Avoid Trouble

Do you know the laws related to drinking, parties and noise on and off campus? How they are enforced? What are students’ rights and responsibilities? What are police rights and responsibilities?

**Campus**
- You signed the Berkeley Campus Code of Student Conduct shortly after submitting your SIR. Among other areas, it outlines inappropriate as well as illegal alcohol & drug related behavior both on and off campus.
- City and campus police regularly share information about student violations with the Center for Student Conduct.
- Campus has a Responsible Bystander Policy. Students and registered student organizations who call for emergency medical assistance for another student will not be subject to a Conduct violation process even if they themselves were violating policies regarding alcohol or controlled substances (102.17 and 102.18).

**City**
Campus, city and state agencies work together to enforce alcohol policies and laws in the campus area.
- Law enforcement agencies from the entire Bay Area will patrol the campus neighborhood during the first few weeks of the semester. They may stop anyone who looks under 21.
  - It is a misdemeanor in California to have any alcohol in your possession if you are under 21, even if it is not open.
  - It is also a misdemeanor to possess a fake ID.
  - Holding an open container of alcohol in public is an infraction under California law, even if you are 21 or older.
- Joint safety patrols by UCPD and the Berkeley Police continue on weekends throughout the year.
- Community Quiet Hours are 10pm - 7am everyday
- Indoor Entertainment Events, any social event with amplified music and anticipate more than 50 attendees must be permitted by the City and inspected by the Fire Department
- Public Nuisance - hindering the quiet enjoyment of the neighborhood; excessive noise or traffic; obstruction of public streets; public drunkenness; serving alcohol to minors; fights or disturbances of the peace
- Penalties: 1st violation – put on notice and order to disperse, 2nd response within 120 days automatic $750 fine, 3rd violation within 120 days automatic $1500 fine
- Mini-Dorm & Group Living Accommodations - Requires city review of plans for and standards to be met for single family and multifamily residences being significantly modified by adding numerous bedrooms because the number of residents and lack of on-site managers in such buildings tend to impair the quiet enjoyment of the

**Laws and Policies**

**Campus Policies**
- Chancellor’s Principles of Community
- Berkeley Campus Student Code of Conduct
- Residential Code of Conduct
- University of California Policy on Substance Abuse
- University Sexual Violence and Harassment Policy
- Berkeley Campus Policy Governing the Promotion of Alcoholic Beverages and Tobacco Products on the Campus and at Campus Sponsored Events
- Berkeley Campus Policy Governing Student Dances
- UC Berkeley Official Campus-wide Policies and Procedures

**City Laws**
- Social Host Ordinance (BMC 13.49)
- Community Noise Ordinance (BMC 13.40.030)
- Indoor Entertainment Events Ordinance (BMC 13.46.01)
- Civil Penalties for Public Nuisance - (BMC 13.48 and 13.48.050)
- Operating Standards for Mini-Dorms & Group Living Accommodations (BMC 13.42)

**State Laws**
- California Alcoholic Beverage Control Act
- California Business & Professions Code, including fake ID, minor in possession (BPC 25658 and 25662), driving under the influence, furnishing/serving alcohol to a minor (BPC 25658), open container (BPC 25620A), disorderly conduct (CA Penal code 647f), social host liability (BPC 25602 and 25658), and immunity from prosecution for minors who consume alcohol.

**Federal Laws**
- US Department of Education – The Drug and Alcohol Abuse Prevention Regulations
surrounding neighborhood by creating trash and litter, creating excess parking demand, and being the location of numerous loud and unruly parties.

**Home Football Games**
- UCPD enforces the Student Conduct Code and monitor underage drinking or excessive alcohol use. Underage drinking is an automatic citation, and entry to the game is denied.
- Officers may also cite/arrest for city and state violations if the situation warrants it. For example, public drunkenness, regardless of age, can lead to arrest and jail.
- UCPD officers monitor for observable signs and will breathalyze for the purpose of awareness. Students can refuse regardless of age.
- Football Game citations are shared with Center for Student Conduct. The case will be reviewed and sanctions, which typically include a $150 fine, will be determined.

**Safety Patrols**
- UCPD and BPD conduct joint Safety Patrols on Thursday, Friday and Saturday nights, and respond quickly to concerns about parties/noise.
- If police observe things that make them suspect that any criminal activity is taking place, including underage drinking, they can enter the house, apartment, etc. to investigate.
- If police arrive at your party:
  - Be respectful and courteous
  - Remain calm
  - Restrain from threatening behavior
  - Be honest and compliant

If you're at a party that starts to get out of control, call the police before someone else does. Breaking up your own party can save a lot of money and problems later on.

**Shoulder Tap**
- ABC and local police detect and deter alcohol availability to minors who stand outside of liquor stores or markets and ask adults to buy them alcohol. Any person seen furnishing alcohol to the minor decoy is cited and/or booked; this is a serious criminal offense, and the penalty can include a large fine and a misdemeanor conviction (BPC 25658)

**Trapdoor**
- ABC and local police work with alcohol retailers in Trapdoor to prevent minors from purchasing alcohol with fake IDs. Roving teams arrest, interview, and cite the minor, and, in some cases, take the minor into custody; penalty can include a fine, community service, county jail time, and a one year suspension of your driver’s license.

**Soberity Checkpoints and Saturation Patrols**
- Officers evaluate drivers for signs of alcohol or drug impairment at certain points on the roadway. A DUI can cost anywhere between $5,200 to $10,000, including vehicle towing and storage, increases in auto insurance premiums, fines, court assessments, DUI classes, attorney fees and more.
- If you see someone trying to drive impaired, notify local law enforcement in the Berkeley area at 510-981-5911. Elsewhere, call 911 from your cell phone and give the location, description, and, if possible, the license plate number of the vehicle. Don’t try to stop, follow or detain the vehicle - leave that to the officers in the field.

**Key Agencies**
- UC Berkeley Center for Student Conduct
- UC Berkeley Resident Life Judicial Affairs
- University of California Police Department (UCPD)
- City of Berkeley Police Department (BPD)
- The California Department of Alcohol Beverage Control (ABC)
- Student Legal Services - UC Berkeley
- ASUC Student Advocates Office

For more information, contact partysafe@berkeley.edu or (510) 643-9073.