



Survival Tips for Court Street: Problems with Underage Drinking and How to Interact With the Police in Athens

If you are approached by the police or undercover liquor control agents, remember the following tips:

If asked for ID when you are not in a bar, give them your name, address and anything that identifies you without your social security number or age. You are not required to give the officer your driver's license or social security number unless you are already under arrest. **Ask if you are arrest or in custody.** If not, ask if you can leave. (If an officer grabs your wallet or purse it is considered an invalid search). Ask your friends to witness your conversation with the officer. If you or your friends are asked another person's age, advise the officer that you want to speak to an attorney before answering any questions.

1. **The officer can and probably will arrest you anyway.** Remember, the police can arrest anyone for anything but unless you've done something else to warrant an arrest, they must **know** at the time of your arrest that you are under 21 **before convicting you of underage possession/consumption of alcohol.** Mere youthful appearance is not sufficient probable cause to convict!
2. Be polite, but firm. **You have the right to remain silent so use it.** Do not incriminate yourself, and do not try to run away. Simply identify yourself and ask for your attorney.
3. The police officer may be angry or threatening. Don't worry, **he/she will not hurt you.** Unless you give them the evidence, they cannot convict you. Never lie and always treat the officer with respect. **But never admit anything, just remain silent.**
4. Do not stand near sidewalks or streets with an open container of alcohol. If you are stopped for this or for disorderly conduct, the police officer can seize your ID and will know your age. Know the phone number of someone who is sober to come get you.
5. Stay with your friends and witnesses. Travel in groups. Police officers look for people who are walking alone and appear to be intoxicated. Avoid looking suspicious – don't hide the alcohol.
6. **Being arrested does not mean you will be convicted!** Follow the above rules, and you may be able to beat the charges against you if the arrest was unlawful. When you go to your first court date, **DO NOT PLEAD GUILTY.** Ask the court for more time to discuss your case with your attorney.

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Things to Remember:

- ★ Your first conviction for underage alcohol possession/consumption may result in going through the Diversion Program which will cost you over \$250 in fees and charges. **A second underage conviction can require jail time.**
- ★ Furnishing alcohol to a minor can result in a mandatory fine of \$500 or a maximum penalty of six months in jail and/or a \$1,000 fine.
- ★ If the police arrive at a party because of a noise complaint they may try to arrest people for underage consumption of alcohol. Remember to remain silent; identify yourself but do not admit your age or that you have been drinking.
- ★ Ohio law makes it illegal for a minor to “be under the influence of alcohol” **in a public place.** If you are at a private party and you are not holding alcohol you may have a defense if charged with underage consumption. Do not admit anything. Never tell where you have been drinking or where you are coming from.

THE CENTER FOR STUDENT LEGAL SERVICES DOES NOT ENCOURAGE ANYONE TO VIOLATE THE LAW. WE DO NOT CONDONE OR ENCOURAGE UNDERAGE OR HIGH RISK DRINKING OR DRUG USE. WE DO BELIEVE THAT YOU SHOULD KNOW YOUR LEGAL RIGHTS AND BE FREE FROM UNDUE HARASSMENT. THIS INFORMATION DOES NOT CONSTITUTE LEGAL ADVICE, NOR IS IT INTENDED AS A SUBSTITUTE FOR LEGAL ADVICE.

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