

Reducing Youth Access Through Compliance Checks

IHEC Webinar

Tuesday, January 24, 2012

What are Compliance Checks?

- 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 “coverts” to test retailers' compliance with laws regarding the sale of alcohol to minors.



Why Do Them?

- 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 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.

Why Do Them?

- 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.

Recent Trends

- Research has show that compliance checks are a very effective tool to reduce youth access
 - In Champaign compliance rates were at 40% when the program started. Within a couple of years it was over 80%. In the last 4 years rates have remained between 96% and 98%.
 - Not aware of any community that saw a reduction in compliance from this enforcement strategy.
- In many communities, enforcement is conducted along with merchant education programs.

Steps in preparing to do Checks

- Work with Community Leaders
 - Educate them on the benefits of this program
 - Discuss / help set community standards
 - Raise public awareness
 - Encourage enforcement efforts
 - Review existing laws and policies and adjust as needed to meet the new standards
 - Conduct alcohol purchase surveys

Steps in preparing to do Checks

- State of Illinois has a model program for conducting compliance check operations
 - Should be reviewed and modified for your community as allowed for.
 - Procedure for conducting checks must be approved by your community leaders (Liquor Commissioner, City Council, etc.)
 - By statute, the person supervising compliance checks must be trained by a certified program of the Illinois Law Enforcement Training and Standards Board.

Steps in preparing to do Checks

- Talk with law enforcement and provide assistance as necessary
- Prepare for violations
 - Discuss enforcement procedures
 - Custodial / Non-Custodial arrests
 - Prosecution of cases (State v. local)
 - Administrative prosecution / procedures
 - Sanctions (warnings, fines, suspensions, jail)

Steps in preparing to do Checks

- Understand the legal standing that allows for compliance check operations
 - **Sorrells v. U.S.** - Supreme Court 1932
 - Elements of Entrapment:
 - *Entice*
 - *Plead with*
 - *Coerce*
 - *or otherwise compel*
 - **ROBERTS v. I.L.C.C.** - IL Appellate 1st District 1965
 - DuPage County IL

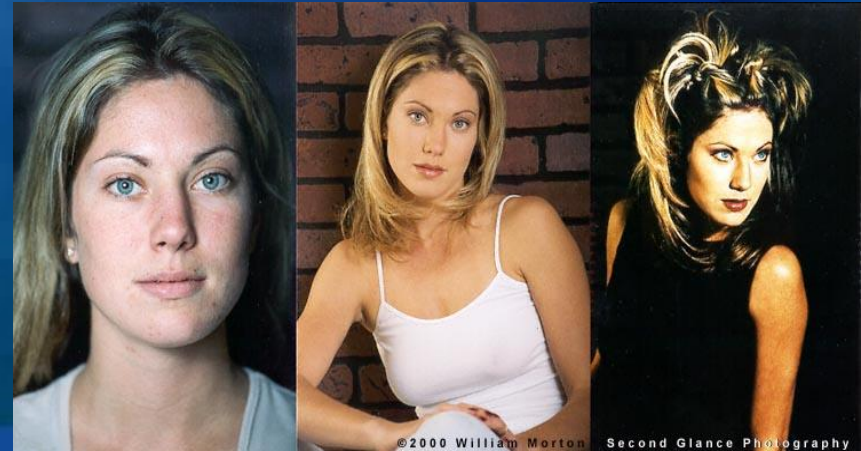
Basic Steps to Conducting Checks

- Make sure your community has fulfilled the state requirements
- Talk with retailers
 - Advise them about the program and community standards
 - Give them guidance on how to prevent sales to underage persons
 - Provide information on carding procedures
 - Provide signage (Card Hard, etc)



Basic Steps to Conducting Checks

- Select Enforcement team to include officers, citizen volunteers and youth
- Recruit / Select covert youth
 - Should be youthful appearing
 - Age verification should be conducted
 - Community may set standards of age for involvement in the program
 - Youth should match the community
 - Select both males and females



Basic Steps to Conducting Checks

- Document Volunteers
 - Covert files
 - Volunteer Information
- Other Considerations before heading out
 - Compensation for covert minors
 - Insurance
 - Availability for Court

Basic Steps to Conducting Checks

- Train the enforcement team
 - Review the procedures before heading out
- Specific instructions for covert youth
 - 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
 - Instruct volunteers to avoid situations that seem dangerous and not to buy if people in the outlet know them

Basic Steps to Conducting Checks

- Specific instructions for covert youth (cont.)
 - Instruct re: what should be purchased (if anything) along with the alcohol
 - For some youth volunteers this may be their first time doing something as bold as trying to buy alcohol
 - To help them get over their fears or concerns it is a good idea to give your volunteers some interactive experience by “practice buying” in a safe non-licensed environment.
 - This type of training can calm nervous volunteers and give them some confidence that they can perform this role effectively.

Basic Steps to Conducting Checks

- Specific instructions for covert youth (cont.)
 - Minors should dress appropriately for your location and area:
 - Wear appropriate clothing for the situation. Minors should *blend in and not stand out*
 - Know your area, your youth and current trends
- Photograph your minor before you go out.



Basic Steps to Conducting Checks

- Scheduling and Location Selection
 - How often should we do compliance checks?
 - Shot gun approach (all locations in a short period of time)
 - Periodic Inspections (once every “x months”)
 - Routine and on-going compliance check operations
 - Who gets checked and how often?
 - All locations must be checked
 - Is this possible?
 - Problem locations

Basic Steps to Conducting Checks

- Scheduling and Location Selection
 - Selection based on:
 - Type of business
 - Off premise
 - On premise
 - Locations of business: (regional inspections)
 - Problem locations:
 - Community complaints
 - Repeat violators

Conducting the Actual Check

- Safety First

- Officers should have an idea of what is happening at the location before entering
 - Officer typically enters first followed by minors
 - Use team concept if possible
 - Two or more minors enter together.
 - Only one should attempt the purchase.
 - If something does not feel right or minors encounter people they know they should terminate the attempt
 - Less conversation with the staff is better
- On officer remains outside for safety

Conducting the Actual Check

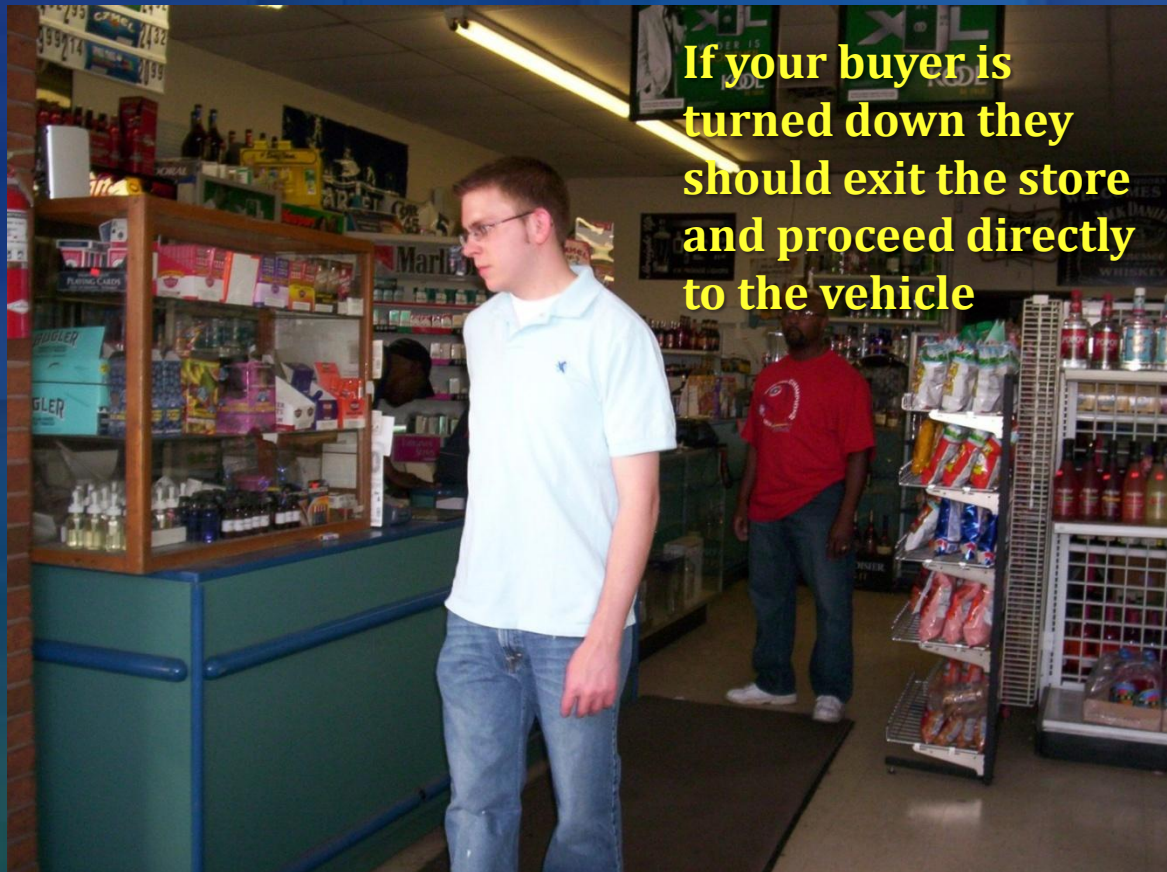
- Purchase made
 - How the product is handled will vary by location type
 - Off premise (package locations) minors exit with the product and turn over to outside officer
 - On premise depends on the location. Most commonly minor will walk away with product and then casually set it down for inside officer to pick up.
 - Minors should exit the business and go to the car
 - Minors give verbal account of what happened to officer outside.

Conducting the Actual Check

- Purchase made
 - Upon determination and confirmation of purchase officers will begin documentation process
 - After a few minutes passes notification will be given to manager of the violation and arrangements made to cite the employee
 - Under no circumstances should the minor be returned to the store (safety)
 - Collect available evidence...receipt tapes, money, video, statement of seller, other witnesses

Conducting the Actual Check

- Purchase attempt refused



If your buyer is turned down they should exit the store and proceed directly to the vehicle

Documentation

- Police Reports
 - Should be a detailed account of what happened
 - Should contain a statement by the minor of their participation in the case
 - Should include spontaneous statements made by the offending employee(s)
 - Should document the evidence chain
 - Depending of department policy and procedure may identify covert minor by real or assumed name.

Documentation

- Covert operations
 - All checks should be documented in a covert operations file
 - Allow agency to monitor business failures
 - Helps determine who need to be checked and frequency of past checks
 - Will allow for tracking of covert minors activity

Enforcement Follow Through

- Options for addressing the licensee:
 - Local Authority
 - Liquor Control / ABC
 - Court Actions
 - Tobacco violations may differ at local level
- Typical Sanctions
 - Fines
 - Suspensions
 - Creative sanctions

Results Point to the Problem

- Just what does a 21 year old look like?
- One has to ask...sellers will, at times, miss this step
- When presented and ID, 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?

State specific requirements

- Legally required to notify businesses of a compliance check
 - Good boy / bad boy letters
 - State mandates that business must be notified of the compliance check even if they passed
 - Notification must be within 30 days of inspection
- Sample documents available upon request

College Community Involvement

- These programs require the support of the community
 - Referrals of potential covert minors
 - Civilian volunteers who can be a witness to the violation
 - Assistance with documentation and tracking of operations
 - Leads on problem businesses
 - Expression of community norms

Resources

- Following are resources to communities wanting to conduct compliance check operations:
 - Illinois Liquor Control Commission
 - Statutes / policies / practices
 - Municode.com
 - Legal reference site for ordinance language
 - Illinois Law Enforcement Training and Standards Board
 - Model Policy and Guidelines for Compliance Check Operations

Presenter:

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