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	Issued By: Chief Andre Anderson	CALEA Standards 	
Last Reviewed: 08/06/2024			
Effective: 04/04/1997	Updated: 07/01/2021		

I. Purpose

The purpose of this order is to establish liquor enforcement objectives, and guidelines for handling liquor law violations by the Ann Arbor Police Department employees.

II. Policy

It is the policy of the Ann Arbor Police Department to enforce the liquor laws in the City of Ann Arbor Ordinances, Michigan State law and the Michigan Liquor Commission Control Rules and Regulations. This enforcement will be a combined effort of both divisions of the department.



III. Responsibilities

A. Operations Division (Patrol Section)

1. Responsible for the consistent inspection of licensed premises throughout the city.
2. Responsible for enforcement action for violations of the City Ordinance, State law and MLCC Rules and Regulations.

B. Support Division (Special Services Section)

1. The Special Services Section Lieutenant is responsible for follow up on all liquor law violation reports.
2. The Special Services Section Lieutenant and/or designee will be responsible to ensure the following tasks are completed in a timely manner.
 - a. Assign MLCC violation complaints when received.
 - b. Coordinate service of hearing notices and subpoenas.
 - c. Coordinate intelligence information and enforcement activities.
3. Special Services supervisors are responsible for ensuring records of original license applications, license changes, temporary authorizations as well as special licenses approved by the police

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department.

4. Based on staffing availability, Special Services supervisors in conjunction with Patrol supervisors will schedule selective inspection on a quarterly basis for ten percent (10%) of the licensed establishments in the city.

IV. Enforcement Procedures

A. Michigan Liquor Control Commission Violations

1. Upon discovering a MLCC violation, officers will initiate a report with the most appropriate title to indicate it is a liquor law violation. This report will include the following information in the body of the report.
 - a. Name of the business.
 - b. Name of the licensee (businesses may be doing business under one name and be licensed under a different name).
 - c. All applicable license numbers.
 - d. Server of liquor (if applicable).
 - e. Manager on duty, or person in charge of the premises.
 - f. Names of witnesses or customers.
 - g. Detailed account of violation(s) observed.
 - 1) If the violation is for after hours, the officer(s) should contact dispatch and request a time check in the presence of the manager or person in charge of the premises. This information should be contained in the report.
 - h. The AAPD ticket number and violation.
2. In order to submit a report to the MLCC for violations of minors in possession or minors consuming alcohol in a licensed



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establishment, State Law requires enforcement action against a person under 21 who possesses or consumes alcohol in a licensed establishment, and against a person 21 years of age or older who sells or furnishes alcoholic liquor to an underage person.

3. Parents of persons less than 18 years old who have been cited must be notified of violation within 48 hours via telephone or first-class mail or any means reasonably calculated to give prompt actual notice.
 - a. Parents of persons 16 years old or less that are taken into custody for possession, consumption, or purchasing shall be notified immediately.
 - b. Exemptions:
 - 1) Underage persons who are enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member.
 - 2) Underage persons who consumed sacramental wine in connection with religious services at a church, synagogue, and/or temple.
 - 3) Possession (not consumption) by underage persons during regular working hours and in the course of his/her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.
4. An officer will be assigned to each MLCC violation. The supervisor will determine whether there is sufficient evidence to present the case to the MLCC. If the supervisor feels there is sufficient evidence, the officer will initiate a MLCC violation report and the supervisor will submit the report to the MLCC.



B. Code Violations

1. The following is a summary of the State Law and City Ordinances,



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which will normally be handled with a code violation.

2. In cases where City Ordinances and State Law are both applicable;
 - a. Juveniles will be cited under State Law.
 - b. Adults will be cited under City Ordinance.

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LAW	STATE STATUTE	CITY ORDINANCE
Possession of Open Intoxicants in a motor vehicle by either driver or passenger (Open, uncapped or broken seal)	MCL 257.624a	10:87(4)
Transporting alcohol in motor vehicle by minor, regardless of open or closed	MCL 257.624(b)	10:1(a)
Selling or furnishing of alcohol to minor by liquor licensee or non-licensee	MCL 436.1701	9:73
Minor in possession, making purchase or consuming	MCL 436.1703(1)	9:81
Fraudulent ID by a minor to purchase alcohol or furnishing of fraudulent ID to minor	MCL 436.1703(2)	9:84(1)
Possession of fraudulent State ID, use of a real State ID belonging to another or furnishing fraudulent State ID to a minor	MCL 257.324	9:84(3a-d)
Possession or use of a fraudulent driver's license, or the use of a valid driver's license belonging to another, regardless of the circumstances; also prohibits the furnishing of false verbal ID to a police officer but only if the person is being detained for a violation of the Michigan Vehicle Code.		10:1(a)
Consuming alcohol in public		9:75
Open Intoxicants in public (open, uncapped or broken seal)		9:80
All violations listed are misdemeanors. However, MIP 1st is a civil infraction.		

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3. If a liquor law violation report is initiated, any code violations written in conjunction with the incident shall be attached and/or connected to that report.

D. Evidence Handling Procedures

1. Code violations: In liquor cases enforced with a code violation, it is not necessary to log either the liquor or the container into evidence. Officers should view and smell the contents and note the description of the container. The contents can then be disposed of and the container returned to the suspect if the officer believes it is safe to do so. If the officer does not feel it is safe, he/she shall dispose of it later in an appropriate trash receptacle. Disposition of all contents and containers will be documented in the case report. If there is a large amount of alcohol, such as a keg, it should be logged into Property for disposal by Property personnel. An officer may log both the container and the substance if he/she feels that the circumstances require it.
2. Liquor cases that will be cited to the MLCC and cases that will be submitted to the Prosecutor for a warrant authorization will require the contents and container be logged into Property as evidence.

E. Decoy Operations

1. The use of volunteers under the age of 21 for the purpose of liquor inspections is an acceptable practice and allowed by law.
2. If the decoy volunteer is under the age of 18, written parental permission must be obtained prior to participating in the undercover operation.
3. A city waiver for decoys will need an original signature from the City Attorney, Police Supervisor of the detail and the decoy. The City Attorney provides the waiver to the Police Supervisor of the detail, prior to the assignment. A copy will be retained by the Special Services Lieutenant in the MLCC file.