

Enforcing Underage Drinking Laws
(EUDL)

Conducting Compliance Check Operations

Bismarck, North Dakota

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Presentation Objectives

- Define the need for compliance check operations
- Understand the components of a successful compliance check program
- List the necessary partners for a compliance check program
- Learn how to effectively manage underage volunteers
- List the elements of a compliance check operation
- Review some successful supporting strategies for compliance check programs
- Understand the use of alcohol purchase surveys in a compliance check program

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Why Compliance Check Operations are Necessary

- ▶ Three ways youth obtain alcohol
 - Steal it
 - Given or purchased for them by an adult
 - They are able to purchase it themselves
 - Retailers sell it to them
 - Use of fake IDs
- ▶ Strategies that attack each of these areas are necessary to impact the problem



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Why Compliance Check Investigations are Important

- ◆ Many underage individuals self-report that they purchase at locations which don't even bother to ask for identification.
 - Still more young people report showing clerks their real identification with a true date of birth that shows them to be under 21 and the clerk still sells them alcohol.



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One Has to Ask – Why Sell Alcohol to Underage Persons?

- ▶ Did they assume only a person 21 or older would show an identification?
- ▶ Were they just inattentive to detail?
- ▶ Do they know how to read/check an ID?
- ▶ Other motivations?



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Reducing Youth Access to Alcohol

- ▶ Many strategies target the problems caused once underage possess or use alcohol
- ▶ The most effective measures will be those which deny access of alcohol
- ▶ Ultimate goal – RESPONSIBLE ADULT BEHAVIOR
- ▶ If retailers are responsible, we can limit the ways in which youth obtain alcohol



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How Hard Is It to Buy Alcohol??



Why Do Compliance Check Investigations?

- ▶ In Concord, New Hampshire, sales to youth decreased from 28% to 10% after quarterly compliance checks (coupled with increased penalties and a media campaign) at 539 off-premise alcohol establishments.

Source: Barry et. al.; *Enhanced enforcement of laws to prevent alcohol sales to underage persons.* MMWR; June 4, 2004/53(21); 452-454



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What are Compliance Check Investigations?

Compliance check investigations are a cost-effective way to control youth access to alcohol from retail outlets.

They involve the use of underage buyers by law enforcement agencies as "volunteers" to test retailers' compliance with laws regarding the sale of alcohol to minors.



Source: PIRE, 1999

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Why Do Compliance Check Investigations?

- ◆ Compliance checks send a message to your community that law enforcement cares about responsible and lawful sales of alcohol.
 - Help reduce alcohol related problems and crime using a problem oriented policing approach.



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Benefits of Compliance Check Programs

- ▶ Allows an agency to assess the level of underage availability in the community.
- ▶ Part of a larger comprehensive strategy in preventing alcohol related tragedies
- ▶ Can raise community awareness of problems and start changing norms.
- ▶ Efficient utilization of resources

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Preparing for Compliance Check Investigations

- ▶ Consider scope of problem using an alcohol purchase survey
- ▶ Work with community leaders
- ▶ Work with prosecutors, courts and regulatory agencies
- ▶ Work with Industry/Retailers
- ▶ Selection of Volunteers
 - Train Volunteers
 - Documentation of Volunteers

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Preparing for Compliance Check Investigations

- ▶ Selection of Locations
- ▶ Procedures/Protocols for conducting investigations
- ▶ Data Collection
- ▶ Work with the media

Alcohol Purchase Surveys

Alcohol Purchase Surveys Allow the Community to Assess the Scope of Underage Sales

- Determines who is selling to minors and how often
- Builds community awareness and support
- Places the community at the forefront
- Informs merchants that the community is watching
- Helps determine impact of strategies
- Aids law enforcement

Alcohol Purchase Surveys

- ▶ Surveys may be conducted without law enforcement involvement
 - Volunteers are 21 years old, but look younger
- ▶ Although there is no violation for sale, the clerk who fails to check the ID of someone who might look under 21 is indicative of a problem
- ▶ This information can help communities articulate the need for compliance checks before enforcement actually begins through use of media advocacy

Alcohol Purchase Surveys

- ▶ Although the selection of volunteers is not as crucial as in enforcement checks, the same general rules apply
- ▶ In purchase surveys, the volunteer is accompanied by an escort who acts in the same manner as a cover officer in an enforcement check
- ▶ The escort is also a witness to the sale, should there be a questions

Alcohol Purchase Surveys

Survey considerations:

- Validity of data when using 21 year olds vs younger volunteers
- Inability to use underage volunteers under state law without law enforcement involvement
- Compensations and Insurance
- Record and data keeping
- Safety of volunteers
- Financial Considerations

See our document, "Guide to Conducting Alcohol Purchase Surveys" for more information.



Visit the UDETC website to download free of charge at www.udetc.org

Key Step in Preparing for Compliance Investigations

Involve the leaders in your community

- Community leaders drive community expectations
- Raise Public Awareness/set community norms
- Encourage law enforcement to enforce existing laws
- Finding a community champion is critical



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Key Step in Preparing for Compliance Investigations

- Involve prosecutors, courts and regulatory agencies
- Identify every agency that could / should be involved
- Bring them to the table
 - Shared resources
 - Shared outcome expectations
 - Shared responsibility
 - Mutual understanding



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Preparing Business Owners

Working with Merchants

- Political Influence
- Community Influence
- Contribute to tax base
- Remember –
 - They are business people
 - They may turn on you at some point
 - Their loyalty is to their checkbook



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Key Step in Preparing for Compliance Investigations

Working with Alcohol Retailers

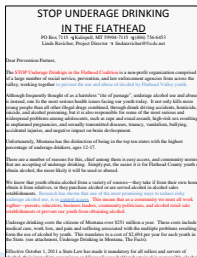
- Most retailers do NOT want to sell alcohol to youth
- Solicit input on how to improve the compliance rate before proceeding with compliance operations.
- Partner to improve business practices once they know the problem checks are coming



Checks should not be a surprise

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Coalition Support: Sample Letter to Retailers



Source: STOP Underage Drinking in the Flathead Coalition, Flathead County, Montana

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Key Step – Selection of Volunteers

The success of your actual operation depends on the performance of your volunteers.

- Sources of volunteers
 - Recommend that volunteers not be working off any criminal charges or have previous criminal history
- Considerations
 - Attempted to purchase in past
 - Availability
 - Credible as witness
 - Character



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Age Verification/ Age Assessment

That Volunteer Looked Old Enough to Drink!!



- Take your potential volunteer to a heavily traveled area and ask 10 random people how old they think your volunteer looks.
- If reasonable people think your volunteer looks 21 or older, you should not use them.
- Independent panel made up of responsible citizens to assess the age of underage volunteers

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Underage Volunteer Considerations

- Should reflect the community
 - Use both male and female
- Instruct volunteers not to dress in ways that make them appear older
 - Facial hair for males
 - Make up for females
- Use volunteers in areas where they are not known



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Key Step in Preparing for Compliance Investigations

Train Volunteers

- The best volunteers are ones that know what is expected and follow your direction
 - These are the ONLY volunteers you can use
- Provide specific instructions on how the volunteer is to act, what they are to say, what they are to purchase
- Instruct volunteers to answer questions truthfully and provide photo identification when asked



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Training Volunteers

- Instruct volunteers to avoid situations that seem dangerous and not to buy if people in the outlet know them
- Instruct on what they should purchase
 - Type of alcohol
 - Items with the alcohol
- Emergency exit signals / procedures
- Clerk keeps license



Training Volunteers–Interactive Preparation

- For some volunteers this may be their first time doing something as bold as trying to buy alcoholic beverages
- Extreme nervousness can impair their ability to remember or follow your direction
- Role playing helps build confidence and ensures they understand how to react



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Key Step in Preparing for Compliance Investigations

Documentation of Volunteers

- One of the most common defense strategies is to attack the volunteer.
- Everything from how they look to their criminal history to whether or not they have ever consumed alcohol will be scrutinized
- Documentation of who you use, as well as who you don't is important



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Documenting Volunteers

- ▶ Personal history form
- ▶ Photograph of volunteer
- ▶ Driving and criminal checks
- ▶ Injury waivers
- ▶ Parental permission form (if under 18)
- ▶ Agreement of Understanding
- ▶ Copy of Driver's License
- ▶ Age Verification Form
- ▶ Record of compliance checks conducted



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Volunteer issues

- ▶ Compensation
 - Do not recommend you pay by the purchase
- ▶ Insurance
 - In the event they are injured while working as your agent
- ▶ Availability for court or administrative hearings
 - How long will it take your case to go to trial if it is contested?
- ▶ Future conduct
- ▶ Unknown conduct



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Key Step In Preparing for Compliance Check Investigations

Selection of Locations

- ▶ Must reflect fairness
- ▶ Investigate all retail outlets in the community
- ▶ Select locations at random
- ▶ Investigate all retailers in particular geographic areas
- ▶ All of one license type
- ▶ Based on observation or community complaint



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Key Steps in Conducting Compliance Investigations

- ▶ Photograph the underage buyer prior to the start of each set of compliance checks
- ▶ Audio/Video recording
- ▶ Record serial numbers of buy money
- ▶ Ensure they have only their ID and your buy money in their possession
 - Have them empty their pockets before they begin the operation
 - Check bags/purses etc.



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Procedures/Protocols for Conducting Investigations

- ▶ Park vehicles so as not to tip off the clerk
- ▶ Where possible, a plain clothes officer should be present in the store with the volunteer.
 - This officer will enter the store before the volunteer to ensure the area is safe
 - If possible, the officer will observe the transaction



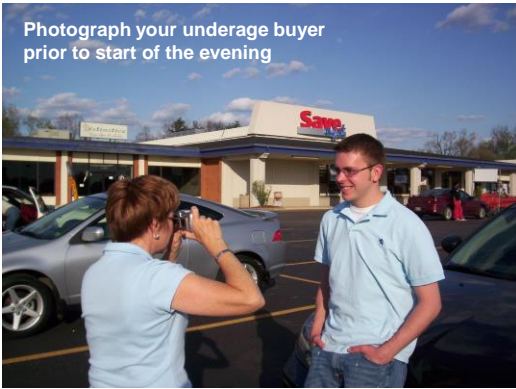
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Procedures/Protocols for Conducting Investigations

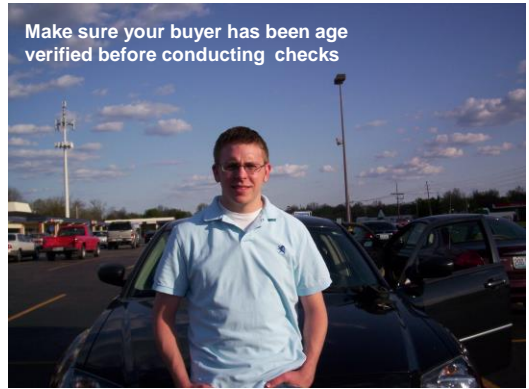
- ▶ Volunteer enters store and goes directly to alcohol
- ▶ Alcohol is placed in plain view on the counter
- ▶ Volunteer shows ID if asked. States real age if asked
- ▶ Volunteer exits business
- ▶ If a purchase is made, the underage buyer should complete a written statement detailing the purchase

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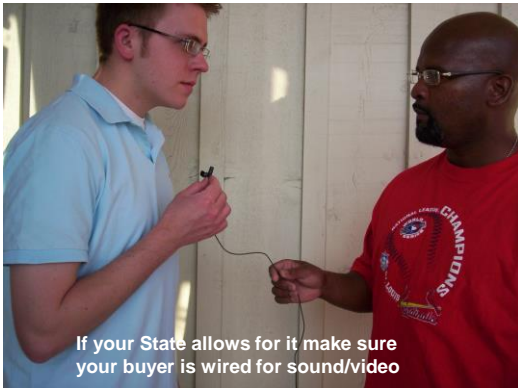
Photograph your underage buyer prior to start of the evening



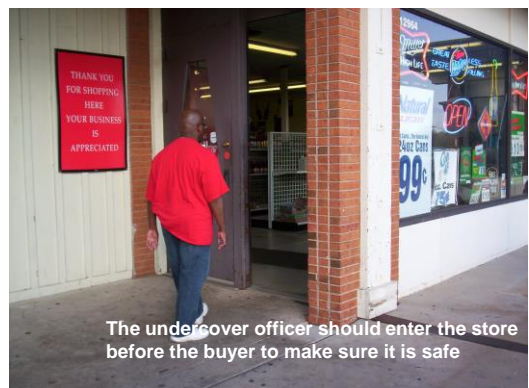
Make sure your buyer has been age verified before conducting checks



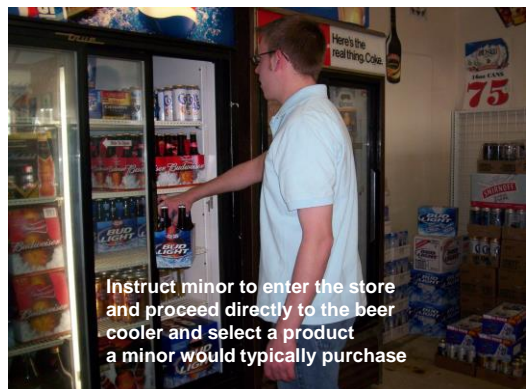
If your State allows for it make sure your buyer is wired for sound/video

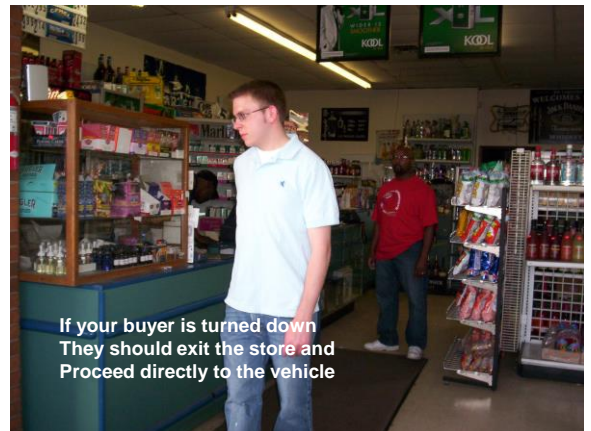
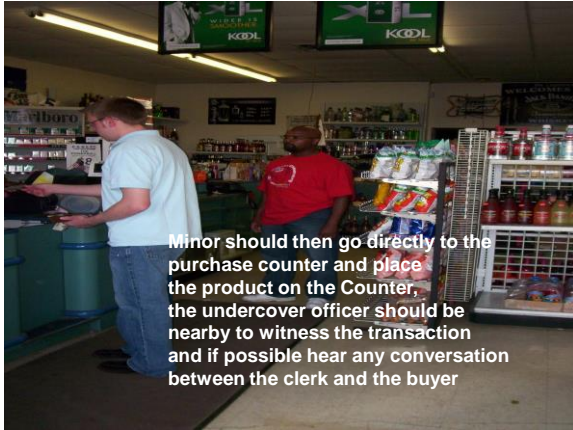


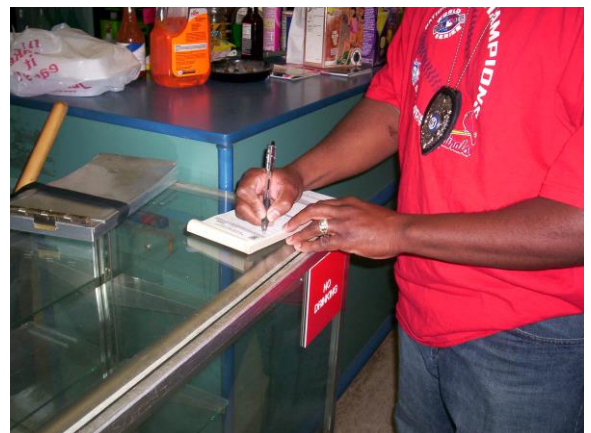
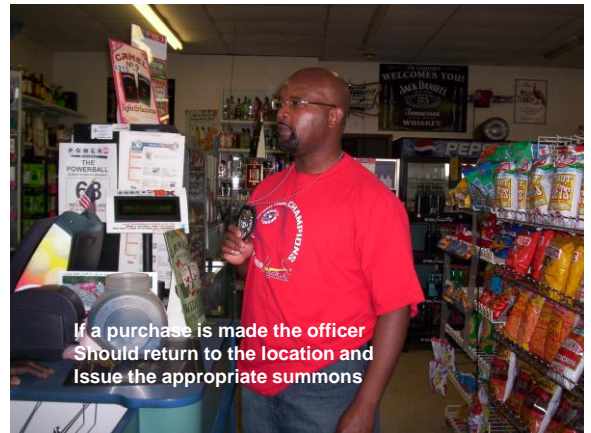
The undercover officer should enter the store before the buyer to make sure it is safe



Instruct minor to enter the store and proceed directly to the beer cooler and select a product a minor would typically purchase







Data Collection



Essential Element

- ▶ Keep complete and accurate records
 - A complete case file should be kept for each case
- ▶ Consolidate data onto a tracking sheet to share with prosecutors / public
- ▶ Review your data to see if trends emerge
- ▶ Share data with media

Useful Elements to Include in an Investigation Record

- ▶ Age, gender, and race of seller
- ▶ Type of outlet
- ▶ Item purchased
- ▶ Was ID requested?
- ▶ Was ID checked?
- ▶ Signage about underage purchase
- ▶ Was a calendar or ID checking machine present and used?
- ▶ Admissions of clerk
- ▶ Statements relating to training of clerk
- ▶ Number of clerks working



Key Points for Working with the Media

- ▶ Develop a positive and proactive relationship with the media
- ▶ Notify the media in advance
- ▶ Invite media representatives to observe investigations
- ▶ Provide key information to the media after investigations are concluded

Other ways that volunteers can assist in alcohol compliance check programs include:

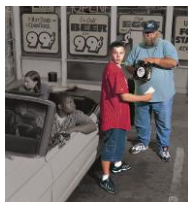
- Advocating for alcohol compliance check enforcement
- Clerical support
- Media inquiries and use of media advocacy
- Data collection
- Provision of responsible beverage service training and educational materials to improve retailer compliance
- Impact assessment



Complimentary Enforcement Strategies

Shoulder Taps

- Use the same resources as compliance checks
- Targets adults who purchase alcohol for a youth
- Expands effectiveness of a compliance check
- Tightly controlled to avoid perception of entrapment



Shoulder Taps



- Pros – Easy to initiate, expands effectiveness of CUB program
- Cons – Perception that it is “entrapment” – Vendor push back



Complimentary Programs

Sticker Shock



- ▶ With merchant permission, alcohol or store areas marked with stickers with underage drinking message
 - Youth Volunteer Opportunity
- ▶ Seeks to stop patrons from even trying to purchase for an underage youth
- ▶ Merchants are usually supportive as long as message is something they can live with

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Complimentary Programs

- R.E.D.**
- ▶ Responsibility
 - ▶ Education
 - ▶ Deterrence



Local merchants provided with:

- Free RBST training
- Age calculators
- Follow up with Law Enforcement
- Advertisement in local media

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Complimentary Programs

Local merchants provided with:

- Signage that warned of ID check
- Fake ID training for staff
- Ability to confiscate ID
- Daily interaction with law enforcement

Fake ID 101



- 300 confiscated ID in the first month
- Change in bar policy on ID check

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Complimentary Programs

Community provided with:

- Training on what to look for: sale to minor and party prevention
- Tip line calls generate law enforcement response for compliance check

Tip Line

837-SAFE



Empowers and encourages community involvement

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Complimentary Programs

Special event vendors provided with:

- Abbreviated RBST training
- Special event guide with best practices
- Trained community observers monitor event and use tip line for issues.

Special Event Licensing



Empowers and encourages community involvement

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Summary

Remember that youth only get alcohol 3 ways

- ▶ Purchasing alcohol themselves is one
- ▶ Businesses that sell alcohol have a responsibility to the community to be responsible
- ▶ Law enforcement can help them do this through compliance checks and supporting strategies
- ▶ Compliance checks are a way to communicate the expectation of responsibility while providing the tools for success

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Underage Drinking Enforcement Training Center

RESOURCES



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Services Provided by the UDETC

- Technical Assistance
- On-site Training
- Distance Learning Courses
- Electronic Webinars
- Publication of Documents
- Resource Alerts
- Judicial Newsletters
- Toll-free Technical Assistance Hotline 1-877-335-1287
- Internet Website (www.udetc.org)
- Success Stories
- Podcasts
- Toolkits
- Research Information

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See our Compliance Check document for more information.




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