

DEPARTMENT GENERAL ORDER 07-56

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 95-01
SOP: 501.90.00

DATE: February 20, 2007

SUPERVISION OF MINORS

I. PURPOSE.

The use of alcohol or controlled substances by minors during social gatherings on private property often threatens the welfare of those who ingest the drugs. The fact that such usage may occur with or without the knowledge of parents or other adult guardians is a secondary consideration to the welfare of the minors. Therefore, the following text will provide a guideline for sworn employees on how to deal with these type situations.

II. DEFINITIONS.

Controlled Substance – Any drug, substance, or immediate precursor defined as such in the Missouri Revised Statutes.

Delivery of Alcoholic Beverages or Controlled Substances – The gift or exchange of an alcoholic beverage or controlled substance from one person to another.

Minor – Any person under the age of twenty-one years.

Juvenile – Any person under the age of seventeen years.

Parent – A natural or adoptive parent, or a guardian, or the adult designee of either of them.

Party, Gathering, or Event – An assemblage of a group of persons for a social occasion or activity.

Alcoholic Beverage – Any beverage constituting intoxicating liquor, light wines, malt liquor, or non-intoxicating beer as defined by the Code of Ordinances of the City of Clayton.

Person in Control of the Premises – An adult who owns, leases, rents, or is otherwise the lawful occupant of any premises, or the adult designee thereof.

Practitioner – Any medical professional or other person as defined by Missouri Revised Statutes.

III. GENERAL.

Acting on the belief that the consumption of alcohol and/or drugs constitutes a potential hazard to the health, safety, and welfare of minors attending unsupervised social gatherings, a series of ordinances were enacted, the text of which follows hereafter:

A. Use of Premises for Consumption of Alcohol

It shall be unlawful for any person to knowingly or negligently permit, on or in a premise under their control, the consumption of alcoholic beverages or controlled substances by a minor, except as follows:

1. The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with a bona fide religious service under the supervision of an adult, and with the consent of the person in control of the premises.
2. The delivery of an alcoholic beverage to a minor by the minor's parent, and under the direct supervision of the parent.
3. The possession or consumption of, or the delivery to a minor, of a controlled substance prescribed for that minor by a medical practitioner, when such delivery is by that minor's parent or by the person in control of the premises provided that he or she has obtained the prior consent of the minor's parent.

B. Duty to Supervise

It shall be unlawful for any person in control of a premise, or his or her adult designee, to leave a premise when it is reasonably foreseeable that said premise may be used for a social gathering where alcoholic beverages and/or controlled substances may be in the possession of or consumed by minors.

C. Rental of a Premises

It shall be unlawful for any owner, or agent, employee or contractor thereof, to rent any room, rooms, apartment, or any building or portion of a building, to a minor or to any adult when it is reasonably foreseeable that said adult, or his or her adult designee, will leave the premises or that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors.

D. Duty to Disperse

Any person (or his/her adult designee) in control of a premise where alcohol or drugs are in the possession of or being consumed by minors, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after personally receiving an order to do so by a peace officer.

IV. PROCEDURES.

When officers respond to a call of aloud party where minors between the ages of 17 and 21 are obviously consuming alcohol or controlled substances and the responding officers can place the contraband in a particular individual's possession, the officers will seize the contraband as evidence. They will then issue the offending minor a summons or take the subject into custody as circumstances warrant. If however, certain items of contraband are found to be present on the premises, but cannot be placed in the possession of a specific individual, then the responding officers will seize the contraband only and no arrests will be made.

In both instances, the officers will disperse the gathering and will document the incident with an investigative or memorandum report. Information that will be included in the body of each report will be the identity of the parents and if they were present at the scene or not. A copy of each report will then be forwarded to the department Juvenile Officer who will maintain a file of such incidents. Evidence seized will be submitted to the St. Louis County Laboratory for analysis.

Should a parent or other adult be present on the premises at the same time minors are found to be abusing drugs and/or alcohol, and it appears to the officers that the parent or supervising adult is aware of the substance abuse, or they should have been aware of the substance abuse, then the responding officers may also issue the adult party a summons to appear in municipal court.

If the parents are out-of-town or otherwise removed from their residence at the time an incident involving minors abusing drugs and/or alcohol occurs, the department Juvenile Officer will issue a letter to the parents advising them of the incident and that they are in violation of a current city ordinance. If, according to the files, a similar incident has been documented within the preceding two calendar years, a copy of the police report shall also be forwarded to the city prosecuting attorney for his review. Upon proper consideration, the prosecuting attorney may elect to issue a summons against the parents.

A. Juvenile Offenders

Juveniles found in violation of this order should be taken into custody and conveyed directly to this department. There they shall be booked on the appropriate state charge and entered into the computer via the CARE system. The juvenile's parents will then be notified and upon their arrival at this agency, the juvenile(s) may be released to their custody. Should the arresting officers be unable to contact the parents, the juvenile offender(s) will be delivered to St. Louis County Family Court. As with those cases involving minors, the arresting officers will seize evidence and document the incident with an investigative report. All such reports will be classified "Juvenile" and a copy forwarded to the departmental juvenile officer. Except for unusual mitigating circumstances, a copy of the report will also be referred to the Family Court.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:dld
CALEA Reference: None