

Germantown Police Department

Policies and Procedures

Number: 3-3
Effective Date: January 1, 2003
Subject: Alcohol Enforcement
Previous Revisions:

I. PURPOSE

The purpose of this policy is to familiarize officers with the guidelines established by the City of Germantown regarding the sale and consumption of alcoholic beverages and to provide guidelines for officers who might encounter such violations.

II. POLICY

It is the policy of the Germantown Police Department that all officers should be familiar with Germantown city ordinances and Tennessee state statutes regarding the possession and consumption of alcoholic beverages.

III. DUTY OF THE CITY ALCOHOL BEVERAGE BOARD (MAYOR AND BOARD OF ALDERMEN)

- A. When an officer makes any arrest in a business licensed by either the City Alcohol Beverage Board or the State ABC (retail liquor stores and liquor by the drink businesses), then the officer should submit a memo to the City Prosecutor. The City Prosecutor will forward it to the Board, if needed.
- B. When an officer is called upon to testify at the Alcohol Beverage Commission, it is the responsibility of the testifying officer to take with him/her all necessary arrest reports, memos, etc.

Therefore, once an officer submits an alcoholic beverage report, the officer(s) submitting such report will make sure all related documents will be attached to the copy retained at the department.

The subpoenaed officer will obtain all these documents prior to reporting to the Alcohol Beverage Board's hearing at City Hall.

IV. AGE REQUIREMENTS

- A. In the State of Tennessee, a person must be 21 years of age to purchase, possess, or consume alcoholic beverages, wine, or beer.
- B. A person must be 18 years of age or older to sell, transport, possess, or dispense alcoholic beverages, wine, or beer in the course of their employment.
- C. If a violator is found to be seventeen (17) years of age or younger, the officer should issue a Juvenile Summons and contact the violator's parent or guardian. However, if one of the misdemeanor exceptions exists, then the officer should arrest the violator and transport the violator to Juvenile Court.
- D. If a violator is found to be eighteen (18) years of age or older, the officer should issue a Misdemeanor Citation. However, if one of the misdemeanor exceptions exists, then the officer should make a physical arrest and transport the violator to the Germantown City Jail.
- E. **IMPORTANT!!** When an officer charges an adult for any alcohol violation, which is based on an illegal act of a minor, then that officer must list in the citation or on the arrest report of the adult, the minor's name, address, and phone number. The prosecutor needs to have this information for court.

V. SALES TIMES FOR BEER AND ALCOHOL

All establishments selling liquor by the drink or beer must cease such sales at 3:00 AM. No beer can be out in any type container at 3:15 AM.

State liquor licenses (Liquor by the Drink) prohibit the sale on premises after 3:00 AM. A customer may use his/her own liquor to mix his/her own personal drinks after 3:00 AM. No beer or liquor by the drink may be sold between the hours of 3:00 AM and 12:00 PM on Sunday.

VI. CONFISCATION AND DISPOSAL OF CONTRABAND ALCOHOLIC BEVERAGES

- A. Alcohol/liquor that is evidence of a crime should be seized as evidence, in accordance with departmental policies and procedures (this includes bottles, cans, and other containers, whether open or closed, whether full or empty).
- B. When a person is arrested on alcohol related charges and the arrested person is not able to legally possess alcohol/liquor, then any containers of alcohol/liquor should be seized as evidence (i.e., juveniles, persons under 21).
- C. Items used to store alcohol/liquor should not be seized (i.e., ice chests, coolers, etc.).

- D. In cases where the violator is an adult, the arresting officer should seize the alcohol/liquor only if it is relevant to the pending charges. After seizing any alcohol/liquor, the alcohol/liquor may be poured out at the scene, or the officer may transport the containers to the Germantown Police Department sallyport and pour out the contents there. In either situation, a witness should be present, and the officer will document the disposal with photographs, which will be submitted with the report.

- E. In cases where the violator is a juvenile, the arresting officer should seize any containers of alcohol/liquor. Since the Memphis-Shelby County Juvenile Court system does not require the actual alcohol/liquor or the actual container for prosecution purposes, the arresting officer should dispose of the alcohol/liquor by the same process as described above.

VII. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.