

FAST FACTS

UNDERAGE BUYER TRAINING FOR CONTROLLED PURCHASE OPERATIONS

What are Controlled Purchase Operations?

Controlled Purchase Operations monitor and enforce alcohol sales laws. They involve underage buyers attempting to purchase alcohol from licensed premises. There are two types of controlled purchase operations.

Alcohol compliance checks are conducted by law enforcement and involve the use of underage buyers to test retailers' compliance with state laws and local ordinances that regulate the sale of alcohol. Alcohol compliance checks are a prevention strategy to reduce retail alcohol sales to minors.

Shoulder tap operations are a different version of alcohol compliance checks. They use underage buyers to approach an adult entering an alcohol retail establishment and ask the adult to purchase alcohol for them. Shoulder tap operations focus on deterring adults from providing alcohol to those who are underage.

Limiting the supply of alcohol accessible to underage youth is an essential tool in preventing underage drinking. The most effective law enforcement strategies for detecting and deterring adults who provide or sell alcohol to underage youth require the use of underage individuals as buyers.

What Is an Underage Buyer?

An underage buyer is an individual under the minimum purchase age who acts under the direction of law enforcement in the purchase of alcohol during alcohol compliance checks, alcohol shoulder tap operations, or other controlled purchase operations. Each state may have different requirements for these individuals, such as a maximum age.

Why is Underage Buyer Training Important?

Alcohol compliance checks and shoulder tap operations involve an element of risk to both the youth underage buyer and the law enforcement officer. Consequently, providing adequate training and identifying steps to safeguard those involved in the operations is imperative. Underage buyer training allows youth volunteers to know what is expected of them, their responsibilities throughout the operations, and what documentation and follow-up are required. All volunteers should be fully informed of their role in the alcohol compliance checks and shoulder tap operations and be willing and able to fulfill all required functions.

Using a Checklist

During training, underage buyers should be provided clear guidance on attempting the sale. Role-plays and practice scenarios are a great way to build the underage buyer's confidence and reduce nervousness. Setting the stage and putting all the buyers through the steps of an alcohol compliance check or shoulder tap operation will ensure everyone is on the same page before beginning the enforcement activity. A checklist or list of "do's" and "don'ts" can help prepare buyers for enforcement activities. For example, buyers should be advised not to loiter in the establishment but to go directly to the established product they are purchasing.

Underage buyers also should avoid any unnecessary conversation with the clerk or patrons in the establishment. Underage buyers shall answer questions the clerk asks truthfully and not make up any information. They should be instructed to leave the premises immediately if they recognize the clerk or a patron or sense a dangerous situation. The more prepared the underage buyer is, and the more information they have up-front about the protocols and expectations during enforcement activities, the more efficiently operations will go.

Multiple Buyers

Having two underage buyers work together, whether they enter each business together or alternate purchase attempts at businesses, can be beneficial. Multiple buyers can support each other, which may seem more natural to a retailer's employees. Also, employing different buyers at each business may offset the effects of phone trees: businesses calling other establishments to warn them that compliance checks or shoulder tap operations are being conducted.

Whether one or more underage buyers are employed, the underage buyer should not enter with a plainclothes officer nor sit with a plainclothes officer. If the buyer is with an adult, the seller may conclude that the buyer is purchasing with a parent, which could lead to allegations of entrapment. Entrapment is a legal term that describes what happens when someone is induced into committing a crime. Additionally, if two underage buyers are used at one retail establishment, they should be instructed to attempt only one total purchase.

Buyer Age

When conducting alcohol compliance checks and shoulder tap operations, the buyer must be under the legal age of purchase. Best practices recommend that the underage buyer be no older than one year less than the purchase age. Ideally, the buyer should be 18 or 19 years of age. If the buyer is not underage, no law would have been violated when an establishment sells to the buyer. The buyer should appear age-appropriate – not look older than 21 but not appear too youthful. Additionally, if a buyer is 20, they may be 21 when and if they have to provide testimony.

Law enforcement can use an age verification assessment before using an individual as an underage buyer to increase the appearance of fairness for their alcohol enforcement program. An age verification assessment will objectively evaluate the age of each prospective underage buyer from a sample of adults. Random adults from diverse backgrounds can be polled to estimate the age of the underage buyer. The underage buyer is present so the adults can observe them and offer their best estimate of the underage buyer's age. After the age

verification assessment, underage buyers whose age appearance is estimated between 18 and 20 years of age should be accepted into the program, while those who test too young or appear to be over the age of 21 should not be accepted into the program.

If buyers have a consistently high buy rate, their continued participation should be reevaluated. It is vital to the integrity of your alcohol enforcement program that an underage buyer's appearance or demeanor is not consistently causing the retail employees to believe they are over 21.

Buyer Appearance

The appearance of the buyer is a significant consideration when defending the investigation against allegations of inducement or entrapment. The underage buyers should look and act their actual age. They should not alter or enhance their appearance through cosmetics, hairstyles, or clothing they would not normally wear. Underage buyers should avoid wearing clothing that advertises alcoholic beverages. Males should not have facial hair. Underage buyers should not wear heavy makeup. Ball caps and sunglasses, which may hide portions of the face or disguise the underage buyer, should not be worn. The underage buyer should blend into the community where they will be attempting to purchase alcohol. Males and females should both be used in the operations.

Underage buyer recognition can be an issue in smaller or rural communities. Youth from neighboring communities are often used as underage buyers to avoid recognition during an enforcement activity. Law enforcement from different communities and counties can work together to share underage buyers so enforcement activities can be completed and the underage buyers are not put in tenuous situations within their communities.

Buyer Character

Underage buyers should be of good character. A background check should be completed on the underage buyer to confirm they do not have a criminal record. It is crucial to avoid any perception that underage buyers are compelled to encourage alcohol sales in return for lesser sanctions or personal benefit. This pitfall can lead to issues in court, result in the dismissal of enforcement activities, and taint your alcohol enforcement program.

Written Statements

Documentation of each sale, including statements completed by underage buyers, ensures successful prosecution of violations. Underage buyers may be required to complete a form or write a statement that documents each alcohol compliance check or shoulder tap operation in which they were involved. The underage buyer should complete the documentation immediately following the enforcement activity to capture the information while it is still fresh in their memory. Information will include who sold to the underage buyer, dates and times, and circumstances. The buyer's documentation becomes part of the official case report. It may be critical during subsequent administrative or criminal proceedings.

Court Testimony

Underage buyers must be available and willing to attend any subsequent court proceedings or administrative hearings that result from their involvement in the enforcement activities. Underage buyers should be allowed to meet with the prosecuting attorney and prepare for their testimony.

Compensation

Underage buyers can be unpaid volunteers or be compensated for their time invested in training, enforcement activities, and follow-up. If the underage buyer is compensated, the compensation or stipend should be a set amount for each hour the underage buyer is used or a flat rate fee for the entire detail. They should not be compensated for the actual results of the enforcement activities, such as an amount per check or sale.

Protocols

Before implementing alcohol compliance checks and shoulder tap operations, it is essential to establish underage buyer-related protocols to safeguard your enforcement activities. Decisions to be made ahead of time include:

- Will underage buyers be paid for enforcement activities? If the underage buyers are compensated, where will the funds come from, and how much will they be paid?
- Will underage buyers use their IDs or conduct alcohol compliance checks without an ID? If underage buyers are not using their IDs, they should turn them over to the supervising officer during enforcement activities or secure the ID in their vehicle.
- Will a preliminary breath test be required before the underage buyer begins the enforcement activity? Will the test be administered at the end of the detail? If the underage buyer must submit to a breath test, notify the underage buyer of this requirement during the application process.
- What alcohol product(s) will the underage buyer attempt to purchase during operations? Alcohol products that are typically consumed by underage youth should be identified. Also, identifying the specific product up front will allow the underage buyer to attempt the purchase or make the request without hesitation. Whatever product is chosen, the underage buyer should be offered a few alternative products for locations that may not sell the originally designated product.
- Will alcohol purchased during compliance checks and shoulder tap operations be preserved as evidence or can it be discarded after the enforcement activities?
- What protocol should an underage buyer follow if they feel unsafe during an enforcement activity?

Documentation

A file should be established for each underage buyer to verify that they meet the established criteria. The file should contain:

- Photographs of the underage buyer at the start of each detail
- Copy of driver's license or state-issued ID card
- Background check results
- Acknowledgement form signed by the underage buyer
- Parental consent form if the underage buyer is under the age of 18
- Age verification assessment results
- Record of details conducted and pass/fail rates
- Breath test results (if required)

Resources

[Illinois Law Enforcement Training and Standards Boards](http://ptb.illinois.gov/) ptb.illinois.gov/

[Alcohol Epidemiology Program at the University of Minnesota](http://aep.umn.edu/) aep.umn.edu/

[The Wisconsin Alcohol Policy Project at the University of Wisconsin](http://mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project) mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project

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