



# Avoid Trouble

PartySafe@Cal encourages all students to know community policies, laws and penalties as well as their rights and responsibilities. Campus, city and state agencies work together to enforce in campus area.

## Campus

- The [Berkeley Campus Code of Conduct](#) (which you signed shortly after submitting your SIR) and the [Residential Code of Conduct](#) (which you agreed to if you live in campus housing) both outline how campus policy and state law forbid the unlawful manufacture, distribution, dispensing, possession, use, or sale of alcoholic beverages or controlled substances by employees and students in the workplace, on University premises, at official University functions, or on University business.
- [UCPD](#) and [City of Berkeley](#) Police regularly share information about student violations with the [Center for Student Conduct](#) and [Residential Conduct](#). Read the [FAQ-CSC](#) and [Conduct Process-ResLife](#) to learn how students are notified and allegations are processed.
- Our 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).
- Other key policies include: [University of California Policy on Substance Abuse](#); [UC Office of the President Sexual Violence and Sexual Harassment \(SVSH\) Policy](#); [Berkeley Campus Policy Governing the Promotion of Alcoholic Beverages and Tobacco Products on the Campus and at Campus Sponsored Events](#); [Chancellor's Principles of Community](#)

## City & State

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 patrol the campus neighborhood during the first few weeks of the semester. They may stop anyone who looks under 21.

- **Quiet Hours** -City of Berkeley Quiet Hours are 10pm - 7am everyday. [BMC 13.40](#)
- **Indoor Entertainment Events** - any event with amplified music and more than 50 anticipated attendees must be permitted in advance by the City and pass inspection by the Fire Department. [BMC 13.46](#)
- **Social Host** - Hosts required to ensure minors are not consuming alcoholic beverages. Penalty fines compensate for cost of providing police services to parties, gatherings, or events requiring a response. [BMC 13.49](#)
- **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. [BMC 13.48](#)
  - Penalties: 1<sup>st</sup> violation – put on notice and order to disperse, 2<sup>nd</sup> response within 120 days automatic \$750 fine, 3<sup>rd</sup> violation within 120 days automatic \$1500 fine
- **Mini-Dorm & Group Living Accommodations** - Outlines 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 surrounding neighborhood by creating trash and litter, creating excess parking demand, and being the location of numerous loud and unruly parties. [BMC 13.42](#)

- **Fake ID** - If under 21 and caught with a fake ID, the penalty is a minimum \$250 fine and/or 24-32 hours of community service, or a maximum \$1,000 fine and/or six months in the county jail, PLUS... a one year suspension of your driver's license. If you don't yet have one, you'll have to wait an extra year to get one. Fake ID includes presenting (in fact, even carrying) anyone's ID other than your own. BPC 25661
- **Minor in Possession** - If you are under 21 and ...
  - If you attempt to purchase alcohol the penalty is a maximum \$100 fine and/or 24-32 hours of community service, plus...a one year suspension of your driver's license. If you don't yet have one, you'll have to wait an extra year to get one. (BPC 25658.5)
  - If you are caught in possession of alcohol the penalty is a \$250 fine and 24-32 hours of community service, plus...a one year suspension of your driver's license. If you don't yet have one, you'll have to wait an extra year to get one. (BPC 25658 and 25662)
  - If you purchase or consume alcohol the fine is \$250 and/or 24-32 hours of community service, plus...a one year suspension of your driver's license. If you don't yet have one, you'll have to wait an extra year to get one. (BPC 25658 and 25662)
- **Driving Under the Influence** - If you under 21, you cannot drive a vehicle with alcohol in it and you cannot drive while under the influence. If you are caught driving with any evidence of alcohol in your blood: 1 to 3 year suspension of your driver's license. Refusal to submit to a blood alcohol test is an admission of guilt to driving under the influence.
- **Furnishing/Serving Alcohol to a Minor** - If you are 21 or over, and are caught furnishing alcohol to an underage person: \$250 to \$1000 fine, a minimum of 24 to 32 hours community service to a maximum 6 months in county jail BPC 25658)
- **Open Container** - At any age it is a criminal offense to have an open container of alcohol in public (BPC 25620A) or in a motor vehicle.
- **Disorderly Conduct, Due to Intoxication** - Any person found in any public place under the influence of alcohol or other drug in such condition that they are unable to exercise care for own safety or safety of others, or interferes with or obstructs or prevents free use of any street, sidewalk, or other public way. (CA Penal Code 647f)
- **Immunity from Prosecution for Minors Who Consume Alcohol** - if the person involved (1) called 911 and reported that s/he or someone else needed medical assistance due to alcohol consumption, (2) was the first person to make the 911 report, and (3) if making the call on behalf of someone else, remained on scene with that person until the arrival of help and cooperated with medical/law enforcement when they did arrive. This immunity does \*not\* extend to potential criminal liability for other activities.
- **Illegal Drugging** - Giving someone a drug without their consent is illegal. Every person guilty of administering to another any chloroform, ether, laudanum, or any controlled substance, anaesthetic, or intoxicating agent, with intent thereby to enable or assist himself or herself or any other person to commit a felony, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years. CA Penal Code Section 222

### **Home Football Games**

- UCPD enforces the Student Conduct Code and the Fan [Conduct Code & Permitted/Prohibited Items list](#).
- Fans that appear to be inebriated and unmanageable will not be permitted admittance into the stadium and may be subject to arrest. Underage drinking is an automatic citation, and entry to the game is denied. UCPD officers monitor for observable signs and will breathalyze for the purpose of awareness. Students can refuse regardless of age.
- Intoxication or signs of impairment related to alcohol or drug use, smoking and/or tobacco use, possession of any item listed on the "Prohibited Items List" may result in ejection from the facility, revocation of ticket privileges and/or arrest.
- 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.
- 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.
- Print and post this [Game Day Flier](#) for your community so that rules about attending the game are known ahead of time.

## **Safety Patrols**

- UCPD and BPD conduct joint safety patrols throughout the year to 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:
  - o Be respectful and courteous
  - o Remain calm
  - o Restrain from threatening behavior
  - o 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 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.

## **Sobriety 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 Residential Life Conduct](#)
- [University of California Police Department \(UCPD\)](#)
- [City of Berkeley Police Department \(BPD\)](#)
- [City of Berkeley Fire Department \(BFD\)](#)
- [The California Department of Alcohol Beverage Control \(ABC\)](#)
- [California Business & Professions Code](#)
- [California Penal Code - Section 222](#)
- [Student Legal Services - UC Berkeley](#)
- [ASUC Student Advocates Office](#)

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