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	DISPOSAL OF ALCOHOLIC BEVERAGES AND NARCOTICS PROCEDURE	Date Approved: November 1, 2002	

A. AUTHORIZATION/REFERENCE

- THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451;
- PART 5, GENERAL POWERS AND DUTIES, as amended, BEING SECTIONS 324.501 TO 324.51514 OF THE MICHIGAN COMPILED LAWS ANNOTATED
- PART 89, LITTERING, as amended, being sections 8901 to 8907, MCL 324.8901 to MCL 324.8907.
- PART 515, BURN PERMITS, INTENTIONALLY CAUSING FIRE, as amended, being sections 51501 to 51514, MCL 324.51501 to MCL 324.51514.
- PART 742, CAMP REGISTRATION CARD, as amended, being sections 74201 to 74207, MCL 324.74201 to 423.74207.
- PART 811, ORV, as amended, being sections 81101 to 81150, MCL 324.81101 to MCL 324.81150.
- PART 821, SNOWMOBILES, as amended, being sections 82101 to 82160, MCL 324.82101 to MCL 324.82160.
- PART 831, FOREST RECREATION, as amended, being sections 83101 TO 83109, MCL 324.83101 to MCL 324.83109.
- THE REVISED JUDICATURE ACT, 1961 PA 236, as amended by 2000 PA 80, BEING SECTION 600.8801 OF THE MICHIGAN COMPILES LAWS ANNOTATED.
- State land use rules provided in R 299.921 through R 299.933 of the Michigan administrative code.
- MICHIGAN VEHICLE CODE, 1949 PA 300, Sections 255, 311, 624a, 674, 904, 904a, MCL 257.255,257.311,257.624a, 257.674, 257.904, 257.904a.
- MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, Section 703, MCL 436.1703
- THE MICHIGAN PENAL CODE, 1931 PA 328 Chapter 48, MCL 750.335 to 750.347, Chapter 52, MCL 750.356 to 750.367c, Sections 377a, MCL 750.377a, Section 243a to 243e, MCL 750.243a to 750.243e., and Section 167, MCL 750.167
- THE PUBLIC HEALTH CODE, 1978 PA 368, Sections 7403 and 7404, MCL 333.7403 and 333.7404.
- FMFM Policy 700 - General State Forest Officer and Enforcement Procedure
- FMFM Policy 701 - Law Enforcement Administrative Procedure
- FMFM Policy 702 - Use of Force by FMFM State Forest Officers Procedure
- FMFM Policy 703 - Handling Intoxicated Individuals Procedure
- FMFM Policy 704 - Impoundment of Personal Property Procedure
- FMFM Policy 705 - Eviction from Department Facilities Procedure
- FMFM Policy 706 - Incidents, Property Damage and Larceny Procedure
- FMFM Policy 707 - Disposal of Alcoholic Beverages and Narcotics Procedure
- FMFM Policy 708 - Transportation of Prisoners Procedure

B. POLICY


Alcoholic beverages or illegal substances that may be confiscated by State Forest Officers during the conduct of official duties will be secured, and accounted for, until properly destroyed or transferred as evidence to another law enforcement agency.

C. PROCEDURE

1. ALCOHOL

a. Storage

When alcoholic beverages have been confiscated by State Forest Officers, the containers will be held at the work station of the State Forest Officer, or at the FMFM Management Unit office,

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locked in a secure location until disposition is determined. A secure location is defined as a closet, locker, or other confined space with locked, controlled access.

b. Disposal

When sufficient amounts are on hand or at convenient times, the FMFM Unit Manager or State Forest Officer designated by the FMFM Unit Manager, will dispose of the alcoholic beverages. Alcoholic beverage containers will be opened and the contents emptied. Under no conditions are Department employees to allow anyone to consume confiscated beverages. Containers, including bottles or cans, will be disposed of. The method of disposition will be shown on the FMFM Management Unit's copy of the appearance ticket. The FMFM Unit Manager or designated State Forest Officer and one other Department employee will be present when alcoholic beverages are destroyed. Both must verify the disposition of the beverages by signature on the appearance ticket. Secured beverages and containers for which no appearance ticket was issued will be destroyed in the same manner, but recorded and signed by both witnessing parties, in the State Forest Officer's daily log.

c. Situation Examples

- 1) State Forest Campground, Park or recreation area, that is restricted by Director's Order to "No Alcoholic Beverages" and properly signed.
 - a) A legal age person arrives with alcoholic beverage at campground, park or recreation area. The prospective user may do one of two things if he chooses to enter the campground, park or recreation area:
 - (1.) The user can store or dispose of the alcohol themselves before entering.
 - (2.) The user may give up the alcohol to a Department employee for disposal.
 - (3.) Under no circumstances are Department employees to accept alcoholic beverages for temporary storage and return to the user. Under no circumstances are Department employees to accept alcoholic beverages for personal consumption. Alcoholic beverages should be disposed of in the presence of the user whenever possible and practical.
 - b) A legal age person or persons in possession of alcoholic beverages is apprehended in a campground park or recreation area and an appearance ticket issued.
 - (1.) The alcoholic beverage will be confiscated, marked for evidence, and placed in secure storage.
 - (2.) The beverages will be retained as evidence until final disposition of the case by the court occurs.
 - (3.) When final disposition of the case is obtained, a request should be made to the court for disposal of the evidence. The court may instruct the State Forest Officer to return the evidence to the party or parties, or may recommend destruction of same.

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(4.) If the court recommends destruction of the evidence, the instructions for Disposal of Alcohol in C.1.b. above will be followed.

2) Minors in Possession of Alcoholic Beverages

Under age person or persons in possession of alcoholic beverages are apprehended in the campground, park or recreation area.

- a) If such a person(s) is apprehended in the campground, park or recreation area, an arrest will be made by the State Forest Officer. The evidence will be confiscated, marked, and held for prosecution.
- b) If it is necessary to lodge a juvenile, the juvenile should be turned over to the State Police, Township Police, or County Sheriff, whenever possible.
- c) If the person(s) is under 17 years of age, the law imposes some very strict rules on the State Forest Officer. When a juvenile is taken into custody, immediate attempts should be made to contact the parents or guardian of the juvenile. These attempts should be documented in writing. Juveniles must be placed in their parents' care as soon as possible when they are apprehended for misdemeanor violations. The Judge of Probate then determines the course of action to be taken. The FMFM Unit Manager or designated State Forest Officer should consult with the Probate Court of jurisdiction, as well as with the County Prosecutor, for guidance on working with juvenile violators. State Forest Officers must exercise careful judgment in handling juveniles.
- d) Disposition of alcoholic beverages will be as defined in C. 1. b. above.

2. NARCOTICS

All narcotics that are confiscated or recovered shall be immediately turned over to the State Police or other local police agency.