

Protocol For Conducting Alcohol Compliance Checks

City of Grand Forks, ND

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Contents

Alcohol Compliance Checks (general information) -----	P3
Selection and Participation of Buyers Utilized-----	P3
General Guidelines-----	P4
Follow-up and Reporting -----	P4
Parental Consent Form-----	P5
Participant Consent Form-----	P6
Buyer Report Form-----	P7
Written Statement -----	P8
Laws enforced in Alcohol Compliance Checks-----	P9

Conducting Compliance Checks for Enforcement

The purpose of conducting Alcohol Compliance Checks for enforcing the liquor laws in the City of Grand Forks is to encourage voluntary compliance of the liquor laws by retailers and to determine the availability of alcohol to underage youths.

All compliance checks of local and state liquor laws are conducted under the supervision of the Grand Forks Police Department.

Individuals under the age of 21 may be used for the purpose of conducting the compliance checks, provided they are trained in the proper procedures and have signed all the proper paperwork concerning liability and risks.

Selection and participation of buyers utilized in compliance checks

Individuals selected who are below the age of 21, should have a youthful appearance, and have the confidence necessary to request alcohol products.

The individuals should dress in a manner consistent with their age which does not make them appear older - usually casual type clothing is preferred. Photographs will be taken of each individual at the time of the testing and ID's will be copied or scanned.

Individuals should have no prior history of alcohol offenses or other offenses that may compromise the integrity of the compliance checks.

Confidentiality is of utmost importance and participants shall be given a complete explanation of the confidential nature of the results of the alcohol compliance checks. This confidentiality extends until proper notification is given to the retailers and legal proceedings have begun (if necessary).

In some instances, individuals may be required to testify about their experiences in conducting compliance checks.

General Guidelines and Training Requirements

Police officers shall accompany all buyers during under-age buying of alcohol products for the enforcement of city and state codes. It is desirable to work in teams of at least one buyer, a plain clothed police officer and a uniformed police officer.

The buyers participating in the compliance checks will be given instructions and training prior to attempting any purchases. Plain-clothed and uniformed officers participating in the compliance checks will be assigned an under-age buyer and will be in direct contact with the buyer from start to finish throughout the compliance check period.

The buyers will be searched and the vehicles in which the buyers and officers will be using will be searched prior to the tests. The only items allowed to be on the persons will be a valid drivers license or identification card and the funds used to purchase alcohol, which funds shall be provided by the department. The officer will document the funds spent and any property obtained on the ICR report immediately after the purchase.

The plain clothed police officer will enter the establishment prior to the buyer entering. The officer will observe that the business is operating under normal working conditions and that the test will be conducted in a fair and reasonable manner based on the nature of the business. If at any time the officer feels the test would not be fair to the business, or that sending in the buyer would jeopardize the buyer's safety, the officer is to leave and the business will be checked at a later date or time.

If the officer inside feels it is safe to test and does not leave the business, the uniformed officer outside in the car is to send the minor into the business. The buyer is to sit or stand in a place in which he/she is in view of the plain clothed officer without compromising the identity of the officer.

When the buyer attempts to purchase alcohol he/she will under **no** circumstances lie about their age or attempt to convince the seller to sell to them. They will, upon request, state their **TRUE** age and produce a valid drivers license or identification card if asked. If possible the plain clothed officer should attempt to see and/or hear the transaction of the sale and document in reports the events that transpired.

Upon returning to the vehicle, if a sale was made, the buyer will notify the uniformed officer and that officer will then proceed into the establishment to get identification of the seller. The plain clothed officer should stay inside the establishment, if possible, in the event the uniformed officer needs help in identifying the seller. An ICR number will be assigned for each business that failed the check. The buyer is then to fill out a buyer's report and written statement. The officer will follow up with the proper paper work and ICR. A buyer's report is taken at every business whether they pass or fail.

If an off-sale purchase is made, the product shall be logged into evidence along with the receipt, if possible. Any alcohol in an open condition, such as in a restaurant or bar, should be left on-scene and the brand, cost, and container of the item shall be documented in the report.

Follow up and reporting

The results of the Alcohol Compliance Checks will be forwarded to the city prosecutors office. The city prosecutors office will contact businesses that violated city and state code. Businesses that have passed the checks will be sent a letter, by the Grand Forks Police Department, congratulating them on a successful check.

Parental Consent Form

Dear Parent.

Youth consumption of alcohol is a serious problem in our society. Enclosed is a summary of evidence on health and public safety problems associated with underage drinking. Limiting the supply of alcohol that is accessible by underage youth is one important tool in a comprehensive program of deterring underage drinking. Youth who are of age, friends and relatives—so-called social providers—are one source of alcohol for underage youth. Licensed liquor stores, convenience stores, bars and restaurants are another source. The experience of law enforcement around the country and university research suggest that in communities without active enforcement programs, youth are served alcohol without ID at approximately fifty percent or more of licensed establishments. The most effective police strategies for detecting and deterring irresponsible adults who provide or sell alcohol to underage youth require the use of underage people as buyers.

Your child has expressed an interest in serving as a youth buyer and we seek your consent for their participation. In compliance checks and shoulder-tap operations the youth buyer will make an attempt to purchase alcohol from a commercial or social provider. If alcohol is provided illegally, law enforcement action is taken against the seller or provider and, when appropriate, administrative action is taken against the liquor licensee.

Youth serving as buyers are under constant supervision throughout these operations. While most cases do not involve public trials or hearings, it is possible that the youth buyer may need to appear as a witness at some future date.

Youth buyers generally find the experience of working with law enforcement exciting and educational. Serving as a youth buyer is a public service that many youth have found beneficial when listed on college or employment applications. Serving as a youth buyer is particularly appropriate for anyone contemplating a career in law, law enforcement, or public health.

Your signature on this form indicates that you consent to your son or daughter serving as a youth buyer for law enforcement operations directed at alcohol age-of-sale laws. Participation as a youth buyer is voluntary. Your son or daughter has the right to withdraw at any time. Please sign and return this form if you agree to allow your son or daughter to participate in this program.

I hereby give my consent for my son/daughter, _____ to
serve as a youth buyer for the **Grand Forks Police Department**

Signature of Parent or Guardian

Date

**Alcohol Compliance Youth
Participant Consent Form**

Name _____
Date: _____

Date of Birth documentation:

birth certificate _____ passport _____ drivers
license _____

Instructions: Carefully read each line below. Please ask questions about anything you do not completely understand. Your signature indicates that you understand and are willing to abide by all the terms of this agreement.

I understand that the purpose of the compliance check operation is to assess compliance with the age-of-sale laws by attempting to purchase alcohol.

I understand and agree that I am not to pursue or participate in any operation relating to alleged alcohol sales violations unless I am under the direct supervision of a law enforcement officer or a licensing inspection official.

I understand that specific information about unannounced compliance checks is confidential. I agree that I will not discuss plans, dates, times, outcomes, or details of specific inspections, including but not limited to retail locations, retail staff making sales to underage buyers, nor the identity or description of law enforcement personnel working in plain clothes, unless directed by officials of the law enforcement agency or pursuant to legal proceedings.

I agree not to violate any laws or commit any crimes while participating in unannounced compliance checks.

I understand that if I violate any laws, except the one for which I am granted immunity, I may be held responsible for those violations.

I agree to relinquish all alcohol products purchased as the result of these compliance checks and all unused money to the adult supervisor.

I understand that the objective of the compliance checks is to test compliance with retail age-of-sale laws; and that a successful compliance check is one where the seller/provider refuses to provide alcohol, acting in compliance with the law. The goal of a buyer is to assist law enforcement in conducting a fair test. The buyer must not coerce the clerk, waitperson, or bartender into selling.

I agree to be completely truthful when reporting what happened during each compliance check.

I have participated in training provided by the Grand Forks Police Department and I agree to adhere to the protocol explained in that training.

I understand that I may be called to testify in open court regarding the facts of each compliance test. I agree to testify if called to do so.

Youth's name(*print*) _____ Youth's Signature _____
Date: _____

Witness _____ Date: _____

Grand Forks/ Grand Forks Police Department

Date of Attempt: __/__/__ Time in: _____ Time Out: _____ Case No. _____

Name of Business _____

Address _____

My name is _____. I am ___ years of age. My date of birth is: __/__/__

I was born in _____, _____

COUNTY

STATE

PURCHASE

I purchased, _____, an alcoholic beverage and paid \$_____ to the seller described below.

I was () was not () questioned as to my age.

I was () was not () asked for an ID.

REFUSAL TO SELL

I attempted to purchase _____, an alcoholic beverage, but the seller:

() refused to sell to me.

() asked my age and when I said my true age refused to sell or allow me to enter the establishment.

() was asked to see my ID and when I provided my true ID was refused sale.

SELLER DESCRIPTION

The clerk/cashier/waitress/bartender/doorman is:

Male _____ Female _____ Hair color _____ Shirt/Top Color _____

Trousers/dress/bottom color _____ Height _____ Weight _____ Age _____

Other (ID, name badge, etc) _____

At the time of purchase if asked for ID I displayed my **Valid ID** displaying that I am under the age of 21.

I have read the above statement and all facts are true and correct

Print Name _____ Signature _____ Date _____

Witnessing Officer Print Name _____ Signature _____ Date _____

- (1) Except as otherwise provided in this article, no minor shall be allowed in any premises licensed for the sale of alcoholic beverages.
- (2) A minor is permitted in a premises licensed for the sale of alcoholic beverages under the following circumstances.
 - (A) In a restaurant, if the restaurant is separated from the room in which alcoholic beverages are being opened or mixed, and gross sales of food are at least equal to the gross sales of alcoholic beverages which are consumed on the dining area;
 - (B) When employed as a musician or in the busing or washing of dishes in and for a restaurant or hotel that is licensed to sell alcoholic beverages, or when employed as a waiter or waitress at a restaurant, hotel, or motel where only wine is sold, provided that the person who is under the age of eighteen (18) years may not serve or sell any wine;
 - (C) **If the person is employed or acting as an authorized agent of a law enforcement officer entering the premises in the performance of official duty;**
 - (D) During a designated alcohol free time period in any licensed premises, or in that portion of a licensed premises which is separated from the remainder of the premises or where the license holder has determined not to sell or permit the consumption of alcoholic beverages on the premises or the designated portion thereof during a particular time period and has determined to operate the licensed premises or portion thereof as alcohol free during such period, provided that the license holder complies with the following conditions:
 - (3) The license holder shall give written notice of the intention to operation to operate an alcohol free period at least forty-eight (48) hours in advance to the chief of police, which notice shall designate the portion of the premises to be used for the alcohol free period and shall indicate whether alcoholic beverages will be sold on any portion thereof; and
 - (4) The license holder shall post conspicuously at all entrances to the premises or portion thereof to be used during the alcohol free period a notice stating that the sale and consumption of alcohol beverages will not be permitted during the duration of this period, and shall also state that the participants are not allowed into any portion of the licensed premises where alcoholic beverages are sold; and
 - (5) During the alcohol free period of operation, the license holder shall remove from public view and secure on the premises to be used for the alcohol free event, all containers of alcoholic beverages in that portion of the premises, and inactivate any devices which dispense alcoholic beverages therein; and
 - (6) The license holder shall provide security measures within the portion of the licensed premises to be used for the alcohol free period to prevent the consumption of alcoholic beverages by persons on the premises for the alcohol free period; and
 - (7) The licensed premises must be designed and constructed to provide for a physical barrier between the portion of the premises used for the alcohol free period and other portions of the premises and the license holder shall provide security measures to separate the guests attending the alcoholic beverages are served, and from persons using the portion of the premises where alcoholic beverages are being served.