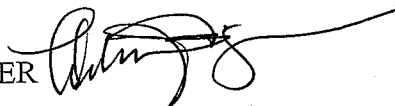




MEETING DATE: 04/04/2005
ITEM NO. 12

COUNCIL AGENDA REPORT

DATE: MARCH 23, 2005
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER 
SUBJECT: ACCEPT STAFF PRESENTATION OF THE POLICE DEPARTMENT'S YOUTH PARTY GUIDELINES

RECOMMENDATION:

Accept staff presentation of the police department's Youth Party Guidelines

BACKGROUND:

The police department has been working with the community for the past two years to address issues related to youth and alcohol use. As one specific initiative, the department has developed guidelines regarding police response to parties involving youth and community responsibilities relative to youth and alcohol. These guidelines have recently been finalized and issued within the police department. Additionally, the guidelines will be shared with the community to foster on-going discussions. The guidelines are being shared with Council for information and to begin to make the public aware of the new guidelines.

DISCUSSION:

The concept of a formalized statement of youth party response guidelines arose from the community conversation in March 2003 surrounding youth and high risk behaviors as part of the Alive...And Loving Life initiative. The police department committed to creating a document that would give structure to what the community could expect of the department upon learning of, or responding to, youth parties, particularly those involving the use of alcohol. A second key element of the guidelines is the acknowledgment of both community-wide and individual responsibility for the safety of youth in Los Gatos.

PREPARED BY: SCOTT R. SEAMAN
CHIEF OF POLICE



Reviewed by: RSJ Assistant Town Manager OL Town Attorney _____ Clerk Administrator
gc Finance _____ Community Development Revised: 3/24/05 3:13 pm

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MAYOR AND TOWN COUNCIL

SUBJECT: ACCEPT STAFF PRESENTATION OF THE POLICE DEPARTMENT'S
YOUTH PARTY GUIDELINES

MARCH 23, 2005

The Youth Party Guidelines include several elements including:

- a statement of philosophy regarding the police and community roles in addressing youth and alcohol issues
- a listing of applicable laws
- a structure by which people who are hosting parties can work with the police department to resolve noise or disturbance issues without police response
- a statement of how the police, generally, will manage their response to youth parties
- a framework for community stakeholders to work collaboratively and systematically to address alcohol or other issues in the future

These guidelines were developed with input from students, parents, school administrators and other members of the community. Research among other police departments in California and the United States indicates that these guidelines are relatively rare within law enforcement and demonstrate a collaborative problem solving approach to a complex community issue.

The police department will use the guidelines to create discussion between police, youth, parents, school officials and community members on an ongoing basis. The department will work with local media, use the Town website and partner with community groups and the schools to make the community aware of the guidelines. Additionally, the police department intends to share these guidelines with the broader law enforcement community, including presentation at professional conferences.

CONCLUSION:

The Youth Party Guidelines are currently adopted by the police department and will become an integral element of how the department works with the community to address issues of youth and alcohol.

ENVIRONMENTAL ASSESSMENT:

Is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

There is no fiscal impact arising from the adoption of these guidelines. Any expenses associated with the presentation of the guidelines at a professional conference will be paid from the police department's operating budget .

Attachments:

Youth Party Guidelines



Los Gatos

POLICE DEPARTMENT

Monte Sereno

TO: All Personnel

DATE: March 21, 2005

FROM: Scott R. Seaman
Chief of Police

A handwritten signature in black ink, appearing to read "S. Seaman".

SUBJECT: Youth Party Guidelines

I. STATEMENT OF PHILOSOPHY:

It is the policy of the Los Gatos/Monte Sereno Police Department to handle youth parties with an appropriate response consistent with community safety through measured, focused action and following the principle of shared community responsibility and accountability. The Police Department believes in a partnership based approach to cultivate change in the way the community addresses issues of youth and alcohol. The police response to a party should be handled in a low profile manner unless the situation is clearly out of hand, beyond the control of the person responsible, or endangering public safety or property. Those responsible for the party should be given the initial opportunity to alleviate and correct the reporting party's complaints without police interference, as long as the primary complaint is disturbing the peace.

To accomplish this mission, the Los Gatos/Monte Sereno Police Department has a disciplined, well-trained and educated police force, respectful of every citizen's right to be dealt with fairly, respectfully, and always from a perspective of protecting the safety of persons and property within the Town.

It is the policy of the Los Gatos/Monte Sereno Police Department to work closely with the community in explaining and enforcing the laws concerning the illegal use/possession of alcohol. Further, the Department will partner with youth, parents, schools, community organizations and other law enforcement agencies in issues of youth and alcohol.

II. LAWS CONCERNING YOUTH AND ALCOHOL:

The primary laws affecting youth, alcohol, and youth parties include:

Youth and Alcohol

- 25662 B&P Person under 21 years of age in possession of alcohol.
- 25661 B&P Person in possession another's identification, or a false identification to obtain alcohol.
- 18.10.015 TC Drink or possess an open container of alcohol in a public place.

Vehicles, Youth, and Alcohol

- 23136 VC Driver under 21 with a blood alcohol concentration (B.A.C.) of .01 or greater, license suspension of 1-3 years.
- 23140 VC DUI by a person under the age of 21, with a B.A.C. of .05 or greater, or under the influence of drugs.
- 23152 VC DUI by a person 21 or older, with a B.A.C. of .08 or greater, or under the influence of drugs.
- 23153 VC Felony DUI, which causes the injury or death of another.
- 23190 VC Felony DUI, third or subsequent DUI conviction.
- 23222 VC Driver possess an open alcohol container or marijuana in a vehicle.
- 23223 VC Passenger possess an open alcohol container.
- 23224(a) VC Driver under 21 possesses alcohol in a vehicle.
- 23224(b) VC Passenger under 21 possess alcohol in a vehicle
- 21200.5 VC DUI on a Bicycle. Operate a bicycle under the influence of alcohol or drugs.

Parties

- 415(2) PC Disturbing the peace of another.
- 18.50.115 TC Civil liability for the cost of providing second response police services at a party where the responsible person has been warned to control the threat to public peace.

Adults, Youth, and Alcohol

Another group of state and local laws govern the use of alcohol by minors involving parents or adults. The following statutes relate to adult accountability in underage drinking situations.

272 PC	Contributing to the Delinquency of a Minor. Commit any act causing a minor under 18 to be in violation of law.
25658 B&P	Furnish alcohol to a person under 21.
25658.2 B&P	Parent permitting a person under age 18 to drive DUI, which results in an accident.
18.30.010 (b)TC	Host or allow a party where persons under the age of 21 are present and alcohol is being served.

Parents should always be cautious about leaving their homes in the care and custody of teenagers for extended periods of time. Although children can be responsible, other youth can be attracted to the premises of an unsupervised house resulting in a party where alcohol may be present.

If the police department is called, or if it responds to a home left supervised by a minor child, and if there is a gathering in which alcohol is present, the preferred response of the police department will be: obtaining order, ensuring the safety of those attending and accountability of responsible persons to include the enforcement of laws.

An adult may not legally serve alcohol to a minor unless the adult is the parent or guardian of that minor. Therefore, if a planned event will involve providing liquor to an underage youth, the host of the event should be aware that this activity constitutes a criminal offense. This offense may be prosecuted upon complaint of the minor, his/her parent, the police, or the district attorney. Furthermore, the risks associated with hosting such an event could lead to civil sanctions.

While any of the offenses listed above could result in a criminal prosecution, the following circumstances would dictate that the preferred police response would be arrest and prosecution.

- A. Youths who are flagrant or repeat offenders of alcoholic beverage laws
- B. Youths who are transporting or providing alcohol to others
- C. Hosts of underage drinking parties, including parents and/or guardians

III. PARTY RESPONSE GUIDELINES:

Recognizing that every party situation is different, the Los Gatos/Monte Sereno Police Department uses the following guidelines in responding to youth parties. These

guidelines serve only as a suggested basis for response and do not represent guaranteed actions in incidents of underage drinking or youth parties which are compromising public safety or the peace or another or, in the judgment of the officer, require other specific action. The Department will approach party situations in the least authoritarian manner, as long as the situation does not jeopardize the public safety of the community, the security of property, or the safety of emergency services personnel.

GUIDELINE 1

When practical, or in circumstances where the Police Department does not have specific information that alcohol is present at a party where minors have congregated, the Police Department will contact the person responsible for the party by telephone to explain the complaint being made about the party. The responsible person should be given the opportunity to rectify the problem and alleviate the need for police response. The complainant should be told that if the problem is not resolved, they should recall the police.

After a reasonable period of time, an officer should attempt to check the area of the party to ensure that the complainant's concerns are resolved. If there is illegal activity or a dangerous situation presents itself, officers will respond as appropriate.

GUIDELINE 2

If police response is necessary, i.e., the responsible person cannot be reached by telephone or there are violations reported which endanger the safety of persons or property, the Police Department will respond to the scene and pursue the following actions:

Take action(s) necessary to ensure the safety of persons and property.

When possible, unless emergency conditions dictate, a low-profile response and approach to the scene should be conducted by officers. They should evaluate and measure the situation, using discretion, and encourage personal responsibility and accountability, including speaking to parents, whether or not they are present at the scene.

Contact and advise the responsible person about the complaint and any associated violations. Ask the responsible person for their cooperation by quelling the disturbance without further police intervention. Set a reasonable time limit to accomplish this task. Explain that police enforcement action may be necessary if there is a return call regarding the disturbance.

Provide the responsible person with a "Second Response to a Disturbance" (pink) card, and explain what it means. An exception to this might be that the party is out of control or creating a situation that endangers persons or property.

Handle parking violations or other collateral violations with discretion.

Whenever practical, in cases where juveniles are contacted at a party where alcohol or drugs are being used, or other criminal or hazardous conduct is taking place, parents of those juveniles should be contacted and informed of the situation, and, when appropriate, asked to come to the scene.

IV. PARTY NOTIFICATION LINE:

Public peace and safety can often be best achieved through community and police partnerships. In the case of social gatherings, which result in a complaint to police about noise, parking, or other relatively benign issues, a simple call from police to the person responsible for the party may resolve the problem. Clearing a call for service in this way will minimize the use of police personnel resources, freeing them to respond to more critical calls.

To accomplish this, the Party Notification Line has been established. Any community members, adults or youth, who are planning to hold a party are invited to call the Party Notification Line (408 354-8600) and provide the communications dispatcher with the responsible person's name, telephone number, the date and time of the party, and the location of the party. That information will be noted in the party notification log in Communications. If a complaint, as described above, is received, the dispatcher will then call the person responsible for the party and inform them of the nature of the complaint.

The responsible person will be given a reasonable time period to resolve the problem, typically five to ten minutes to quiet loud music or guests, or ten to fifteen minutes to address guest vehicle parking problems. The problem and the agreed upon time for resolution will be noted in the CAD incident detail. If the agreed upon time has elapsed and additional complaints are received, officers will be dispatched to the scene to assist in solving the problem. (Reference guideline 2)

If a party complaint is received which reports violations of the law, or conditions, which endanger public safety or property, officers will be dispatched whether or not the party is listed in the party notification log.

V. "NO BUST PARTY" FLYER:

The Police Department will produce and distribute a "No Bust Party" flyer that contains information on how to hold a party in Los Gatos or Monte Sereno and reduce the likelihood of generating complaints and police responses. The flyer will include information on the Party Notification Line. The flyer will be publicized in the media and distributed throughout the community, via schools, businesses, and community-based organizations.

VI. INTER-AGENCY COORDINATION:

The problem of juvenile parties, which provide the youth of our community with the opportunity to engage in alcohol/drug use, or other unsafe conduct, is a regional condition, which transcends the borders of Los Gatos and Monte Sereno. The youth of other communities attend parties here, and the youth of Los Gatos and Monte Sereno attend parties in other jurisdictions. To effectively deal with individuals or establishments which sell or provide alcohol to minors, individuals who chronically throw parties which result in criminal violations or complaints, locations at which parties are routinely held, or other situations compromising the safety of the youth of our community, inter-agency communication and coordination is critical.

To accomplish that coordination, a representative of the Police Department should on a regular basis be in contact with representatives of the following stakeholder agencies and organizations. Coordination will be accomplished by creating an e-mail group of identified personnel from stakeholder agencies. This way, the Police Department can take a systematic approach to disruptive parties and take an active role in enhancing the community's ability to hold individuals accountable for their actions.

- Los Gatos High School
- Other schools as appropriate
- San Jose Police Department
- Campbell Police Department
- Santa Clara County Sheriff's Department
- Santa Clara County District Attorney's Office
- Santa Cruz County Sheriff's Department
- Santa Clara County Juvenile Probation Department
- California Department of Alcoholic Beverage Control

CASA (Community Against Substance Abuse)-(As appropriate given confidentiality issues)

Alive...and Loving Life-(As appropriate given confidentiality issues)

Only that information which may be legally shared will be so communicated with a particular agency/organization. When possible, information received regarding a youth party will be dealt with prior to the event, including the contacting of parents or party hosts, documenting the information, and coordinating with other law enforcement agencies or stakeholder organizations, as appropriate.

In those cases where violence occurs or is threatened at a party, or any other significant incident occurs, and it can reasonably be expected to impact a school environment, the police department will be responsible for notifying school administrators at the earliest opportunity, even during non-school hours, if appropriate.

VII. PROMULGATION OF POLICY

These guidelines will be shared with the community and used to promote education and discussion of the roles and expectations of both the police department and the community in addressing the dynamics of youth and alcohol issues.

PARTY NOTIFICATION LINE LOG

