



Town of Lexington

Police Department

Subject: House Parties (Including Underage Drinking)	
Effective Date: 12-1-2011	Review Date: Annually
By Order of: Mark J. Corr, Chief of Police	

Policy & Procedure

46E

GENERAL CONSIDERATIONS AND GUIDELINES

One of the most difficult and sensitive situations facing the police is the problem of the large house party, which results in a breach of the peace in the community. When neighbors make complaints or a large house party is discovered a police response is necessary to determine if the situation warrants action.

PROCEDURES

- A. Dispatching of Personnel
 - 1. Not less than two officers should be dispatched to incidents involving a large house party complaint.
 - 2. If a Patrol Supervisor is available [s]he will also be dispatched to the call.
- B. Responding to the Scene
 - 1. A calm and careful response is appropriate when responding to large parties. Generally speaking, an emergency response is not appropriate unless specific information warrants such a response.
 - 2. Although protective equipment such as helmets or shields should be readily available, they should not be displayed during the initial assessment of house party complaints.

C. Arrival at the scene

1. If a complaint is justified, communication with those who are in charge of the party or premises is essential.
2. The restoration of peace should be accomplished by persuasion, whenever possible.
3. Advise those in charge of the party of the disturbance complaint (will identifying the complainant) and attempt to get cooperation such as, turning volume of music down, regulating parking, moving people inside and/or some other mitigating action.
4. If the situation appears to be serious (such as the street is blocked without authority, crowds milling about, public drinking, underage drinking, trespassing, disturbing the peace) a decision must be made by persons in charge of the premises and/or police as to whether the party should continue or be shut down.

D. Dispersing the Crowd. When in dispersing groups of people who may be gathered and drinking:

1. All people in attendance must be informed and understand that the party is over and that those in charge want them to leave the premises.
2. A calm and patient attitude must prevail on the part of the police and others attempting to disperse those in attendance. Many will leave on their own because the police are present. Others will leave when told but will do so slowly. Intoxicated people may sometimes lag in the area (depending upon their level of intoxication) to avoid losing face with friends.
3. Officers are not expected to endure physical abuse or resistance without taking appropriate action, however an officer may expect to receive and must endure verbal abuse; self-control is essential.

E.

Officer may also want to consider the charge of Disturbing the Peace. Elements for this charge are listed below:

- A person engaged in conduct,
- That most people would find to be unreasonably disruptive, and
- That did in fact infringe on someone's right to be undisturbed.

Important note: a named victim is required for this charge, and it may not be an Officer!

OR

- The person created,
- A hazardous or physically offensive condition,
- By any act which serves no legitimate purpose.

See Training Memo 08-5 M.G.L. Chapter 272, section 53 Disorderly Conduct/Disturbing the Peace

4. Officers must consider the safety of underage drinkers. Parents should be contacted to retrieve children if there is a concern for their safety. If a parent or responsible adult cannot be reached and a person is intoxicated, protective custody may be an option, see also department policy **72C-Protective Custody**.

Note: When a large crowd of underage drinkers is dispersed, it may be difficult to manage due to the large numbers of people. Officers must remember that intoxicated people may be driving or walking away from the area, creating a safety issue. If staffing is available, officers should be assigned to monitor individuals leaving the scene in addition to closely watching the party location.

F. Entering the Dwelling of an Underage Drinking Party

1. When officers are dispatched to a report of a loud, unruly, or out of control house party, or the officers discover such party on their own, they should first try to gain voluntary consent to enter. If unable to obtain consent, but audible and visual signs show the party to be too loud, persons are in need of assistance (passed out, vomiting, fighting) officers should enter and administer first aid and attempt to restore a safe environment.
2. An underage drinking party **or** an underage drinking party that is being fueled by an adult-qualifies as an exigent situation justifying warrantless entry. If probable cause exists to believe that a crime is being committed inside the home (underage drinking) and immediate entry is necessary because any delay would result in the immediate destruction or loss of evidence than this qualifies as an exigent situation justifying warrantless entry. (Comm. v. Sueiras, 72 Mass. App. Ct. 439(2008)).
3. Minor violations of law may be addressed by summons. This is generally a better alternative to arrest, due to the possibility of inciting the group and/or depleting manpower. Subjects who egregiously violate the law should be placed under arrest and immediately removed from the area.
4. If a situation occurs when the party is too large, combined with people out of control or overly aggressive, then mutual aid, holding personnel over from one shift to another or otherwise ordering additional staff to work should be considered by the Commanding Officer. These measures would be taken in order to restore order and make the party environment safe once again.
5. The Captain of Operations and/or the Chief of Police will be notified of large house parties that result in any mutual aid request, personal injury, or multiple arrests.

G. Officers should remain familiar with the following violations:

- **Chapter 138 §34** Furnishing Alcohol to person(s) under 21 years of age
- **Chapter 138 §34B** Altering ID Card, Possession false ID, Use of MV License of Another
- **Chapter 138 §34C** Minor Transporting Alcohol
- **Chapter 272 §53** Keepers of a Noisy and Disorderly House
- **Chapter 272 §53** Disorderly Person
- **Chapter 272 §53** Disturbing the Peace