time of the signing and will automatically renew one year from the above date unless a party exercises its right to terminate as further described herein.

## VESTING OF AUTHORITY AND JURISDICTION

To the fullest extent permitted by the Constitution and the statutes of this State, officers assigned under the agreement shall be vested with authority, jurisdiction, rights, immunities, and privileges outside his resident jurisdiction for the purpose of investigation, arrest, or any other activity related to the criminal activity for which the agreement is drawn.

However, local ordinances adopted by a participating party shall not be deemed extended into areas of operation that are located outside the geopolitical territorial limits of that party.

## COSTS

Each party shall bear its own costs incurred in the performance of its obligations hereunder except as otherwise provided herein or through grant acquired funding.

#### NO INDEMNIFICATION OR THIRD PARTY RIGHTS

The parties shall be solely responsible for the acts and omissions of their respective employees, officers, and officials. No right of indemnification is created by this agreement and the parties expressly disclaim such. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any rights or obligations in favor of any party or entity not a party to this agreement.

#### INSURANCE

Each party shall maintain such insurance coverage for general liability, worker's compensation, and other such coverage as may be required by law or deemed advisable by individual parties.

#### COMPENSATION, BOND, AND RELATED MATTERS

This agreement shall in no manner affect or reduce the compensation, pension or retirement rights of any officers acting under its authority and such officers shall continue to be paid by the county or municipality where they are permanently employed. The bond, if any, for any officers operating under this agreement in the same manner and to the same extent provided by the bonds of regularly employed officers of that county or municipality.

#### REIMBURSEMENT AND ANCILLARY BENEFITS

The parties to this agreement hereby expressly agree the compensation and/or reimbursement for services of like kind between agencies involved to the ancillary benefits of increased investigation and prosecution of alcohol offenses in the whole of \_\_\_\_\_ County. Any other agreement for the reimbursement between the parties must be written and executed in the same manner as this agreement.

#### TERMINATION AND RIGHT TO RESCIND

The participation of any party may be terminated at the discretion of the chief law enforcement officer providing written notice to all other parties. The termination must be delivered or mailed to the other agencies with return receipt requested. Any such rescission or termination will become effective upon receipt by the other parties. The election of any party or parties to exercise this right to rescind does not in any way affect the rights, duties, privileges, immunities, or obligations of the other parties.

#### RESPONSIBILITY TO RESPECTIVE GOVERNING BODIES

Each party is responsible for any notice, reporting, or approval requirements to their respective governing body as may be required under (State) law.

#### OFFICERS ASSIGNED

Each party agrees to designate and transmit in writing to the other parties the names of those individuals assigned to perform duties under this agreement. Upon receipt, such is to be made a part of and is incorporated by reference into this agreement.

**SERVERABILITY**

Should any part of this agreement be found to be unenforceable by any court or other competent authority, then the rest shall remain in full force and effect.

**AMENDMENTS AND BINDING SUCCESSORS IN OFFICE**

This agreement may be amended by written agreement of all parties. Each party agrees that any and all successors in interest to their office will be similarly bound by the terms of this agreement without necessitating execution of any amendment.

I, with competent authority, hereby consent to the terms of and agree to be bound by this agreement.

Signatures and Titles of

Participating Agencies