

Oklahoma Alcohol Compliance Check Protocol



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 "deputies" to test retailers' compliance with laws regarding the sale of alcohol to minors.

- PIRE, 1999

Why do Alcohol Compliance Check Investigations?

- ◆ A significant number of underage individuals self-report that they purchase alcohol at retail locations, which do not bother to ask for photo identification.
- ◆ Still more young people report showing clerks their real identification with a true and accurate date of birth that shows them to be under 21 and the clerk still sells them alcohol because the clerk failed to calculate the purchaser's age correctly.
- ◆ Compliance checks send a message to your community that law enforcement cares about responsible and lawful sales of alcohol.
- ◆ Compliance check investigations can help reduce alcohol-related problems and crime using a problem-oriented policing approach.

Before you begin...

- ◆ Widely publicize that enforcement operations are about to occur but do not identify specific target areas.
- ◆ Invite the media to ride along for at least a portion of the enforcement operation. Publicizing the results of compliance check investigations raises community awareness about youth access and the perception of retailers being caught as well as helps to change or reinforce community norms about underage drinking.
- ◆ Consider providing rewards and recognition to retailers that comply, as well as rewards for underage buyers who assist with operations.
- ◆ Recruit youth between the ages of 16 and 20 (more than you will need) – Sources can include 2M2L Clubs, SADD Chapters, faith-based groups, and prevention coalitions.
- ◆ Secure unmarked vehicles - Dealerships will often allow use of their vehicles, or Regional Prevention Coordinators (RPCs) and other community leaders can assist by driving the youth and officers).

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- ◆ Use age testing to make sure that underage buyers look underage. Age perception tests or using a focus group to determine age perception should be conducted for each underage buyer at least every 6 months.
- ◆ Underage buyers should look between the ages of 18 and 19 but be between the ages of 16 and 20. Also consider utilizing underage buyers who appropriately fit into the target community in regards to demographics.

Youth Volunteer (Underage Buyer) Instruction:

- ◆ Instruct underage buyers not to dress in ways that make them appear older.
- ◆ Use underage buyers in areas where they are not known.
- ◆ Provide specific instructions on how the underage buyer is to act, what they are to say, and what they are to purchase.
- ◆ Instruct underage buyers to answer questions truthfully and provide photo identification when asked.
- ◆ Instruct underage buyers to avoid situations that seem dangerous and not to buy if people in the retail outlet know them.
- ◆ Instruct underage buyers to not purchase anything along with the alcohol.
- ◆ To help them get over their fears or concerns it is a good idea to give your underage buyers some interactive experience by “practice buying” in a safe non-licensed environment.
- ◆ This type of training can calm nervous buyers and give them some confidence that they can perform this role effectively.
- ◆ Documentation of Underage Buyers (See 2M2L sample forms below)
 - ◆ Agreement of Understanding
 - ◆ Copy of Driver’s License
 - ◆ Age Verification Form
 - ◆ Record of compliance checks conducted
 - ◆ Personal history form
 - ◆ Photograph of underage buyer
 - ◆ Driving and criminal checks
 - ◆ Injury waivers

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- ◆ Parental permission form (if under 18)

More Preparation for Underage Buyers:

- ◆ Compensation
- ◆ Insurance
- ◆ Availability for court or administrative hearings
- ◆ If you pay your underage buyers, it should be on an hourly basis or a flat fee. Payment should never be conditional based on the results of a compliance investigation. You should check with your department's legal counsel to ensure that your underage buyers are covered under your department's insurance policy while conducting investigations. Make sure your underage buyers understand that they may need to testify at a later date regarding compliance checks they complete.

Location Selection:

- ◆ Investigate all retail outlets in the community.
- ◆ Select locations at random.
- ◆ Investigate all retailers in particular geographic areas (e.g., near a college campus).
- ◆ Select certain kinds of outlets (e.g., convenience stores).
- ◆ Select locations based on complaints or previous violations.
- ◆ Use law enforcement data to investigate high-risk communities or "hot-spots".
- ◆ Work with RPCs to utilize 'Place of Last Drink' (POLD) data.

Getting Started (Day Of):

- ◆ Your underage buyer should be photographed prior to the start of each set of compliance checks.
- ◆ Audio/Video recording
- ◆ Record serial numbers of buy money
- ◆ Your underage buyer should only carry their valid driver's license and pre-recorded buy money.
- ◆ Timing and scheduling of investigations
- ◆ Number of underage buyers and officers
- ◆ Alcoholic beverage to purchase and quantity purchased

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- ◆ Timing for issuing citations
- ◆ Frequency of investigations
- ◆ The issuance of citations should be done in close proximity to the actual sale. Keep in mind that in some rural communities and college towns, word may spread quickly that you are conducting checks. In this instance you may find it more appropriate to wait to issue the citation. Research shows that if compliance checks are conducted at regular intervals the rate of sales will decline as opposed to if you only conduct checks once a year.
- ◆ Park vehicles so as not to tip off the clerk.
- ◆ A plain clothes officer or “safe person” should be present in the store with the underage buyer.
- ◆ Have a plan in place to deal with vendor demands to see the underage buyer or if clerk seizes underage buyer’s identification
- ◆ If a purchase is made, the underage buyer should complete a written statement detailing the purchase.
- ◆ Keep track of the data, which can help prove local trends with youth access to alcohol.
- ◆ Retailer Information:
 - ◆ 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 underage buyer and seller
 - ◆ Was a calendar or ID checking machine present and used?
 - ◆ Copy of photo of underage buyer as s/he appeared that night
 - ◆ Item purchased
 - ◆ Was ID requested?

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- ◆ Was ID checked?

INVOLVE MEDIA:

- ◆ Develop a positive and proactive relationship with the media.
- ◆ Notify the media in advance.
- ◆ Invite media representatives to observe compliance investigations.
- ◆ Provide key information to the media after compliance investigations are concluded such as:
 - ◆ What percentage of retailers sold alcohol to the underage buyers?
 - ◆ 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?

Follow Through (Community Effort):

- ◆ Penalties on clerks
- ◆ Penalties on license holders
- ◆ Allow media to ride along
- ◆ Work with judicial partners
- ◆ Work with community leaders to create environmental change (including youth)
- ◆ Publicize results (Media Plan)
- ◆ Educate retailers
- ◆ Educate the general public
- ◆ Review policies and advocate change as needed

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Underage Buyer Information Sheet

Name _____ Age _____

Height _____ Weight _____ Hair _____ Eyes _____ SSN _____

Race _____ Male _____ Female _____ Facial hair: Yes / No (Circle one) Facial piercing: Yes / No (Circle one)

Street Address _____ City _____ Zip _____

Mailing Address _____ City _____ Zip _____

Home Phone _____ Work Phone _____ Cell Phone _____

School _____ Address _____

Work _____ Address _____

Do you have a car: Yes /No

If not, will you have transportation to and from the _____ [agency name]?

Yes / No

Have you ever been arrested for being in possession of alcohol while under 21: Yes / No

Parent Information

(If Volunteer is under 18)

Parent / Guardian _____

Street Address _____ City _____ Zip _____

(If different than Volunteer's)

Mailing Address _____ City _____ Zip _____

(If different than street address)

Home Phone _____ Work Phone _____ Cell Phone _____

Work _____ Address _____

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PARENTAL AUTHORIZATION

I, _____ (Print Parent's Name) am the parent / legal guardian of
(Print Minor's Name) _____ who is less than eighteen (18) years
of age. I give my permission for said minor to act as an Underage Buyer to assist the
_____ [Agency Name] in Alcohol Compliance Checks to enforce
the Prevention of Youth Access to Alcoholic Beverages and Low-Point Beer Act pursuant to Title 37
Section 605 of the Oklahoma Statutes. I understand that my son/daughter may be subpoenaed to court
to testify on behalf of the Prosecution regarding his/her conduct and involvement in the Compliance
Checks.

Signature of Parent / Guardian: _____ Date: _____

Witnessed by: _____

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AGREEMENT ASSUMING RISK OR INJURY OR DAMAGE

WAIVER AND RELEASE OF CLAIMS AND INDEMNITY AGREEMENT

UNDERAGE VOLUNTEER (2M2L)

WHEREAS, I, _____ being under the age of twenty-one and not being a member of the [AGENCY], have made a voluntary request to accompany [OFFICERS] of the [AGENCY] and to participate as an Underage Volunteer where I will assist in the enforcement of underage drinking laws by purchasing alcohol under the direction and supervision of an [OFFICER]. At no time will I consume alcohol while participating as an Underage Volunteer. I also voluntary request to ride as a guest in a vehicle assigned to the [AGENCY]; and

WHEREAS, the [AGENCY] is willing to allow me to ride as a guest in a vehicle assigned to that Department and to accompany a member or member of the Department during the performance of their duties and to participate as an Underage Volunteer on the following conditions:

NOW, THEREFORE, in consideration of the permission given to me to ride in a vehicle assigned to that Department and to accompany a member or members of the Department during the performance of their duties and to participate as an Underage Volunteer, I do hereby agree:

1. That I am aware that the work of the [AGENCY] is inherently dangerous and that I may be subjected to the risk of death or personal injury or damage to my property by accompanying a member or members of said Department during the performance of their official duties and that I freely, voluntarily and with such knowledge, including, but not limited to the use of weapons, unlawful acts or forcible resistance by law violators or suspected law violators, assault, riot, breach of the peace, fire, explosion, gas, electrocution or the escape of radioactive substances while accompanying a member or members of the Department during the performance of their official duties.
2. That the County of [COUNTY]; the [AGENCY], his sureties, all members of the [AGENCY], their sureties, and each of them, shall not be responsible or liable for any injury, loss or expense, either to me or my property, incurred while riding in any vehicle assigned to the Department or while accompanying any member or members of said Department during the performance of their official duties and resulting from any negligent act or omission on the part of any member of said Department.
3. For myself, my heirs, executors, administrators, and assigns to defend and indemnify the County of [COUNTY], [AGENCY], all members of the Department, their sureties, and each of them, against any and all manner of actions, causes of actions, suites, debts, claims, demands, or damages or liability or expense of every kind and nature incurred or arising by reason of any actual or claimed negligent or wrongful act or omission of mine while riding in any vehicle assigned to the Department or while accompanying any member or members of said Department during the performance of their officials duties or during the time that I am participating as an Underage Volunteer.
- 4.

THE FOLLOWING IS TO BE FILLED IN BY THE UNDERAGE VOLUNTEER AND PARENT / GUARDIAN IF THE UNDERAGE VOLUNTEER IS A MINOR IN THEIR OWN HANDWRITING:

	Volunteer	Parent / Guardian
A. Have you read this paper from beginning to end?	_____	_____
B. Do you know what this paper is that you are signing?	_____	_____
C. What is the paper which you are signing?	_____	_____
D. Do you know that by signing this paper, you are personally Assuming all risks of injury connected with participating as an Underage Volunteer	_____	_____

I AM SIGNING MY NAME ON THE WORDS "THIS IS A RELEASE" TO SHOW I FULLY UNDERSTAND THIS DOCUMENT.

Signature of Witness / Assigned Deputy

Signature of Underage Volunteer

Signature of Supervisor

Signature of Parent / Guardian if minor Volunteer

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Youth Volunteer Information and Screening Form

Date: _____ Time: _____

Location: _____

Volunteer Name: _____

Date of Birth: _____ Race: _____ Sex: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____

Parent/Guardian: _____

Emergency Contact: _____

Emergency Contact Phone Number: _____

Contact 1: Male/Female Aged Guessed _____

Contact 2: Male/Female Aged Guessed _____

Contact 3: Male/Female Aged Guessed _____

Contact 4: Male/Female Aged Guessed _____

Contact 5: Male/Female Aged Guessed _____

Contact 6: Male/Female Aged Guessed _____

Contact 7: Male/Female Aged Guessed _____

Contact 8: Male/Female Aged Guessed _____

Contact 9: Male/Female Aged Guessed _____

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Contact 10: Male/Female Aged Guessed _____

Deputy/Officer Conducting Screening: _____

Witness: _____