

Alcoholic Beverage Law Enforcement

341.1 POLICY

Agency Content

The purpose of this policy is to promulgate procedures for enforcing New York State and local alcoholic beverage laws.

It is the policy of the Syracuse Police Department to enforce all state and local statutes regulating the sale, consumption and possession of alcoholic beverages and assist the New York State Liquor Authority in its mission. When a violation of any section of the New York State Alcoholic Beverage Control Law is observed the incident shall be documented and proper notification shall be made to the State Liquor Authority representative.

341.2 ABC COMPLAINTS/CHECKS

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ABC complaints shall be investigated by an officer assigned to the territory from which the complaint originated.

Officers, where appropriate, will conduct ABC checks of licensed premises within their territory.

ABC checks shall be conducted out-of-service by two officers, or an officer and a supervisor, who will notify the E-911 dispatcher of the location and premises to be checked.

When a violation is observed on an ABC complaint or check, officers should obtain the following information and evidence for case preparation as follows:

- (a) Identity and address of all involved persons.
- (b) Type, quantity and price of alcoholic beverage
- (c) Name and address of the licensee and the license number issued by the New York State Liquor Authority.
- (d) A photograph of the alcoholic beverage involved must be taken and turned in as evidence per established procedure.

When making an arrest or preparing a warrant for a violation of the ABC law, the investigating officer must notify the ABC coordinator of the arrest. The ABC coordinator will then be responsible for completing a SLA Form #1041 and submitting it to the State Liquor Authority. All violations observed will be cited in the report. The case DR number will be placed on the form and it will be forwarded to the Central Records Division along with all other original reports.

When making an arrest or preparing a warrant for a violation of the ABC Law, a SLA Form #1041 must be completed by the investigating officer, and turned into Central Records Division along with all other original reports.

If the ABC violation involves the serving of an alcoholic beverage to a minor, whether or not the minor is an underage informant, it is the responsibility of the investigating officer to include the minor's date of birth, place of birth (especially the county), on the incident report, as well as the

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maiden name of the minor's mother. This procedure shall also apply to instances where falsified identification is produced in order to purchase an alcoholic beverage.

This department may also be called upon by members of the Syracuse Fire Department to assist in enforcing Fire Codes relative to violations in ABC licensed premises. Responding officers will render all necessary assistance to the Syracuse Fire Department.

341.3 ENFORCEMENT OF POSSESSION OF OPEN CONTAINER ORDINANCE

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When enforcing section 16.47 of the Revised General Ordinances of the City of Syracuse, which prohibits the consumption of an alcoholic beverage in public, or possession with intent to consume an alcoholic beverage from an open container in public, the investigating officer will check to see if the person has a Special Events permit and, where appropriate, the violator may be issued an appearance ticket.

341.4 SPECIAL EVENT PERMIT/OPEN CONTAINER WAIVER

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Per section 16.48 of the Open Container Ordinance, the Chief of Police or their designee, may issue a Special Event Permit/Open Container Waiver (Form 8.16 Rev. 6/92) to allow the carrying of an open container(s) of an alcoholic beverage at a special event. Special Event Permit/Open Container Waiver applications will be available in the Special Events Unit of this department. The Special Events Unit will also be responsible for the initial processing of this permit/waiver and issuing the approved permit/waiver.

- (a) The applicant shall carry a copy of this permit on his person during the event and shall be designated as the person available to police officers for the transmission of messages and instructions to all persons attending the event.
- (b) All persons attending the event shall obey the lawful commands of any police officer and shall at all times conduct themselves in a lawful manner.
- (c) That the proposed special event is of such character, size, and location as to be appropriate to and in harmony with the surrounding area and that the public health, morals, safety and general welfare of such neighborhood will not be endangered by the granting of such permit.

Whenever a special event is found in violation of any of the conditions set forth in Section 17.14 A (1, 2, and 3), a police officer may, if warranted, revoke the permit upon the approval of a duty chief or Chief of Police. The permit will be forwarded to the Special Events Unit along with a copy of the CHAIRS investigation report (code 15) explaining the circumstances of the revocation.

- (a) If any arrests or warrant applications result from such revocation, a copy of the permit will be included in the case presentation.

Upon approval of a duty chief or Chief of Police, a police officer may also revoke a Special Event permit due to emergency conditions that may arise before and/or during the course of the event for which the permit was issued.

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- (a) In the event of any permit revocation, it is the responsibility of the investigating officer to forward the permit to the Special Events Unit along with a copy of the incident report explaining the circumstances of the revocation.

341.5 SECTION 65C A.B.C. LAW - INTENT TO CONSUME ALCOHOLIC BEVERAGES BY PERSONS UNDER THE AGE OF 21

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If any member of this Department deems it necessary to affect an arrest of a person under the age of 21 for consumption of alcohol under section 65C, the following procedure shall be followed:

- (a) In no instance shall a physical arrest be made for violation of section 65C of the ABC law; only an appearance ticket can be issued.
- (b) The mere possession of an alcoholic beverage is not a violation under this section. The minor must actually be seen consuming the beverage; i.e. having the beverage up to his/her mouth. This must also be documented in the appearance ticket narrative.
- (c) The brand name, type and volume of container must be documented; i.e. one 12 oz. Bottle of Genesee beer or one 8 oz. Glass containing a mixture of Smirnoff vodka and orange juice commonly called a screwdriver.
- (d) Section 65C, sub-division 5 of the A.B.C. Law allows a peace/police officer to "seize the beverage and deliver it to the custody of his/her department." When an officer seizes an alcoholic beverage it will be processed as evidence pursuant to the procedures of the Rules and Regulations.