

**Date Revised:** 10/21/2019

**Course Goal:** To teach recruit officers the criminal justice system.

**Learning Objective:**

- Recognize the crime elements required to arrest for the following crimes:
  - Sales without a license [\[13.1.A.1\]](#)
  - Unauthorized alcohol on premises [\[13.1.A.2\]](#)
  - Furnishing alcohol to an obviously intoxicated person [\[13.1.A.3\]](#)
  - Sale/consumption during restricted hours [\[13.1.A.4\]](#)
  - Sale to, consumption by, purchase by, or attempting to purchase by a minor [\[13.1.A.5\]](#)
  - Minor in possession of an alcoholic beverage [\[13.1.A.6\]](#)
  - Minors consuming / in possession of alcoholic beverages at a social gathering [\[13.1.A.7\]](#)
  - Minor’s possession / presentation of a false ID [\[13.1.A.8\]](#)
  - Minor inside public premises [\[13.1.A.9\]](#)
  - Possession of alcoholic beverages on public school grounds [\[13.1.A.10\]](#)
  - Furnishing false identification to a minor [\[13.1.A.11\]](#)
- Recognize the crime classifications as an infraction, misdemeanor or felony [\[13.1.B\]](#)
- Identify possible threats to officer safety encountered when investigating ABC violations [\[13.2.A\]](#)
- Recognize the methods for determining if a suspected liquid is an alcoholic beverage [\[13.2.B\]](#)
- Recognize appropriate methods for obtaining evidence to establish proof of an ABC violation [\[13.2.C\]](#)
- Recognize procedures for establishing the age and identity of a person using legally accepted identification [\[13.2.D\]](#)
- Identify general information to include in a written report involving a violation of ABC law [\[13.2.E\]](#)

**Session Time: 2 Hours**

<b>Resources:</b>	
<ul style="list-style-type: none"> <li>• Classroom with tables</li> </ul>	
<b>Session Summary:</b> The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.	
<b>Outline</b>	<b>Instructor’s Notes</b>
I. Identifying and Classifying Crimes Related to ABC Violations	TTS 13.1.A.1 – 13.2.E (2 Hours)

EV10 - Quality of Life  
Session 3 - ABC Law  
LD13 - ABC Law

- A. Sales Without a License, Business & Professions Code 23300
  - 1. Elements [\[13.1.A.1\]](#)
    - a. Any person who,
    - b. Exercises the privileges or performs any act which only a licensee may exercise,
    - c. Or performs under the authority of a license.
    - d. Unless the person is authorized to do so by a license
  - 2. Misdemeanor unless person is operating without a still license (distill alcohol), then felony
- B. Unauthorized Alcohol on Premises, B&P Code Section 25607(a)
  - 1. Elements [\[13.1.A.2\]](#)
    - a. Any person or licensee who,
    - b. Possesses on any licensed premises,
    - c. Any alcoholic beverage not authorized by the license
  - 2. Misdemeanor
  - 3. Patrons in possession of unauthorized alcohol can also be arrested
- C. Furnishing Alcohol to an Obviously Intoxicated Person, B&P Code Section 25602(a).
  - 1. Elements [\[13.1.A.3\]](#)
    - a. Any person who,
    - b. Sells, furnishes, gives, or
    - c. Causes to be sold, furnished, or given away,
    - d. Any alcoholic beverage to any obviously intoxicated person
  - 2. Misdemeanor
  - 3. Obviously Intoxicated
    - a. Officers must observe or establish person is intoxicated
    - b. Staggered gait, slurred speech, etc
- D. Sale / Consumption During Restricted Hours, B&P Codes 25631 & 25632
  - 1. Elements for unlawful sale/purchase during business hours [\[13.1.A.4\]](#)
    - a. Any on- or off- licensee, or agent or employee of such licensee, who
    - b. Sells, gives, or delivers to any person,
    - c. Any alcoholic beverage or
    - d. Any person who knowingly purchases any alcoholic beverage

**Run Learning Activity # 1**  
**No PowerPoint**

Note: See last page for learning activity # 1

- e. Between the hours of 2:00 a.m. and 6:00 a.m. of the same day
- 2. Elements for unlawful permitting consumption during restricted hours
  - a. Any retail licensee, or agent or employee of such licensee, who
  - b. Permits any alcoholic beverage to be consumed by any person,
  - c. On the licensed premises,
  - d. During any hours in which it is unlawful to sell, give, or deliver any alcoholic beverage for consumption on the premises
- 3. Both are misdemeanors
- E. Sale to, Consumption by, or Purchase by a Minor, or Attempted Purchase by a Minor [\[13.1.A.5\]](#)
  - 1. Elements for sale to a minor, B&P 25658(a)
    - a. Every person who sells, furnishes, gives or
    - b. Causes to be sold, furnished, or given away,
    - c. Any alcoholic beverage
    - d. To any person under the age of 21 years
  - 2. Elements for purchase / consumption by a minor, B&P 25658(b)
    - a. Any person under the age of 21 years who
    - b. Purchases any alcoholic beverage, or
    - c. Consumes any alcoholic beverage in any on-sale premises
  - 3. Elements for attempt purchase by a minor, B&P 25658.5
    - a. Any person under the age of 21 years who
    - b. Attempts to purchase,
    - c. Any alcoholic beverage, from a licensee, or the licensee's agent or employee
  - 4. Classifications
    - a. Sale to minor and consumption / purchase by minor are misdemeanors
    - b. Attempt to purchase by minor is classified as an infraction
- F. Minor in Possession of Alcohol, B&P 25662(a)
  - 1. Elements [\[13.1.A.6\]](#)
    - a. Any person under the age of 21 years, who

- b. Has any alcoholic beverage in his or her possession,
- c. On any street or highway, or
- d. In any public place, or
- e. In any place open to the public.
- 2. Misdemeanor
- 3. Not apply to minors delivering alcohol in pursuance of employment or direction of parent/guardian
- G. Minors Consuming / in Possession of Alcoholic Beverages at a Social Gathering, B&P 25662(b)
  - 1. Element-Persons under the age of 21 years consuming alcoholic beverages without supervision by a parent or guardian of one or more of the participants. [\[13.1.A.7\]](#)
  - 2. Peace officer can seize alcohol from minors in possession at social gatherings when:
    - a. A peace officer has lawfully entered the premises,
    - b. Those gatherings are open to the public,
    - c. 10 or more persons under the age of 21 are participating,
    - d. Persons under the age of 21 years are consuming alcoholic beverages, and
    - e. There is no supervision by a parent or guardian of one or more of the participants
  - 3. Misdemeanor
- H. Minor's Possession or Presentation of a False ID, B&P 25661
  - 1. Elements [\[13.1.A.8\]](#)
    - a. Any person under the age of 21 years, who
    - b. Presents or offers to any licensee, his or her agent or employee,
    - c. Any written, printed, or photo static evidence of age and identity,
    - d. Which is false, fraudulent, or not actually his or her own,
    - e. For the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or
    - f. Who has in his or her possession any false or fraudulent ID
  - 2. Misdemeanor
- I. Minor Inside Licensed Public Premises, B&P 25665
  - 1. Elements [\[13.1.A.9\]](#)

- a. Any licensee under an on-sale license issued for public premises, who
  - b. Permits a person under the age of 21 years,
  - c. To enter and remain in the licensed premises without lawful business; or
  - d. Any person under the age of 21 years who
  - e. Enters and remains in the licensed premises without lawful business
2. Misdemeanor
- J. Possession of Alcoholic Beverages on Public School Grounds, B&P 25608
1. Elements [\[13.1.A.10\]](#)
- a. Any person, who
  - b. Possesses, consumes, sells, gives, or delivers to any other person,
  - c. Any alcoholic beverage,
  - d. In or on any public school house or any of the grounds.
  - e. This is enforceable seven days a week, 24 hours a day
2. Misdemeanor
- K. Furnishing False Identification to a Minor, B&P 25660.5
1. Elements [\[13.1.A.11\]](#)
- a. Any person who
  - b. Sells, gives or furnishes,
  - c. To any person under the age of 21 years,
  - d. Any false or fraudulent written, printed, or photo-static evidence,
  - e. Of the majority and identity of such minor.
2. Misdemeanor
- II. Investigating ABC Violations
- A. Officer Safety [\[13.2.A\]](#)
1. Drugs and alcohol can have varying degrees of intoxication that must be considered for safety:
- a. Lowered inhibitions which can lead to episodes of violent behavior,
  - b. Impaired judgment, and
  - c. Reduced perception of pain
2. Many ABC establishments are dimly lit, which may cause an inability to see threats, exits, etc.
3. Factors to consider in overcrowded and confined spaces:

- a. Individuals often display more courage when surrounded by friends and supporters and may be more inclined to challenge authority
  - b. Patrons often come to the support of the owners and employees.
  - c. Fights may become unruly and upsetting one person may spread to several
  - d. Confined space limits alternatives and the situation is prone to weapon take-away, easy attacks
4. Unconventional weapons are avail to others
- a. Bottles, broken bottles, glassware, mugs
  - b. Pool cues,
  - c. Broken pool cues, pool balls,
  - d. Darts,
  - e. Bar stools, and / or other furniture
5. Possible locations of weapons: behind bar, in kitchen, etc. on the person, in purses, under tables, in the office
- 6. Attitudes toward law enforcement:**  
In many licensed premises it is commonplace for peace officers to be challenged. Using the principles of Procedural Justice will help you manage this interaction.
7. Preventative measures approaching scene
- a. Scan the parking lot and activities in vehicles,
  - b. Observe the crowd inside and outside,
  - c. Know the exterior escapes (driveways, etc.),
  - d. Note location and number of doormen or security guards along with whether or not the guards are armed
- B. Identifying Alcoholic Beverages and Collecting Evidence  
[\[13.2.B\]](#)
1. Methods for Identifying item as alcoholic beverage
    - a. Analysis- Requires the exact chain of custody and the testimony of the chemist
    - b. Appearance and Smell
    - c. Presumption-If officer hears alcoholic drink ordered, it is presumed to have alcohol
    - d. Sealed Bottles and Containers- Courts recognize sealed containers have alcohol if labeled

<ul style="list-style-type: none"><li>e. Opened bottles- If bottle is labeled, along with appearance of contents of alcohol, will establish container has alcohol</li><li>f. Admission</li><li>g. Beer tap spigot markers</li><li>2. Collecting Evidence <a href="#">[13.2.C]</a><ul style="list-style-type: none"><li>a. Guidelines for collecting alcoholic beverages<ol style="list-style-type: none"><li>1) When necessary, put in a clean evidence bottle and seal. Local policy may allow photographic evidence.</li><li>2) Mark bottles or containers of seized beverage for identification.</li><li>3) Seal container in presence of person from who seized, if possible.</li><li>4) Give a receipt for seized evidence, if container is unopened.</li><li>5) Smell and identify alcoholic beverage, if in an open container.</li><li>6) If a mixed drink, remove ice immediately. Place mixed drink in a clean sample bottle.</li><li>7) Obtain chemical analysis to substantiate alcoholic content, if deemed necessary</li></ol></li></ul></li><li>C. Establishing Age and Identify <a href="#">[13.2.D]</a><ol style="list-style-type: none"><li>1. Legally acceptable identification<ul style="list-style-type: none"><li>a. Must contain all of following<ol style="list-style-type: none"><li>1) Issued by a governmental agency (federal, state, county, or municipal),</li><li>2) Name of the person,</li><li>3) Date of birth,</li><li>4) Physical description,</li><li>5) Photograph, and</li><li>6) Currently valid (i.e., not expired)</li></ol></li><li>b. Examples: driver's license, passports, state-issued ID's</li></ul></li><li>2. Establishing Identity<ol style="list-style-type: none"><li>a. Examine documents closely and verify photo matches person</li><li>b. Question minor about age and establish if minor was questioned about age prior to service.</li><li>c. Attempt to verify age by a records check, parent, guardian, or relative.</li></ol></li></ol></li></ul>	
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- d. Bear in mind that a birth certificate is proof of age only, and that proof of identity is necessary.
  - e. Scrutinize all information documents thoroughly and compare with bearer.
  - f. Note and include in the report the apparent age, appearance, and dress of the minor.
  - g. Thoroughly search minor for false identification when probable cause exists or consent has been obtained
  - h. Take a photograph of the minor.
- D. Reporting [\[13.2.E\]](#)
- 1. Document Facts About Premises
    - a. Condition of premises such as:
      - 1) Lighting,
      - 2) Length of bar,
      - 3) Size of crowd,
      - 4) Demeanor of customers,
      - 5) General description, or
      - 6) Location of check-out counter.
    - b. Presence of video or surveillance camera.
    - c. Number of employees present.
    - d. Pertinent information from posted license such as:
    - e. Licensee,
    - f. Address, and
    - g. Type of license.
    - h. Check time accuracy:
      - 1) With dispatcher,
      - 2) On licensee's or employee's watch or clock
  - 2. Document facts about buyer
    - a. Appearance and outward behavior of buyer.
    - b. Observation of consumption, whenever possible.
    - c. Citation or apprehension of suspect or suspects, including
      - 1) Those cited or arrested at scene, and
      - 2) Witness(es) who can identify suspect(s)
  - 3. Document facts about sale
    - a. The order for alcoholic beverages.
    - b. Type of beverage (i.e., wine, beer, mixed drink).
    - c. How served or sold (e.g., placed in bag or box, served in glass, etc.).



EV10 - Quality of Life  
Session 3 - ABC Law  
LD13 - ABC Law

<ul style="list-style-type: none"><li>d. Time order took place.</li><li>e. Location where beverage came from (e.g., refrigerator, back bar, speed rack, shelf, etc.).</li><li>f. Cost of merchandise, including the:<ul style="list-style-type: none"><li>1) Cash register slip,</li><li>2) Amount requested by seller,</li><li>3) Type / amount of money given to seller by buyer, and</li><li>4) Amount of change, if any, received by buyer</li></ul></li></ul>	<p>Prior to engaging the class with learning activities, verify that they have learned all concepts related to CAPRA and Procedural Justice.</p>
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**Learning Activity # 1**

**Purpose:** To teach the recruits the elements required to arrest for violations of ABC law as well as develop methods to effectively enforce ABC law.

**Description:**

1. Select one learning team (6 - 8 recruits) to play the role of officers
2. The instructor and class will play the role of community members
3. Provide the following information to the class:

The officers are attending a community meeting within their basic car area. This community is pro-police; however, a nuisance bar in the area has negatively impacted the neighborhood. Nearly every night there are fights between patrons that spill over into the surrounding community, patrons urinate on neighbor's lawns, and on a few occasions, juveniles were seen entering the location.

There have been numerous radio calls to the location regarding 415 fights, loud radios, and aggravated assault, but no arrests were made. By the time the police arrived, the suspects and victims were usually GOA.

The community has become frustrated with the situation and feels as if the police were not taking their problem seriously.

4. Allow the officer role players to prepare a short presentation, utilizing CAPRA and Procedural Justice, which will address the community's issues
5. Allow the learning team to conduct their presentation followed by a question and answer session with the community members
6. During the question and answer session, the community members should ask, but not limited to, the following types of questions:
  - a. Seek clarification of the officers' proposed investigative response regarding:
    - 1) Aggravated assaults
    - 2) Intoxicated patrons
    - 3) Public urination
    - 4) Minor consumption
  - b. Challenge the officers, if the investigative response was inappropriate/ inadequate
    - 1) Aggravated assaults
    - 2) Intoxicated patrons
    - 3) Public urination
    - 4) Minor consumption
  - c. Seek answers regarding the inappropriate investigative responses during previous incidents

EV10 - Quality of Life  
Session 3 - ABC Law  
LD13 - ABC Law

- d. Question the officers’/ Division’s/ Department’s commitment/ loyalty to the community
  - e. Seek examples of the officers’/ Division’s/ Department’s commitment to solving the community’s problems
  - f. Express a willingness to be actively involved in the problem-solving process, rather than a passive observer
7. The community members may act angry at times; however, the purpose is to challenge the officers to provide substantial information to the community that will solve their problem
8. Conduct a facilitated discussion and ensure to cover the following:
- a. Sales without a license (13.1.A.1)
  - b. Unauthorized alcohol on premises (13.1.A.2)
  - c. Furnishing alcohol to an intoxicated person (13.1.A.3)
  - d. Sale / consumption during restricted hours (13.1.A.4)
  - e. Sale to, consumption, attempt purchase (13.1.A.5)
  - f. Minor in possession of an alcoholic beverage (13.1.A.6)
  - g. Minors consuming at social gathering (13.1.A.7)
  - h. Minors possession, presentation of false ID (13.1.A.8)
  - i. Minor in public premises (13.1.A.9)
  - j. Possession of alcoholic beverages on public school grounds (13.1.A.10)
  - k. Furnishing false ID to a minor (13.1.A.111)
  - l. Officer safety during ABC investigations (13.2.A)
  - m. Determining if a liquid is an alcoholic beverage (13.2.B)
  - n. Recovering evidence (13.2.C)
  - o. Establishing age and identity of a person using legal ID (13.2.D)
  - p. Completing reports (13.2.E)
  - q. Apply CAPRA and Procedural Justice (3.3.G)
  - r. CAPRA and Procedural Justice learning activity (3.5.B)
  - s. Public problem solving meeting (3.5.C)
  - t. Community Policing (117c)
  - u. Constitutional requirements (117e)

**Resources needed:**

- Classroom

**Handouts:**

- None

**Time required:** 2 Hours

EV10 - Quality of Life  
Session 3 - ABC Law  
LD13 - ABC Law