

ACLU of the University of Michigan

House Party Handbook



Know Your Rights

This handbook is brought to you by:



The American Civil Liberties Union is the nation's foremost advocate of individual rights — litigating, legislating, and educating the public on a broad array of issues affecting individual freedom in the United States. The ACLU is a non-profit, nonpartisan, 275,000-member public interest organization devoted exclusively to protecting the basic civil liberties of all Americans, and extending them to groups that have traditionally been denied them. In its almost seven decades in existence, the ACLU has become a national institution, and is widely recognized as the country's foremost advocate of individual rights.



The Michigan Student Assembly (MSA) is the central student government at the University of Michigan, representing students from every school and college. It is the official student voice at the University. MSA facilitates communities between students and the University administration and advocates student issues and concerns.

Special thanks to the legal expertise of Nick Roumel, David Moran and Michael Steinberg. Thanks also goes to Thomas Kuljurgis for all his comics and illustrations. Jim Secreto and Abe Rafi did the designing, planning, and grunt work for this handbook. If you have any questions, comments, or concerns, email aclu@umich.edu.

It can be hard to enjoy your party when you're worrying about the police interrupting and invading your privacy. Parties, especially large ones, are magnets for all sorts of law enforcement.

This handbook will tell you how to keep your party police-free, how to stick up for your rights if the police do show up, and how to fight for your innocence if you are ticketed.

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An online version of this handbook can be found at: www.umich.edu/~aclu

How to keep the cops away

If you like having the cops at your parties, here are some things you can do to make sure they come:

1. Be LOUD

If your neighbors call the cops because you're too loud, or if the cops are driving around and hear your roaring party, then you're in trouble.

2. Be EXPLOSIVE

If the party grows beyond the bounds of your property, or your friends start blocking the sidewalk or disrupting traffic, then the cops will want to have a word with you.

3. Be BIG

Even if the party stays on your property, large groups of people hanging around outdoors attract police attention.

4. Be PUBLIC

If you advertise your party with flyers, or let everyone in who wants to come in, then your house or apartment will be considered the equivalent of a field: open to the cops and everyone else.

5. Offer Free Donuts

If you'd rather not party with the cops, here's the things you need to do:

1. Be QUIET

Let your neighbors know ahead of time that you'll be having a party, and ask them to call you —instead of the cops— if the party gets too loud. Then, if your neighbors do call and complain, quiet down. Generally, if you keep the music at a level where people can reasonably talk over it, then it won't be loud enough to catch the interest of any cops in the neighborhood.

2. Be CONTAINED

Keep your party inside your house, on your porch, and in your yard. The sidewalk isn't yours. That little area of grass beyond the sidewalk isn't yours. Even your driveway is problematic because it's yours, but only until it meets the street, when it becomes not yours.

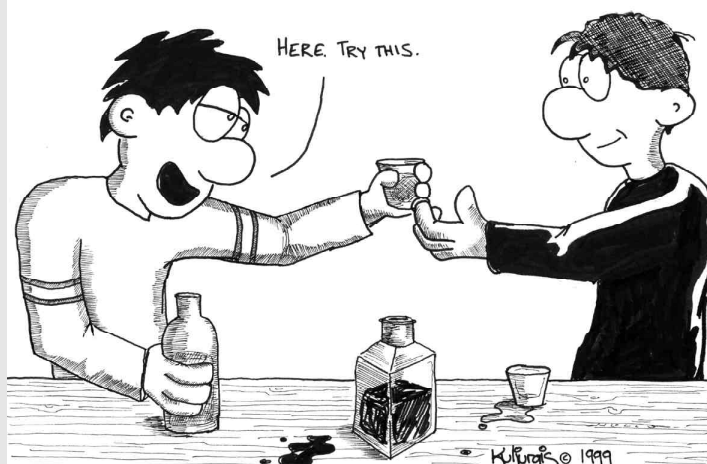
3. Be SMALL

This doesn't mean you can't have a lot of people over. You can, but try to keep them indoors and on the porch. If the party isn't noticeable, then the cops will drive by.

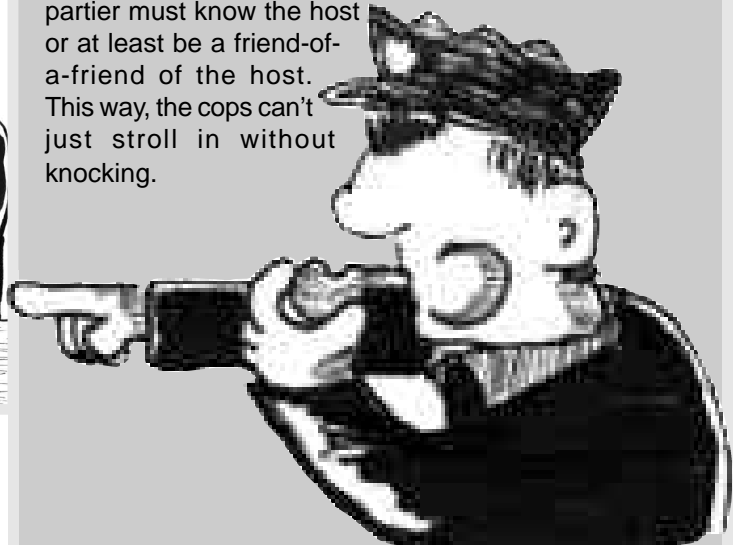
4. Be PRIVATE

Don't publicly advertise your party with posters or fliers. Have some requirement for entering the party. For example, in order to get into the party, each partier must know the host or at least be a friend-of-a-friend of the host. This way, the cops can't just stroll in without knocking.

GIVING IT THE OL' COLLEGE TRY



**Thomas Kuljurgis:
Tentatively Speaking**



How to handle the cops

If you follow the previous guidelines, the cops will be less likely to knock on your door. But what should you do if the cops do show up? Let's go through this step-by-step.

1. Knock, knock. Who's there?

The cops will want to talk to an owner of the house or apartment, so if your name is on the lease, that's you. If you're not an owner, go find a (preferably sober) owner and tell him/her that the cops are here.

Meet the cops outside on your porch or in the hallway of your apartment building. Also, bring one or two (preferably sober) friends out there with you to witness everything. Your friends don't need to be a part of your conversation with the cop, but they should be close enough to hear what everyone is saying.

2. Do I have to let the cops in?

No. The cops can only come in if:

- They have a search warrant or arrest warrant
- There is a real emergency going on (e.g., someone is screaming for help inside)
- You let them in

Most of the time, cops get into parties because hosts let them into parties. All the cops have to do is get you to consent to letting them in. So, they might say something like, "We're going to check around inside to make sure everything is OK in there. OK?" If you don't want the cops to come in, then graciously say something like, "No thank you officer. I don't consent to your entering my house/apartment."

3. Am I required to show my ID?

Technically, you aren't required to show ID unless you're being arrested, ticketed, or you're driving. In fact, the ACLU recently sued the East Lansing police

on behalf of a person who was arrested merely for refusing to show a cop his ID. Always ask, "Am I required to show you my ID? What if I don't feel comfortable showing you my ID?" Nevertheless, we advise that you do show your ID if you have it.

As you sort through your wallet or purse for your ID, the cops will often peer over your shoulder to see if you have a fake ID in there, too. Don't carry a fake ID, and you won't get in trouble.

4. What do I say?

You aren't required to say anything or answer the cops' questions. But, you should at least speak to the cops to find out why they have stopped by your party.

5. What will the cops say?

The cops will ask questions to try to confirm that a crime is going on. So, they might ask something like, "You're serving alcohol to minors in there, aren't you?" If you get a question like this, do not lie to the cops, and don't try to give a long explanation. Instead, when the cops ask you this kind of question, just politely decline to answer. Speak in a conversational manner. Don't be confrontational. Don't be rude. Don't ever get physical with a cop.

6. What if the cops give me a ticket?

Accept the ticket, and don't make a fuss. There's nothing you can do about it now, so save it for the judge.

7. What if they come in even if I don't give consent?

The cops have no right to do this. But, if this happens, simply say, in a voice loud enough for witnesses to hear, something like, "With all due respect, officer, I don't consent to your entering my house/apartment." But, do not become belligerent or physically confrontational.

How to avoid getting caught for doing illegal things

Generally, noise violations attract cops. If you follow the advice on noise violations above, you'll probably be okay. But, if the cops show up anyway, and you don't want them to catch you doing anything illegal, then we recommend that you **don't do anything illegal**. Here's some ways to avoid common party no-no's.

Serving Alcohol

You aren't allowed to sell alcohol unless you have a liquor license. But, there are many ways you can have a party and include alcohol.

1 Buy the alcohol yourself, and provide it free of charge to your guests, no questions asked, except age. This means someone should be positioned at the keg or bar checking ID's and making sure you're not going to get your party broken up due to a Minor in Possession (MIP) arrest in association with your party.

2 Buy the alcohol with others and provide it free of charge, no questions asked, except for age. You can collect money before the purchase and therefore buy the alcohol as a "representative" of the group. For example, have a party consisting of your biology class, or your bowling team. At the gathering previous to the party (class, practice), send around a hat, collecting money for the alcohol. This is perfectly legal.

3 Buy the alcohol yourself, provide the alcohol for free, but ask for voluntary donations along with age. However, now you're starting to tread on shaky ground. Donation has to be voluntary and look voluntary. You cannot make payment a criterion for drinking. It's best to set up a donation table in a different room, away from the keg or bar.

Checking ID's

If the cops show up, and you're providing alcohol to your guests, you should be able to show that you are checking ID's. If you don't check ID's, and the cops find a drunk minor at your party, then you could get charged for serving alcohol to a minor. Here are two methods of checking ID's.

1 Check ID's at the door. Set up a stool at the entrance of the party and make sure that minors don't enter your house. This way you have less to worry about as far as who's inside. If you have multiple entrances, set up multiple stools. Use a marking system - a permanent marker or a unique stamp work the best.

2 Check ID's at the keg. This way, anyone may be at the party, but only those who are over 21 have access to alcohol. Again, use a marking system so that you don't need to check ID's every time someone wants a drink.



Etc ...

Minors in possession

If you're under 21 years old, then you're not allowed to drink alcohol. But, no matter how old you are, or whether you've been drinking, according to Michigan law, cops can ask you to take a breathalyzer test whenever they think that you are a minor who has been drinking. If you are a minor, and you blow anything higher than .02 (which is roughly equivalent to one alcoholic drink) then you get a ticket for MIP.

The ACLU of Michigan believes this is unconstitutional because it allows officers to give breathalyzer tests **without warrants** to people **who are not under arrest**. If this happens to you, get free advice about your legal options by contacting the ACLU of Michigan at (313)961-4662 (aclu@aclumich.org)

You can also get a MIP if you admit to drinking and you look like you've been drinking (slurred speech, poor coordination, etc). You can also get a MIP if you are a minor carrying an open or unopened container of alcohol. Even a seemingly empty container that only has alcohol residue in it counts. And, don't try to outsmart the cops by putting your vodka in a Sprite bottle—they know all the tricks.

Open intoxicants

If you are carrying an open container of alcohol on public property, then you can get ticketed. "Public property" means anything outside your property line. If, after a house party, you fall asleep on the yard with a beer in your hand, and your foot creeps out onto the sidewalk, then you can get an open intoxicant ticket. Cops have been known to lie in wait for these opportunities. Again, even a seemingly empty container that only has alcohol residue in it counts.

Urinating in public

If you gotta go, you gotta go, but you can't urinate in view of the public. If passers-by can see you, then you'll get in trouble even if you're on your property.



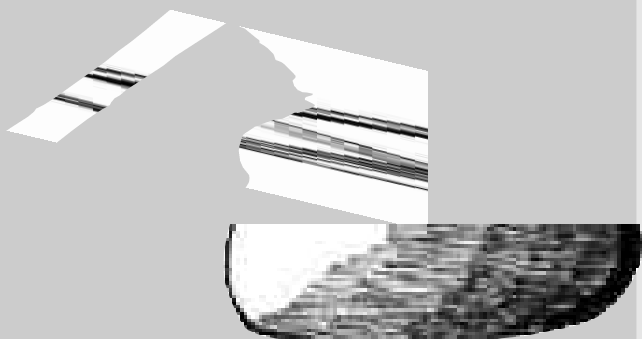
Party Aftermath

If you are ticketed for a noise violation, open intoxicant, or urinating in public, then your record will stay clean and you'll have to pay \$100 for your first offense. For your first MIP, you'll have to pay \$50 in court fees and \$50 to take a 2-hour class on alcohol abuse.

For all types of violations, subsequent offenses will generally be placed on your record, and you will receive higher fees, probation and/or harsher penalties. (NOTE: For all offenses, standard plea bargains change frequently depending on the prosecutor and officers involved, the police department involved (AAPD or DPS), your "attitude" as determined by the police during the incident and leading to arrest, and other factors unique to your case.)

If you do get ticketed for anything, and you are a student at the University of Michigan, then contact Student Legal Services (734-763-9920.) The lawyers at SLS are experts at dealing with the stuff in this handbook, and they will help you win your case for free.

If your rights get trampled on, you can get free help from the ACLU of Michigan at (313)961-4662 (aclu@aclumich.org) or the Michigan Student Assembly's Students' Rights Commission at (734)763-3241.



How to protect your rights

Below are two door signs that should be removed from this booklet and posted during your party. The cutout on the left should be posted on the inside of your front door so residents can read it. The cutout on the right should be posted outside the front door, so the cops can read it. The door signs' positive effects are that: 1. Undercover cops will tend to stay away 2. Cops will have a hard time arguing that it was an open party, and they thought they could just walk in. Note: these signs may make the cops more suspicious about what's going on inside your house.

IF SOMEONE IS AT THE DOOR AND YOU DON'T KNOW WHO IT IS:

If you are **NOT** a resident, tell the person that they do not have permission to enter and to wait at the door while you get a resident.

Once a resident arrives:

(try to have a witness with you):

- (1) Ask the visitor(s) to identify themselves or themselves.
- (2) Ask if they are **POLICE** or **WORKING WITH OR FOR THE POLICE**.

If **YES**, ask if they have a search warrant. If they **DO NOT**, tell them politely but firmly that they **DO NOT HAVE CONSENT TO ENTER THE PREMISES UNDER ANY CIRCUMSTANCES**.

You then have two options:

- (1) Offer to have a (sober/over 21) resident **TALK TO THE OFFICER OUTSIDE**. **HANDLE** the situation calmly and maybe you'll just get a warning, **BUT ANYTHING YOU SAY CAN BE USED AGAINST YOU**.
- (2) You may also **LOCK THE DOOR AND STOP ALL COMMUNICATION** with the officer, no matter what they tell you otherwise!

Remember: If the cops do have a warrant, do not say anything!



*** NOTICE ***

If you are police or working with the police, YOU DO NOT HAVE CONSENT TO ENTER OR SEARCH THESE PREMISES WITHOUT A WARRANT!

To everyone else: If we are having what appears to be a party, you are not permitted to enter unless you have been specifically invited by a resident.

Thank you



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University of Michigan Chapter

ACLU

An online version of this handbook can be found at:
www.umich.edu/~aclu

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