

EXPANDED COURSE OUTLINE
REGULAR BASIC COURSE
LEARNING DOMAIN 13
ABC LAW

I. LEARNING NEED

Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for violations of ABC law, and to categorize these crimes as infractions, misdemeanors or felonies.

LEARNING OBJECTIVES

A. Recognize the crime elements required to arrest, for the following crimes:

1. Sales without a license
2. Unauthorized alcohol on premises
3. Furnishing alcohol to an obviously intoxicated person
4. Sale/consumption during restricted hours
5. Sale to, consumption by, purchase by, or attempting to purchase by a minor
6. Minor in possession of an alcoholic beverage
7. Minors consuming /in possession of alcoholic beverages at a social gathering
8. Minor's possession/presentation of a false ID
9. Minor inside public premises
10. Possession of alcoholic beverages on public school grounds
11. Furnishing false identification to a minor

B. Recognize the crime classifications as an infraction, misdemeanor or felony

1. Sales without a license – Misdemeanor unless the person is performing the acts of someone with a Still license and does not have a Still license then it is a felony
2. Unauthorized alcohol on premises-misdemeanor
3. Furnishing alcohol to an obviously intoxicated person-misdemeanor
4. Sale/consumption during restricted hours -misdemeanor
5. Sale to, consumption by, purchase by, or attempting to purchase by a minor – misdemeanor, attempt by minor to purchase is an infraction
6. Minor in possession of an alcoholic beverage -misdemeanor
7. Minors consuming /in possession of alcoholic beverages at a social gathering misdemeanor
8. Minor's possession/presentation of a false ID-misdemeanor
9. Minor inside public premises -misdemeanor
10. Possession of alcoholic beverages on public school grounds-misdemeanor
11. Furnishing false identification to a minor -misdemeanor

II. LEARNING NEED

The ABC Act provides a method to abate a number of common problem areas within a community. To effectively enforce ABC law, peace officers must be aware of basic ABC investigative techniques.

LEARNING OBJECTIVES

- A. Identify possible threats to officer safety encountered when investigating ABC violations
 1. Intoxication and drug influence
 2. Policing in the community
 3. Poor lighting
 4. Overcrowding/confine space
 5. Weapons
 6. Possible locations of weapons
 7. Attitudes towards law enforcement
 8. Preventative measures while approaching the scene

- B. Recognize the methods for determining if a suspected liquid is an alcoholic beverage
 1. Analysis
 2. Appearance and smell
 3. Presumption
 4. Sealed bottles and containers
 5. Opened bottles
 6. Admission
 7. Beer tap spigot markers

- C. Recognize appropriate methods for obtaining evidence to establish proof of an ABC violation
 1. Retain alcoholic beverage. Local policy may allow for photographic evidence
 2. Mark bottles and containers of seized beverage for identification
 3. Seal container in presence of person from whom seized if possible
 4. Give a receipt for seized evidence if unopened.
 5. Smell and identify alcoholic beverage, if in an opened container
 6. If a mixed drink, remove ice immediately. Put in clean sample bottle
 7. Obtain chemical analysis to substantiate alcoholic content, if deemed necessary

- D. Recognize procedures for establishing the age and identity of a person using legally accepted identification
 1. Examine documents that are shown- seize if false or someone else's. Compare photo with the bearer
 2. Question minor about age and if he was questioned prior to service
 3. Attempt to verify age by records check, parent, guardian, or relative
 4. Birth certificate is age only not identification
 5. Note and include in the report the apparent age, appearance, and dress of the minor
 6. Thoroughly search minor for false ID when probable cause exists, or consent has been given
 7. Take a photograph of the minor

- E. Identify general information to include in a written report involving a violation of ABC law
 1. Facts about the premises
 2. Facts about the buyer
 3. Facts about the sale

Description

Hours

POST Minimum Required Hours	<u>2</u>
Agency Specific Hours	<u>2</u>
Total Instructional Hours	<u>4</u>