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REDUCING ALCOHOL SALES TO UNDERAGE PURCHASERS

A PRACTICAL GUIDE TO COMPLIANCE INVESTIGATIONS

Prepared by

Pacific Institute
FOR RESEARCH AND EVALUATION

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Introduction

This booklet is designed to provide a general overview and practical guidance for compliance check investigations within your community. It is by no means exhaustive of the topic and cannot contemplate every possible circumstance that may arise. This document should not be construed as providing legal advice nor does it supersede any State or local laws applicable within your community. Prior to conducting compliance checks within your community it is imperative that you consult with your department/ agency's legal counsel to ensure your program adheres to all legal requirements within your State/community.

How to Use This Document

This guide provides guidelines and operational information on reducing sales of alcohol to underage purchasers through compliance investigations of alcohol retailers. It presents the rationales for carrying out these investigations and emphasizes the importance of reducing youth access to alcohol.

State and local enforcement agencies, policymakers, and concerned citizens can use this guide to:

- gain an understanding of the issues related to underage drinking and the retail availability of alcohol to underage purchasers
- motivate policymakers, communities, and law enforcement to place greater emphasis on compliance investigations and prevention of underage drinking
- provide step-by-step guidelines for carrying out compliance investigations
- identify barriers to compliance investigations and approaches to overcoming these barriers
- utilize compliance investigations efficiently and effectively to deter sales to minors and demonstrate community norms against underage drinking.

This document is designed to provide guidance for carrying out retail compliance investigations at off-premises locations such as liquor and convenience stores. Many of the same operational issues and strategies apply to compliance investigations at on-sales locations such as bars and taverns. However, some adaptations must be made to carry out investigations of this type of outlet.

Underage Drinking: A Serious Problem and a Community Priority

Underage drinking is widespread in the United States. "Alcohol remains the most heavily abused substance by America's Youth," (Dr. Kenneth Moritsugu, Acting Surgeon General, *The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking,* 2007). There are an estimated 11 million underage drinkers in the United States, (2005 National Survey on Drug Use and Health, Substance Abuse and Mental Health Services Administration, SAMHSA, 2005). In 2005, approximately 6,000 drivers between the ages of 16-20 were involved in fatal crashes in which alcohol was a contributing factor (NHTSA, 2005).

There are tremendous costs associated with underage drinking in terms of both economic losses and personal tragedies. Each year, underage drinking leads to almost 3,200 deaths and 2.6 million other harmful events, from serious injury to high-risk sex among youth (Journal of Studies on Alcohol, July 2006). Youth alcohol use costs the nation over $61.9 billion annually as a result of traffic crashes, violent crime, burns, drowning, suicide attempts, alcohol poisoning, and alcohol abuse treatment costs (Pacific Institute for Research & Evaluation, 2003). Fortunately, it is an issue that we know how to address.

"We have to do more. We have to resolve, as a national community, to reduce underage drinking and the problems associated with it and to take comprehensive measures to achieve this goal. If we do this without equivocation, there is a reasonable prospect of success," (Richard J Bonnie, Reducing Underage Drinking; A Collective Responsibility, The Institute of Medicine's National Research Council of the National Academies). No single approach to restricting underage access to alcohol will eliminate the problem.

There are a number of effective strategies for reducing underage alcohol use. Communities must make a commitment to implement comprehensive approaches to preventing retail access and access through social sources. Compliance investigations of retail outlets, as discussed here, are a key to any enforcement approach and can be highly effective in reducing commercial access to alcohol by people under 21.

What is an Alcohol Compliance Check?

A compliance check is a law enforcement operation, which utilizes a minor child (under the age of 21) to enter licensed alcohol establishments and attempt to purchase alcohol from the clerk, waiter, waitress, or bartender. If the minor subject is able to purchase alcohol, the law enforcement officer will intervene and take appropriate steps to prosecute the seller and insure that disciplinary action, if available, is taken against the establishment. Due to the fact that the subject is under the legal age to purchase alcohol, this type of operation is restricted to law enforcement personnel. Note, in some states laws may need to be amended in order to allow the minor to purchase or even attempt to purchase under the direction and supervision of law enforcement officers.

What is an Alcohol Purchase Survey?

An alcohol purchase survey is when a law enforcement agency or a community coalition group surveys licensed alcohol outlets to determine if the establishment's employees are checking the identification of youthful looking individuals. In this program, an underage buyer or a youthful appearing, but of legal age subject (21 or older), enters the outlet and attempts to see if the seller will ask for and

check their identification before selling them alcohol. In this particular instance, the confidential informant does not complete the transaction and leaves the store prior to the exchange of any funds. Under this program no enforcement action is taken, but the law enforcement officer or community coalition member takes the opportunity to educate the seller about the responsible sale of alcoholic beverages. Law enforcement officers and community coalition groups need to be aware that in some States alcohol purchase surveys may violate state statutes regarding the possession of alcohol by a minor or the attempt to purchase alcoholic beverages by minors. As a result it would be necessary to check with the State's Attorney General's Office to determine the legality of alcohol purchase surveys before undertaking such a program in your community. (See PIRE companion publication "Guide to conducting Alcohol Purchase Surveys" for additional guidance on Alcohol Purchase Surveys.)

Legal Considerations

An important consideration in the use of underage volunteers for the purchase of alcoholic beverages is legal protection or immunity for their actions. Law enforcement agencies conducting retail compliance investigations in jurisdictions where there is statutory protection against arrest for underage persons working at the direction of law enforcement should have no difficulty with this issue. In jurisdictions where there is no statutory immunity, it will be necessary to work with legal authorities to determine how to protect the volunteers for their actions. A common approach is to afford immunity for the underage volunteers under the same legal theory as used for informants working at the direction of law enforcement officers. It must be made clear to the underage volunteer, however, that the immunity is specifically directed to their purchase or attempted purchase of alcoholic beverages and does not grant them immunity

Looking Into the Use of Underage Volunteers in Compliance Checks

The California Department of Alcoholic Beverage Control operates an Alcohol Decoy Program to reduce the availability of alcohol to youth under the age of 21 at off-sale licensed premises. This program uses underage youth, trained by the Department, as decoys in their compliance checks of retailers. However prior to 1994, youth would have been prohibited from assisting the Department in this way. It took a California Supreme Court ruling in 1994 to allow officers to use underage persons in operations to enforce alcoholic beverage Laws (Provigo Corporation v. Alcoholic Beverage Control Appeals Board, 7th Cal.4th 561).

The use of underage volunteers is not a given in all States and jurisdictions. Laws, ordinances, and/or court decisions can determine whether or not youth decoys are permitted to participate in police operations. Before beginning a compliance check program, talk with the prosecutor's office in your area about existing statutes and precedents.

for any other acts. (This understanding is included in the sample *Agreement of Understanding* contained in Appendix B.) Sometimes there is no way to grant immunity for the underage volunteer for possession or attempted purchase of alcoholic beverages.

However, it may still be possible to conduct compliance investigations where the retailer in violation can be charged without subjecting the underage volunteer to any charge. The district attorney may consider a sale to have been completed once the money has been tendered and the cash register opened. In that case, the volunteer should back away from the alcoholic beverage, and rather than completing the sale, allow the officer to intercede.

Why Conduct Compliance Investigations?

Law enforcement has tried many approaches to dealing with youth alcohol access issues over the years. One method used by many agencies has been surveillance. With this method, many officer hours have been spent watching retail stores, waiting for violations to occur. This has not been the most effective use of scarce

resources. While traditional law enforcement efforts are important, police agencies have recognized that they simply do not have the resources to look over each retailer's shoulder. The advent of retailer alcohol compliance investigations, along with supporting laws and ordinances, gave law enforcement a much more effective tool to encourage voluntary retail compliance and address those retailers who were violating the law. The goal of retail compliance investigation programs is voluntary compliance by the alcohol retailers. Retail compliance investigations have proven to be an effective approach to achieving voluntary compliance.

Young people obtain beverage alcohol from a wide variety of sources. Reducing the source of supply through retail compliance investigations is one of the most effective strategies available to combat underage drinking. In numerous studies and assessments minors self-report that alcohol is readily available, and that they tend to purchase alcohol at locations, which fail to check identification, or at locations where their friends work. While it is clear that enforcement alone will not eliminate underage drinking, and that there are a number of effective strategies for reducing underage alcohol use, a vigorous campaign of compliance investigations on retail outlets is one key strategy in the fight against underage drinking. As one component of a larger comprehensive strategy, a properly conducted and consistently run compliance check program can effectively reduce underage access to alcohol.

Compliance checks are a way for the community, law enforcement, and retailers to work together to reduce underage purchases. The use of alcohol purchase surveys and compliance checks assist communities in assessing the level of availability within their community. In fact, they are one of the most cost-effective activities law enforcement can utilize to assess the availability of alcohol in a community, change the behavior of retailers, and send a message to young people that underage drinking is not acceptable and will not be tolerated. Compliance Check Investigations provide a clear picture of how many retailers sell alcoholic beverages to persons under 21 in your community. Do 25 percent? 50 percent? Or more? How many lives are negatively impacted by those actions? These checks

also allow retailers to monitor their employees, ensuring they are being responsible by checking identification and not selling to minors, and provides retailers with the ability to take corrective action when necessary.

Review of the results of compliance checks and alcohol purchase surveys can also help communities to determine the appropriate allocation of limited resources and to make adjustments if necessary. For example: data results may indicate a need for additional training of servers of alcohol or a need to limit serving sizes. Law enforcement should consider that they are faced with the "pay me now or pay me later" paradox. An investment of time and resources directed at reducing the sale of alcohol to young people today will pay off in reduced economic and social costs later.

Other Benefits

While voluntary retailer compliance is the primary goal of the retail compliance investigations, many enforcement agencies realize other significant benefits from conducting the investigations:

- Media exposure from retail compliance investigations allows the agency to change or reinforce community norms stressing that underage drinking and the sale of alcohol to underage persons are not acceptable behaviors.
- Retail compliance investigations work as a part of a larger comprehensive strategy in preventing alcohol-related tragedies.
- Investigations allow the agency to measure and monitor the level of underage alcohol sales in the community. This raises community awareness among parents and community leaders, especially when coupled with media advocacy.
- Compliance investigations can be used to measure the effectiveness of this enforcement program and other enforcement strategies.

Over time, compliance investigations will actually reduce the amount of resources law enforcement must invest in the problems associated with underage alcohol use.

Key Steps In Preparing for Compliance Investigations

Planning Compliance Investigations

Compliance investigations are a cost-effective way to control youth access to alcohol from retail outlets. The operations are simple to conduct if properly planned. The manner in which retail compliance investigations are conducted is based on the agency's and community's purposes and need. Is the purpose of conducting the investigations to make arrests? To educate retailers? To achieve voluntary compliance? To reinforce a "no-use" message? While these goals are not mutually exclusive, the manner in which the retail compliance investigations are conducted can emphasize one or more factors over others.

Work with Community/Political Leaders

The initial step before beginning an alcohol compliance check program within your community is to work with community and political leaders to establish that there is support for your program. This notification provides community and political leaders with the necessary information to field potential complaints and questions about the program. It also provides a good opportunity for the agency to educate political leaders about the problems of underage alcohol use facing the community. The community and political leaders need to understand the methodology behind the program, and should clearly understand that the program is not designed for retailers to fail, but rather the objective is to retrain the behavior of the clerks to such a level that they are acting as an extension of the community in reducing the availability of alcohol to minors. Given the limited resources of law enforcement, it is unrealistic to expect

them to police every establishment every hour of the day, therefore, the better trained retail clerks are in spotting possible underage purchases, the less chance a minor will mistakenly obtain alcohol.

Oftentimes the community at large has a misperception that alcohol compliance checks are somehow unfair and that the retailer/clerk was unfairly "setup". The operational protocol can be discussed so community and political leaders are clear that the investigations are being conducted safely and fairly. The community needs to be educated that the underage purchasers are youthful looking, show their valid identification if asked, and answer all questions truthfully. Vendors of alcohol need to understand their responsibilities when it comes to the sale of alcoholic beverages. Additionally, community coalition groups and civic leaders can make the case for compliance check programs and support law enforcement if their program comes under attack from the larger community.

Work with Prosecutors, Courts and Regulatory Agencies

A key component in preparing to conduct compliance check programs in your community is to work with your local prosecutor/district attorney and your local and State licensing/regulatory agencies. Prosecutors/District Attorneys can provide you with guidelines for ensuring that your program comports with all statutory requirements. Prosecutors/District Attorneys can advise you on the legality of audio/videotaping your checks along with what language/actions, if any, your underage purchaser should steer clear of to avoid legal challenges against the check. Regulatory/Licensing agencies can provide information about requirements that may impact your operations, such as age requirements and appearance. Regulatory/Licensing agencies can also provide you with data that may be useful in supporting your operations and in many cases can impose administrative sanctions against retail outlets based upon the results of your compliance check investigations.

In the planning stage of the retail compliance investigations, be mindful of the caseload of these other agencies; overloading these agencies with citations without any advance notice can undermine the effectiveness of your program. Proper planning ahead of time can save headaches on the back end. With advanced preparations, systems can be established to deal with the additional charges generated by the enforcement campaign. Often courts and/or administrative agencies will provide you with a specific court date and time, and/or may have preset fines/disciplinary actions for these violations. Keep in mind that in many instances prosecutors are part-time employees within your community and have other constraints upon their time. If your file is complete, accurate and orderly, it is more likely it will be successfully prosecuted. You should also keep in mind that many assistant prosecutors are new lawyers right out of law school and may not be familiar with compliance check programs. You may need to educate them on the specifics of your compliance check program.

Criminal and Administrative Charges

In general, penalties against the licensee who sets policies and trains clerks are considered more effective than penalties against the clerks who may only be acting on the policy and training provided by the manager or owner. In almost all jurisdictions, the sale or provision of beverage alcohol to a person less than 21 years of age is a criminal violation. In most states, this can also form the basis for an administrative or civil charge against the holder of a retail beverage license, permit, or occupational license. Penalties for violation can include a fine and/or license suspension. The effect of these penalties can have a far greater impact on future voluntary compliance than the criminal charge alone since administrative or civil actions are brought against the licensee rather than the employee. In considering whether to bring an administrative or civil action, please consider which licensing authorities might have an interest in this violation. Examples of such entities are state alcoholic beverage control agencies, city or county licensing authorities, and other specialized regulatory bodies such as gaming authorities. Many Attorney Generals are also interested in looking at patterns of violations within chains or corporations under their consumer protection responsibilities.

Work with Industry/Retailers

Alcohol retailers are the first line of defense in stopping the sale of alcohol to young people. Law enforcement should partner with retailers in working to solve problems associated with underage drinking through a community-oriented policing approach. Prior to beginning compliance check investigations within your community, it is incumbent upon you to work with the retailers/industry to prepare them for your upcoming checks. The vast majority of retailers are responsible vendors and do not intentionally sell to minors. Working with alcohol retailers gives the agency an opportunity to assess weaknesses in the retailer's operation so that corrections can be made without penalty. Retailers need to be seen as a part of the solution rather than the problem. Responsible retailers will want to see the irresponsible retailers weeded out through the proper use of compliance check investigations.

Preventing Problems Before They Occur

There are many ways in which law enforcement agencies can work with alcohol beverage retailers to prevent sales of alcohol to underage persons. In the retail industry the turnover rate of employees is significant and many employees come to the industry with little, if any, knowledge about the liquor/alcohol beverage laws and their responsibilities. Your department/agency should provide retail beverage service training for all servers/clerks of alcoholic beverages in your community. The training should include information on local and state liquor/alcohol beverage laws, tips for spotting potential underage purchasers, third-party purchase attempts, and how to properly check identification and detect false identification. If your department does not have the expertise in this area, partner with an organization that does, such as your State's Alcohol Beverage Department. Agencies might also send retailers periodic letters and notices designed to maintain high awareness of the issue. Officers will often engage in a more informal training practice by stopping and talking to store employees during their patrol duties about

issues such as sale to underage youth, shoplifting, and robbery prevention practices.

Notification of Compliance Checks

Retailers should be notified of upcoming compliance check investigations and be provided with a copy of the department guidelines/protocols for conducting checks. Once retailers are apprised of the program and its objectives they generally are less resistant to the program and view it as a positive tool in helping them document deficiencies within their stores and assists them in monitoring their employees. Many retailers have actually adopted new policies and implemented their own training programs as a result of the outcome of various compliance check programs. This unified effort between the retailer and law enforcement serves to reinforce the community norm that underage drinking and purchases will not be tolerated.

Industry Standard

The alcoholic beverage industry has established a voluntary standard accepted by many industry members that requires the checking of photo identification of anyone who appears to be under 30. This single action is one of the most effective actions that can be taken by a retailer in preventing the sale. The posting of calendars or the birth year of legal age buyers can help show a pro-active management plan to address sales to underage youth.

Recognizing Merchants and Clerks Who Comply

Many retailers want to reward employees who do an acceptable job of keeping alcohol out of the hands of young people. Your agency may wish to consider sending congratulatory or thank-you letters to retailers whose clerk(s) refused to sell to the underage volunteer(s). Another well-received practice to promote compliance is for officers to present retail clerks with encouragement cards or small tokens of thanks immediately after they have properly refused the sale, thereby acknowledging their efforts in preventing the improper sale of alcohol. Good retailers should be rewarded and recognized within your community. When given a choice community members want to

patronize civically responsible establishments; therefore let the community know which retailers are working hard to keep alcohol out of the hands of kids.

Selection of Volunteers

Underage volunteers are the backbone of a successful retailer compliance investigation program. Selection and use of the volunteers should present a reasonable test of the retailer's practices and inclination to sell, yet be above suspicion of trickery or entrapment. A well-documented and structured underage volunteer selection and training program is a key component of a successful enforcement program.

Recruiting Underage Volunteers

Identifying and recruiting volunteers may be a stumbling block for some agencies. The key to successfully recruiting volunteers lies in presenting information about the program on the widest scale. Agencies should consider:

- Presenting information to community groups and churches about the program
- Looking to family members and friends of officers and their families. (Volunteers related to an officer may be recruited in the same way as those not related to an officer. It is important, however, that the officers to whom they are related not be the investigating officer with whom they work. It is acceptable for this officer to be the second officer as part of the investigating team.)
- Notifying schools and colleges about the program as a way for students to complete community service hours required for graduation
- Utilizing other department employees who are under 21, such as dispatchers or clerks

- Recruiting in criminal justice programs in local colleges and high schools
- Placing advertisements in college and community newspapers requesting assistance from groups such as MADD, SADD, and community coalitions.

Some enforcement agencies that also carry out compliance investigations for tobacco sales may want to consider using volunteers from these enforcement campaigns. As young people become too old to carry out the tobacco investigations, they are the right age to carry out alcohol investigations. These young people are already trained, experienced, and have demonstrated their willingness to work with law enforcement.

You should select volunteers that are representative of your community and who do not have any criminal history. If your volunteers have a criminal history or are working off charges it gives the perception that your program is not above board. In fact, in some states this is a statutory requirement. You want your volunteers to be squeaky clean, to avoid unnecessary attacks against your program. Keep in mind that although your volunteers should be reflective of the community, you should avoid sending volunteers into locations where they are known or may encounter individuals they know. You do not want your volunteer to be harassed because they are working with you.

Appearance/Age Verification/Assessment

Appearance of the volunteer is a major consideration in defending the agency's retail compliance investigations against charges of trickery or entrapment. Your volunteers should be youthful looking and should not dress in ways that make them appear older. If male, they should be clean shaven; if female they should not wear excessive make-up, jewelry, or revealing clothing. Volunteers should dress in a manner consistent with peers in their age group. The volunteer should not dress in anything that could be interpreted as gang clothing or colors. In some states their age and appearance is actually dictated by statute. Regardless of any statutory requirements, it is highly

recommended that you age verify your volunteers before they conduct any checks. Retailers who sell alcohol to underage volunteers may suggest that the volunteer looked older than 21 and that is why they, or their employee, did not ask for identification, and that is why they sold to the underage volunteer. If your volunteer has been age verified prior to conducting any compliance checks it will eliminate this as a valid defense on the part of the retailer.

Age verification can be done in a variety of ways and is a relatively simple process. One method used by some departments is to take your potential buyer to a heavily traveled area within the community, such as a mall, and ask ten random people how old they think your potential buyer appears. If the average person thinks your volunteer looks over 21, it is probably not a good idea to use that volunteer to conduct your checks (see age verification form in appendix 2). A second and perhaps better method would be to convene an independent panel of responsible citizens to assess the appearance of underage volunteers before they are used in a compliance check program. The age assessment group can be made up of community leaders, educators, and retail vendors of alcohol. The group observes your potential underage volunteers, and provides an opinion that any objectively reasonable person who encountered this volunteer attempting to purchase alcohol should find the volunteer to be of questionable age and should ask for identification before making the sale of alcohol. Evaluators can provide a brief written assessment of how old they believed the volunteer looked at the time they appeared before the assessment group. This method engages the community leaders and continues to demonstrate the compliance check program is both reasonable and fair. Before choosing one method over the other you should consult with your local prosecutor/district attorney and State Alcohol Beverage Authority to determine if they have a preference in methods. Keep in mind that age testing/verification can be done in person or through a photo line-up.

Additional Considerations

The appearance and demeanor of the underage volunteer can influence the sale's rate. Females may be able to buy more often than

males in certain communities. More attractive young people may be able to buy more often without having their IDs checked. Making sure that the underage volunteer is the same race as the seller's may also be a factor in some communities. The key to a successful retail compliance investigation program is to select volunteers that reflect your community while taking into consideration factors that may influence sales' rates.

There are several approaches that can be taken to overcome any bias in the use of volunteers. The use of multiple volunteers of different genders and racial backgrounds tends to equalize these factors. Training to ensure that the volunteers follow a consistent protocol will also help reduce any bias. Another effective practice is to randomly assign volunteers of different genders or racial backgrounds to the investigations. Finally, the use of multiple volunteers for each location can neutralize potential bias.

The following criteria should be considered when selecting underage volunteers:

- Select volunteers who are not yet 20 years of age. By selecting volunteers under 20, the retailer cannot claim that the test was unfair because the volunteer was close to legal age. In deciding the appropriate age of the volunteers, it may be important to check the language in state laws or local ordinances dictating the duty, if any, a clerk has in asking for identification.
- If the volunteer is going to use a vehicle during the operation, check the driving record and insurance.
- Select both male and female volunteers and have an appropriate racial mix to reflect the community being checked.
- Underage volunteers should not be used in the community in which they live. Selection distance will depend on the area in which compliance investigations are being conducted. Within cities, for example, working 10 or 15 blocks away from where they live may insure that they are not visiting stores where they might be known. In more rural areas, it may be necessary to recruit volunteers from neighboring cities, towns, or even counties.

Training of Volunteers

To ensure the success and fairness of the retail compliance investigations prior to conducting checks your volunteers should be trained on the proper procedures for conducting a compliance check. The training establishes a standard protocol resulting in consistent investigations.

Elements of the Training

The elements of the training program should include coaching the volunteers how to make alcoholic beverage purchases, including how to act, what to say, and how to respond to a variety of questions. The volunteer should be instructed to enter the store and immediately proceed to the beer cooler/or point of sale, and select a product that is typical of an underage purchaser (i.e. beer, wine coolers or "malternatives/alcohol pops"). They should avoid attempting to purchase expensive brands of hard liquor unless that is a common practice of the youth in that community. Their selection of products should be as consistent as possible from store to store so that the buyer is decisive in his actions, but flexible enough that your buyer can easily adapt if the product they were originally going to purchase is not available (i.e. if they are out of one brand of beer simply select a comparable brand). The volunteer should approach the checkout counter in a timely fashion and should not engage in any distracting conversation with the other patrons or employees in the establishment. If the volunteer enters the store and knows the clerk or any patron in the establishment, they should be advised to terminate the investigation and leave the store immediately. The volunteer should be instructed to answer all questions concerning their age truthfully and produce their valid identification if asked. The volunteers should be told never to entice the clerk to sell through word or action. The volunteer should be informed that they can terminate an investigation at any time for any reason, particularly if they do not feel safe or comfortable in the establishment. The volunteers should be given the opportunity to practice this protocol in a non-threatening mock

setting so that they feel comfortable conducting the investigations. If this is the first time your volunteers have attempted to do something of this nature, practicing a few times helps to alleviate any fears and concerns they may have about the process.

Follow-up Considerations

Your volunteer should also understand that as part of the process they may be required to testify in court/administrative proceedings at a later date. If they are required to testify you should prepare them for the process by explaining the types of questions they may face and the need to be truthful in all testimony.

Documentation of Volunteers

Each underage volunteer selected for the program should be reliable and well-documented by the agency. Prior to using your volunteer you should create a personnel/CI file and ensure that all proper documentation is contained within the file. The file should contain the following:

- **A Personal History Form** should be used to capture information needed by the agency in supporting the actions of the volunteer. It can also be used as an emergency contact form if necessary. (A copy of a sample form is contained in appendix 3.)
- **Photographs of the Volunteer** should be made each time the volunteer is used to provide a complete record of his or her appearance. If it is not practical to take a photograph each time the volunteer is used, a photograph should be made at least monthly during the time the volunteer is being used.
- **Driving and Criminal Checks**
- **Injury Waivers, if Applicable**
- **Age Verification/Assessment Form**

- **Volunteer/Buyer Statement**-After each purchase, the underage buyer should fill out a written statement detailing the specifics of the transaction. This should be done as soon as possible while the information is still fresh in the buyers mind. (A copy of a sample form is attached as appendix 4)
- **Parental Permission Form,** if the volunteer is under 18. (A copy of a sample form is attached as appendix 5)
- **Agreement of Understanding/Minor Consent Form**, which sets forth the terms of the relationship between the volunteer and the agency. It describes the tasks to be performed and the limits on the volunteer's authority and immunity. This document is intended to protect both the agency and the volunteer. (A copy of a sample memo of understanding is attached as appendix B & 6.)
- **Copy of the Volunteer's Driver's License**, state -issued ID card, or birth certificate.
- **A List of all Compliance Checks Performed by the Volunteer** to include dates of the compliance check, locations checked, and whether a "buy" was made or refused. **NOTE:** It is recommended that a volunteer not be used if he or she has a consistently high buy rate. The level at which a volunteer is considered too successful will depend on the retail compliance rate in that community. It is important to ensure that a volunteer's appearance or demeanor is not consistently causing the retail employees to believe that a volunteer is over 21. This file will help the agency determine if this is the case.

Insurance & Compensation

The agency needs to consider the level of liability they incur through the use of volunteers. This would include, but is not limited to, personal injury and civil liability. In some cases, it may also include workman's compensation responsibility. Compensation will vary depending on legal considerations and on the reason for the volunteer's involvement. If this activity is being completed for volunteer or community service hours, a small reimbursement for personal expenses incurred by the volunteer, such as meals or vehicle costs,

may be appropriate. If, however, your underage buyer is being paid, make sure that all tax forms, waivers and insurance forms are completed. Furthermore, if your buyer is being paid, payment cannot be conditioned upon a purchase of alcohol, it should be on a flat rate or hourly basis to avoid any appearance of impropriety. Department employees should probably be compensated as part of their regular duties or as work completed on overtime.

Procedures/Protocols for Conducting Investigations

Retail compliance investigations can be conducted in a variety of ways that fit each unique situation. The most important elements are the safety of the volunteers, the safety of the officers, and the ability to observe the violations. Other elements of the operation that should be considered and planned for include the following:

Selecting Locations

The number of retail locations investigated will be determined by a number of factors including availability of officers, intended duration of the operation, and the expected outcomes from the investigations. At some point, however, you should check all retail outlets within your community. You want to avoid the perception that you are singling out particular retailers. There are a variety of methods for selecting the locations, including:

1. ***Investigating all retail locations in a community***. Lists of alcohol outlets can be obtained from alcoholic beverage control agency, zoning, or occupational licensing agencies. State, city, or county revenue departments, yellow pages, and commercial business list providers may also be sources for these lists.
2. ***Selecting locations at random***. This can be done by taking the lists cited above and choosing outlets at random (e.g., every tenth

outlet). This action reduces the overall resource commitment while impacting all areas of the community.

3. ***Investigating all retailers in certain geographic areas.*** Staffing and resource considerations may necessitate limiting the number of investigations to be conducted. The agency may consider conducting those investigations in a particular area of the community (e.g., near a college campus).

4. ***Selecting certain types of outlets,*** e.g., convenience stores, gas stations, or grocery stores, if these have been identified as the most common sources of alcohol for underage drinkers.

5. ***Selecting locations on which the department has received a complaint or with a documented history of sales violations.***

Scheduling

Retail compliance investigations can be conducted quickly. Most of the time involved in conducting the investigations will be taken for pre-planning, travel, and responding to violations. Investigations conducted in areas where the officer and volunteer can walk from store to store can be done quickly. Investigations requiring driving longer distances may require more time. It is possible to conduct as many as 20 investigations per hour or as few as one per hour, depending on the density of outlets.

Electronic Monitoring/Photographing

Before each set of checks your underage buyer should be photographed and the picture placed in his or her file. If your state allows for it you should consider wiring your buyer for sound or video or both. The use of electronic monitoring can increase volunteer safety and assist in collecting evidence on the transaction. Voice and video recording and/or transmitting equipment have been successfully used throughout the country. Many times, clerks and retailers simply pay the fines when confronted with audio or video recordings of the transactions. Keep in mind that volunteer safety should be the most important consideration. Officers should

not rely on transmitting devices to ensure volunteer safety. Video recording packs can easily be concealed in backpacks and provide useful evidence in court and for media release. It is important to check with the district and US attorneys before these devices are used for retail compliance investigations. State laws and previous court decisions may limit the permissible use of audio and video recordings by enforcement officers. If your buyer is wired for sound and/or video keep in mind the sensitivity of your recording equipment. These recordings are likely to become part of a court record at some point in time, as a result all background noise and unnecessary conversation should be kept to a minimum.

When to Conduct the Investigations

When to conduct your checks is clearly dependent on staffing constraints, but keep in mind your investigations should be conducted in a manner designed to make them appear similar to typical buy attempts by young people. It is important to note that young people may make alcohol purchases at different times and on different days than adults. Investigations should be conducted at the same time young people would normally be attempting to make alcohol purchases. While underage alcohol purchases tend to be earlier in the evening than those by of-age adults, and are often made in conjunction with social events, such as basketball and football games, concerts, and dances, anecdotal evidence indicates that young people will attempt to buy just about anytime of the day any day of the week. As a result, you may wish to conduct your checks at varying times of the day, as well as, on different days of the week. While it is commonly believed that Friday and Saturday evenings are prime-time for underage purchasers to attempt to purchase, by checking on different days and at different times it can help you to assess the true level of availability of alcohol within your community.

Deployment of Enforcement Personnel

If you are transporting the buyer in your vehicle make sure to park the vehicle where it does not tip off the clerk. The safety and

anonymity of your buyer is paramount, therefore there should always be a minimum of two or more police officers/agents accompanying the underage buyer. While these investigations can be conducted with one officer, there are a number of practical considerations for this recommendation of two or more officers/agents. This practice creates a safer working environment for the officers. The locations where retail compliance investigations take place may also be targets of robbery attempts. Two or more officers also provide greater protection for the volunteers. One officer will be with the volunteer in the store and the others will accompany the volunteer in the vehicle. A two or more officer protocol also protects the officers from the possibility of accusations of harassment by the volunteer.

A plain clothed officer should enter the establishment prior to the buyer to ensure it is safe for the buyer to enter the establishment. The underage volunteer/buyer should enter shortly after the officer, but not so close to the officer as to make it appear they are together. The officer should position themselves so that they can witness the transaction and if possible hear any conversation between the clerk and the underage buyer. The inside officer may appear to be looking for a product or may select an item and wait in line behind the volunteer. This serves two purposes 1.) The officer can testify to the events if necessary rather than relying solely on the statement and testimony of the volunteer, and 2.) The officer is in close proximity to the buyer to intervene and protect the buyer if necessary. Sometimes it may be impossible for the officer to enter the store without arousing suspicion. In these instances, if your underage buyer is electronically monitored and you can maintain a line of sight on your buyer, you might be able to safely continue the investigation, however, for safety purposes you may wish to consider terminating the investigation and returning at a later date and time.

During the investigation, one or more officers will remain outside the business in order to observe potential hazards. The plain-clothes officer can conduct the investigation and the other officers in uniform can issue the citation and conduct the interview. Having a uniformed presence reduces risk to the officers and the volunteers, and tends to shift the focus of the store clerks from the volunteers to the officers.

Number of Volunteers

One buyer is sufficient for most locations, however in some on-premise accounts (i.e. restaurants, taverns etc), it may be necessary to have more buyers, as well as, additional officers. Using two buyers can make the volunteers feel more comfortable and act more natural in their attempt to make a purchase. If your buyer is a female, it is advisable that a female officer/agent also be a part of the enforcement detail.

Use of Volunteers' ID

The law enforcement agency should decide ahead of time if volunteers are going to carry their own identification. It is recommended that they carry ID and present it when asked. In some states this is a statutory requirement. Either way your buyer should be searched to ensure that they only have their valid identification or no identification, and only the pre-recorded buy money that you supply them with. Often the clerk will make the sale even when presented with identification. Carrying the ID supports the fairness of the investigation.

Many times retail clerks simply ask for ID as part of a routine and do not actually examine it to determine if it is altered, current, or even belongs to the presenter. The use of a proper ID also tests the clerk's ability to accurately check the date of birth on the ID. If the volunteers do not carry identification and they are asked for it, the volunteers should state that they do not have ID. Some clerks will still sell to them. If the volunteer's identification is carried and produced, there is a risk of temporarily identifying the buyer; however this procedure provides a more realistic test.

What Should the Buyer Attempt to Purchase?

The buyer should be instructed to proceed directly to the beer cooler or point of sale and select a product which is popular with underage purchasers. Beer is the typical alcoholic beverage of choice for young people. It is inexpensive and readily available. Most underage drinkers prefer the major advertised popular brands of beer. You should give consideration to selecting a brand that is popular with young people

in your area. Buyers should be discouraged from requesting expensive or unusual brands of beer, as this will draw attention to their purchase request. In some areas, wine coolers and similar beverages are also popular.

If alcohol is available in self-service displays, the volunteer should pick up the selected product, proceed to the checkout counter, and place their selection on the counter. If the alcohol can only be obtained through the store employee, the volunteer should request the alcohol by brand name. If the alcohol is located both though self-service and employee provided areas, the volunteer should attempt self-service first. They should not engage in any unnecessary or distracting conversation with the clerk or other patrons within the establishment. Additionally, if they know the clerk or encounter anyone they know in the establishment, they should terminate the investigation and exit the store.

How Much Alcohol Should be Purchased?

In most cases, the amount of alcohol purchased is not a critical element in supporting the violation allegation; one bottle or can of beer is sufficient. There may be circumstances when purchasing a larger amount of alcohol, such as a keg or case of beer, will be necessary to demonstrate that the purchase was for distribution or use beyond personal consumption. In addition, for ease of paperwork, some jurisdictions have found it useful to have their buyer purchase the same product at each location. These decisions will need to be based on community considerations such as community norms, legal expectations, and typical judicial actions.

Should Other Items be Purchased With the Alcohol?

In most instances your buyer need not purchase anything except the alcohol. Making small purchases along with an alcoholic beverage is a normal process for of-age customers and can make the retail compliance purchase attempt appear more realistic. The particular items purchased can affect the perception of the purchaser's age. Buying snack food items may contribute to a perception that the buyer is

younger, while purchasing a pack of diapers may contribute to the perception that the buyer is older. While the buyer must ensure that his or her actions do not attempt to mislead the seller, care should be taken in selecting ancillary purchase items that do not necessarily make the buyer appear too young to make the alcohol purchase. It is also important to have small bills for the purchase. Large bills requiring excessive change can focus undue attention on the buyer.

Truthful Answers

If asked for identification the buyer should produce their valid identification, and if asked their age they must respond truthfully. The same is true if the clerk asks whom the alcohol is for. It is important that the volunteer not do anything to induce the clerk to make the sale. Stating that it is for someone else might cause the clerk to believe that the alcohol was for someone of legal age, creating a defense for the action later in court. Remind the buyers that success is not measured by the number of people arrested but by the fairness of investigation.

If a Purchase Occurs

If a purchase occurs, the buyer should exit the store with the product purchased and any change and proceed to the vehicle. The product and change should immediately be handed off to the back-up police officer/agent. The officer should take custody of and secure the evidence. At this point the buyer should complete a written statement detailing the specifics of the transaction and any conversation he/she may have had with the seller while the facts are still fresh in his/her mind.

Seizure of the Volunteer's Identification

Officers have encountered licensees or employees who have seized the volunteers' valid identification cards, which were used as part of compliance investigations. If the clerk/bartender seizes their identification, the buyer should be instructed to simply exit the store and let the officers' deal with retrieving their identification from the

clerk. Officers should remain calm, courteous, and professional when communicating with retailers, informing them of the reason for the visit and complimenting them on their refusal to sell to underage purchasers. They should then ask that the identification be returned.

Issuing Citations

A key operational question to address is whether a "notice to appear" should be issued immediately after the violation or later, after the enforcement campaign has been concluded. In most instances, once your buyer has exited the store and is out of harms way, an officer/agent should then enter the establishment and advise the seller of the sale and issue any summons or citation that is appropriate. By issuing the citations immediately you avoid any confusion on the part of the seller as to the actual violation, in addition it eliminates any issue regarding identification of the seller. In some instances, however, you may find it best to issue the summons at a later date in time. There are several factors that may influence the decision to complete the process on the spot or to come back at the end of the operation.

In some instances, issuing the notices immediately may endanger subsequent investigations because of retailer-to-retailer notification. Many retailers, especially within companies, have both formal and informal phone tree systems that they use to inform each other of hazards such as suspicious persons and activities. "Phone-Tree" effects often occur in small rural communities or college towns. If investigations are being conducted within a small geographic area, it might be wise to gather sufficient physical descriptions of the clerks, including the name on a name tag if one is being worn, and move on to the next location without issuing a notice to appear on the spot. If you chose to issue your citations at a later date in time, you need to make sure you have sufficient information to identify the actual clerk who sold to your buyer. In some jurisdictions, prosecutors may not allow a misdemeanor or violation notice to be issued once the immediacy of the violation has passed. The officer will then be required to file a sworn complaint against the seller. This

may complicate the investigations by requiring an additional trip to the store to identify the seller before the complaint can be completed. Another problem often faced by officers when they defer action until later is the chance that the clerk will be off duty when the officer returns, making identification difficult.

Demand to See Underage Volunteer

In some instances, the retailer will ask to see the young person, not believing that a violation occurred. This request may be handled either by establishing an agency policy or on a case-by-case basis. Often the retailer will calm down and be cooperative once they are convinced that the officer is making a correct statement. There are several methods that officers can use to satisfy the request of a clerk to confront the witness. The officers may show the retailer a photograph of the volunteer taken before the investigation began, a photocopy of the volunteer's ID with name and address blacked out, or the officers may tell the retailer that it is the department's policy to only produce the volunteer for identification at the appropriate court or hearing.

Frequency of Investigations

The frequency of the investigations is clearly dependent upon the resources of your department/agency. Conducting retail compliance investigations on an on-going basis throughout the year is the most effective manner of maintaining a presence in the community. This option requires an investment of resources that many agencies are unable to maintain. Often additional resources can be drawn from other units within the agency, such as school resource officers, park patrol officers, and juvenile officers during downtime from their regular assignments. An alternative to conducting continuing retail compliance investigations is to schedule them periodically throughout the year.

The more regularly you conduct compliance checks, the greater success you will have in reducing the availability of liquor to minors within your community. If you only conduct checks once a year it

will not have the desired effect of changing the environment. The more clerks believe that they could be checked at anytime; the more likely they are to check identification on a regular basis, even at times when you are not conducting checks. This is the change you want to effect in your community. If you only conduct checks once a year, clerks will have a heightened sense of awareness for a short period of time, but likely will become complacent over time and revert to their old patterns. Conducting investigations over a two-week period, three to four times per year, will keep the issue fresh in the minds of beverage retailers and assist in achieving voluntary compliance.

Multiple Buys

If the purpose of the retail compliance investigation is to assess the retailer's propensity to make a sale to underage buyers, making several purchase attempts at a store in which there are multiple clerks may provide a more complete picture of the retailer's level of compliance. In this case, the use of several underage volunteers at the same time would be appropriate.

Other Violations

It is not uncommon to discover and make arrests for other law violations while conducting retail compliance investigations. Arrests for underage alcohol possession, attempted purchase, ID fraud, and locating wanted persons are among the most common collateral violations discovered.

Data Collection

Post Investigation Interview

To obtain a clear picture of your community you need to collect and analyze data from your compliance check investigations. Part of this process should consist of a post investigation interview. In many

jurisdictions, the court or a hearing officer will require evidence to show that a single violation is more than an isolated event for which the owner should not be held accountable. To obtain that evidence, it will be necessary to interview the seller to determine what factors lead them to sell to the buyer. How old did they perceive the buyer to be? Did they check the identification? Have they ever received any training on how to spot false identification? What level of supervision does the owner provide store employees? The officer should also seek to identify other evidence that demonstrates appropriate management practices, including periodic retraining of employees, the existence of a "secret shopper" program, a written and distributed policy concerning alcohol sales, and posted warning signs. Other evidence of proper management practices include policies requiring that two clerks be present where alcohol is sold, and the use of technology such as scanning/locking cash registers or identification card scanners.

Record Keeping

As the compliance investigations come to a conclusion, government and community leaders as well as the media will be interested in the results. To satisfy those inquiries, it may be useful to establish and maintain a record or chart of the results of the investigations. This will also help in developing the operational plans for the next round of compliance investigations. The following are useful elements to identify and record as part of the retail compliance investigations:

- Store name
- Address
- Date and time
- Results of the attempt
- Type of outlet
- Employee training
- Store signage
- Number of clerks present

- Age, gender, and race of buyer
- Age, gender, and race of seller
- Item purchased
- Was ID requested?
- Was ID checked?
- Was a calendar or ID checking machine present and used?

(Sample data collection form can be found in appendix 7)

By collecting and reviewing this data you can see if certain trends or patterns are emerging within your community. For example, the data may indicate a cultural or language barrier which could be addressed by providing additional training for retail employees. This type of review can assist communities in determining how limited resources should be allocated. An additional part of the review process should be an assessment of your buyer's rate of purchases; if your buyer has an unusually high rate of purchase, it might be time to cycle that buyer out of the program.

Your data review process should also include sharing your results with a merchant's industry association within your community. The association may be able to provide insight and possible suggestions on how to improve the rate of compliance among licensed alcohol establishments. Including the merchants association in the review process also serves to reinforce that this is a community wide effort to reduce the availability of alcohol to youth, and speaks to the reasonableness and fairness of your compliance check program.

Work with the Media

The primary purpose of retail compliance investigations is to foster voluntary compliance by the alcoholic beverage industry. Broad based media exposure is very useful in obtaining this level of compliance. The perception that enforcement is widespread and continuous

may deter retailers from selling to underage customers. Media coverage can reinforce your message that underage purchases and underage drinking will not be tolerated within your community. Increased media attention regarding underage drinking and sales of alcohol to youth can help raise community awareness of the problems associated with underage drinking. Additionally, increased media coverage can serve to change community norms regarding underage purchases and underage drinking. You should develop a positive and proactive relationship with the media. Notify the media in advance of your investigations and invite them to observe your compliance check investigations. If the media does do a ride along, appropriate legal advice should be given concerning permissible access, and specific parameters should be set for what can be filmed and what information can be released. Even if the media chooses not to accompany you during your compliance checks, you should still provide them with key information regarding the results of your checks.

At the conclusion of the investigations, the agency should be able to provide the media with the following information:

- What percentage of retailers sold alcohol to the volunteers?
- What percentage of retailers asked for ID but sold anyway?
- What percentage of retailers had warning signs posted or signs that stated they asked for ID?
- What percentage of those with posted signs sold?
- Are some types of businesses more likely to sell than others, e.g., convenience stores, gas stations, and grocery stores?
- What percentage of each sold?
- Are young clerks more likely to sell than older clerks are?
- Are two-clerk stores less likely to sell?
- Do male clerks or female clerks sell more often?

For more information on working with the media, see Strategic Media Advocacy for Enforcement of Underage Drinking Laws, available from the Enforcing Underage Drinking Laws Education Training Center. Phone: (toll-free) 877-335-1287.

Future Considerations

Retail compliance investigations can accomplish a great deal in restricting youth access to beverage alcohol. There are, however, several improvements to this type of process that might be worth considering.

One promising consideration is the development of driver's licenses and other identification that makes it easier to determine whether a purchaser is underage. For example, some states put the pictures of underage drivers in profile to make it obvious that they are not yet 21, or clearly indicate the date of their 21st birthday in order to aid clerks in identifying underage purchasers.

Agencies should consider supporting city or county ordinances that would allow some of the fines collected from retailer compliance investigations to be used to finance an ongoing program of investigation and retailer training. Finally, agencies need to work with prosecutors, judges, and other court officers to emphasize the serious consequences of underage drinking and illegal sales of alcohol to youth. It is also important to ensure that second and subsequent violations are tracked and graduated penalties are applied.

Emerging Trends – Use of Technology

Historically, in most States the direct shipping of alcohol to consumers was prohibited. In order to purchase liquor a consumer was required to purchase from a licensed alcohol outlet within the State. This provision in the law allowed the State Alcohol Beverage Authority and local law enforcement to monitor, regulate and discipline a license holder for violations of alcohol beverage laws, such as the sale of liquor/alcoholic beverages to minors, when necessary. With the increased use of the Internet as a tool of commerce, the States

three – tier systems of distribution have been challenged, and increasingly States are experiencing an increase of the direct shipment of alcohol to consumers. In some instances, these shipments may be legal, but in many instances these direct shipments are still illegal in many States. Regardless of the legality of these shipments from a distribution standpoint, they present unique challenges from an enforcement standpoint.

As enforcement has increased at traditional outlets, underage buyers are now turning to the Internet as an easy means to obtain alcoholic beverages. The system of checks and balances to verify the purchaser's age in an Internet transaction is limited at best. Without a brick and mortar building to monitor, it is difficult for States and law enforcement to ensure compliance with State and municipal alcohol beverage laws. As the system currently exists it is virtually impossible to track the shipment of Internet sales in a timely fashion. Additionally, Internet sales of alcohol are delivered via shipping companies such as FedEx and UPS, and there is no way to ensure that the delivery truck drivers are in fact verifying the age of the end recipient.

Based upon recent information indicating that underage kids are now utilizing the Internet to obtain alcohol, several States have begun conducting compliance checks of Internet vendors of alcohol. If you choose to conduct compliance check investigations of Internet providers it is strongly recommended that you contact both your State Attorney General's Office and your State's Alcohol Beverage Authority for guidance. The complexities of the law and the necessary elements to establish a prosecutable case against the Internet provider will vary from State to State, and these agencies will be able to provide practical guidance on how to proceed.

In Stratford, Connecticut…

A series of undercover enforcement operations has reduced illegal sales to minors from over 70 percent six months ago to less than ten percent last month. The following editorial in the Connecticut Post shows the kind of public recognition and support that enforcement can bring.

Connecticut Post
November 29, 1999

E D I T O R I A L S

Police Stings Boost Liquor Law Compliance

It's reassuring to know that Stratford police have seen marked improvement in town liquor sellers' compliance with a state law forbidding the sale of alcohol to underage persons.

Police on Tuesday conducted a pre-Thanksgiving sting sending an underage "agent" to liquor stores to try to purchase alcoholic beverages. The "plant" was told to be truthful about being under 21 if any store personnel asked.

Of the 11 stores tested, all but one passed with flying colors. This was the fifth such sweep to have been conducted in town this year. Readers might find it revealing to contrast these results with those of an earlier operation in May, when 12 or 17 stores sold liquor to an underage buyer with no questions asked.

Indeed, the number of violations has fallen with each successive sting, showing consistent improvement. (First-time offenders face a three-day license suspension and a $750 fine.)

Evidently, the repeated tests have heightened awareness of this important issue where it counts most: among liquor vendors. Package store owners surely know by now that the law will be vigorously and constantly enforced. There's no such thing as letting their guards down.

That comes as good news any time, but particularly during this season of busy schedules and crowded highways. The last thing motorists need is an encounter with teens drinking in their cars—for that's where many underage drinkers consume liquor.

The Stratford Spirit Shop, which sold alcohol to an underage buyer in this test and in a previous sweep, has correctly been referred to the state Liquor Control Commission.

We urge that agency to back up local police by imposing the strictest penalties at its disposal.

References

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National Highway Transportation Safety Administration. (2005). Traffic Safety Facts 2005, DOT HS 810 616, Washington, DC: NHTSA, National Center for Statistics and Analysis.

Miller, TR, Levy, DT, Spicer, RS, & Taylor, DM. (2006) Societal Costs of Underage Drinking, Journal of Studies on Alcohol, 67(4) 519-528

Pacific Institute for Research and Evaluation. (2003). Costs of Underage Drinking. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Underage Drinking Enforcement Training Center.

National Research Council and Institute of Medicine, Reducing Underage Drinking: A Collective Responsibility, eds. R. J. Bonnie and M.E. O'Connell (Washington DC: National Academies Press, 2004), xvi, preface.

Other Resources

Resources on Compliance Investigations

Alcohol Compliance Checks: A Procedure Manual for Enforcing Alcohol Age-of-Sale Laws, Alcohol Epidemiology Program, University of Minnesota, 1998.

This manual begins by discussing the reasons for conducting compliance checks and examining the evidence of their effectiveness. It then provides a step-by-step guide to planning and implementing the checks, including the review of existing ordinances; the selection of appropriate sites, merchandise, and buyers; and communicating with merchants and the community. Several model forms, sample letters, and publicity materials are included in the appendices. This resource is relevant to strategies for Enforcement aimed at both retailers (e.g., use of compliance checks, education regarding techniques and responsibilities) and youth (e.g., penalties applied to violating youth). This item is available from the Alcohol Epidemiology Program, School of Public Health, University of Minnesota, 1300 South Second Street, #300, Minneapolis, MN 55454-1015. Phone: 612-624-3818.

Model Guidelines Concerning Compliance Checks for Underage Alcohol Sales. Department of Revenue, Liquor Enforcement Division, 1997.

This short pamphlet reflects the cooperative effort of law enforcement, local and county governments, the liquor industry, and the legal profession to create practical guidelines for conducting compliance checks or sting operations. The guidelines address why a compliance check should be conducted, the characteristics of the underage purchaser, identification, general procedures for the purchaser and law enforcement, notification of the licensee, suggested penalties, and re-checks.

This item is available from the Department of Revenue, Liquor Enforcement Division, 1375 Sherman Street, Denver, CO 80261. Phone: 303-205-2300.

Preventing Youth Access to Alcohol from Commercial Sources, Strategizer No. 28, Community Anti-Drug Coalitions of America (CADCA), n.d.

This CADCA Strategizer summarizes the key policies that can be enacted to reduce youth access to alcohol. The summary includes compliance checks, administrative penalties, and age identification policies. The guide also discusses the benefits of beer keg registration and regulations on home delivery. It also lists strategies that merchants can implement, such as responsible beverage training and warning signs about the consequences of alcohol use. This item is available from CADCA, 901 North Pitt Street, Suite 300, Alexandria, VA 22314. Phone (toll free): 800-54-CADCA.

Retail Oriented Best Practices for Underage Drinking Prevention: An Exemplary Selection of Retail Oriented Programs and Practices Aimed at Reducing Underage Drinking and Related Drinking and Driving, National Highway Traffic Safety Administration, 1997.

A 38-page book profiling programs across the nation that address drinking and driving, enforcement, false identification, seller training, compliance, and assistance. To be included in the book, a program had to meet nine criteria established by the National Alcohol Beverage Control Association and pass an expert review panel. The resulting profiles identify a target audience, describe the program and any special features or evaluation, and indicate why the program is effective and when it was established. Information on the legal basis for the program, as well as its distribution, funding, and supporting data is included. The profiles also provide contact information. This resource is particularly relevant to the strategy of enforcing minimum purchase age laws, both with retailers (e.g., seller training, compliance checks) and youth (e.g., false identification, "Cops in Shops"). This item is available from NHTSA, Attention: TSP Resource Center Orders, 400 Seventh Street, SW, Washington, DC 20590. Phone (toll-free): 800-424-9393. Fax: 202-493-2062. Publication No. DOT HS 808 618.

Other Enforcement Operations Guides in this Series

Enforcing Impaired Driving Laws for Youth

A Practical Guide to Preventing and Dispersing Underage Drinking Parties

Strategies for Reducing Third-Party Transactions of Alcohol to Underage Youth

These publications were prepared by the Pacific Institute for Research and Evaluation in support of the Office of Juvenile Justice and Delinquency Prevention's Underage Drinking Enforcement Training Center. The publications are available from Pacific Institute for Research and Evaluation, 11720 Beltsville Drive, Suite 900, Calverton, MD 20705. Phone (toll-free): 877-335-1287.

Other Publications of the Underage Drinking Enforcement Training Center

How to Use Local Regulatory and Land Use Powers to Prevent Underage Drinking

A Guide to Evaluating Prevention Effectiveness

Strategies to Reduce Underage Alcohol Use: Typology and Brief Overview

Guide to Conducting Alcohol Purchase Surveys

Guide to Conducting Youth Surveys

Strategic Media Advocacy for Enforcement of Underage Drinking Laws

Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices

Tips for Soliciting Cohesive Enforcement Program Plans Costs of Underage Drinking, Updated Edition

Preventing Sales of Alcohol to Minors: What You Should Know About Merchant Education Programs

Guide to Responsible Alcohol Sales: Off-Premise Clerk, Licensee, and Manager Training

These publications were prepared by the Pacific Institute for Research and Evaluation in support of the Office of Juvenile Justice and Delinquency Prevention's Underage Drinking Enforcement Training Center. They are available from Pacific Institute for Research and Evaluation, 11720 Beltsville Drive, Suite 900, Calverton, MD 20705. Phone (toll-free): 877-335-1287.

AGE VERIFICATION FORM

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

Total _____ divided by 10 = _____ perceived age.

CI #_____.

Date _____.

Location of Verification_____.

Officer _____.

Minor/CI Information Sheet

Minors Complete Name: _____

Home Address: _____

_____

Home Phone Number: _____

Cell Phone Number: _____

Parent/Emergency Contact: _____

_____

Sex: _____

Race: _____

Age: _____

Birth date: _____

Consent Forms/Waivers Filed on: _____

Date Minor Trained: _____

Case Officer/Agent: _____

Minor Statement/Report

Date of Purchase: _____.

Time of Purchase: _____am/pm.

Name of Establishment: _____.

Address: _____

_____.

Approximate Age of Seller: _____.

Sex of Seller: _____.

Hair Color of Seller: _____.

Clothing of Seller: _____.

Sellers' actions/statements: _____.

Did the seller ask for identification: _____?

Description and brand of product purchased: _____.

Price paid: _____.

Conversation with seller: _____

_____.

_____

Minor's Signature

_____

Witnessing Officer/Agent Signature

PARENT/LEGAL GUARDIAN AUTHORIZATION AND CONSENT

State of _____)

COUNTY of_____)

Before me, the undersigned authority, on this _____day of _____, 20____, personally appeared _____, who by me is known and who after being by me first duly sworn did depose and state:

1. I am the mother/father/legal guardian of _____, a minor, and said minor was born on the ____day of _____, 19____.
2. I do hereby give consent for my said minor child to assist the _____in the investigation of offenses involving the unlawful sale of alcoholic beverages in this state. I understand that my child will be entering locations in which intoxicating liquors are sold and that my child will attempt to intoxicating liquors, but only under the direction and supervision of officers/agents of the _____.
3. I understand that my child may wear an audio recording or transmitting device which will record or transmit oral conversations while my child is attempting the purchase of intoxicating liquors, and I consent to my child wearing such. I also consent to the video recording of my child's activities during these attempts.
4. I understand and agree that my child may be required to appear and testify in court and/or in an administrative proceeding concerning the purchase of intoxicating liquors or other criminal or administrative violations and that said appearance and testimony may be required in _____ City or another location in this state.
5. I state and represent that, to my knowledge and belief, my child has never been arrested, charged with or convicted of any criminal offense.

_____
Signature

_____
Print Name

Sworn to and subscribed before me this _____day of _____, 20___

_____
Notary Public

MINOR INFORMATION AND CONSENT

State of _____)

COUNTY of _____)

Before me, the undersigned authority, on this _____day of _____, 20_____, personally appeared _____, who by me is known and who after being by me first duly sworn did depose and state:

1. I am_____, a minor, and I was born on the_____day of _____, _____.

   My home address is _____
   My home telephone number is _____.
   My driver's license number is _____in the State of _____.
   My parents'/legal guardians' names are _____.

2. I do hereby agree to assist the _____ in the investigation of offenses involving the unlawful sale of intoxicating liquors in this state. I understand that I will be entering locations in which intoxicating liquors are sold and that I will attempt to purchase intoxicating liquor, but only under the direction and supervision of agents/officers of the _____.

3. I understand that I may wear an audio recording or transmitting device, which will record or transmit oral conversations while I am attempting the purchase of intoxicating liquor and I consent to wearing such. I also consent to the video recording of my activities during these attempts.

4. I understand and agree that I may be required to appear and testify in court and/or in an Administrative proceeding concerning the purchase of intoxicating liquor or other criminal or administrative violations and that said appearance and testimony may be required in _____ City or another location in this state.

5. I hereby state that I have never been arrested, charged with or convicted of a criminal offense.

_____
Signature

_____
Print Name

Sworn to and subscribed before me this _____day of_____, 20___.

_____
Notary Public

Database Interview Sheet

Licensee Name _____
Address _____
_____
_____

Date of Check _____
Day of Week _____
Time of Check_____am/pm

CI # _____
CI's age_____
CI's Sex_____Male_____Female
CI's Race _____

Type of Outlet_____

Product Purchased_____

Cost of Product_____

Denomination of Currency Used_____

Change received _____

Age of Seller_____

Sex of Seller_____Male_____Female

Race of Seller_____

Was Identification requested? Yes/No

Was age asked? Yes/No

How long has the clerk been employed? _____

Has the clerk received any formal retail beverage service training? _____

Was their any identification signage posted? _____

How many employees on duty? _____

Why did they sell? _____

Investigative Aide
Personal History Form

Name_____

Address _____ City / State _____

Date of Birth _____ Age _____ Height _____Weight _____

Hair Color _____ Eye Color _____

Telephone # (Home)_____ (Work) _____

Drivers License & State Issued _____

Traffic Violation History _____

Birth Certificate # (If no driver's license)_____

Occupation _____

Business / School _____

Address _____City / State _____

Vehicle (Make, Model, Year) _____

Have you ever been arrested or been given a Notice to Appear in court for a violation of criminal law? If yes, explain

_____

Have you ever consumed or possessed alcoholic beverages? _____

Have you ever used false identification? _____

I swear the above information is true and correct under penalty of perjury.

Signed: _____ Date: _____

Witness: _____ Date: _____

FOR OFFICIAL USE

Results of local Record and Driver's License Check _____

Date Accepted into Program _____ Issued ID # _____

Investigative Aide Program Agreement of Understanding

1. I, the undersigned, hereby agree as a volunteer to assist _____ In the investigation of the sale of alcoholic beverages to underage persons. It is understood that I am not an employee of the department nor related to an alcoholic beverage licensee and that my participation is as the need arises, based on my availability.

2. I hereby release and acquit the department, its agents, and its employees from any injury or liability that I may suffer or sustain in the future as a result of these investigations.

3. This agreement is entered into of my own free will and not as a result of intimidation, threats, coercion, or promises.

4. I agree to show real identification and respond truthfully as to my legal age if asked for same by the licensee or his employee during any of these investigations. I also agree that my dress will be such that it will not make me appear to be of legal age and in the case of males will be clean.

5. It is understood that I am not a law enforcement officer and will not represent myself in that manner at any time, and that I am not entitled to carry a firearm or a badge.

6. It is understood that participation in this program does not extend any special privileges to me and that any violation of law, except at the direction of an officer, failure to abide by the terms of this agreement, failure to follow instructions or procedures of the department, or any school-related problems including attendance and grades, will be grounds for termination from this program.

7. It is understood that I may not sample any alcoholic beverages that are purchased on behalf of the department and shall promptly turn over and such purchases to the officers of the department for evidentiary purposes.

8. It is understood that I may be required to testify in criminal or administrative hearings.

SIGNED: _____ DATE: _____

WITNESS: _____ DATE: _____

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The Underage Drinking Enforcement Training Center

www.udetc.org