

City of Johns Creek Police Department

<i>Subject:</i> Alcohol Beverage License/Enforcement Actions		<i>Number:</i> 02-41
<i>Reference:</i>		<i>Amends:</i>
<i>Effective:</i> 08/08	<i>Review Date:</i> Annually	<i># of Pages:</i> 4
<i>Revised:</i> 03/10		

PURPOSE:

The purpose of this or her procedure is to provide guidelines for alcohol enforcement, undercover alcohol buy operations and insuring compliance by local license with established ordinances.

POLICY: (02-41)

The City of Johns Creek recognizes the growing demand by the public for action concerning underage abuse of alcoholic beverages.

The Johns Creek Police Department will actively enforce all applicable state law and local ordinances dealing with illegal alcohol sales, purchases or possession.

The Johns Creek Police Department will actively ensure compliance of alcohol beverage sale law and local ordinances by utilizing methods of enforcement applicable under the Code of Ordinances, City of Johns Creek, Georgia Chapter Twelve, Article 1, and Section 3.

Scope: This or her policy is applicable to all members of the Johns Creek Police Department.

PROCEDURES:

Applicable Code Sections (02-41-01)

The following is a list of code sections that apply to the enforcement of the Code of Ordinances, City of Johns Creek, Georgia Chapter Twelve Article 1, Section 3 (d) (i) A – F as follows;

(A) No person directly or through another person, shall furnish, cause to be furnished, or permit any person in such person’s employ to furnish any alcoholic beverage to any person less than 21 years of age;

(B) No person under 21 years of age shall purchase, drink or knowingly possess any alcoholic beverages;

(C) No person under 21 years of age shall misrepresent such person’s age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage;

- (D) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person less than 21 years of age;
- (E) No person under 21 years of age shall misrepresent such person's identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverages; or
- (F) No person shall keep or maintain a place where persons under 21 years of age are allowed and permitted to come and purchase, drink or possess any alcoholic beverage.

Code of Ordinance (02-41-02)

Under City Ordinance of Section 3, sworn officers of the City police department shall have the authority to inspect establishment license under the alcoholic beverage ordinances of the City during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this or her chapter and state law.

CID Lieutenant (02-41-03)

- A. The responsibilities of the CID Lieutenant are:
 - 1. To assign or designate a controlling officer to assist in enforcement operations.
 - 2. To maintain financial records of investigative funds.
 - 3. To approve any concentrated surveillance or enforcement operation.
 - 4. To approve the use of an underage person for the purpose of any alcoholic beverage buy operation
 - 5. To approve and review all enforcement reports prior to their submission to the Chief of Police.
- B. The CID Lieutenant will be required to forward to the Chief of Police, through the Division Major, a written report of any:
 - 1. Alcohol related offenses by licensee, agent, clerk or employee of an alcoholic beverage establishment.
 - 2. Compliance violations.

Control Officer (02-41-04)

- A. The Control Officer will be designated by the CID Lieutenant or his or her designee. The Control Officer's responsibilities are:
 - 1. To report directly to the CID Lieutenant or his or her designee.
 - 2. To brief the CID Lieutenant on citizen complaints, enforcement plans and surveillance activities.
 - 3. To initiate, control, plan and organize enforcement efforts.
 - 4. To maintain and update a file system on each alcoholic beverage establishment.
 - 5. To maintain an updated file on all young adults and underage persons used as operatives that consist of the following:
 - a. Alcoholic Beverage Enforcement Operative fact sheet.
 - b. Photograph of operative.
 - c. Operative receipt.
 - d. Operative criminal his or history.
 - e. A copy of operative's driver's license.
 - 6. To collect and preserve evidence until the evidence can be logged and stored in the proper evidence facility.
- B. The Control Officer or a designated police officer will accompany the underage person or young adult during all phases of the undercover alcoholic buy operation for the following reasons:
 - 1. To ensure that procedures and instructions are being followed.
 - 2. To document the facts of the operation.
 - 3. To confirm compliance to state law and city ordinance.
 - 4. To seize evidence.

Enforcement Procedures (02-41-05)

Enforcement of alcohol beverage ordinances may be accomplished by conducting periodic enforcement checks of all license establishments. Such may include but not be limited to:

- A. Surveillance by plainclothes and/or uniformed officers to confirm compliance with state law and city ordinances.
 1. The objectives of surveillance are:
 - a. To obtain evidence of a violation;
 - b. To obtain probable cause for an arrest;
 - c. To obtain information for later use;
 - d. To develop information from citizens complaints;
 - e. To establish admissible evidence for use in court or council hearing; and
 - f. To identify suspects who fail to comply with alcohol beverages state laws and city ordinances.
 2. Surveillance will be conducted in response to any citizen or operative complaint.
 3. Surveillance conducted on an alcoholic beverage establishment will be documented on a surveillance report. The Control Officer will maintain the surveillance reports in the appropriate file for each alcoholic beverage establishment surveyed.
- B. Attempted purchase of alcoholic beverages by an underage person (20 years of age and younger) to ensure compliance with state law and city ordinances.
 1. The objectives for utilizing an underage person to attempt to purchase alcoholic beverages are:
 - a. To determine if identification is being checked to confirm legal age requirements.
 - b. To determine if the establishment is in need of corrective actions.
 - c. To determine the necessity of surveillance.
 2. An underage person participating in an undercover alcoholic beverage buy must
 - a. Be between the ages of 17 and 20 years of age.
 - b. Have a youthful appearance, reasonably detected by the average person.
 - c. Dress in a casual manner, appropriate for today's youthful standards.
 3. The Control Officer will maintain an Alcoholic Beverage Enforcement Operative (A.B.E.O.) Package on the underage person that consists of the following:
 - a. An A.B.E.O. fact sheet, to include all biographical information.
 - b. A photograph of the A.B.E.O. prior to and at the time of completion of the operation.
 - c. An operative receipt, if the underage person is compensated.
 - d. The A.B.E.O.'s criminal his or history.
 - e. A copy of the A.B.E.O.'s driver's license.
 - f. Fingerprints of the A.B.E.O.
 - g. A waiver of liability form
 - h. An A.B.E.O. establishment report
 - i. An oral intercept device waiver
 - j. An A.B.E.O. conduct agreement
 4. Prior to the operation the underage person will be instructed to:
 - a. Leave his or her identification and personnel effects in the custody of the Control Officer.
 - b. State he or she has no identification on his or her person if he or she is asked.
 - c. Refrain from persuading, coercing or pressuring a licensee, clerk, or employee to sell him or her alcoholic beverage(s).
 - d. Attempt to gain a receipt for an alcoholic beverage purchase.
 - e. Use police department investigative funds only.
 - f. Return any unused funds after each attempted alcoholic beverage purchase.
 - g. Report immediately to the Control Officer after each attempted alcohol buy.
- C. The responsibility for enforcing the alcoholic beverage ordinances is shared by all uniformed and CID personnel. Members of the police department shall take appropriate enforcement action for each violation of the law witnessed by them.
- D. Officers are to use individual discretion, based on professional judgment, as to what form

- of action will be taken. Such action shall be accomplished in a businesslike, firm, impartial, and courteous manner using one of the following methods:
1. Physical arrest;
 2. Issuance of a city summons; and/or
 3. Application for a state or city warrant.
- E. When an arrest has been made, proper reporting, booking and bonding procedures will be followed.
- F. When practical, the issuance of any summons should be handled by a uniformed officer of this or her department. This or her will enable the CID personnel to remain concealed for the purposes of anonymity in this or her process and for future activity.