

Alcohol Enforcement Program

Van Buren County Sheriff's Department

In partnership with the

Van Buren SAFE Coalition STOP Project

**For additional information
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Statement of Purpose

Alcohol consumption by the youth of Van Buren County is a problem of great concern to the community. According to the Iowa Youth Survey, alcohol is the most widely used substance of abuse among Van Buren County's youth. Underage alcohol use is a public health and safety problem in Van Buren County, creating serious personal, social, and economic consequences for adolescents, their families and the community as well.

In 2007 the Surgeon General issued a "Call to Action" to prevent and reduce underage drinking. In it, law enforcement agencies were encouraged to "enforce uniformly and consistently all policies and laws against underage alcohol use".

According to the U.S. Department of Justice, routine, comprehensive compliance checks are the key strategy for deterring commercial alcohol sales to minors.

By partnering with the Van Buren SAFE Coalition, the goal is to educate business owners and their employees and to maintain a compliant retail environment in the community. Moreover, work will continue to be done to help reduce access to alcohol for Van Buren County youth.

Procedures

The Van Buren County Sheriff's Department has created the following suggested procedures for routine and fair monitoring of Van Buren County retail establishments licensed to sell alcohol products.

Preparing for Compliance Checks

The Van Buren County Sheriff's Reserve Officers should coordinate the participation of a minor to assist with the controlled-buy operation (compliance check).

1. Minor shall be between 16 and 20 years of age.
2. Minor should be of good character.
3. Minor should have the appearance, demeanor, mannerisms and dress appropriate to their age group.
4. Minor should complete the Personal History and Consent forms. (Appendix 1 & 2)
5. All minors under age 18 shall have a parent or guardian complete a Parent/Guardian Consent Form prior to the scheduled compliance check date. (Appendix 3)
6. A current list of all businesses and employees with a valid Merchant Alcohol Training certificate should be obtained from the STOP Project Director.
7. The local citing officer shall be available for testimony at hearings and district court proceedings at the request of the local/state prosecutor and shall advise local and state prosecutors and/or Iowa ABD investigators as to the disposition of criminal citations.

A Briefing Shall be Held Prior to Conducting Checks

1. The officer in charge should approve the minor's appearance, and a photo should be taken of the minor before each day's compliance check. Also, photocopy the minor's ID. The minor's appearance should not be changed after that point.
2. The officer should verify the minor has proper, official identification showing date of birth. This shall be the only identification carried or presented throughout the course of the compliance check.
3. The minor should be instructed:
 - a. To go directly to the targeted merchandise and then directly to the check-out counter;
 - b. That at no time should the minor try to persuade the licensee/clerk to complete the sale, and the minor should speak only as necessary;
 - c. If asked about age, the minor is to present the previously approved personal ID card; Under NO circumstances should the minor lie or misrepresent his/her age.
 - d. If a transaction is completed (a sale made), the minor should try to obtain a receipt and name of the clerk where it is practical to do so.
4. The success of the operation and the minor's continued participation in alcohol compliance checks is not dependent on making successful purchases.
5. The officer shall have the authority to terminate the operation at any time for safety reasons.

Compliance Check Process

Alcohol Retailers – If possible, the officer should be stationed either inside the store or at a point from which the officer can observe the sale. The officer should not appear to be with the minor.

Restaurants – If practical, the officer should be stationed outside the establishment where the minor can be viewed, and positioned to witness any transactions between the minor and any representative of the establishment. If this cannot be accomplished, and no audio/video devices are being utilized, the officer should enter the restaurant after the minor and observe from a discreet location. The minor should take a seat alone, and attempt to purchase alcohol.

Bars – The minor should enter alone and order alcohol. If possible, the officer should be stationed either inside the bar or in an area from which the minor can be observed attempting to make a purchase. The officer should not appear to be accompanying the minor.

For every business checked, the Alcohol Compliance Check Report Card (Attachment 4) should be completed.

If the minor is able to purchase alcohol products, the citations will be as follows:

For violations meeting the Merchant Alcohol Training Incentive Program requirements (see below):

Iowa Code Section 123.49 (2)(j) – A person or club holding a liquor control license or retail wine or beer permit under this chapter, and the person's or club's agents or employees, shall not do any of the following: **(2)(j)** Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

For all other violations:

Iowa Code Section 123.49 (2)(h) – A person or club holding a liquor control license or retail wine or beer permit under this chapter, and the person's or club's agents or employees, shall not do any of the following: **(2)(h)** Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine, or beer.

Merchant Alcohol Training Incentive Program

Businesses can avoid being reported to Alcohol Beverage Division and subjected to an administrative penalty as a result of the compliance check under the following conditions:

1. A licensee fails a compliance check by one of their employees selling alcohol to an underage person, and the employee who failed the compliance check has a current Merchant Alcohol Training certificate from the Van Buren SAFE Coalition(*).
2. The violation must be the first offense in a two year time period. The two-year period will begin on the date of the first violation occurring after this program has been established.

(*) Any business wishing to complete an alternative training program must get approval of the training program by the Sheriff's Department prior to the compliance check. If any such training programs are approved, the persons who have completed such training will be added to the report provided by the Van Buren SAFE Coalition STOP Project Director prior to the compliance check. However, it is the business owner/manager's responsibility to notify the Sheriff's Department of such trainings prior to the compliance check in order to meet the criteria of this incentive program.

Reporting

Results of compliance checks will be compiled at the conclusion of the operation and reported to the Van Buren County Attorney, all local municipalities that issue liquor licenses in the county, and the local media. In addition, businesses who fail the compliance check and whose employees are cited under Iowa Code Section 123.49(2) (h) (those NOT meeting the Merchant Alcohol Training Incentive Program criteria) will be reported to Iowa Alcohol Beverage Division for administrative sanctions.

Appendix 1

Youth Participant Personal History Form

Name _____

Address _____ City/State _____

Date of Birth _____ Age _____

Height _____ Hair Color _____ Eye Color _____

Telephone # (Home) _____ (Cell) _____

Driver's License # and State Issued _____

Traffic Violation History _____

Occupation _____ Employer _____

Have you ever been arrested or been given a Notice to Appear in court for a violation of criminal law? If yes, explain: _____

Have you ever used false identification? _____

I swear the above information is true and correct under penalty of perjury.

Signed _____ Date _____

Witness _____ Date _____

Appendix 2

Youth Participant Consent Form

Name _____ Date of Birth _____

Instructions: Carefully read each line below and initial at the end of each statement. 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 the compliance with 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 and violations unless I am under the direct supervision of a law enforcement officer or licensing inspection official. _____

I understand that the specific information about the unannounced compliance checks is confidential and 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, not the identity of description of the 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 the unannounced compliance checks. _____

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

I understand that the objective of the compliance checks is to test the business and establishments where the seller/provider refuses to provide alcohol, act 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 understand the rules and regulations provided by the Van Buren Sherriff Department and I agree to adhere to the protocol explained in that training. _____

Signed _____ Date _____

Witness _____ Date _____

Youth Participant Parental Consent Form

Dear Parent or Guardian,

Youth consumption of alcohol is a serious problem in our society. 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 on source of alcohol for underage youth. Licensed liquor stores, bars and restaurants are another source. The experience of law enforcement around the country and university research suggests 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 youthful buyer and we seek your consent for their participation. In compliance checks and shoulder-tap operations the youthful 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 your consent for your son or daughter to serve 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.

I hereby give my consent for my son/daughter, _____, to serve as a youth buyer for the Van Buren Sheriff Department.

Parent/Guardian Signature _____ Date _____

Appendix 4

**Alcohol Compliance Check Report Card
Van Buren County Sheriff's Department**

Date of Attempt ____/____/____ Time in: _____ Time Out: _____

Name of Business _____

City/State _____

PURCHASE WAS MADE

I purchased _____, an alcoholic beverage and paid _____.
(Alcoholic beverage) (Price)

I was I was not questioned as to my age.

I was I was not asked for an ID before the sale.

REFUSAL TO SELL

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

Refused to sell to me.

Asked for an ID and refused to sell to me after checking my ID.

Asked my age and refused to sell to me after learning I was under 21.

Other response _____.

CLERK INFORMATION

The clerk/cashier/waitperson/bartender is:

Male ____ Female ____ Hair Color _____ Shirt color _____

Name on Tag _____ Pants color _____

Other indicators (glasses, unique appearance, unique speech, etc.) _____

Youth Participant _____ Signed _____ Date _____

Officer _____ Signed _____ Date _____