

2014

**ENVIRONMENTAL STRATEGY  
RESOURCE GUIDE: Compliance  
Checks, Shoulder Tap, Sticker  
Shock, Counter-Advertising**



## Resource Guide Overview

This document serves as a resource to the Georgia Strategic Prevention Systems Alcohol Prevention Project (GASPS APP). The primary purpose of this resource guide is to provide models, templates and examples of environmental strategies.

All documents are searchable within the pdf document except those notated with \*, indicating document is non-searchable.

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U.S. Department of Justice  
Office of Justice Programs  
*Office of Juvenile Justice and Delinquency Prevention*

# Regulatory Strategies for Preventing Youth Access to Alcohol: BEST PRACTICES

Prepared by

**Pacific Institute**  
FOR RESEARCH AND EVALUATION

In support of the

**OJJDP *Enforcing Underage  
Drinking Laws Program***

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# About This Guide

People who care about young people are aware of the serious problems caused by underage alcohol use. They should also be aware that there are many effective strategies for reducing underage drinking. Every State and community should be using these strategies.

State and local laws and regulations have the potential to be particularly effective in reducing underage access to alcohol. The right laws and regulations can minimize opportunities for young people to use alcohol and maximize the opportunities for effective enforcement and prevention.

This document provides guidance on the best practices for shaping and implementing laws and regulations to

- Restrict the *commercial availability* of alcohol to youth, with a focus on the practices of alcohol retailers;
- Restrict *social availability* to youth, with a focus on noncommercial sources of alcohol and noncommercial venues where young people consume alcohol; and
- Restrict *youth possession* to deter young people from attempting to purchase or consume alcohol. State and local policymakers and concerned citizens can use the guide to
- Assess the existing laws and regulations in their jurisdiction;
- Identify gaps, loopholes, and areas for improvement;
- Identify strengths upon which effective enforcement strategies can be built;
- Persuade legislatures and local policymaking bodies that changes are needed; and
- Motivate enforcement and regulatory agencies to strengthen enforcement of existing laws and policies.

Well-crafted laws and regulations form the basis of effective strategies to reduce underage alcohol use. This guide can help States and localities to build a strong base for action.



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# Overview

State and local regulations—laws, ordinances, policies—form the framework of any effort to reduce underage drinking. The right regulations, well crafted, can minimize the opportunities for young people to use alcohol and maximize opportunities for effective and efficient enforcement. The absence of an important regulation, or loopholes in the regulation, can put youth in harm’s way and frustrate enforcement efforts.

This guide provides information on the regulations that are most important in reducing youth access to alcohol and underage drinking. It spells out the best practices for establishing appropriate laws and regulations and suggests priorities for regulatory and enforcement efforts. It also discusses some of the implementation issues that will be crucial for the successful adoption and implementation of these regulatory strategies.

The guide divides regulations into the following three categories, depending on which aspect of youth access or use they address:

1. **Commercial availability**, which focuses on the practices of alcohol retailers such as liquor or grocery stores and bars;
2. **Social/public availability**, which focuses on noncommercial sources of alcohol (such as older friends) and noncommercial venues where young people consume alcohol (such as parties); and
3. **Youth possession**, which focuses on deterring young people from attempting to purchase or consume alcohol.

For each type of regulation, the guide discusses

- The available research literature on effectiveness;
- Features of good laws;
- Pitfalls to avoid; and
- Examples of States or communities that have used the regulation successfully.

## Best Practices

Each section of the guide includes “best practice” recommendations. By scanning the best practices, a State or community can identify gaps and areas for improvement, as well as strengths upon which effective enforcement campaigns can be built.

Following are the best practices for each regulatory category.

### Commercial Availability

#### BEST PRACTICE #1: **Ban commercial sales and gifts to minors.**

Prohibit all commercial sales, gifts, or other methods of furnishing alcohol to minors without exception, and provide vendors an affirmative defense regarding apparently valid, but false, identification.

#### BEST PRACTICE #2: **Restrict the location of alcohol outlets.**

Limit the number of outlets that can be licensed within a given area; that is, limit outlet density.

#### BEST PRACTICE #3: **Restrict alcohol sales at community events.**

Strictly limit alcohol sales and alcohol industry sponsorships at youth- and family-oriented community events; impose strict conditions designed to reduce youth access at special events where alcohol is sold.

#### BEST PRACTICE #4: **Restrict the age of alcohol servers and sellers.**

Require that all retail alcohol outlet employees who are engaged in the sale or service of alcohol be at least 21 years of age.

#### BEST PRACTICE #5: **Restrict minors’ access to bars and nightclubs.**

Prohibit minors from entering bars and nightclubs, which should be clearly distinguished from restaurants.

#### BEST PRACTICE #6: **Regulate home delivery and Internet/ mail-order sales.**

Prohibit home delivery of alcohol, and either prohibit or strictly regulate Internet/mail-order alcohol sales.

#### BEST PRACTICE #7: **Mandate responsible beverage service programs.**

Initiate, and over time, mandate communitywide responsible beverage service programs designed in conjunction with compliance checks and other policy interventions.

#### BEST PRACTICE #8: **Carry out compliance check programs.**

Institute comprehensive compliance check programs that are ongoing and communitywide; include a media advocacy component, and follow strict guidelines to ensure fairness.

#### BEST PRACTICE #9: **Impose appropriate penalties for commercial violations.**

Impose strict administrative penalties on retail licensees for violations of sales-to-minors laws, which increase with severity for repeated offenses. Complement administrative penalties in serious cases by permitting civil liability lawsuits against licensees based on common law negligence principles and by imposing criminal sanctions.

### Social/Public Availability

#### BEST PRACTICE #10: **Restrict noncommercial furnishing of alcohol to minors.**

Prohibit any person from furnishing alcohol to a minor, with very few exceptions.

#### BEST PRACTICE #11: **Implement beer keg registration.**

Enact beer keg registration laws that apply to beer containers of 4 gallons or larger; require a minimum \$50 deposit and technology that deters identification tag removal.

**BEST PRACTICE #12: Implement “shoulder-tap” enforcement programs.**

Implement shoulder-tap enforcement programs to deter adult strangers from buying alcohol for minors. Programs should target problematic locales. Instruct retailers regarding their role in preventing shoulder tapping; if the practice continues repeatedly outside a retail establishment and the retailer refuses to take action despite instruction and warning, utilize public nuisance regulations to impose sanctions.

**BEST PRACTICE #13: Implement teen party ordinances.**

Prohibit teen drinking parties at private residences, and impose fines and fees on homeowners or renters for law enforcement services.

**BEST PRACTICE #14: Restrict and monitor teen parties at motels and hotels.**

Develop community programs to ensure that teen parties do not occur in hotels and motels; if minibars are permitted, the establishments should be required to strictly monitor their use by young people.

**BEST PRACTICE #15: Establish alcohol restrictions in public locations.**

Prohibit or strictly limit alcohol consumption and open containers in unsupervised public locations such as beaches, parks, parking lots, and recreation facilities. Require hosts who serve alcohol at private functions in these venues to obtain permits that include responsible beverage service guidelines and a refundable deposit to cover any enforcement costs.

**BEST PRACTICE #16: Apply appropriate penalties to illegal transactions in noncommercial settings.**

Impose civil penalties where applicable; impose a range of criminal penalties and civil liability, either separately or in addition to applicable civil penalties. To increase the penalties’ deterrent effects, establish streamlined procedures for imposing sanctions in cases that do not involve serious community disruption, large teen parties, or bodily injury.

**Minors in Possession of Alcohol**

**BEST PRACTICE #17:** Ban possession by minors in public and private locations.

Prohibit possession by minors (unless incidental to employment) in public and private locations, with a possible exception in private residences when a parent or spouse is present.

**BEST PRACTICE #18: Implement and enforce zero-tolerance laws.**

Prohibit minors with any measurable blood alcohol level from driving a motor vehicle; authorize immediate seizure of the young offender’s drivers license at the scene of arrest as part of an administrative license revocation procedure.

**BEST PRACTICE #19: Ban false identification.**

Prohibit the production, distribution, possession, and use of false identification.

**BEST PRACTICE #20: Apply appropriate penalties to minors in possession.**

Impose administrative license revocation and other administrative and civil penalties where applicable, for violations of zero-tolerance laws. Establish streamlined criminal procedures, and experiment with nontraditional forms of punishment. In more serious cases, impose criminal penalties applicable to the crimes committed as a result of youth possession and purchase. Resist proposals to increase the severity of criminal penalties for youth possession or purchase not associated with other crimes.

## Implementation

Efforts to successfully implement regulatory strategies to reduce underage drinking face formidable barriers. Many States and communities, however, have achieved significant victories that have been measured in lives saved and tragedies averted.

Some key principles can help to maximize the effectiveness of implementation efforts.

### IMPLEMENTATION PRINCIPLE #1: **Set policy and enforcement priorities.**

One key to implementation success is setting appropriate priorities. Each jurisdiction should focus on those strategies that they can implement and that are most likely to have the greatest payoffs. While priorities must be based on local circumstances, the following enforcement priorities are supported by research and practice experience:

- Carry out routine, ongoing compliance checks.
- Prevent and intervene in teen drinking parties in both public and private settings.
- Penalize adult suppliers of alcohol at teen parties.
- Enforce zero-tolerance laws.
- Restrict commercial licenses to reduce youth access.
- Implement shoulder-tap programs to reduce purchase of alcohol for minors by adult strangers.

### IMPLEMENTATION PRINCIPLE #2: **Clarify the roles of State and local governments.**

Both State and local governments have key roles to play in the establishment and enforcement of regulations designed to reduce underage drinking. In order to maximize effectiveness, each level of government should adopt concurrent State and local authority to establish and enforce youth access regulations and avoid the State preemption doctrine. They should also promote partnerships between State and local agencies responsible for implementing and enforcing the regulations.

### IMPLEMENTATION PRINCIPLE #3: **Foster youth participation and activism.**

Citizen activism is central to the implementation of regulations. In particular, the participation of youth is key. States and communities should create opportunities for youth involvement and leadership in developing, implementing, and enforcing youth access regulations—to include working with schools, parents, alcohol policy coalitions, government agencies, and other community institutions and members.

## Regulatory Strategies: Part of a Comprehensive Goal

If States and communities work toward incorporating these best practices into their regulatory structures and processes, they can expect progress in reducing underage drinking and related problems.

Youth alcohol access regulations comprise only one aspect of a comprehensive community prevention strategy. Their potential for reducing youth alcohol problems will be greatly enhanced in community environments that deglamorize alcohol use, provide alcohol-free activities, send clear messages regarding the risks associated with alcohol, offer easy access to recovery services for all ages, and include reasonable regulations that target alcohol availability generally. Alcohol taxation is a particularly important complementary strategy.

The regulatory strategies outlined in this guide cannot be viewed in isolation. Their success and continuation can be assured only by building a foundation of community participation and activism and developing complementary policies and programs designed to shift community norms and expectations. This is a worthy goal that builds community collaboration and provides participants with a sense of accomplishment in both process and outcomes. The stakes are enormous: the safety and health of our young people—the heart of our country's future.



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# Introduction

## The Impact of Minimum Age Drinking Laws

For more than two decades, the people of the United States have benefited from a uniform minimum legal drinking age (MLDA) of 21.1. This has been one of the most successful public health regulations ever implemented (Voas, 2006). Many thousands of lives have been saved and tragedies averted. According to the National Highway Traffic Safety Administration, the MLDA law has saved almost 24,000 lives in traffic crashes alone since 1975, when States began raising the drinking age. Minimum age drinking laws have positive public health benefits beyond reducing traffic crash fatality rates. O'Malley and Wagenaar (1991) conclude that establishing a higher minimum drinking age results in lower youth drinking rates, including those for young teenagers and young adults in their early twenties. As alcohol becomes less available to older adolescents (when the legal age is raised from 18 to 21), younger cohort drinking rates decline. Jones, Pieper, and Robertson (1992) found a 3.9-percent decline in fatality rates for unintentional injuries other than traffic crashes associated with the higher drinking age; Parker and Rebhun (1995) concluded that the higher drinking age results in lower rates of youth homicide; and Wagenaar (1993) notes that delaying regular drinking in adolescence may reduce rates of alcohol addiction and other long-term alcohol and other drug problems in adulthood.

Minimum drinking age laws are highly effective, but they do require continued commitment and effort. Alcohol continues to be consumed by a substantial proportion of the nation's youth. The 2008 national Monitoring the Future study indicated that 16% of 8th graders, 29% of 10th graders, and 43% of 12th graders reported any alcohol use in the past 30 days. In these grades, 8%, 16% and 25% of youth report having 5 or more drinks on at least one occasion in the past two weeks (Johnston et al., 2009). The annual social cost of underage drinking in the U.S. was conservatively estimated to be \$61.9 billion in 2001 (Miller et al., 2006).

All States have enacted legal provisions designed to restrict minors' access to alcohol, and numerous communities throughout the country have built on the States' laws and regulations, developing local programs and ordinances. Some States and local governments have prioritized the issue of youth access, developing innovative programs and devoting considerable resources to work with retailers and to increase enforcement efforts.

This guide builds on the inference that reducing young people's ability to obtain alcohol will reduce youth alcohol consumption and related problems. It describes the various regulatory measures that can be taken to meet this goal and presents a set of "best practices" recommendations for establishing a comprehensive regulatory structure. Recommendations are based on a legal analysis of the regulatory options and a review of available research on their effectiveness.

As noted in the Overview, this guide divides the regulations into three categories:

1. Chapter 1 describes restrictions on **commercial availability**;
2. Chapter 2 describes restrictions on **social/public availability**; and
3. Chapter 3 describes restrictions on **youth possession**.

Chapter 4 addresses implementation issues: enforcement priorities, the roles of State and local governments, and the importance of youth involvement in prevention efforts. It concludes by examining the role of youth access regulatory strategies in a comprehensive community prevention program.

It is important to note here that restrictions on availability of alcohol that are not aimed at youth may also be successful in reducing youth access. For example, several studies have found a close link between the density of alcohol outlets and the incidence of underage drinking, drinking and driving among youth and youth violence (Scribner et al., 2010; Gruenewald et al., 2010; Alaniz, Cartmill, & Parker, 1998; Parker & Rebhun, 1995). Alcohol-related problem rates are also associated with alcohol prices (lower prices are associated with more problems), the hours and days of the week that alcohol sales are permitted (more liberal hours and days of sale are associated with an increase in problems), and liquor-by-the-drink regulations (permitting liquor by the drink is associated with increased problems). (See Edwards et al., 1994; Wagenaar & Toomey, 1998.) This paper will focus primarily on those regulations dealing with reducing minors' access to alcohol, though these other alcohol regulations should also be kept in mind as potential tools.

# 1

## Commercial Availability

Commercial availability is shaped by State and local regulations, which determine the number, location, types, and serving and selling practices of alcohol retailers. Great variation is evident in how States regulate commercial availability. Some States are very restrictive and may stipulate State ownership of off-sale outlets,<sup>1</sup> limited number and types of outlets, and local prohibition (in “local-option States”),<sup>2</sup> while other States have only limited controls.

One study (Fell et al., 2009) found that laws making it illegal to possess or purchase alcohol by anyone under the age of 21 had led to an 11 percent drop in the proportion of underage drinking drivers involved in fatal traffic crashes. The study also found that there are currently substantial variations in how underage drinking laws are implemented from state to state. Only two MLDA laws are found in all states, namely those against the underage possession of alcohol and the purchase of alcohol by minors. One example of the variations that exists is that although all states make it unlawful for anyone under the age of 21 to possess alcohol, it is not illegal in some states for an underage person to consume alcohol. Another key finding of the study concludes that fake ID laws in the States that have criminal or administrative license suspension sanctions account for about a 7% decrease in underage drinking drivers in fatal crashes. All 50 States and DC have Fake ID laws, but only 6 States have administrative license suspension penalties associated with their laws. Eight States do not have any driver’s license sanction in their Fake ID law.

A comprehensive report on strategies to reduce underage drinking in this country written by a committee established by the National Academy of Sciences called for a set of recommendations for limiting access of alcohol to youth. These policies recommended by the report are embodied in the current set of 16 key underage drinking laws that many states have legislated to control underage

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<sup>1</sup> On-sale (also known as “on-premise”) establishments are those that serve alcoholic beverages for on-premise consumption (e.g., bars, restaurants, etc.). Off-sale (offpremise) establishments are retail outlets such as convenience or package stores.

<sup>2</sup> “Local option” States permit sub-State entities such as counties and municipalities to set alcohol policies locally.

drinking and impaired driving. However, none of the states have enacted all 16 laws, and many states that have these laws provide for important exceptions to them (Fell et al. 2009).

Key legal components for States and localities include the following commercial sales regulations:

1. Strictly prohibit sales to minors, providing few if any exceptions;
2. Limit the types and locations of commercial outlets that are likely sites for youth purchases;
3. Conduct comprehensive compliance check enforcement programs
4. Impose appropriate administrative, criminal, and civil penalties for violations.
5. Mandate serving and selling practices that reduce the likelihood of illegal sales to minors;

## Strict Prohibitions of Sales or Gifts to Minors

Although all States prohibit alcohol sales to minors, some States permit exceptions. For example, in several States, minors can legally obtain alcohol from a commercial vendor if they are accompanied by a parent or guardian, or they can purchase and deliver alcohol to parents if they have a written authorization (Inspector General, 1991). These exceptions further complicate the role and duty of the commercial server in determining who may legally purchase alcohol. If an exception is desired allowing parents or spouses to provide alcohol to minors, it should at least be limited to private residences (see chapter 2). The best practice is to prohibit *all* commercial transactions (including sales and gifts) to those under age 21, as is the practice in most States. As a matter of fairness, commercial vendors should have an affirmative defense that they reasonably or in good faith relied on apparently valid, yet false, identification.

### BEST PRACTICE 1

#### **Ban commercial sales and gifts to minors.**

Prohibit all commercial sales, gifts, or other furnishing of alcohol to minors without exception, and provide vendors an affirmative defense regarding apparently valid, but false, identification.

Lake County, Illinois, has a population of 713,076 as of 2006. In 2007, the Lake County After-School Coalition and the Lake County Chiefs of Police Association jointly established the Lake County Underage Drinking Prevention Task Force. The goals of the Task Force were to have consistent and enforced social host ordinances in all Lake County municipalities to decrease youth access to alcohol and to reduce countywide and community-level acceptance of underage drinking by increasing awareness of associated risks and consequences. Youth leadership and involvement have been crucial in advancing the efforts of the Task Force's efforts. Students were also critical in advancing prevention efforts providing the insight necessary to understand the "underage perspective," but also by developing a youth presentation to advance local policy. They used their presentation to bring a social host ordinance to their village board and to train students from other communities to do the same with their Task Force for dissemination.

The youth helped law enforcement and elected officials to develop strategies to overcome barriers to the passing of social host ordinances across the county, including the development of a script for use in municipality presentations that outlined local data; the importance of working together to keep youth alive, safe, and healthy; and emphasized the position, "Why would you not pass an ordinance to protect youth after hearing all of this information?"

In only one year, 19 Lake County municipalities have either developed and passed a new social host ordinance or amended ordinances to be as inclusive as the model social host ordinance. Four additional municipalities along with the county are currently in the process of adopting the ordinance.

# Licensing Restrictions

## Restricting the Location of Retail Outlets

Restricting the location of alcohol outlets, especially preventing high concentrations of outlet in a given area can reduce underage drinking. How much any individual person drinks is related in part to how much alcohol costs—both in money and convenience. When alcohol is plentiful and inexpensive, many people drink more. This is true of underage drinkers as well as adult drinkers. Because the purchase of alcohol is illegal for young people under 21, easy access to several outlets in a small area makes it easy to find the one outlet that will sell to underage drinkers. In this way, high concentrations of outlets can increase underage use.

A number of studies have found that outlet density is related to underage drinking and problems. One study found that when all other factors were controlled, higher initial levels of drinking and excessive drinking were observed among youths who live in zip codes with higher alcohol outlet densities. Therefore, alcohol outlet density may play a significant role in how underage drinking starts during early teenage years, especially when teens have limited mobility (Chen et al., 2010). In another study, on- and off-license outlet density was found to be positively related to frequency of underage driving after drinking and riding with drinking drivers among 16 to 20-year-old youth (Treno et al., 2003).

Neighborhoods that have many outlets close together also convey the message that drinking—and even heavy drinking—is normal and expected. A study of the density of drinking establishments near college campuses found that more drinking took place among students on campuses with more outlets in the surrounding areas. Outlet density also was related to sexual violence among students (Scribner et al., 2010).

Many States and local governments also restrict the location of alcohol outlets by creating geographic buffer zones between alcohol outlets and schools, playgrounds, other youth facilities, and residential neighborhoods. Distance requirements vary widely—they may apply to only certain types of outlets, and the restrictions may be discretionary by either the State or local licensing body and applicable only if the school administration files a protest. Most States give local jurisdictions discretion to create buffer zones using local land use and zoning ordinances, a strategy that many cities are now using (League of California Cities, 1998; Wittman, 1994).

Youth buffer zones create a barrier between young people and alcohol and have both practical and symbolic benefits. By reducing the number of alcohol outlets that are readily accessible, they make it more difficult for young people to purchase alcohol (cf. Alaniz et al., 1998). In many communities, buffer zones will also reduce the number of convenience stores in residential areas. This may be particularly important near schools, limiting the possibility of student consumption during and after school (for discussion, see Mosher, 1998). They also send a community message that alcohol and young people are not a good mix. To be effective, buffer zones require a large enough geographic area (Wittman [1998a] recommends 1,000 feet) and permit only limited exceptions.

### BEST PRACTICE 2

#### **Restrict the location of alcohol outlets.**

Limit the density of alcohol outlets and create buffer zones that extend at least 1,000 feet to separate alcohol outlets from schools, youth facilities, and residential neighborhoods; that can be applied retroactively; and that permit only limited exceptions based on local circumstances.

The Shoulder Tap Decoy Program has been recognized as an excellent method to attack the problems associated with the unlawful purchase and consumption of alcoholic beverages by young people. When used regularly, the percentage of licensees selling to minors drops dramatically. In response to this successful operation, minors turned to the “shoulder tap” method of getting alcohol by standing outside of a liquor store or market and asking adults to buy them alcohol. A recent survey conducted by the Los Angeles Police Department indicated that 46 percent of all minors who attempt to acquire alcohol use this method.

In response to that information, investigators from the California Alcoholic Beverage Control (ABC) joined forces with more than 30 other law enforcement agencies on Saturday, March 14, 2009, in what is noted as the largest Shoulder Tap Decoy Operation ever conducted in California. In addition to the ABC investigators, the task force consisted of approximately 180 police officers representing the following agencies: Modesto Police, Sacramento Police, Sacramento County Sheriff, Calaveras County Sheriff, Pacifica Police, San Bruno Police, South San Francisco Police, Brisbane Police, Broadmoor Police, Daly City Police, Half Moon Bay Police, Berkeley Police, UC Berkeley Police, Millbrae Police, Colma Police, Burlingame Police, Fairfield Police, Grass Valley Police, Nevada County Sheriff, Nevada County Probation, Martinez Police, Oakdale Police, Rohnert Park Police, Cotati Police, Sonoma State University Police, Healdsburg Police, Sonoma County Sheriff, Rocklin Police, Roseville Police, Lincoln Police, Sacramento Regional Transit Police, Stanislaus County Sheriff, Stockton Police, Turlock Police, Vacaville Police, and the University of Pacific Police. The operation targeted adults who purchased alcohol for youth aged 20 and younger. The Saint Patrick’s Day Weekend 2009 operation sent a strong safety message before spring Break.

The huge task force operation resulted in approximately 170 citations and bookings. One hundred and twenty-six individuals were cited for

furnishing alcoholic beverages to minors; another 24 were arrested for other violations, including driving under the influence, illegal narcotics, drunk in public, probation violations, and stolen vehicle charges. “These kinds of operations do make a difference,” said Mark Gedney, an ABC investigator. “The stores start checking more for IDs. The kids find it harder to find people to buy them alcohol.”

Stanislaus County sheriff’s deputy Tom Letras, who helps coordinate the operations conducted in the outlying areas in the county, agrees that consistency makes a difference. “After getting multiple violations, they start to realize this is getting pretty expensive.” Those who break the law and knowingly buy beer for the minors are arrested and cited with a misdemeanor, which carries a \$500 fine for first-time offenders. As many as 40 hours of community service could be added to the penalty. The fine can increase to \$1,500 for those with criminal records or warrants or those who commit additional crimes during the operation. The decoys usually are recruited from the police Explorers and other youth enforcement organizations. “We want honest kids, who look their age,” said Rokaitis, adding “the decoys can’t lie during the operations.”

A follow-up operation was equally successful. Working with local enforcement agencies throughout the State, in May, the ABC reported 272 minors were cited for possession or consumption of alcohol, 128 persons were cited for selling alcohol to minors, and 142 adults were cited for purchasing alcohol for persons younger than age 21. During the month-long effort, they approached 1,218 individuals in an attempt to buy alcohol for minors. That’s approximately a 78% nonsale/purchase rate. The program’s success can also be measured quantitatively by the reduction in alcohol-related arrests, crimes, and calls for services. Further qualitative measures include statements of satisfaction from local officers and community members, and visible improvements in the physical conditions of communities. This story highlights California’s successful operation through effective collaboration and consistency in enforcement.



## Restricting Special Licenses for Youth- or Family-oriented Community Events

States and/or local governments typically issue special, temporary licenses for alcohol sales at special events such as music concerts, community fairs and celebrations, and sporting events. Some venues, such as sporting arenas or concert halls, may receive a special events license that permits ongoing sales on the premises and is not limited to a specific event. Criteria for special events licenses vary, although in most jurisdictions they are readily available at low cost with few restrictions. Licensees may be nonprofit organizations that use alcohol sales as a fundraising strategy. In some cases, the alcohol sales are linked to an alcohol company's sponsorship of the event. In exchange for funding, event organizers agree to sell the company's products and publicize the company's sponsorship.

Alcohol sales at community events create a high risk of underage drinking and related problems, including assaults, drinking and driving, and vandalism (Gliksman, Douglas, Rylett, & Narbonne-Fortin, 1995; Pratt, Rothstein, Meath, & Toomey, 1997). States and local jurisdictions have taken various steps to reduce these risks, including:

- Restricting the issuance of licenses at youth-oriented and family events;
- Prohibiting alcohol sales at specific venues popular with young people;
- Designating alcohol-free days or periods within longer events such as community fairs;
- Establishing restricted drinking sections at special events where young people are not permitted to enter;
- Prohibiting participants from bringing alcohol into the event; and
- Requiring responsible beverage service management policies and training (Institute for the Study of Social Change, 1994a, 1994b; Pratt et al., 1997). Local officials report that such restrictions reduce youth alcohol problems associated with these events (De Lucio, Wilkes, & Alaniz, 1997; Gliksman et al., 1995).

### BEST PRACTICE 3

#### Restrict alcohol sales at community events.

Strictly limit alcohol sales and alcohol industry sponsorships at youth- and family-oriented community events; impose strict conditions designed to reduce youth access at special events where alcohol is sold.

Strong market and political forces often oppose such regulations. A decision to ban alcohol sales may threaten an alcohol company's sponsorship of the event. Many politically connected nonprofit organizations are dependent on alcohol sales at special events, and alcohol sales are viewed by many special event planners as an integral, lucrative component. These economic and political forces may deter governmental action. For example, the city council in Greenwood, Mississippi, concerned that a ban would hurt the local economy, rejected a citizen drive to ban beer sales at festivals and events held on city property (*Alcoholic Beverage Control*, 1992). Despite this type of resistance, many communities are successfully imposing new restrictions on such sales.

States and communities should review and reform their licensing practices for special events. Regulations should strictly limit alcohol sales and alcohol company sponsorships at youth- and family-oriented events, reviewing each on a case-by-case basis. If a special license is issued, alcohol should be incidental to the purpose of the event, and strict policies should ensure that sales to young people do not occur. These policies should include requirements that the organizer create a designated, cordoned-off area for alcohol sales and consumption where young people are not allowed, and provide adequate training to staff and security. Nonprofit organizations should be permitted a limited number of special licenses in a year (Mosher, 1991). For sample model ordinances, see LaFond, Klautdt, Toomey, and Gehan, 1998, and Wittman, 1998a.

Some communities use methods other than designating a cordoned-off area to prevent sales to minors at community events. These include issuing wristbands to people over 21 to indicate that they can buy alcohol. Such strategies are easily subverted. Restricting access to the area where alcohol is sold is the most effective means of reducing access to alcohol by minors at community events.

## Regulations for Serving and Selling Practices

### Age of Server and Seller

States impose varying limits on the minimum age of employees working in commercial alcohol outlets, with many States distinguishing between those who serve alcohol (e.g., bartenders and waitresses in on-premise establishments) and those who sell it (e.g., clerks in off-premise establishments). Virginia and North Carolina impose no age limit for off-premise employees but set a minimum age of 18 (Virginia) and 21 (North Carolina) for alcohol servers.

Minimum ages vary from 16 to 21 years of age in other States, with the large majority designating 18 as the minimum age for either sales or service. Some States, including California, allow 18-year-olds to sell alcohol, provided they are continuously supervised by someone over age 21. Other States distinguish between bartenders and grocery store employees (National Alcohol Beverage Control Association [NABCA], 1998). In most States, the age limits do not apply to employees who are not engaged in selling or serving alcohol.

Research confirms the observations of many people involved in enforcing laws prohibiting sales to minors and implementing responsible beverage service programs: underage sellers and servers have a greater difficulty refusing sales to underage buyers because they are more likely to misjudge the customer's age, make exceptions for friends and acquaintances, and respond to peer pressure (Forster et al., 1994; Inspector General, 1991; Mosher, 1991; Wagenaar et al., 1993; Wolfson, Wagenaar, & Hornseth, 1995).

### BEST PRACTICE 4

#### **Restrict the age of alcohol servers and sellers.**

Require that all retail alcohol outlet employees who are engaged in the sale or service of alcohol be at least 21 years of age.

Unfortunately, economic interests, particularly those of the restaurant industry, are lobbying for legislation to ease server and seller age limits. New Mexico, for example, lowered its age limit from 21 to 19 (except for bartenders) in March 1999 as a means to create jobs for young people (*Alcoholic Beverage Control*, 1999). This lobbying effort is occurring despite a recent national survey that found that nearly 80 percent of respondents favor laws that require all servers and sellers to be at least 21 years old (Harwood, Wagenaar, & Zander, 1998).

### Restrictions on Minors' Access to Public Drinking Establishments

State and local regulations vary widely in the extent to which they permit minors to enter on-sale retail alcohol outlets (Inspector General, 1991). Most States restrict minors' access to bars and nightclubs and allow them to enter restaurants, and some States prohibit minors from entering any licensed establishment. If the distinction between a bar and a restaurant is blurred, problems can result. California law, for example, permits minors to enter licensed restaurants, but restaurants are required only to have the *capacity* to serve meals, and many maintain bars on the premises and function more as nightclubs, particularly late at night (California Business & Professions Code §§ 23787, 25665).

Allowing minors into drinking establishments such as bars and nightclubs is, in the words of one enforcement official, "a regulator's nightmare" (Inspector General, 1991). It creates numerous difficulties for servers, who must conduct repeated identification checks and continuously track who is actually drinking the beverages being served. If minors are barred from the establishment, age identification checks can occur primarily at the door,

conducted by a trained employee using proper tools and lighting, thus greatly reducing the ability of minors to obtain alcohol on the premises. The restaurant exception should be applied only to bona fide restaurants that provide table service, maintain a high ratio of food to alcohol sales, and do not have a separate bar or drinking section accessible to minors.

#### BEST PRACTICE 5

##### **Restrict minors' access to bars and nightclubs.**

Prohibit minors from entering bars and nightclubs, which should be clearly distinguished from restaurants.

### Home Delivery and Internet sales

Underage youth use home delivery services to purchase alcohol. Ten percent of 12th graders and 7% of 18- to 20-year-olds in 15 Midwestern communities reported that they obtained alcohol through delivery services in the last year. Use of delivery services was more prevalent among young males and more frequent, heavier drinkers (Fletcher et al. 2000).

As these findings suggest, home deliveries open an additional avenue for youth access to alcohol. Delivery personnel are not monitored by management, surveillance cameras, or law enforcement, so they may be less likely to inspect identification; and young people may also feel less risk of exposure or penalties for these purchases. If asked for identification, they can simply say the person ordering the alcohol is not present. Home delivery may also be one means to supply teen parties in private residences, which often involve large quantities of alcohol, including kegs.

Internet and mail-order sales raise similar concerns, and there have been numerous reports of shippers leaving alcohol addressed to children at private residences (e.g., Armstrong, 1995). Controls are even less likely in these cases, since the deliveries are being made by firms whose normal business is

not alcohol sales, thereby making them less familiar with legal requirements regarding underage sales and proper identification. No research has been published on the prevalence of young people ordering alcohol through the Internet or by mail order, however, and the risk appears smaller than that for home delivery for at least three reasons: (1) this method of purchase takes a long time (at least a week in most cases); (2) credit cards are usually required; and (3) the products being offered are more likely to be expensive.

Internet and mail-order sales have stimulated a contentious political battle, however, not only because they might increase access to minors but also because State tax agencies are concerned about lost tax revenues, and alcohol wholesalers are concerned that their markets may be undermined. The wholesalers have joined with several organizations including public health groups to form Americans for Responsible Alcohol Access (ARAA). This coalition seeks to prohibit Internet/mail-order alcohol sales, arguing that they increase alcohol access to minors (ARAA, 1999; *Kane's Beverage Week*, 1997). Small wineries, which oppose regulation, argue that restrictions violate their constitutional rights under the interstate commerce clause. They also contend that wholesalers are seeking controls not because of risks of selling to minors but because they want to maintain a monopoly on all alcohol distribution in their territories (*NBC News Online*, 1997). Congress and many State legislatures are now grappling with these conflicting economic, interstate commerce, and health agendas.

If States permit either home delivery or Internet/mail-order sales, they can reduce the risk of youth access by establishing strict procedures similar to those used in beer keg sales (see chapter 2). As a condition of sale, the deliverer should be required to fill out a form that includes the amount of alcohol being purchased, the purchaser's drivers license or State identification card number, and an affidavit signed by the purchaser confirming that he or she is

at least age 21 and understands the civil and criminal penalties for furnishing alcohol to minors. The deliverer should be required to maintain these files for a set period of time and produce them to enforcement agencies on demand; failure to maintain records should result in administrative penalties (Pratt et al., 1997; for sample ordinance, see LaFond et al., 1998). The purchaser can similarly be held liable both criminally and civilly if he or she furnishes the alcohol to minors.

#### BEST PRACTICE 6

##### **Regulate home delivery and Internet/mail-order sales.**

Prohibit home delivery of alcohol and either prohibit or strictly regulate Internet/mail-order alcohol sales.

### **Mandated Responsible Beverage Service Programs**

Responsible beverage service programs target both on-sale and off-sale alcohol retailers and are designed to reduce sales to minors and intoxicated adults. They include three critical components:

1. Policy development,
2. Manager training, and
3. Server/seller training (Mosher, 1991).

Responsible Beverage Service has been found to have an impact on underage drinking. Paschall et al. (in press) found that outlets participating in Oregon's Responsible Vendor Program, a comprehensive program that includes responsible beverage service, were less likely to sell alcohol to underage-appearing buyers than outlets not participating in the program. Other studies indicate that responsible beverage service can increase checking age identification and reduce alcohol sales to minors or intoxicated patrons (Saltz, 1997a; Toomey et al., 2001).

In general, programs are more likely to be successful when they include a policy development component, focus on skills development and active learning, and are implemented communitywide in conjunction with compliance checks and a media advocacy campaign (Grube, 1997; Saltz & Stanghetta, 1997; Toomey et al., 1998). Compliance checks may be particularly important to ensure success of the underage sales component (Grube, 1997). Two studies suggest that mandated responsible beverage service programs that require all establishments in a jurisdiction to participate are more effective than programs implemented on a voluntary basis (Dresser, 1998; Wagenaar & Holder, 1991).

Responsible beverage service programs have become increasingly popular during the 1990's. At least 15 States, as well as numerous local jurisdictions, have instituted mandated programs or encouraged their adoption by offering strong incentives to retailers (Pratt et al., 1997). In Texas, for example, retailers can avoid most forms of dram shop liability<sup>3</sup> if they participate in a responsible beverage service program (Mosher, 1999b). Many communities have instituted community-wide programs, some of which have become mandatory. Many retailers have developed their own programs, sometimes in conjunction with a community program.

Unfortunately, research findings have not played a major role in this implementation process. Most programs focus primarily on server training and ignore policy development and manager training. Often they lack a community component. In some cases they are instituted by industry groups as an alternative to, instead of in conjunction with, compliance checks and other policy interventions (Mosher, 1991; Toomey et al., 1998). In such cases, responsible beverage service programs are at best doing no harm.

<sup>3</sup> In dram shop liability, establishments that serve alcohol can be held legally responsible for harm caused by their patrons who are served alcohol illegally.

Responsible beverage service programs focus primarily on sales to intoxicated persons but include a component on preventing sales to minors. A comprehensive curriculum will ensure adoption and implementation of the following policies (on a voluntary basis, if not mandated by the local or State jurisdiction):

- Minimum age of 21 for servers and sellers;
- Staff notification and acknowledgment of legal responsibility and consequences for violation;
- Procedures to ensure that all persons seeking entry or service will be subject to an identification check (including denying entry to bar areas);
- Identification checks for anyone who appears to be age 30 or younger (higher ages in some circumstances);
- Guidelines regarding acceptable identification cards and procedures for establishing validity; and
- Internal compliance checks conducted by management to ensure compliance.

The manager and server training components focus on implementation of these policies, using active learning techniques. (For discussion, see Mosher, 1991; Prevention Research Center, 1996). The training should emphasize management policies that are likely to lead to more responsible practices. Mandate responsible beverage service programs. Initiate and, over time, mandate communitywide responsible beverage service programs designed in conjunction with compliance checks and other policy interventions.

#### BEST PRACTICE 7

##### **Mandate responsible beverage service programs.**

Initiate, and over time, mandate communitywide responsible beverage service programs designed in conjunction with compliance checks and other policy interventions.

## Compliance Checks (Decoy or Sting Programs)

Routine, comprehensive compliance checks are the key strategy for deterring commercial alcohol sales to minors. 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. A comprehensive program consists of the following components:

- Notification to retailers, including the program's goals, procedures, and timeframes;
- Opportunity for retailers to participate in responsible sales and service programs prior to the start of the compliance check;
- Community outreach and media advocacy to publicize the program's design and purpose;
- Random selection of outlets to be included in the initial wave of the program (100-percent coverage if feasible);
- Followup communication informing each retailer of the results; and
- Repeated notifications to licensees of the ongoing compliance check program and repeated waves of checks over set periods of time (two or more times per year), which may include targeted checks of retailers identified as violators in previous waves (Fitch, Toomey, Gehan, & Wagenaar, 1998; Grube, 1997).

Properly administered compliance checks sharply reduce illegal sales to minors. Grube (1997) reports the results of a comprehensive program implemented in three experimental communities as part of the Community Trials Project administered by the Prevention Research Center. Outlets in the experimental sites were about half as likely to sell alcohol on a posttest purchase survey as outlets in the comparison sites, dropping from a range of 33 percent to 72 percent to a range of 4 percent to 33 percent. Preusser, Williams, and Weinstein (1994) reported that a compliance check program in Denver, Colorado, resulted in reduced sales to underage



police cadets from 58 percent to 26 percent over a 10-month period, after three waves of enforcement. Fitch et al. (1998) report similar or greater declines in two local programs. Lewis et al. (1996) offer additional evidence that compliance checks will reduce youth sales, even when implemented by a community coalition without direct law enforcement involvement. Florida has maintained a compliance rate of 88 percent to 90 percent as a result of 20 years of consistent compliance investigation.

Compliance checks, of course, address only commercial availability. As this avenue for obtaining alcohol is curtailed, young people will likely find

alternative avenues through social sources (Wagenaar et al., 1996; see chapter 2). Research studies have not assessed the extent to which this substitution may occur, although overall youth consumption will probably decrease as commercial availability diminishes. Grube's findings (1997, 1998) suggest that compliance check programs will reduce youth consumption, at least when they are combined with other community interventions. Forster et al. (1998) report substantially lower increases in smoking among teenagers in communities adopting tobacco compliance check programs compared to those in control communities.

The goal of the Georgia Underage Alcohol Investigative Group (UAIG) is to decrease the commercial availability of alcohol to underage persons at licensed alcohol outlets. Using funds from an earlier Enforcing Underage Drinking Laws (EUDL) grant through the Governor's Children and Youth Coordinating Council, the UAIG collected and compiled data on the availability of alcohol to underage persons and violation information from compliance investigations. This protocol has been sustained with current EUDL funding through the Governor's Office of Children and Families.

Historically, UAIG has conducted random compliance inspections at the request of other law enforcement agencies and upon receipt of citizen complaints. This success story shares the effective use of data and protocol updates (color-coded tracking) that resulted in collaborative partnerships and improved compliance rates.

During FY 2008 with financial support from Georgia's Department of Human Resources (DHR), the UAIG committed to identifying all licensed alcohol outlets in each of Georgia's 159 counties. It conducted a compliance investigation operation in each of the 159 counties. Using data provided by DHR, UAIG prioritized counties for underage compliance operations based upon the aggregate of the values expressed in the DHR's Social Indicator Study concerning a 0.1 rating or higher on the following categories: Underage Alcohol-Related Vehicle Crashes and Alcohol Licenses per thousand. Data on the results of the compliance operations were tracked using a two-color-coded map of Georgia. The

two tracking colors were green (> 20% noncompliance) and red (< 20% noncompliance). During FY 2008, the UAIG conducted 2,954 compliance investigations with a total of 893 sales, resulting in a noncompliance rate of 30 percent. This provided more accurate statewide data and a true baseline representing the overall commercial availability of alcohol to minors.

During FY 2009, the UAIG conducted follow-up operations of businesses found in violation in those counties that had a noncompliance rate of 20 percent or higher during the initial statewide operation. They used the multicolor-coded map to track any increase in compliance. Working with the strategy of consistent enforcement efforts, UAIG began a third statewide initiative to conduct compliance checks in all 159 counties. The UAIG again used a color-coded statewide map to track its progress and its violation rates. The two tracking colors were blue (> 20% noncompliance) and yellow (< 20% noncompliance). During this period, UAIG conducted 3,320 compliance investigations with a total of 576 sales giving the period a noncompliance rate of 17 percent.

By conducting these statewide, collaborative initiatives, the data reflect the noncompliance rate, which has been reduced from 30% in FY 2008 to 17% in FY 2009. It is the department's belief that the sustained presence of the UAIG and the relevant media coverage will continue to reduce the commercial availability of alcohol to underage persons. This Success Story shares the value of effective partnerships and strategic use of visibly presented data in bringing about sustainable change.

**BEST PRACTICE 8****Carry out compliance check programs.**

Implement comprehensive compliance check programs that are ongoing and communitywide; include a media advocacy component; and follow strict guidelines to ensure fairness.

To be effective, the programs must avoid several common weaknesses. First, they need to be conducted routinely. One-time compliance checks will have little or no long-term effect. Second, they must be community-wide and build community support, without which industry opposition will likely result in the program being terminated or curtailed. Third, they need to be well designed to ensure that the procedures are fair and not subject to either political or legal attack (for discussion, see Pratt et al., 1997). Finally, ongoing funding sources need to be established. Compliance checks can be made self-supporting through special license fees and/or by recycling fines for violations.

A well-designed compliance check program gives retailers full notice of the impending program, offers assistance and training, uses decoys who are clearly underage, and avoids false identification or any other trick or subterfuge to encourage an illegal sale. Because compliance appears so easy, it is surprising that violation rates are so high. At the same time, communities find that a large percentage of establishments do comply, particularly after one warning. This undermines the arguments made by violators that the programs constitute unfair entrapment. It also supports reports from young people and law enforcement personnel that youth buyers know which retailers in the community are likely to sell to them and which retailers they need to avoid. The program's goal is to send a clear message to those who consistently ignore their legal responsibility: either follow the example of complying licensees or face stiff penalties, including the possible loss of your license.

<sup>4</sup> Control States operate State stores as well as license private establishments. They can use employee disciplinary policies in the State stores to penalize poor management or server performance.

## Penalties for Violating Commercial Availability Restrictions

Violation of commercial availability restrictions can lead to three types of penalties, which can be imposed separately or concurrently: *administrative*, *criminal*, and *civil liability*. Each has distinctive purposes, consequences, and roles in a comprehensive prevention program.

*Administrative penalties* target the retailer's State and/or local operating license. State and local governments issue alcohol retail licenses as a necessary condition to conduct business and, through the regulatory process, establish standards of conduct for selling alcohol.<sup>4</sup> The license establishes a privilege, not a right, and governments have the authority to suspend or withdraw the privilege or impose a fine on the business if the standards of conduct are violated.

*Criminal penalties*, in contrast, target the individual committing the violation rather than the license. Criminal law establishes moral judgments regarding individual behavior. Penalties, which may include fines, imprisonment, and/or probation, are assessed against the offender and may carry grave consequences for the individual's future. Because of the gravity of this process, the U.S. Constitution's Bill of Rights establishes the basic rights of an individual to a fair criminal procedure (for discussion, see Mosher, 1995).

*Civil* (or "dram shop") *liability* involves private lawsuits to recover monetary damages caused by the negligence of another and rests on a separate set of legal principles that does not involve direct government action. In a civil liability action, an alcohol retailer who furnishes alcohol to a minor can be sued in a private lawsuit and held responsible for the damage caused by the minor while under the influence of the alcohol (Holder et al., 1993).

All States impose both criminal and administrative penalties for illegal sales of alcohol to minors, although the specific sanctions vary. In many States, local governments can establish separate administrative structures for licensing alcohol outlets, which may include administrative penalties (Pratt et al., 1997). Civil liability law, on the other hand, varies from State to State and cannot be imposed at the local level (Holder et al., 1993; Mosher, 1999b). Some States do not impose any civil liability on alcohol retailers, holding as a matter of law that the minor drinker is entirely responsible for any damage he or she causes. This is a minority position that contradicts basic concepts of negligence law applied to most other business enterprises. Most States recognize civil liability, but many have placed restrictions on its application. In California, for example, lawsuits are allowed only if the retailer sells or serves to an obviously intoxicated minor. (California Business & Profession Code § 25602.1). Other States that recognize the civil liability doctrine do not require evidence that the minor was intoxicated at the time of the sale (Mosher, 1999b). Some States have strict notice and statute of limitations requirements, place limits on the damages a plaintiff may recover, or restrict who has standing to bring a lawsuit (Mosher, 1999b).

From a public health perspective, the purpose of sanctions is to reduce or deter future violations, thereby improving the community's health and safety. Research on deterrence shows that, in order to be effective, there must be a credible threat that a significant negative consequence will occur. The threat must be perceived to be swift and certain, and, for the effect to be maintained, the threat must be perceived to continue over time. Increasing penalties will have little or no effect when the other elements (swiftness, certainty, and continuity) are not present (Ross, 1992).

Using these criteria, administrative penalties are clearly the most effective mechanism for deterring illegal alcohol sales to minors. They create a credible, severe threat—significant reduction in the profitability of the business and, in serious cases, the loss of the business. Licensees will perceive the

penalty as relatively certain if it is tied to a well-publicized compliance check program and it can be imposed relatively swiftly.

Administrative actions are much less complex than their criminal counterparts. They can be held before civil officers in administrative hearings, require a lower burden of proof, and occur in a more timely manner. They are also more certain. Criminal dockets are typically clogged, and long delays are common. District attorneys and judges may view alcohol sales violations as relatively minor compared to other crimes, resulting in early dismissals. Administrative penalties are therefore easier to impose and less expensive. They also can be made self-supporting by recycling fines collected to pay the costs of administration (Pratt et al., 1997; Preusser et al., 1994).

Administrative penalties have an important additional advantage over criminal sanctions. Because they target the license, they hold the licensee/owner primarily responsible for the violation. Management policies and manager/server training, which are the responsibility of the licensee, are crucial to maintaining a safe and responsible alcohol establishment (Mosher, 1991). Employee malfeasance can be addressed by the licensee through internal disciplinary action. Administrative sanctions, therefore, target the individuals who are in the best position to prevent future violations. Criminal law, on the other hand, holds the server/seller primarily responsible for the illegal sale, and the licensee may be absolved from any responsibility. They target individual malfeasance but do not focus on the business or environment that is creating the public health risk. In public health terms, administrative penalties promote environmental or systems change, the most effective prevention strategy (Holder, 1998).

To be effective, administrative penalties should impose real costs on the violator and increase in severity for repeat offenses (Inspector General, 1991). In California, for example, the first offense usually results in a fine and recommendation that the



licensee enroll in a responsible beverage service program; the second offense within 36 months will most likely lead to license suspension; and a third offense within 36 months may result in license revocation (California Business & Professions Codes §§ 25658; 25658.1).

While penalties should be significant, it is important that they not be too severe, especially for first offenses. Law enforcement officials are less likely to impose penalties if the punishment is perceived as too severe and out of proportion to the seriousness of the offense.

Civil liability and criminal sanctions complement administrative penalties. Once established by statute or court decision, civil liability does not require direct government action. Because of the expense and complexities of the process, civil liability cases are generally limited to more serious injury cases. They share two important advantages with administrative penalties: they target the licensee (who is held responsible for the action of his/her employees), and they focus at least indirectly on

management policies (Holder et al., 1993). Research studies have found that imposing civil liability reduces alcohol-related traffic crash deaths, probably because of these advantages and in spite of the lack of swift or certain punishment (Sloan, Reilly, & Schenzler, 1994; Wagenaar & Holder, 1991). Because of their relative severity and expense, criminal sanctions should also be reserved for more serious cases, particularly where the illegal sale resulted in serious injury or death.

**BEST PRACTICE 9****Impose appropriate penalties for commercial violations.**

Impose strict administrative penalties on retail licensees for violations of sales-to-minors laws, which increase with severity for repeated offenses. Complement administrative penalties in serious cases by permitting civil liability lawsuits against licensees based on common law negligence principles, and by imposing criminal sanctions.



# 2

## Social/Public Availability

Regulating commercial availability is an important step in reducing youth access to alcohol, closing a ready source for young people and sending a message that the community takes the minimum age drinking law seriously. However, it is only a first step in the process. Research shows that young people also obtain alcohol through social sources—parents and relatives, friends, and strangers who purchase as a favor or for a fee (“shoulder tapping”) (Preusser, Ferguson, Williams, & Farmer, 1997; Wagenaar et al., 1993, 1995). Wagenaar et al. (1996) found that persons over age 21 were the most common source of alcohol. Youth consumption occurs primarily outside commercial establishments and most frequently in private residences and in open areas such as parks or beaches (Mayer, Forster, Murray, & Wagenaar, 1998).

Addressing the noncommercial sources of alcohol and settings for youth drinking is clearly a high priority. It requires a multifaceted approach designed to shift community norms and cultural values. Interventions can include developing parent support networks and education groups, neighborhood watch programs, alternative alcohol-free community and youth events, and youth leadership programs. The focus here is specifically on regulatory strategies that will complement nonlegal approaches and serve as important vehicles for encouraging the shifting of norms and values.

### Noncommercial Sources of Alcohol (Social Availability)

#### **Restrictions on Furnishing Alcohol to Minors**

All States restrict a minor’s ability to obtain alcohol through noncommercial sources, although most statutes provide some exceptions, particularly for parents, spouses, and guardians. Texas, for example, prohibits any person from furnishing alcohol to a minor unless he or she is an adult parent, guardian, or spouse and is visibly present when the minor possesses or consumes the alcohol (Texas Alcoholic Beverage Code § 106.06). The parental/spouse exception may be limited to private residences or may extend to bars and restaurants. Many States,

including California and Nevada have created an ambiguity by prohibiting any noncommercial furnishing of alcohol to a minor but allowing minors to possess alcohol in private residences or under the direction of an adult parent, spouse, or guardian (California Business & Professions Code §§ 25658, 25662; Nevada Revised Statutes § 202.020). Many States do not extend the prohibition to private residences under adult supervision (e.g., Utah Code Annotated §32A-12203) (President’s Commission on Model State Drug Laws, 1993). Other exceptions involve medicinal and religious uses of alcohol.

As these exceptions suggest, many States are reluctant to invade the privacy of residential dwellings and parent-child and marital relationships. This is in keeping with a fundamental cultural value, although the President’s Commission (1993), recommends against any residential exception because it “sends mixed and confusing signals to parents and youths alike that underage drinking is tolerable under certain circumstances.” An exception, if included, needs to be carefully crafted so that it does not undermine the community’s ability to prevent teen drinking parties in private residences. If an adult parent, spouse, or guardian exception is included, it should require that the adult be present and supervising the minor child or spouse. The exception should not extend to other minors and should not limit the enforcement of teen party ordinances (see below).

#### BEST PRACTICE 10

##### **Restrict noncommercial furnishing of alcohol to minors.**

Prohibit any person from furnishing alcohol to a minor with a possible exception of allowing adult parents, guardians, or spouses to serve alcohol to their children or spouse in their private residences.

## **Keg Registration**

Wagenaar et al. (1993) confirm anecdotal reports that beer kegs are a popular source of alcohol at teen parties. They provide alcohol at the cheapest price and require only one purchase, usually arranged with a friend over age 21. The low cost and high volume contribute to heavy, problematic drinking. Research has shown that young people are particularly price sensitive and that raising prices will reduce heavy drinking (Chaloupka, Saffer, & Grossman, 1993; Laixuthai & Chaloupka, 1993). Kegs also complicate law enforcement efforts to trace the alcohol suppliers for teen parties. Partygoers may pay a door fee or use some other mechanism to cover the cost, which may create a profit for an enterprising host and leave law enforcement officers no way to trace the purchase to a particular individual.

Keg registration regulations reduce this form of noncommercial availability. They require retailers to attach a tag, sticker, or engraving with an identification number to the keg. At purchase, the retailer requires a refundable deposit and records the purchaser’s name, address, telephone number, and drivers license or other identification information. The deposit is refunded when the keg is returned intact with the identification number. If law enforcement personnel confiscate a keg at a teen party, they can easily trace the purchaser and impose appropriate sanctions. Although there is no research that specifically assesses the impact of this intervention, reports from law enforcement agencies suggest that it substantially reduces young people’s keg use (Institute for the Study of Social Change, 1994c).

Recent research, however, finds that states with keg registration laws did not have fewer alcohol related traffic crashes involving underage drinkers. Possible reasons for this finding include that the law was not well enforced, or that in states that adopted keg registration laws, to circumvent the issue of registering beer kegs, young people choose instead to bring their own beer or liquor to underage parties (Fell 2009).

To maximize their effectiveness, keg registration laws should apply to 4-gallon-or-larger containers, require retailers to keep records for at least 1 year, and impose a substantial fine for anyone who violates the law (merchants who sell kegs without proper registration, keg purchasers who provide alcohol to minors). They should also require a refundable deposit (Pratt et al., 1997 recommend a \$50 minimum) to deter purchasers from destroying the identification tags and abandoning the keg, and make tag removal more difficult (for discussion, see Institute for the Study of Social Change, 1994c; Pratt et al., 1997).

#### BEST PRACTICE 11

##### **Implement beer keg registration.**

Enact beer keg registration laws that apply to beer containers of 4 gallons or larger; require a minimum \$50 deposit and technology that deters identification tag removal.

#### **“Shoulder-tap” Enforcement Programs**

“Shoulder tapping” refers to the common practice used by minors to obtain alcohol from strangers near off-sale retail outlets. Minors will wait outside the premises (in the parking lot or on the sidewalk), approach adults who are about to enter, and request that the adult purchase alcohol for them. The young person may offer the adult a fee or a portion of the alcohol purchased in exchange for conducting the transaction. These offers attract some adults, including street alcoholics.

Shoulder-tap enforcement programs are similar to compliance check programs except that they target the noncommercial supplier. A young decoy approaches adults outside an alcohol outlet and requests that the adult purchase alcohol on the decoy’s behalf. The California ABC Department has established procedures for shoulder-tap enforcement

programs (California ABC Department, n.d.). It targets the program to locales where problems have been reported and uses the same guidelines for the decoy’s actions as in compliance checks (e.g., no deception, false identification, or attempts to look older). The Department trains local law enforcement agencies, which normally add the program to other enforcement activities, and consults with local district attorneys and judges to ensure that the court system will process any complaints that are filed.

Local retailers can play an important role in shoulder-tap programs. First, most States make retailers responsible for activity in the immediate vicinity of their establishment. If retailers witness a shoulder-tapping incident or if shoulder tapping occurs repeatedly in close proximity but not in direct view, they have a responsibility to take steps to curtail the activity, including reporting it to law enforcement. They should refuse any sale when a reasonable person in their position would conclude that the adult is purchasing the alcohol on behalf of a minor. Responsible beverage service programs and public nuisance regulations should specifically include shoulder-tapping prevention as an alcohol retailer responsibility.

#### BEST PRACTICE 12

##### **Implement “shoulder-tap” enforcement programs.**

Implement shoulder-tap enforcement programs, targeting problematic locales. Instruct retailers regarding their role in preventing shoulder tapping; if the practice continues repeatedly outside a retail establishment and the retailer refuses to take action despite instruction and warning, utilize public nuisance regulations to impose sanctions.

## Noncommercial Settings for Youth Consumption

### Teen Party Ordinances

Teen parties constitute one of the highest risk settings for youth alcohol problems (Mayer et al., 1998; Schwartz & Little, 1997; Wagenaar et al., 1993). Young people report their heaviest drinking at large parties with peers—almost all of whom are underage—in someone else’s residence. In some cases, the parties occur without parents’ knowledge when they are out of town. (Policies addressing teen parties that occur in outdoor settings are discussed below.)

Teen parties frequently lack adult supervision and can lead to serious health and safety problems, including drinking-driving, rape and other sexual assaults, other forms of violence, vandalism, and property damage. They also provide a venue for introducing young teens to a heavy drinking culture. In one study, older teens (ages 17-19) reported “breaking in” younger teens (ages 14-16) at teen parties by encouraging them to become very intoxicated (Wagenaar et al., 1993).

Communities report that many parents have a high tolerance for teen parties, allowing them to occur on their property often without any supervision (Wolfson et al., 1995). This tolerance apparently stems from three misconceptions or beliefs: (1) alcohol, particularly beer, is a relatively harmless drug compared to illegal drugs, and its consumption is part of the passage to adulthood; (2) permitting consumption in a residential setting is safer than having it occur in open areas, where there is a higher risk of problems; and (3) teen drinking is inevitable, and it is safer if it occurs in a controlled, residential setting.

This community tolerance is compounded by the legal obstacles to law enforcement agencies in deterring teen parties. Many States do not prohibit youth possession in private residences (see chapter 3), or permit parents to supply alcohol to their minor

### BEST PRACTICE 13

#### Implement teen party ordinances.

Prohibit teen drinking parties at private residences and impose fines and fees for law enforcement services on homeowners or renters.

children. Police detecting a teen party may not have legal grounds to enter the premises, be unable to confiscate the alcohol, trace its original purchaser, or hold the adult homeowner or renter responsible for allowing the party on the premises.

Communities are experimenting with teen party ordinances to address these problems. For example, the cities of Petaluma, Vallejo, and Santa Rosa, California, have enacted ordinances that

- Prohibit any gathering in a private residence of five or more persons under age 21, at least one of whom possesses alcohol;
- Hold the person responsible for the event (homeowner, organizer, or other person) liable to the city for the cost of police services if a police officer at the scene determines that the gathering is a threat to the public peace, health, safety, or general welfare of the community; and
- Impose a fine on the homeowner or renter who permits such a gathering to occur at his or her residence.

This approach could be augmented by specifying that repeated teen parties at a residence constitute a public nuisance, allowing sanctions to be imposed on this basis.

Some communities, including Minneapolis, Minnesota, have “noisy assembly” ordinances, which can complement teen party ordinances (LaFond et al., 1998). A noisy assembly ordinance prohibits gatherings that disturb the peace, quiet, or repose of neighbors or others during late night hours (e.g., 10:00 p.m. to 7:00 a.m.). This provides law enforcement an additional legal basis for investigating teen parties in private residences.

Recent studies evaluated programs that brought colleges and their surrounding communities together through measures like increased police patrols in problem neighborhoods and efforts to make students more aware of their responsibilities as community residents. Both studies found certain positive effects, including reductions in heavy drinking and student incidents off-campus (DeJong et al. 2009).

### Motel and Hotel Regulations

Motels and hotels are another potential venue for teen parties, which are often held as part of proms and graduation ceremonies. Adults, including parents, rent rooms and provide alcohol for teens as part of the celebration; when the room includes a minibar, the alcohol is already available in the room.

In Michigan, one prosecutor has put hotel and motel owners (as well as limousine rental companies) on notice that they are violating the law against furnishing alcohol to minors if they permit teen parties on their premises or in limousines (*Beverage Industry News*, 1994).

Teen party ordinances can establish clear responsibilities for hotels and motels, requiring them to provide adequate security and holding them liable if they negligently rent rooms for teenage parties. If minibars are permitted, hotels and motels should be required to develop strict monitoring policies, particularly during high school graduation periods.

#### BEST PRACTICE 14

##### **Restrict and monitor teen parties at motels and hotels.**

Develop community programs to insure that teen parties do not occur in hotels and motels; if minibars are permitted, the establishments should be required to strictly monitor their use by young people.

### Alcohol Restrictions at Public Places

Public place restrictions control the availability and use of alcohol in parks, recreation facilities, beaches, parking lots, and other unsupervised locations that are either publicly owned or open to the public. These are favorite arenas for unsupervised teen drinking parties that can lead to serious alcohol problems (e.g., sexual assaults, other forms of violence, drinking and driving, and vandalism).

In response, many communities have banned consumption of alcohol or possession of open containers in unsupervised public locations. Several resort communities in California, for example, have banned or restricted alcohol consumption on public beaches with positive results (Cassady, Flora, & Foote, 1987). Despite early concerns raised by the tourism and alcohol retail industries, the bans have not hurt their businesses. Police report a reduction in law enforcement problems and a change in the composition of beach crowds, with more families and more diversity in age groups (P. Supone, personal communication, October 1998). Drinking bans in public places work best if they cover all public, unsupervised locations except those identified as unlikely sites for youth drinking. (Exceptions for organized gatherings may also be developed, as discussed below.) Communities should tailor the ordinances to their specific circumstances.

Many communities permit organized private gatherings (e.g., weddings, company picnics, or other private parties) to serve alcohol in public recreation areas, a form of availability that parallels alcohol service at public events. If the gathering is private and alcohol is not available for sale, a temporary retail license may not be needed. Recreation departments should require that the organizer obtain a permit before alcohol service is permitted. The departments should determine which facilities shall remain alcohol free and issue permits



that establish guidelines for alcohol service in other cases. Guidelines should include

1. Stipulating no sales or service to minors or intoxicated persons;
2. Requiring trained servers and management policies for large gatherings similar to those recommended for special events (see chapter 1);
3. Providing alternative transportation for those who become intoxicated; and
4. Requiring a security deposit to cover any law enforcement or other costs.

To be effective, alcohol restrictions for public places need to include a vigorous enforcement component.

Communities need to work with law enforcement agencies to identify locations likely to attract youth drinking parties and allocate adequate resources to conduct patrols, particularly during high-risk periods.

#### BEST PRACTICE 15

##### **Establish alcohol restrictions in public locations.**

Prohibit or strictly limit alcohol consumption and open containers in unsupervised public locations such as beaches, parks, parking lots, and recreation facilities. Require hosts who serve alcohol at private functions in these venues to obtain permits that include responsible beverage service guidelines and a refundable deposit to cover any enforcement costs.

Albert Lea is a city of 18,000 in southern Minnesota along the Iowa border. The city is well known as a community that takes underage drinking seriously. Under an enforcing underage drinking laws (EUDL) grant, the city performs routine compliance checks and, in partnership with Freeborn County, started a Zero Adult Provider (ZAP) project, followed up in subsequent years with comprehensive responsible beverage service training and a retailer incentive program.

In the spring of 2008 during an underage drinking town hall forum, citizens expressed the need to do more to prevent underage drinking in homes. Alice Englin, a local coalition coordinator, said that “the meeting attendees were clear that they wanted more done.” After the forum, this encouraged the community to consider a Social Host Ordinance as a strategy. Lieutenants J.D. Carlson and Phil Bartusek did research and presented the concept during a City Council work session. “We listened to the concerns council members had raised about parents away on vacation and how many people constitute a party,” the lieutenants said. They took the concerns seriously, recruited additional partners, and mobilized the county coalition. Englin drafted a letter of support that was signed by coalition members, and the coalition placed an ad in the local newspaper to educate the community about what a social host ordinance is and what it is not.

The Social Host Ordinance, now a reality, was presented to the City Council. The coalition addressed

the council members’ earlier concerns and presented its support letter signed by citizen leaders, community groups, and the school board. On December 8, 2008, the Albert Lea City Council approved the Social Host Ordinance by a vote of four to three.

As of June 11, 2010, Albert Lea is one of 47 cities and 5 counties in Minnesota that have adopted a Social Host Ordinance, and several more are actively considering it. Authorities say the ordinances have been an effective deterrent with several law enforcement agencies reporting a reduction in their calls for service related to underage drinking since the ordinances went into effect. Law enforcement continues to investigate providers of alcohol, and the Social Host Ordinance has filled a gap so that people who host parties are held accountable. The data also indicate the number of illegal consumption arrests in Albert Lea during 2009 was 14 percent lower than the previous 6-year average. Albert Lea Police Lt. J.D. Carlson said he feels that the city’s numbers are down compared to the 6-year average because of the newly implemented Social Host Ordinance.

The story of Albert Lea’s Social Host Ordinance reminds us to continually seek to improve underage drinking prevention efforts, even when we’ve had earlier accomplishments. It also provides an example of the legwork needed and demonstrates how EUDL efforts can grow and be sustained as a result of successful community collaborations.



## Penalties for Violating Noncommercial Availability Restrictions

As discussed in chapter 1, the purpose of penalties, from a public health perspective, is to deter the prohibited behavior. Deterrence requires swift, certain imposition of a significant negative consequence, and the threat of the negative consequence must continue over time. Administrative penalties, the most effective tool for creating a deterrent effect in commercial settings, are not available in noncommercial settings because no license is involved. Criminal penalties may be imposed, but they have the same weaknesses described above: in general, they are neither swift nor certain. Civil liability penalties are also available but should not be the primary deterrent strategy, since civil liability lawsuits are relatively rare events and therefore also tend to be lengthy and unpredictable.

To address these problems, the punishment for noncommercial violations should share many of the same characteristics of administrative penalties. When appropriate, noncriminal fines or fees should be imposed. For example, homeowners or renters who allow teen parties at their residences can be assessed a fee for the cost of the law enforcement response, and beer keg purchasers and private hosts of problematic drinking parties in public locations can lose refundable deposits for violations. Public nuisance ordinances may provide additional avenues for civil penalties imposed on residential or commercial property owners who negligently permit teen parties to occur on their property.

Regulations should permit a range of criminal penalties, depending on the seriousness of the offense. Violations that constitute a first offense that does not involve serious public disruption, large teen parties, or bodily injury should be treated much like traffic tickets—defining the offense as an infraction and imposing a substantial fine and community service, but not necessarily creating a criminal record. To streamline the handling of such violations,

procedures should be established that provide a venue for experimenting with nontraditional forms of punishment (e.g., administered through community boards established by the court system).

Relatively severe criminal penalties should be permitted for serious violations. Prosecutors should have the discretion to impose stiff fines and possible jail terms for supplying alcohol to large teen parties or for individual or group use that results in injuries and serious public disruptions (fights, vandalism, and loud, late night noise), and convictions should lead to a criminal record. Repeat offenders should also face stiffer criminal consequences.

Many States have developed a graduated set of criminal penalties that permits flexibility, but the use of civil penalties and alternative modes of punishment that avoid formal criminal court procedures are rare. Many States are increasing the penalties, but in general they are not addressing the other major criteria for enhancing the deterrent effects of the penalties to be imposed. By relying primarily on formal criminal prosecutions and not increasing enforcement efforts, punishment is unlikely to be either swift or certain (Ross, 1992).

California relies primarily on formal criminal procedures for imposing penalties. Although its shoulder-tap program has provided new emphasis on violations, enforcement remains sporadic across communities and a low priority for most law enforcement agencies and prosecutors. The new penalty for serious violations appropriately increases the range of penalties. However, the relatively severe minimum fine and the reliance on the formal criminal justice system probably lessens the likelihood of prosecution, particularly in cases that do not involve serious community disruption or injury. The vast majority of violations go undetected (c.f. Wagenaar & Wolfson, 1994; Wolfson et al., 1995), and most that are reported probably are not successfully prosecuted (statistics are unavailable). Although a few cities have enacted teen party ordinances, the vast majority have not. In these

instances, the level of deterrence is very low in most communities because the punishment, while relatively severe, is neither certain nor swift. The State legislature has increased penalties, a favored political response to health and safety problems, but it has failed to address the other critical variables in building an effective deterrent strategy.

Several States permit civil liability claims for noncommercial furnishing of alcohol to minors when some sort of serious harm results. Absent homeowners who allow their residence to be used for teen parties may also face liability claims (Mosher, 1999b). Specific provisions regarding who may sue, the required level of proof, and permissible defenses—among other legal issues—vary from State to State. Most States, however, refuse to impose this form of liability on noncommercial suppliers of alcohol, even though a liability determination is consistent with common law

negligence principles and research on commercial civil liability suggests that it will deter alcohol-related traffic crashes. States should therefore expand their civil liability doctrine to include noncommercial servers; it reasonably places part of the burden for causing harm on a negligent party and may reduce youth alcohol problems.

**BEST PRACTICE 16****Apply appropriate penalties to illegal transactions in noncommercial settings.**

Impose civil penalties where applicable; impose a range of criminal penalties and civil liability, either separately or in addition to applicable civil penalties. To increase the penalties' deterrent effects, establish streamlined procedures for imposing sanctions in cases that do not involve serious community disruption, large teen parties, or bodily injury.

# 3

## Minors in Possession of Alcohol

Chapters 1 and 2 describe regulations that target adults who provide alcohol to minors or control locations where youth drinking occurs. A third type of regulation shifts the focus to the minor, imposing sanctions for possession or consumption, with five specific topics:

1. Possession in public and private settings;
2. Consumption before or while driving a motor vehicle (zerotolerance laws);
3. Possession of false identification; and
4. Penalties for violations.

### Restrictions on Possession of Alcohol by Minors

All States prohibit minors from possessing alcohol in at least some circumstances. Most States prohibit minors from possession in public places unless incidental to employment, although many provide exceptions and do not extend the prohibition to private residences. Several States permit public possession if a parent or adult spouse is supervising; a similar requirement sometimes extends to private locations (Inspector General, 1991). For example, New Jersey prohibits a minor from possessing or knowingly consuming any alcoholic beverage “in any school, public conveyance, public place, or place of public assembly, or motor vehicle...” (New Jersey Statutes § 2C:33-15). Nevada prohibits possession “in public” unless a parent, spouse, or legal guardian is present (Nevada Revised Statutes Annotated § 202.020). As noted in chapter 2, some States prohibit adults from supplying alcohol to minors in private residences but permit minors to possess in these venues. Utah holds the reverse: minors are prohibited from possessing in any location, but parents are permitted to furnish alcohol to them (Utah Code Annotated §§ 32A-12-203; 32A-12-209).

As discussed in chapter 1, the private residence exception makes it more difficult for law enforcement to intervene at teen parties. States should make the possession prohibition consistent with provisions affecting adult suppliers: prohibit possession by minors in both private and public settings, with a possible

parental/spouse supervision exception in private residences (Inspector General, 1991; President's Commission, 1993). The exception should apply only to the child or spouse of the adult supervisor.

#### BEST PRACTICE 17

##### **Ban possession by minors in public and private locations.**

Prohibit possession by minors (unless incidental to employment) in public and private locations, with a possible exception in private residences if a parent or spouse is present.

## Zero-Tolerance Laws

All States have enacted zero-tolerance laws, which strictly limit the permissible BAL of any driver under age 21 (Voas, Lange, & Tippetts, 1998). The Federal Government prompted the passage of these special restrictions on youth driving in 1997 by threatening to withhold highway construction funds from any nonconforming State. The permissible BAL ranges from .00 (no drinking in the last hour) to .02 (one drink consumed by a 150-pound man within a 1-hour period). Zero-tolerance legislation brings drinking and driving laws into conformity with minimum age drinking laws and contrasts with adult restrictions, which permit .08 BAL or higher.

Zero-tolerance laws respond to a body of research demonstrating that young drivers already elevated risk of traffic crashes will increase exponentially if they drink even small amounts of alcohol before driving (Hingson, Heeren, & Winter, 1994). Evaluations have confirmed that strict blood alcohol limits for young people reduce their risk of traffic fatalities. (Fell et al., 2009). States with a BAL requirement of .00 have shown greater reductions than States with BAL requirements of .02. Hingson et al. (1994), for example, found a 22-percent decline in alcohol-related fatal crash rates for youth

in States setting .00 as the permissible BAL, a 17-percent decline in States with a level of .02, and a slight increase in comparison States. They estimate that zero-tolerance laws save at least 375 fatal crashes each year among drivers 15-20 years old. Other studies have found similar declines in fatality rates, although specific findings have varied (Zwerling & Jones, 1999).

Many States combine their zero-tolerance laws with administrative license revocation provisions. In California, for example, law enforcement officers may seize the young person's license at the scene of the arrest, which begins a license suspension period of 1 year. The driver may appeal the license suspension in an administrative hearing, which is held separately from any criminal proceedings (Voas et al., 1998). These administrative license revocation provisions increase the potential deterrent effect of zero tolerance laws by increasing both the certainty and the speed of punishment (Voas et al., 1998). They also provide an important additional tool for law enforcement, addressing many of the obstacles officers face in handling young drinking-driver offenders.

Public awareness is a key component in implementing zero-tolerance laws. One study found that the change in the law combined with a vigorous campaign resulted in a 50-percent reduction in alcohol-related crashes among young people (Blomberg, 1993).

#### BEST PRACTICE 18

##### **Implement and enforce zero-tolerance laws.**

Prohibit minors with any measurable BAL from driving a motor vehicle; authorize immediate seizure of the young offender's drivers license at the scene of arrest as part of an administrative license revocation procedure.

## False Identification

Law enforcement officials and retailers report that the use of false identification contributes significantly to underage alcohol access (Inspector General, 1991). Young people can easily obtain false identification by either altering a valid card or purchasing a near-perfect reproduction from firms that specialize in their production. Increasingly, the Internet serves as a source for false identification. Research conducted by Preusser et al. (1997) suggests that young people do commonly carry false identification. Research by Fell et al. (2008) found that states with stricter laws regarding the use of false identification to purchase alcohol had a 7% lower rate of alcohol related traffic fatalities involving underage drinkers.

Despite the prevalence of false identification, young people report that they use them infrequently (Biko Associates, 1998; Grube, 1997; Wagenaar et al., 1993). Instead, they attempt to buy without identification; and if it is requested, they respond that they misplaced it or left it at home. This is frequently a successful strategy and reduces the risk of being apprehended for either an illegal purchase or possessing an illegal identification card. As discussed above, compliance check surveys (which do not use false identification) confirm young peoples' reports: a large percentage of retailers in most communities sell alcohol to minors without inspecting identification cards. Of course, as merchant compliance improves, minors may turn increasingly to false identification as a way of obtaining alcohol.

Most States have imposed strict penalties on the manufacturers of false identification and on minors for possessing or using them. Federal involvement may be necessary to apprehend suppliers of false identification because they frequently operate across State lines (Inspector General, 1991). Many States have enacted statutes that allow a retailer to

### BEST PRACTICE 19

#### **Ban false identification.**

Prohibit the production, distribution, possession, and use of false identification.

confiscate an apparently false identification and hold it for up to 24 hours to allow for law enforcement inspection (California Business & Professions Code § 25659 and Georgia Code § 3-323(I)).

## Penalties Applied to Underage Offenders

Punishment of underage offenders should be based on criteria similar to those outlined for commercial and noncommercial suppliers. The purpose of punishment should be primarily to deter the illegal behavior. Administrative penalties are more certain to be imposed swiftly than criminal sanctions and thus have greater potential for creating a deterrent effect. Administrative revocation of a minor's drivers license under zero-tolerance laws provides an excellent example of this principle. A recent study by Fell et al. (2009) found that zero tolerance laws reduced the rate of fatal crashes involving underage drinkers.

As with noncommercial providers, there are relatively few other opportunities to impose administrative-style penalties on minors for illegal possession of alcohol. Schools typically impose school-based sanctions (e.g., suspension, expulsion) for possessing alcohol on school premises. Some States impose school and drivers license penalties on minors who violate alcohol purchase laws, even if the offense does not occur at school or while driving. Georgia (Georgia Code § 3-3-23.1), for example, mandates a 6-month suspension of the minor's drivers license for a first conviction of attempting to purchase alcohol and a 1-year suspension for subsequent violations.

The primary penalties for minors involve criminal sanctions, usually fines and/or community service with possible mandated education or treatment programs. As with noncommercial servers, this use of criminal sanctions is unlikely to create a deterrent effect because prosecutors and judges do not give the cases priority, and the process involves long delays. Punishment is neither certain nor swift—two key variables in developing an effective deterrence policy. State and local governments should establish procedures similar to those used for traffic and parking infractions to streamline the handling of possession and purchasing cases involving minors, and experiment with nontraditional forms of punishment (e.g., community service imposed by community boards, which are created under the supervision of the court system).

Even with nontraditional forms of punishment, establishing effective deterrence is difficult. Arrest of a minor for violating underage alcohol laws is rare even though violations are so common. A large percentage of young people drink at least occasionally, a significant minority drink both heavily and regularly, and these rates increase steadily with age, beginning in the early teenage years. Wagenaar and Wolfson (1994) estimate that only 2 of every 1,000 occasions of youth drinking result in an arrest. This incidence of detection undermines the law's deterrent effect.

Additional problems arise in penalizing underage drinking. These laws criminalize the majority of young people, which creates the danger of discriminatory enforcement, particularly since both law enforcement personnel and district attorneys consider violations to be a low priority. Some argue that young people use alcohol or tobacco in response to social cues and pressures provided by adult

norms, advertising, etc., and that the purpose of the law is to protect, not punish, young people; therefore, the focus of enforcement should be on the adult suppliers and marketers (for discussion, see Mosher, 1995; Cismoski, 1994).

Because of limited resources, enforcement should concentrate on more serious violations, particularly at teen parties in both private and public settings. If the alcohol purchase or consumption leads to violence, a motor vehicle crash, vandalism, or other crime, the offender can be punished for these aggravated circumstances under the statutes that prohibit the more serious offenses.

Attempts to impose a wider range of more stringent penalties on young people should be resisted because stiffer penalties will have little or no effect. Imposing stiffer penalties provides the appearance of addressing the problem without political fallout but is likely to have no actual preventive impact. Swift and certain penalties will have a greater effect on youth behavior.

#### BEST PRACTICE 20

##### **Apply appropriate penalties to minors in possession.**

Impose administrative license revocation and other administrative and civil penalties where applicable for violations of zero-tolerance laws. Establish streamlined criminal procedures, and experiment with nontraditional forms of punishment. In more serious cases, impose criminal penalties applicable to the crimes committed as a result of youth possession and purchase. Resist proposals to increase the severity of criminal penalties for youth possession or purchase not associated with other crimes.



# 4

## Toward Implementation of Regulatory Strategies

Efforts to implement regulatory strategies to reduce youth access face formidable barriers. First, alcohol retailers and other commercial interests often generate significant political opposition to many interventions. Second, law enforcement agencies, faced with shrinking resources and increased demands for services addressing other social problems, consider youth access to alcohol a low priority and perceive a general acceptance of youth drinking by many segments of their communities (Wolfson et al., 1995). Third, in many jurisdictions, the respective roles of State and local governments are confused, making effective collaboration difficult or impossible. Finally—and perhaps most importantly—regulatory action must occur in the context of a comprehensive community program that focuses on changing community norms and expectations. Regulatory interventions will be difficult or impossible to maintain over time and will fall short of their desired impact if this community context is not developed as part of the implementation process.

The publication of the 2004 Institute of Medicine report, *Reducing Underage Drinking: A Collective Responsibility* (IOM 2004) and *The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking* (U.S. DHHS 2007) raised awareness once again concerning the issue of underage drinking. These document and companion *Guides to Action* drew attention to the widespread problems associated with underage drinking. Considerable recent publicity has also focused on the problem of binge and heavy drinking among college students and the tragic consequences of these behaviors

The important task is to organize awareness and desire for action and translate it into effective policy development. This chapter briefly addresses four issues critical to building a grassroots voice and implementing the regulatory proposals described in the previous three chapters:

1. Establishing enforcement priorities;
2. Determining the roles of State and local governments;
3. Encouraging youth participation and activism; and
4. Developing complementary prevention policies and programs.

## Enforcement Priorities

Establishing enforcement priorities is a crucial step in reducing youth access to alcohol. Previous chapters have described the key elements of deterrence—the importance of imposing a significant penalty in a process that is perceived to be both certain and swift. Enforcement is therefore a key component in any deterrence-based strategy; without it, a community perception will emerge that there is no risk of punishment.

Law enforcement agencies have limited resources and must constantly respond to competing demands. Therefore, communities need to advocate for increased resources to address youth alcohol problems, and they also need to develop a clear set of priorities to ensure that the available resources are efficiently used to achieve desired results. Three primary criteria should be used:

1. Does the policy address high-risk settings or activities associated with serious harm?
2. Is there good probability that the policy will be effective if enforced (i.e., it will deter the unwanted behavior)?
3. Can the policy be enforced efficiently?

Community circumstances will influence the most effective mix of law enforcement activities. The following set of priorities establishes general guidelines or principles for implementing regulatory policies, based on the scientific literature and the analyses in previous sections. Each community can adjust them to meet its particular needs, problems, and conditions, translating them into specific law enforcement actions.

### **Priority #1: Routine, ongoing compliance checks.**

The first step in shifting community norms and expectations is to demand that commercial alcohol vendors take all reasonable steps to prevent sales to minors. As discussed above, compliance checks are both effective and efficient and can be funded through fines or modest increases in license fees.

### **Priority #2: Teen parties in both public and private settings.**

Effective enforcement of regulations targeting noncommercial providers and settings for youth alcohol consumption requires substantial resources. Yet because of the potential for harm, it represents a high priority for action. Given limited resources, priority should be given to enacting teen party ordinances and deterring those teen parties that pose a significant threat to community health and safety. There should be regular patrols of likely drinking locations on Friday and Saturday nights. Communities should incorporate neighborhood watch and other neighborhood groups into the process, to quickly alert police when there is evidence of teen parties in private residences. Parks and recreation departments should also assist in identifying potential party locations.

**Priority #3: Adult suppliers of teen parties.** When teen parties are discovered, a high priority should be placed on penalizing adult suppliers and enablers. This priority requires substantial resources, vigilance, and persistence to be effective, but major dividends are realized. The goal is to send a clear message to the community that adult involvement in large teen parties is unacceptable, and any adult who assists or permits large teen parties will face a substantial penalty. Keg licensing ordinances provide an important enforcement tool to meet this goal.

**Priority #4: Zero-tolerance laws.** Zero-tolerance laws meet two of the three criteria for establishing priorities by effectively addressing a substantial community harm. Enforcement may require substantial resources, although it can be incorporated into other community programs to deter drinking driving.

### **Priority #5: Commercial licensing restrictions.**

These restrictions complement compliance checks, reduce youth access, create a healthy commercial climate for alcohol sales, and are probably the easiest to enforce using minimal law enforcement resources. For example, restricting the density and location of alcohol outlets is primarily a licensing function with little or no law enforcement involved.



Periodic visits that can be combined with the compliance-check program will reveal whether alcohol retailers are obeying minimum server age, keg registration, home delivery, and mandatory responsible beverage service laws; and restricting minors’ access to bars and nightclubs. It is also easy to monitor special events planners for illegal alcohol sales and license restriction infractions.

**Priority #6: Enforce laws against use or manufacture of false identification.** Research indicates that laws against use and manufacture of false identification are effective in reducing the rate of fatal crashes among underage drinkers.

**Priority #7: Shoulder-tap programs.** Because of their expense, programs that target adult strangers who purchase alcohol for minors should be limited to locations reported as notorious sites for youth purchases. It is important to note that vigorous publicity associated with any enforcement action can magnify its deterrent effect. Therefore, news coverage of campaigns should be planned and encouraged. These priorities represent a significant shift from current practice. Wagenaar and Wolfson (1994) found that prosecuting any violations of youth access laws is rare; and when the laws are enforced, minors are most likely to be the target. Only 2 of every 1,000 occasions of illegal drinking by youth result in an arrest, and only 5 of every 100,000 youth drinking occasions result in an administrative action against an alcohol outlet. Arrests of noncommercial suppliers of alcohol are even more rare.

**IMPLEMENTATION PRINCIPLE 1**

**Set policy and enforcement priorities.**

Establish seven priorities for enforcement in the following order:

1. Routine, ongoing compliance checks.
2. Teen parties in both public and private settings.
3. Adult suppliers of teen parties.
4. Zero-tolerance laws.
5. Commercial licensing restrictions.
6. Use and manufacture of false identification
7. Shoulder-tap programs.

## The Role of State and Local Governments

State and local governments play critical roles in developing, implementing, and enforcing youth access regulations. States determine the extent of local authority, which varies widely. Gorovitz, Mosher, & Pertschuk (1998) describe four distinct approaches that States use to regulate retail sales of alcohol:

1. Prohibition of local control in virtually any circumstance;
2. Allocation of primary responsibility for retail regulation to the State, but permitting limited local control through land use powers;
3. Concurrent control, with the State providing basic standards, but permitting the localities to establish stricter controls provided they do not contradict State provisions; and
4. Allocation by States of primary control to local governments, with only minimal State standards.

States in the first two categories use the *State preemption doctrine*, which provides that the State does not allow, or preempts, local control in at least some circumstances. Its rationale is the need for consistency across local jurisdictions. In some instances, a patchwork of local regulations unnecessarily burdens or confuses intrastate and interstate commerce and relations. The doctrine should not be applied to youth alcohol access regulations, however, because of the need to tailor the regulations to local circumstances and needs. The fourth approach, primary local control, is also inadvisable: in many cases, statewide standards are critical in order to avoid competitive practices between localities. For example, cities with keg registration ordinances may request statewide regulation so that young people do not simply go to nearby cities where the ordinances are not in place.

Many States have already established the most effective structure for aligning State and local youth access regulations—concurrent jurisdiction. In this case, the State establishes basic standards for each of

the recommended policies, to which all communities must adhere. Communities are given leeway to adapt the basic policies to local circumstances. They may set stricter standards but are not permitted to adopt less stringent ones. Most States that employ this system require both local and State licenses, and retailers must adhere to both licensing standards.

The State preemption doctrine has become a contentious issue in alcohol, tobacco, and firearms control. The three affected industries and their supporters lobby for it as a strategy to undermine local control; they can more easily and effectively influence State legislatures. Industry recommendations for State preemption may undermine public health goals, and local communities may lose their authority to develop new, innovative programs. Innovations in these policy arenas almost always emanate from local grassroots campaigns that eventually lead to Statewide action. State standards are critical, but they should not be developed at the expense of local authority (for discussion, see Gorovitz et al., 1998).

A related priority is developing effective partnerships between State and local law enforcement agencies. This usually involves State alcoholic beverage control agencies or liquor boards and local police and sheriffs' departments. State agencies can provide technical assistance, resources, and coordination of areawide activities; they may also have special authority to investigate and prosecute violations of State law. Local law enforcement is in the best position to ascertain local needs and priorities and determine the best use of States' resources and assistance.

## IMPLEMENTATION PRINCIPLE 2

### Clarify the roles of State and local governments.

Adopt concurrent State and local authority to establish and enforce youth access regulations, and avoid the State preemption doctrine. Promote partnerships between State and local agencies responsible for implementing and enforcing the regulations.

Citizen activism is central to the implementation process and provides an important new direction in youth prevention programs. Community prevention initiatives traditionally place youth in a passive role, imparting educational messages and standards and expecting them to respond rationally and responsibly. Many health educators now challenge this view. Young people receive far more powerful educational messages from the community and societal environment through advertising and marketing messages, community alcohol policies, and adult attitudes and behaviors. Young people are acutely aware of the mixed messages in the community and recognize that adults are often telling them to “do as I say, not as I do” (Wallack, 1985).

Implementing youth access regulations provides an opportunity to engage young people and challenge them to participate in analyzing and resolving society's mixed messages regarding youth alcohol practices. Young people are in the best position to communicate to policymakers and others the effect of adult attitudes and behaviors. They experience directly the contradiction between ready alcohol access and aggressive alcohol marketing on the one hand and the health and safety messages and strict no-use policies on the other. Youth participation can include studying and reporting marketing abuses; developing counter advertising; participating in law enforcement programs; and meeting with and making presentations to policymakers, retailers, and marketers. Schools, parents, government agencies, law enforcement, community coalitions, and neighborhood groups should create avenues for engaging young people in this manner (for discussion, see Mosher, 1998).

The Vallejo, California, Fighting Back project's alcohol policy coalition provides an interesting model for building youth participation. Young people

- Serve as decoys in alcohol and tobacco compliance checks conducted by city police;
- Advocate for youth safe zones by assessing the layout and advertising practices of alcohol outlets and meeting with store owners and managers;

- Work with police to determine whether alcohol outlets are obeying a local ordinance limiting the amount of advertising on outdoor windows;
- Receive public speaking training, and address both youth and adult audiences, including policymaking bodies, about alcohol policy concerns;
- Participate in neighborhood cleanup efforts designed to reduce alcohol and illegal drug violence;
- Participate in a ride-along project with DUI police patrols;
- Plan and participate in media advocacy campaigns;
- Create alcohol and tobacco counter advertising; and
- Monitor alcohol and tobacco advertising in magazines, and send messages to magazine editors urging responsible advertising practices.

A key to the program’s success is its respect toward young people and its reliance on their creativity, ideas, and enthusiasm. Many students have continued their involvement beyond the original 6- to 9-month internship and view the program as a unique opportunity to build writing, public speaking, media, and organizing skills (G. Vasquez, personal communication, April 1999).

**IMPLEMENTATION PRINCIPLE 3**

**Foster youth participation and activism.**

Create opportunities for youth involvement and leadership in developing, implementing, and enforcing youth access regulations, working with schools, parents, alcohol policy coalitions, government agencies, and other community institutions and members.

## Complementary Prevention Policies and Programs

Youth alcohol access regulations are only one aspect of a comprehensive community prevention strategy. Their potential for reducing youth alcohol problems will be greatly enhanced in community environments that deglamorize alcohol use, provide alcohol-free activities, send clear messages regarding risks associated with alcohol, offer easy access to recovery services for all ages, and include reasonable regulations that generally target alcohol availability. Alcohol taxation is a particularly important complementary strategy.

Research shows that young people are sensitive to price increases; even modest tax increases will significantly reduce the rates of heavy drinking and traffic crashes involving youth (Laixuthai & Chaloupka, 1993).

As discussed above, implementing prevention policies requires an informed, active citizenry. This community mobilization can be achieved through various tactics that should become part of public health’s basic toolkit. Community organizing builds grassroots participation, mobilization, and leadership. Media advocacy engages community members, increasing the deterrent effect of enforcement programs and building support among policymakers; policy advocacy brings citizens to the policymakers’ tables (for discussion, see Holder et al., 1997; Mosher, 1999a).

# Conclusion

The regulatory strategies outlined in this guide cannot be viewed in isolation. Their success and continuation can be assured only by building a foundation of community participation and activism and developing complementary policies and programs designed to shift community norms and expectations. This is a worthy goal that builds community collaboration and provides participants with a sense of accomplishment in both process and outcomes. The stakes are enormous: the safety and health of our young people—the heart of our country's future.

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# 2. Alcohol Compliance Checks

### Research Summary on Alcohol Compliance Checks:

Research indicates that the frequent use of compliance checks decreases alcohol sales to minors almost by half (Grube, 1997; Holder, 2000; Preusser, Williams, and Weinstein, 1994). Lewis et al. (1996) report that Florida has kept compliance rates at 88-90% over the last 20 years due to the vigorous use of compliance checks by community coalitions. In the Community Trials Project, compliance checks were part of an overall comprehensive community program in which alcohol-related accidents were also significantly

reduced (Holder, 2000). Compliance checks are thought to be most effective when they are frequent, well-publicized, well-designed, solicit community support, and involve penalties to the licensed establishment, rather than just the server (Mosher & Stewart, 1999; Toomey & Wagenaar, 2002). Applying penalties to the licensed holder will stimulate managerial changes to support a working culture and environment that abides by alcohol sales laws. By decreasing alcohol availability, compliance checks are believed to also reduce alcohol-related problems and crime among youth.

## PLANNING

**Use the media prior to conducting compliance checks to build community support from both merchants and other community members for the strategy.** Without gaining the support of community members, law enforcement, and/or merchants, this strategy may merely be seen as a way to target and unnecessarily punish merchants. The community needs to understand why this strategy is needed by understanding the frequency of illegal alcohol purchases by youth, the nature and rate of youth alcohol-related problems within the community, and the link between alcohol availability, consumption, and alcohol-related problems. In addition, media advocacy may be needed to convince a skeptical community and police force to commit resources to implementing these checks.

Conduct awareness activities in the community to show the link between the ease with which minors can purchase alcohol illegally and the rate/type of alcohol-related problems. Use the media to support compliance checks by:

- a) Increasing awareness about the problem and the suggested solutions. This includes providing information about the current levels of underage drinking and how this contributes to alcohol and other related problems in the community;
- b) Increasing awareness about how compliance checks can help address the problem. This includes informing the community about the implementation of the compliance checks and the results (i.e., publicizing violators and those that abide by the law).

The following are different media awareness and advocacy strategies that can be utilized:

- a. Contact a local representative to convince him or her that supporting compliance checks is a good idea.
- b. Hold individual meetings with those in key positions to affect change (e.g., elected officials, alcohol policy organizations, and organizations

influenced by alcohol availability, such as neighborhood organizations).

- c. Hold a press conference describing the data collected about the number of alcohol-related problems that occur in the community and how illegal alcohol purchases of alcohol contributes to this problem.
- d. Work with local media outlets to air PSAs describing the problems of illegal alcohol purchases and how compliance checks can help reduce the problems.
- e. Write letters to the editor about how illegal alcohol purchases is a problem and how compliance checks can help.
- f. Try to get media coverage of the problem. Stage a rally or an event in or near an area with alcohol outlets that are known to sell to minors.
- g. Issue press releases highlighting key activities and important events, such as the results of compliance checks.
- h. Write an "Op-Ed" piece. See FACE ([www.faceproject.org](http://www.faceproject.org)) for a sample Op-Ed piece and instructions.
- i. Ensure that the coalition members are available to be interviewed and educate all members about the data on illegal alcohol purchases so they are well-prepared and knowledgeable.

**Build community support for this strategy from merchants, other community members, and law enforcement.** One way to build support for conducting compliance checks is to conduct a town hall meeting. A town hall meeting as a mechanism is very similar to the policy panel described in Chapter 1. It involves local prominent persons speaking in front of an audience about this issue. Use the text on Policy Panels to help plan a town hall meeting.

### Tools for Planning, Implementation and Evaluation:

In this example, there are several tools that can be customized and utilized in the community to help plan, implement, and evaluate compliance checks.

- Compliance Checks Planning Tool
- Compliance Checks Implementation Tool
- Compliance Checks Outcome Evaluation Tool (Appendix N)
- Compliance Check Summary Form
- Buyer Report

### COMPLIANCE CHECKS PLANNING TOOL

The Compliance Check Planning Tool will help plan the two primary components of this strategy: the compliance checks and efforts to use the media to promote them.

**Identifying Anticipated Outputs.** Outputs are the direct products of the strategy's components and usually are measured in terms of work accomplished (e.g., number of compliance checks done, number of alcohol sales to minors) Outputs indicate whether the strategy is going in the direction that was intended. The Compliance Checks Planning Tool already has several anticipated outputs listed that will be important to track over time. It may be necessary to add others.

**Planning Each Component.** Document the major activities that need to be completed in order to be successful in implementing the compliance checks and the media efforts to promote them. It is important to list each of these activities since this is where detailed action steps will occur. We have specified activities that are useful in planning the compliance checks and the media efforts to promote them in the Compliance Checks Planning Tool. For each activity, consider the important planning elements:

- **Scheduled dates.** When will the activities occur? By deciding upon the approximate dates for the completion of each activity, a timeline will emerge. Use these dates to assess if the component is being implemented in a timely fashion.
- **Who will be responsible?** Before implementation, decide who will be responsible for each activity. Will it be staff of the coalition, volunteers, members of community agencies?
- **Resources needed.** Consider what resources are needed for each activity. This may be financial resources as well as specific supplies. Do any materials need to be purchased? Will they be donated?
- **Location.** Determine where to hold the various activities.

**Collaboration Partners.** In this section, identify the collaborative partners and their roles in the effort. Collaboration, including the development of additional community partnerships, is an integral part to ensure the success of effective compliance checks.

**Implementation Barriers.** Compliance checks can be difficult to implement. It is helpful to forecast what the challenges or

barriers might be and generate possible solutions for them. The Compliance Checks Planning Tool has prompts when considering the potential barriers and space to generate solutions to those barriers. There may be additional barriers encountered that the coalition should add to the Planning Tool. Although the solutions may not be currently known, the Planning Tool can be updated at any time.

## PROCESS EVALUATION

A process evaluation assesses what activities were implemented, the quality of the implementation, and the strengths and weaknesses of the implementation. This information can help to strengthen and improve the strategy over time.

### COMPLIANCE CHECKS IMPLEMENTATION TOOL

The Compliance Checks Implementation Tool is designed to assess several aspects of implementation, including whether the compliance checks and media awareness and advocacy were implemented according to the plan. Information from the Compliance Checks Planning Tool is transferred to the subsequent sections of the Compliance Checks Implementation Tool. Although all parts of the Planning Tool should be referred to periodically, the Implementation Tool should be used all of the time. Information is most useful when recorded during or immediately after each check, series of checks, or activity leading up to the checks. Otherwise, important information that could help improve the chances of achieving results might be overlooked or forgotten.

### Monitoring Component Outputs

In this part of the Implementation Tool, dates of each proposed activity and their anticipated output (as stated in the Planning Tool) are recorded in the appropriate column. Later, after each activity is implemented, the actual outputs for each component are recorded. The anticipated output can be expressed as the %Output. This number represents a comparison of the anticipated outputs and actual outputs. Dividing the actual output by the anticipated output and multiplying that number by 100 produces the %Output.

$$\frac{\text{Actual}}{\text{Anticipated}} \times 100 = \% \text{Output}$$

For example, if 30 compliance checks in convenience stores in a month were planned, use the Implementation Tool to record the number of compliance checks done. If only 15 compliance checks were done, the %Output would be 50% (15/30 x 100 = 50%). The Implementation Tool is designed flexible. The level of information recorded will vary depending on the particular environmental strategy. In some cases, it may be most efficient to record data on a day-by-day basis. In other cases, it may be most efficient to present data by summing up information over weeks or months.

**Component.** In this column, list the name of the component as stated in the Planning Tool. The two main components, the compliance checks themselves and the media advocacy components, are already completed.



**Date.** In the “date” column, describe the time period that the information in that row represents. As stated above, data may be aggregated across different time spans. The type of date(s) recorded here may vary.

**Implemented as Planned?** The third column asks for a consideration of how well the components were implemented. Rate the implementation as “high”, “medium”, or “low”. If the implementation of the activity was very close to or exactly like it was planned, the rating would be “high”. If, for whatever reason, major changes occurred during the implementation (e.g., certain barriers or practical considerations made it necessary to change the design), a rating of “low” would be appropriate.

**Anticipated Output(s).** In the fourth column, place the anticipated output(s) that were listed in the Planning Tool.

**Actual Output(s).** The actual output(s) are listed in this column. If, for example, 10 officers were expected to participate in this wave of compliance checks but only 8 participated, 10 officers would be the “anticipated output” and 8 officers would be the “actual output”.

**%Output Actual/Anticipated.** Divide the actual output by the anticipated output and multiply by 100. Place that number in this column.

**Progress, Problems, and Lessons Learned.** Successes, challenges, barriers, changes to the compliance check strategy, and other lessons learned with regard to activities should be recorded in this column.

### Planning Activities

The Implementation Tool monitors whether the tasks in the plan were completed in a timely fashion.

**Components, Key Planning Activities, Dates Scheduled to Complete Activity.** The specific component, the corresponding planning activity, and dates by which the activity was to be completed should be taken from the Planning Tool and reprinted here.

**Actual Date of Completion.** The date that the planning activity is actually completed should be entered here.

**Progress, Problems, and Lessons Learned.** Successes, challenges, barriers, changes to the compliance check strategy and other lessons learned with regard to the completion of planning activities should be recorded under “Progress, Problems, and Lessons Learned”.

### Collaboration Partners

In this part of the Implementation Tool, address the extent to which the compliance check strategy has achieved the expected collaboration. There are three sections of information in this part:

**Anticipated Partner/Anticipated Role.** The anticipated partners are identified in the Planning Tool. Collaboration partners and their roles are copied into the anticipated partners and anticipated roles sections, respectively.

**Actual Partner/Actual Role.** In these columns, differences between the actual and anticipated partners and roles identified in the plan are documented. Agencies or organizations that became partners after the strategy was initiated or after the plan was submitted may be identified here. When an anticipated partner does not collaborate as expected, this should be documented here and explained in greater detail under “Progress, Problems, and Lessons Learned”.

**Progress, Problems, and Lessons Learned.** Successes, challenges, barriers, changes to the activities and other lessons learned with regard to the collaboration partners should be recorded under “Progress, Problems, and Lessons Learned”.

### Progress, Problems, and Lessons Learned

For each part of the Implementation Tool, space is provided under “Progress, Problems, and Lessons Learned” to document the successes and challenges experienced during the implementation of the compliance check strategy. Documenting and reviewing the progress, problems, and lessons learned on a regular basis helps to track ways that the compliance check strategy might be adjusted to meet the needs of participants. Recording the successes and challenges is helpful for at least two reasons.

- Looking for barriers, obstacles, and challenges to the compliance check strategy allows for the opportunity to make improvements.
- Recording challenges and successes helps to avoid pitfalls in future implementation of compliance checks.

There are two issues to be considered in the “Progress, Problems, and Lessons Learned” section. The first has to do with specific aspects of what went well and not so well during implementation. The second involves thoughtful consideration of areas in need of attention. How often these questions are addressed may vary, but it is important to ask these questions frequently and to keep a written record of any changes that need to be made. For example, when implementing the compliance checks, it may be that many violators are successfully challenging their violations because the buyers appeared “old enough”. Then it may be useful to rethink some of the strategies undertaken by the compliance check program (i.e., hold an age assessment panel) and make necessary changes (e.g., perhaps use younger appearing buyers) to ensure that a larger number of violations are upheld.

### Additional Tools and Samples to Customize:

In this example, there is additional information about conducting and monitoring the effectiveness of compliance checks. The Compliance Checks Summary Form tracks the total results of each “wave” of compliance checks. Also included are suggestions about how to gather information about each individual buy attempt (See Buyer Report). This form was developed by the Alcohol Epidemiology Program (AEP), a research program within the School of Public Health at the University of Minnesota in

Minneapolis. This group also has extensive information on how to plan, implement, and evaluate compliance checks. The website is [www.epi.umn.edu/alcohol](http://www.epi.umn.edu/alcohol). Additionally, the Office of Juvenile Justice and Delinquency Prevention funds an Underage Drinking Enforcement Training Center through the Pacific Institute for Research and Evaluation which also has information about compliance check protocols and sample forms. The website is [www.udetc.org](http://www.udetc.org). Sample press releases, op-ed pieces, and policy forms can also be accessed at [www.faceproject.org](http://www.faceproject.org).

## OUTCOME EVALUATION

### What should be measured?

Evaluation data for compliance checks can come from many sources, including objective data (e.g., archival data) and subjective data (e.g., self-reported surveys). The following are examples of objective data that might be good outcomes to track as a result of conducting compliance checks:

- Rates of alcohol-related crashes, injuries, and fatalities in traffic accidents. Note: One common indicator used is single vehicle crashes between 8 p.m. and 4 a.m., which is a measure closely related to alcohol-related crashes involving drivers with known illegal blood alcohol levels
- Rates of youth motor-vehicle crashes
- Rates of youth DUI arrests and convictions

This type of data could be gathered from the state or local police department, the local health department, and the Mothers Against Drunk Driving organization. In addition, there is a web system called the Fatality Analysis Reporting System (FARS) organized by NHTSA ([www-fars.nhtsa.dot.gov](http://www-fars.nhtsa.dot.gov)) that allows users to access motor-vehicle crash data online. Its database can be queried to produce reports at the state, county, or city level.

Subjective data that could be collected from a survey (e.g., merchants, youth, law enforcement) include:

- Self-report of underage drinking and drunk driving
- Perceived likelihood of being caught driving with an illegal blood alcohol level
- Awareness of impaired driving and zero tolerance laws
- Place where alcohol was last bought on a DUI arrest form
- Degree of support from merchants

### COMPLIANCE CHECK OUTCOME EVALUATION TOOL

It is important for communities to have various types of information about the strategies documented. The Outcome Evaluation Tool is designed to organize the following information:

- **Summary of the needs and resources assessments:** Briefly summarize the results of the needs and resources assessments.
- **The target group (including numbers):** Briefly state who the target population is (e.g., merchants, policymakers, etc.) and how many were reached.
- **Desired Outcomes:** This information is available from the Accountability Question – Goals.

- **Measures used:** Document what measure(s) were chosen.
- **Design chosen:** Document which evaluation design was utilized.
- **Number of people who were measured in the evaluation:** How many completed the evaluation? (Skip this section if the only method was a review of archival data.)
- **Data analysis method:** How were the data analyzed?
- **Pre and Post scores and their differences (if applicable):** Calculate the post score minus pre score for each participant to obtain the “difference” score between the two. Then take an average of all those “difference” scores.
- **Interpretation of the results:** What interpretations can be made when all of the data are considered together?

Using the Outcome Evaluation Tool in this way can also assist when writing reports for various constituencies, including funders.

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Environmental Strategy: \_\_\_\_\_ Date \_\_\_\_\_

Name of person completing form: \_\_\_\_\_



**PLANNING TOOL**

# ALCOHOL COMPLIANCE CHECKS

## Summary

Briefly provide the title and summary for this environmental strategy.

**Title:**

**Summary:**

## Components

The two primary components are the alcohol compliance checks and the efforts to use the media to promote them.

## Identifying Anticipated Outputs

What outputs will show that the activities were implemented as planned? Outputs are the direct products of activities and usually are measured in terms of work accomplished.

Component	Actions Taken	Anticipated Output(s): How many...
Component 1: COMPLIANCE CHECKS	Number of compliance checks planned	
	Number of officers recruited	
	Number of youth buyers recruited	

Component	Actions Taken	Anticipated Output(s): How many....
Component 2: MEDIA AWARENESS AND ADVOCACY	Press releases issued	__releases, __media outlets
	Letters to the editor written	__letters, __papers
	PSAs aired	
	Advertisements placed	
	Materials distributed	
	Press conferences held	
	Number of media personnel contacted	
	Number of alcohol outlets notified about upcoming alcohol compliance checks	
	Number of meetings with key stakeholders	
	Other:	
	Other:	



## Planning each component

Each component needs to be planned. Consider all of the activities that need to be completed in order to make each component successful. Each component includes several key activities.

### Component 1: Compliance Checks

Specify Key Activities	Scheduled Dates	Who Is Responsible?	Resources Needed/ Materials to Be Provided	Location
1. Determine type of compliance check to be done.				
2. Review existing ordinances.				
3. Revise ordinances (optional).				
4. Make decisions regarding: a. Type of alcohol to purchase. b. One vs. two officers. c. One vs. multiple buyers. d. Viewing the buyer(s). e. Buyer compensation (paid vs. volunteer). f. Immediate vs. delayed post-buy attempt contact.				
5. Select sites to be checked.				
6. Review plan with the Prosecuting Attorney and the city council/licensing authority.				
7. Notify businesses (see component 2).				
8. Notify community (see component 2).				
9. Hire and train buyers. a. Advertise/recruit buyer applicants. b. Recruit and schedule age assessment panel members. c. Hold age assessment panel. d. Select and hire buyers based on results of assessment panel. e. Train buyers. Select, train, and document youth who volunteer with the compliance checks.				
10. Logistics. Develop the specific procedures for each compliance check (plan every step of the scenario from where to park the car to developing a plan for the potential response of each seller). a. Prepare necessary forms. b. Plan routes – establish target lists with specified criteria (random, region, etc.). c. Schedule buyers and officer(s). d. Obtain and document cash for purchases.				
11. Implement the compliance check according to protocol.				
12. Complete reports and refer to appropriate authority for criminal or administrative charges.				

**Component 2: Media Awareness and Advocacy**

Specify Key Activities	Scheduled Dates	Who Is Responsible?	Resources Needed/ Materials to Be Provided	Location
<b>BEFORE COMPLIANCE CHECKS</b>				
Gather and update media contact lists.				
Select dates and places for news conferences to discuss the baseline compliance check results.				
Coordinate the promotional effort with law enforcement agencies in the areas of the compliance checks.				
Write a media advisory and news release publicizing that the compliance checks will be happening.				
Work with local TV stations, radio stations, & newspapers to run PSAs promoting the upcoming checks.				
Encourage the local paper to run an article about the effect of illegal purchase of alcohol in your community.				
Mail a media advisory to key media contacts.				
Invite the media to cover a compliance check training session.				
Notify merchants that the compliance checks will be taking place soon and that they will be caught if they sell to underage patrons.				
Other:				
Other:				

**Component 2: Media Awareness and Advocacy (continued)**

Specify Key Activities	Scheduled Dates	Who Is Responsible?	Resources Needed/ Materials to Be Provided	Location
<b>AFTER COMPLIANCE CHECKS</b>				
Select dates and places for news conferences to discuss the compliance check results.				
Write a media advisory and news release publicizing the results.				
Work with local TV stations, radio stations, & newspapers to run PSAs promoting the results.				
Encourage the local paper to run an article about the results.				
Mail a media advisory to key media contacts about the results.				
Send letters of congratulations/ thanks to businesses/sellers who did not sell.				
Distribute list of businesses/sellers who did not sell through various media channels and other groups (e.g. churches, PTA/PTO).				
Issue press releases to the community about the results.				
Other:				
Other:				



## Collaboration Partners

Who are the collaboration partners for the compliance check strategy and what are their intended roles?

Collaboration Partner	Role of Partner

## Potential Barriers and Solutions

Compliance checks can be difficult to implement and often face many challenges. It is helpful to forecast what these challenges or barriers might be and to generate possible solutions for them. In the table below, common barriers and potential solutions are listed. The group can add others in the spaces provided.

Potential Barriers	Potential Solutions
Lack of law enforcement, political, and community support for this approach. There could potentially be strong, organized opposition from alcohol license holders.	Gather support from community coalitions and other key stakeholder groups by highlighting that selling to minors is illegal and can result in significant injuries and death. It will be important to convince merchants that not selling to minors is a good and responsible business practice.
Compliance checks may be viewed as using too many resources.	Conducting compliance checks may cost as little as \$10 per licensed establishment ( <a href="http://www.epi.umn.edu/alcohol/policy/compchks.shtm">http://www.epi.umn.edu/alcohol/policy/compchks.shtm</a> ). The overall cost depends on police time, transportation, and youth benefits. Some ideas for defraying costs include passing community ordinances in which a fraction of the fines paid by non-compliant merchants cover the cost of the checks, alcohol license fees are increased, and coalition members plan of much as the intervention as possible before paying for law enforcement time.
Compliance checks that are not conducted properly and that could be classified as “entrapment” may be challenged in court by alcohol licensees and employees.	It is particularly important to adequately select and train the youth involved with the compliance checks to avoid this problem and to document everything about the compliance check.
Other:	Other:
Other:	Other:



### Summary Checklist

What must be done to prepare for this strategy? Indicate “Y” (Yes), “N” (No), or “NA” (Not Applicable) regarding the tasks below. Have these tasks/activities been sufficiently addressed?

CHECKLIST ITEM		If no, plan for completion	By when?
Component 1: Compliance Checks			
Y/N/NA	Resources obtained		
	Person responsible		
	Staff trained		
	Duties assigned		
	Location identified		
	Timeline written		
	Collaborative partners identified		
	Program materials developed		
	Barriers considered		
	Other:		
	Other:		

<b>CHECKLIST ITEM</b>		<b>If no, plan for completion</b>	<b>By when?</b>
Component 2: Media Awareness and Advocacy			
Y/N/NA	Resources obtained		
	Person responsible		
	Staff trained		
	Duties assigned		
	Location identified		
	Timeline written		
	Collaborative partners identified		
	Program materials developed		
	Barriers considered		
	Other:		
	Other:		

# COMPLIANCE CHECKS SUMMARY FORM

Outlet #	Date of Check	Name of Outlet	Type of Outlet (off/on premises)	Name of Buying Youth(s)	Was Youth Able to Purchase? (Y/N)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					
30.					
31.					
32.					
33.					
34.					
35.					
36.					
37.					
38.					
39.					
40.					
41.					
42.					
43.					
44.					
45.					
46.					
47.					
48.					
49.					
50.					
Totals			Number checked on premises = _____  Number checked off premises = _____		Total violation rate= Number of violations (Ys in this column) ÷ Total outlets checked  On premises violation rate= Number of on-premises violations (Ys) ÷ Total on- premises outlets checked  Off premises violation rate= Number of off-premises violations (Ys) ÷ Total off- premises outlets checked

# BUYER REPORT

\_\_\_\_\_ Law Enforcement Agency

Case No. \_\_\_\_\_

Date of Attempt: \_\_/\_\_/\_\_\_\_  
mm/dd/yyyy

Time in:\_\_\_\_ Time out:\_\_\_\_\_

## BUYER INFORMATION

My name is \_\_\_\_\_. I am \_\_\_\_ years old. My date of birth is: \_\_/\_\_/\_\_\_\_ .  
mm/dd/yyyy

I was born in ( \_\_\_\_\_ county ), ( \_\_\_\_\_ state ) .

## BUSINESS INFORMATION

Name of Business: \_\_\_\_\_ Address: \_\_\_\_\_

RETAIL LICENSE #: \_\_\_\_\_

### TYPE

- Convenience Store/ Gas Station
- Convenience Store Only
- Bar/Tavern
- Hotel
- Restaurant

- General Merchandise
- Small Grocery
- Large Grocery
- Drug Store
- Other: \_\_\_\_\_

## PURCHASE

I purchased, (describe alcohol 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 (describe alcohol taken to the counter), an alcoholic beverage, but the seller:

( ) refused to sell to me.

( ) asked for an ID and when I gave my excuse for not having an ID refused to sell to me.

( ) asked my age and when I said my true age refused to sell to me.

**SELLER DESCRIPTION**

The clerk/cashier/waitperson/bartender is: (Describe)

( ) Male

( ) Female

Hair color:\_\_\_\_\_ Shirt/Top color:\_\_\_\_\_

Trousers/dress/bottom color:\_\_\_\_\_

Height:\_\_\_\_\_ Weight:\_\_\_\_\_ Age:\_\_\_\_\_

Other (ID/name badge, etc.):\_\_\_\_\_

At the time of the purchase, I did not possess nor did I display any form of written identification.

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

Print Name:\_\_\_\_\_

Signature:\_\_\_\_\_

Date:\_\_\_\_\_

Witnessing Officer

Print Name:\_\_\_\_\_

Signature:\_\_\_\_\_

Date:\_\_\_\_\_

Environmental Strategy: \_\_\_\_\_ Date \_\_\_\_\_

Name of person completing form: \_\_\_\_\_



**IMPLEMENTATION TOOL**

**ALCOHOL COMPLIANCE CHECKS**

**Monitoring Component Outputs**

**Component 1: Compliance Checks**

Output	Implemented as Planned? (High, Medium, Low, No)	Anticipated Output(s)	Actual Output(s)	% Output Actual/ Anticipated
Number of compliance checks completed				
Number of officers used				
Number of youth buyers used				
Other:				
Other:				

**Progress, Problems, & Lessons Learned Regarding Outputs**



**Component 2: Media Awareness and Advocacy**

<b>Output</b>	<b>Implemented as Planned? (High, Medium, Low, No)</b>	<b>Anticipated Output(s)</b>	<b>Actual Output(s)</b>	<b>% Output Actual/ Anticipated</b>
Press releases issued				
Letters to the editor written				
PSAs aired				
Advertisements placed				
Materials distributed				
Press conferences held				
Number of media personnel contacted				
Number of alcohol outlets notified about upcoming checks				
Number of meetings with key stakeholders				
Other:				
Other:				

**Progress, Problems, & Lessons Learned Regarding Outputs**

## Planning Activities

Components	Key Planning Activities	Dates Scheduled to Complete Activity	Actual Date of Completion
Component 1: COMPLIANCE CHECKS	1. Type of compliance check identified.		
	2. Review existing ordinances.		
	3. Revise ordinances (optional).		
	4. Make decisions regarding: a. Type of alcohol to purchase b. One vs. two officers c. One vs. multiple buyers d. Viewing the buyer(s) e. Buyer compensation (paid vs. volunteer) f. Immediate vs. delayed post-buy attempt contact		
	5. Select sites to be checked.		
	6. Review plan with the Prosecuting Attorney and the city council/licensing authority.		
	7. Notify businesses (see component 2)		
	8. Notify community (see component 2)		
	9. Hire and train buyers a. Advertise/recruit buyers b. Recruit and schedule age assessment panel members i. Hold age assessment panel ii. Select and hire buyers based on results of assessment panel c. Train buyers. Select, train, and document youth who volunteer to do compliance checks.		
	10. Logistics. Develop the specific procedures for each compliance check (plan every step of the scenario from where to park the car to developing a plan for the potential response of each seller). a. Prepare necessary forms b. Plan routes – establish target lists with specified criteria (random, region, etc.) c. Schedule buyers and officer(s) d. Obtain and document cash for purchases		
	11. Implement the compliance check according to protocol.		
	12. Complete reports and refer to appropriate authority for criminal or administrative charges.		

**Progress, Problems, & Lessons Learned (i.e., barriers for not completing key activities on time)**

A large, empty rectangular box with a thin black border, intended for handwritten or typed notes. It occupies the majority of the page's vertical space below the header.

Components	Key Planning Activities	Dates Scheduled to Complete Activity	Actual Date of Completion
Component 2: MEDIA AWARENESS AND ADVOCACY	<b>BEFORE IMPLEMENTATION</b>		
	Gather and update media contact lists.		
	Select dates and places for news conferences to discuss the baseline compliance check results.		
	Coordinate the promotional effort with law enforcement agencies in your area.		
	Write a media advisory and news release publicizing that the checks will be happening.		
	Work with local TV stations, radio stations, & newspapers to run PSAs promoting the upcoming checks.		
	Encourage the local paper to run an article about the effects of illegal purchase of alcohol in your community.		
	Mail a media advisory to key media contacts.		
	Invite the media to cover a compliance check training session.		
	Notify merchants that the compliance checks will be taking place soon and that they will be caught if they sell to underage patrons.		
	Other:		
Other:			

Components	Key Planning Activities	Dates Scheduled to Complete Activity	Actual Date of Completion
Component 2: MEDIA AWARENESS AND ADVOCACY	<b>AFTER IMPLEMENTATION</b>		
	Select dates and places for news conferences to discuss the compliance check results.		
	Write a media advisory and news release publicizing the results.		
	Work with local TV stations, radio stations, & newspapers to run PSAs promoting the results.		
	Encourage the local paper to run an article about the results.		
	Mail a media advisory to key media contacts about the results.		
	Send letters of congratulations/ thanks to businesses/sellers who did not illegally sell alcohol to minors.		
	Distribute list of businesses/sellers who did not sell through various media channels and other groups (e.g., churches, PTA/PTO).		
	Issue press releases to the community about the results.		

**Progress, Problems, & Lessons Learned (i.e., barriers for not completing key activities on time)**

## Collaboration Partners

Anticipated Partner	Actual Partner	Anticipated Role	Actual Role

## Progress, Problems, & Lessons Learned Regarding Collaboration



# PREFACE

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Alcohol consumption by young people has a profound effect on our nation, our communities, our families, and our children. Alcohol use by teens is related to traffic crashes, crime, teenage pregnancies, sexually transmitted diseases, suicides, drownings, and poor performance in school. Teenage drinking also has a direct economic effect on our communities; the costs of law enforcement, health care, education, treatment, and other services increase as resources are diverted to attend to the painful and often tragic consequences of teenage drinking.

What can be done? In recent years many organizations have attempted to identify innovative and effective methods to reduce underage drinking. Some approaches have focused on educating young people about the dangers of drinking and equipping them with the knowledge and skills to make responsible choices. Other approaches have tried to strengthen the relationships young people have with family, peers, teachers and others. Still others have focused on the array of adult institutions that manufacture, distribute, sell, provide, market, promote, and regulate alcohol.

No single approach will entirely solve the problem. But each approach, wisely implemented and used in combination with other promising strategies, may reduce the scope of the problem and limit the damage to America's next generation. Current research shows that effective and regular compliance checks helps decrease alcohol sales to minors; helps reduce underage drinking; helps reduce traffic crashes, violence, and other health problems associated with alcohol; and helps build healthier and safer communities.

This manual is designed for public officials, law enforcement officers, and alcohol-regulation agents as a practical guide for developing and implementing a compliance check system for establishments that sell or serve alcohol. Extensive research in recent years indicates that while many alcohol establishments act responsibly in refusing sales to underage buyers, a significant number of establishments continue to sell to people under the legal drinking age of 21.

We have attempted to make this manual as user-friendly and practical as possible. We have drawn from the experiences of many communities around the nation that already conduct compliance checks, as well as from the experience of numerous respected and knowledgeable leaders in the law enforcement community. We hope the manual will remove some of the practical barriers to enforcement of alcohol laws. Effective enforcement is one of the keys to reducing alcohol sales to minors and building safe, healthy communities for youth.

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**For additional resources from the University of Minnesota Alcohol Epidemiology Program:**

**<http://www.epi.umn.edu/alcohol>**

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## Dedication

This manual is dedicated to young people whose lives have been harmed by alcohol that was illegally provided or purchased.

---

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Captain Rocky Fontana  
Hennepin County Sheriff's Department

Chief of Police Kevin Rieland  
Becker Police Department

Craig Gerdes  
Director of Public Safety  
Plymouth Police Department

Dennis Delmont, Executive Director  
Lloyd Rivers, Executive Director Retired  
Minnesota Chiefs of Police Association

Chief of Police Norman Gerlach  
Big Lake Police Department

Scott Stewart  
Alcohol and Gambling Enforcement  
Department of Safety

Sheriff Don Gudmunson  
Dakota County Sheriff's Department

Chief of Police Rodger Willow  
Apple Valley Police Department

Marlene Kjelsberg  
Alcohol and Gambling Enforcement  
Department of Safety

Janelle Waldock-McGuire  
Interventionist  
Smoke Free Coalition

John Laux – Chief of Police Retired  
Minneapolis Police Department

Sheriff Gary Waller  
St. Louis County Sheriff's Department

Chief of Police Scott Lyons  
Duluth Police Department

Chief of Police Tom Zerwas  
Elk River Police Department

International Association of Chiefs of Police

Earl M. Sweeney, Director  
New Hampshire Police Standards and Training Council  
Chairman, Highway Safety Committee  
International Association of Chiefs of Police

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## WHY ENFORCE LIQUOR LAWS?

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Effective, inexpensive, and increasingly requested by community interest groups, enforcement of liquor laws can provide law enforcement agencies with a powerful tool in the fight against crime. Evidence shows that regular compliance checks of establishments that sell or serve alcohol decrease sales to underage youth.

Alcohol has been identified as a major contributing factor to a wide variety of crimes. Crimes against both persons and property often involve people who have consumed alcohol. Youthful offenders commit many of these crimes. Research shows that the earlier teenagers start drinking, the more likely they will later become addicted to alcohol or other drugs. When states raised the legal drinking age to 21, researchers found that the rate of alcohol consumption and alcohol-related problems decreased among 18- to 20-year-olds; those who started drinking later in life drank less and drank less often.<sup>1</sup> Thus, reducing the availability of alcohol to youth is an effective strategy to reduce crime, both today and in the future.

Police attitudes and operations affect communities well beyond investigations and arrests. Law enforcement personnel, from the beat cop to the chief or sheriff, are important “opinion leaders” in the community. The views and actions of the general public are strongly influenced by what leaders, who are perceived to have in-depth knowledge about the issue, say and do. The community learns from law enforcement officials — a sheriff or chief in a press conference, or a patrol officer talking with citizens at the lunch counter. Law enforcement officials can use their influence to change the beliefs and attitudes of the community about underage access to alcohol.

Throughout the 1970s and 1980s, law enforcement played a major role in redefining drinking and driving in our society. A crime once tolerated, driving after drinking is now socially unacceptable. This attitude change about DUI/DWI benefits public safety and public health, and is in large part the result of police who sent clear and consistent messages to communities that drinking and driving is not acceptable behavior.

Throughout the United States, grassroots community organizations, city councils, and state legislatures are demanding that law enforcement participate in efforts to limit youth access to alcohol. Progressive law enforcement executives are experimenting with assigning resources to this area of enforcement. Participating in community education and then checking businesses to determine if they comply with liquor laws is effective in decreasing youth access to alcohol, which leads to reductions in alcohol-related crime, and associated problems.



# WHY COMPLIANCE CHECKS?

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Law enforcement is challenged by an overwhelming variety of demands and budget constraints. In this environment, why are alcohol law compliance checks important?

In alcohol purchase attempts made by researchers across the United States, youthful-appearing buyers were able to purchase alcohol without any questions at least fifty percent of the time. Law enforcement needs to do compliance checks because businesses regularly sell alcohol to underage people.

## ✓ **Compliance checks may reduce crime and alcohol-related problems**

- Enforcing laws prohibiting the sale of alcohol to underage persons can help prevent traffic crashes, the major cause of death among youth.
- Teen pregnancy, sexually transmitted diseases, and school dropout rates increase with teen drinking rates; reducing underage access to alcohol can lower the frequency of these social problems.
- Fights, vandalism, noise complaints, and other nuisance calls are often caused by young people drinking alcohol; decreasing youth access to alcohol is an effective tool in preventing these problems and reducing the time law enforcement spends on these types of complaints.
- Rape and other crimes of violence involving teens often involve perpetrators and victims who have been drinking; reducing youth access to alcohol helps fight these crimes.

## ✓ **Compliance checks are easy to do**

- Once organized, compliance check operations are easy, quick, and inexpensive.
- Any officer who has worked the scene of a fatal crash involving youth and alcohol will prefer conducting compliance checks.

## ✓ **Compliance checks send a strong message**

- Well-publicized compliance check operations are good public relations.
- Compliance operations send a message to the community that providing alcohol to young people is not acceptable.
- Publicity surrounding compliance check operations may affect the attitudes of parents and other adult alcohol providers; they begin to view underage drinking as less acceptable.

# EVIDENCE THAT COMPLIANCE CHECKS WORK

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## ***Sherburne County, Minnesota: 1996 – 1997***

### √ **July 1996**

- Merchant notice of forthcoming checks
- Education packets sent
- Server training offered to businesses
- Notices sent to local governments and the community

### √ **December 1996**

- First wave of alcohol purchase attempts – 44% failure rate (19 of 43 businesses sold to underage buyers)
- Law enforcement made immediate contact with businesses
- Follow-up letter sent to merchants
- Repeat education offered to businesses that sold
- Results of first wave of buys sent to local governments and media

### √ **April-May 1997**

- Second wave of alcohol purchase attempts – 4.6% failure rate (only 2 of 43 businesses sold to underage buyers)
- Follow-up letters sent to merchants
- Results submitted to local government and the media

Sherburne County used a multi-disciplinary approach to compliance checks, with an active community education program led by the Sherburne County Public Health Department. The joint effort, in eight months, increased compliance with the law over 95%, achieving a 73% reduction in illegal alcohol sales to youth.

#### *Contact:*

- » Sheriff Bruce Anderson and Officers Don Starry & Steve Olmanson: (612) 241-2550
- » Elk River Police Chief Tom Zerwas and Officers Bryan Vita, Steve Miller, & Bob Kluntz: (612) 441-2324
- » Becker Police Chief Kevin Rieland and Officer Dave Eull: (612) 261-4300

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## ***PROJECT 21 – Plattsburgh PD & Clinton County Sheriff's Department, New York: 1996***

### √ **February 1996**

- First wave of alcohol purchase attempts – 45% failure rate (14 of 31 liquor, convenience, and grocery stores sold to underage agents)
- Training for Intervention Procedures for Servers of Alcohol (TIPS) provided at cost for all liquor licensees

### √ **May 1996**

- Second wave of alcohol purchase attempts – 20% failure rate (9 of 44 businesses sold, no repeat offenders from first wave)
- 56% reduction in this crime at this point

### √ **September 1996**

- Third wave of alcohol purchase attempts – 19% failure rate (7 of 37 businesses sold)
- At this point, a 28% reduction in underage DWI arrests had been experienced

### √ **December 1996**

- Fourth wave of alcohol purchase attempts – 3.5% failure rate (2 of 57 businesses sold)

PROJECT 21 ended its first year with a 92% decrease in the availability of alcohol to those under age 21 from off-sale businesses, and a decrease in underage DWI arrests, which may have resulted from a decrease in incidents of driving under the influence.

Contact:

» Community Service Officer Peter Zielinski: (518) 563-0302

In a review of 70 cities that conducted compliance checks with a varying number of purchase attempt waves annually, Thomas E. Radecki of Doctors & Lawyers for a Drug Free Youth reported the following average buy rates:

<b>Number of Cities</b>	<b>Frequency of Compliance Checks</b>	<b>Average Underage Buy Rate</b>
12	2 to 6 waves annually	15%
8	1/2 to 1 wave annually	28%
6	1 wave every 3 to 5 years	34%
44	1 time	62%

Clearly, alcohol compliance checks reduce the availability of alcohol to kids. The best available evidence suggests that at least one check, and ideally two checks, should be conducted annually.

Why do compliance checks? ***Compliance checks can save lives!***

# CONDUCTING COMPLIANCE CHECKS

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## PRE-OPERATION ACTIVITIES

### Type of Compliance Check

Determine what type of compliance check operation fits your jurisdiction: administrative, criminal, or educational. State laws and court decisions in your jurisdiction may limit how compliance checks may be conducted. A checklist in **Appendix A** lists this and other decisions that you must make to plan a successful compliance check operation.

### Ordinance Review/Revision

State statutes are the primary source of law for age-of-sale enforcement. Local ordinances, however, may provide greater flexibility to law enforcement agencies. If your state allows local jurisdictions to adopt ordinances, consider the following:

#### 1. Increased license fees to fund the compliance check operation.

Funding compliance checks with license fees is appropriate. Unless license fees cover the costs of administering the license, taxpayers are effectively subsidizing the cost of running the licensed business.

#### 2. Specific progressive fines for first, second, and subsequent violations.

Your state statute may provide for a range of fines and license suspension as the consequence of a licensee making an illegal alcohol sale. Judges and administrative authorities seldom impose maximum consequences; however, fear of high fines or loss of licenses often prompts licensees to fight charges. The cost of compliance check operations goes up each time a trial or administrative hearing is held. Ordinances that provide reasonable and specific presumptive progressive fines have several benefits:

- ◆ Licensing authorities are more likely to apply penalties to first-time offenders if sanctions are graduated and the first penalty is not overly severe
- ◆ Business owners may be less likely to contest charges
- ◆ The community may see specific graduated consequences as being fairer to the businesses
- ◆ When egregious violations occur, enforcement authorities can request deviation from the presumed penalty.

See sample ordinances in **Appendix B** for examples of progressive penalties.

#### 3. Equal treatment in terms of fines for all three parties involved in an illegal sale — the buyer, the seller, and the licensee.

Business owners often complain that they could be put out of business by irresponsible employees or youth who commit the crime of illegally purchasing alcohol. They claim that enforcement directed only at licensees is not fair. Evidence suggests that in some jurisdictions enforcement efforts focus on youth, not adult providers or licensees. A 1994 study indicated that for every 1000 arrests of 16- to 20-year-olds for underage possession of alcohol, only 130 licensees have any action taken against them, and only 88 adults over age 21 are charged with furnishing alcohol to youth.<sup>2</sup>

Ordinances that include a “full circle of responsibility” approach equalize the consequences of an initial offense for the buyer, seller and licensee. Equal and reasonable first offense fines make it easy for all identified parties involved with the violation to be held equally accountable.

Legal counsel for your jurisdiction, State Attorney General offices, the State Liquor enforcement agency, and state municipal organizations are all good sources for state-specific information on local ordinance options.

## Decisions

Note the choices you make regarding the following issues in the space provided in the Decision Checklist, **Appendix A**.

### ■ Type and Quantity of Alcohol to Purchase

Consider youthful drinking practices to determine the type and quantity of alcohol to purchase in your compliance check operation. It is generally believed that there is a relationship between the volume of beer purchased and the danger that alcohol sale generates. The Minnesota Supreme Court in *Kavanli v. Village of Watson* 272 Minn 481, 139 N.W. 2d. 275 (1965) recognized that a minor buying 24 bottles of beer should be expected to share that illegally purchased alcohol with other minors. Hence, the purchase of larger volumes of alcohol suggests greater danger.

Beer is generally recognized as the drink of choice among young people. Typical young drinkers select common and less expensive brands of beer. When young people consume mixed drinks, sweet drinks are a common choice.

The need to preserve illegally sold alcohol as evidence will influence the type of alcohol to purchase in an on-sale attempt. Bottled beer (with retrievable caps) is the easiest type of on-sale purchase to preserve. If you choose to purchase mixed drinks or glasses of beer, you may need additional supplies to successfully preserve the evidence.

#### ✓ **On-sale purchases:** Single drink

On-sale establishments include bars, restaurants and other business that sell alcohol for consumption on premises. Youthful buyers usually purchase a common beer brand in a bottle (e.g., Miller or Bud Lite).

#### ✓ **Off-sale purchases:** Six-pack of beer

Off-sale establishments include convenience stores, grocery stores, liquor stores and other businesses where no on-site alcohol consumption is allowed. Youthful buyers usually purchase a common beer brand in cans (e.g., Miller or Bud Lite).

**Note:**

Select quantities to be purchased by considering the impact on the seller, judges, and licensing officials. Like the “apparent age” issue (see “Hire and Train Buyers” section below), in some jurisdictions the letter of the law is sufficient and any quantity of alcohol purchased will sustain criminal or administrative sanctions. In other jurisdictions, however, the quantity purchased and its potential to cause harm may be considered.

### ■ One Versus Two Officers

Many departments conduct compliance checks with only one officer and one buyer. Ideally, two officers, one in plainclothes as an observer and a second outside in uniform, will participate in the compliance check. Having an officer witness the sales transaction can eliminate virtually all challenges of entrapment. The presence of an observing officer also simplifies the post-buy identification of the seller and immediately focuses attention away from the buyer and onto the officers.

In researching compliance check operations across the country no reports were found of buyers being injured. However, the greatest safety for buyers can be achieved if they are under close observation by an officer. Your knowledge of the risk level of establishments in your jurisdiction, as well as budget limitations, will affect your decision to use one or two officers. If using two officers is impractical, consider alternatives. Departments have successfully conducted compliance checks in which the buyer carries a video camera in a backpack, a transmitting body wire or a small tape recorder to generate a video or an audio record of the sales transaction. If a case goes to trial, this secondary evidence may minimize challenges to the buyer's testimony, and reduce the burden on the buyer.

### ■ Multiple Buyers/Multiple Purchase Attempts

Using two or more buyers in a compliance check operation is a more thorough test of a business' tendency to sell alcohol to underage youth. The outcome in single-buyer checks realistically reflects the behavior of only one employee, which may or may not be representative of the business' general practices. Checks by multiple buyers are most suited to businesses that have more than one employee engaged in selling or serving alcohol.

A multiple-buyer approach offers the business a greater opportunity to have at least partial success. Charging decisions and or sentence/sanction recommendations could be proportional to the business' success in complying with the law. If one or more buyers are refused sale (i.e., a success), then the action taken against the business for selling to the other buyer(s) could be justifiably reduced. Total failure in multiple-buyer purchase attempts offers a stronger case for sanctions. A multiple-buyer process will also help to defeat arguments attributing the sale to the buyer's appearance (apparent age) or the misconduct of a single employee.

Even if the compliance check operation involves making single purchase attempts at each site, it is helpful to have two buyers work together. Buyers are usually more comfortable when working with another person their age. Employing two buyers allows alternating buyers at off-sale licensees, which may offset the effects of businesses that warn each other that compliance checks are being done. Having two buyers (one attempts to purchase alcohol, the other does not) at on-sale establishments creates a more natural social setting and minimizes the likelihood that a single buyer will be approached by other customers. When a single buyer enters with an older plainclothes police officer, waitpersons/bartenders may perceive the pair as a family unit. This "parent effect" may prompt sales that otherwise would not occur. Most agencies try to avoid the parent effect.



## ■ Viewing the Buyer

Some owners and managers, after an underage sale has occurred in their establishment, request to view the buyer to assess the buyer's apparent age. Establish policy on requests to view the buyer. Inform the owner or manager that he or she will have an opportunity to observe the buyer in court or at the administrative hearing. Or, if you do decide to provide a view of the buyer, show the owner/manager the buyer's ID card (cover the name and address) and pre-operation Polaroid photograph. The ID provides proof of actual age and the Polaroid shows current appearance. If you decide to allow a direct view of the buyer, the viewing should occur outside at the unmarked squad car and only if the owner/manager remains calm. The owner or manager will be in a public place and the buyer can easily retreat into the cruiser should hostility ensue.

## Site Selection

The ideal compliance check campaign systematically checks all licensees in the jurisdiction. Successful operations have been conducted in a wave format in which all licensees are checked over a short period of time. Some communities have experienced long-term success in changing compliance rates by conducting waves of compliance checks twice annually, on an irregular schedule. Other successful operations run on a routine periodic basis, in which a few businesses are checked every few weeks. This approach avoids periods when businesses can be reasonably certain no checks will be conducted.

To successfully counter claims that you are unfairly targeting a particular business, establish a protocol defining which businesses will be checked during any particular operation. Targeting a particular business type — for example off-sale convenience stores — leaves the operation open to complaints of favoritism. An off-sale owner may complain that on-sale establishments don't get checked as often. Ideally, every type of licensee should experience an equal deterrent effect from an equal likelihood of being checked. Approaches to selecting sites, in order of presumed effectiveness, include:

- 1. Random selection.** Obtain a complete list of licensees; select and check sites randomly.
- 2. Region.** If resources are limited, select one region of the jurisdiction and attempt checks at all licensees within that area.
- 3. Underage sale record.** Re-check sites that have sold to minors in earlier checks.
- 4. Arrest & investigation source tracking.** Check businesses that are frequently identified as the sources of alcohol in crime involving people who have been drinking (obtain this information from arrest and investigation reports).
- 5. Complaint-driven checks.** Check businesses identified in other law enforcement investigations as possible sources of alcohol for underage persons. To avoid claims that competitors or others can maliciously cause a business to be checked, don't check those establishments identified in anonymous or unverified complaints.
- 6. License type.** Select businesses by license type (e.g., liquor store, convenience store, restaurant, bar, etc.) and rotate among types.

Whenever possible, conduct future operations at sites not initially targeted until all licensees in the jurisdiction have been checked (except for repeat visits to those that failed the first check).

**Lists of alcohol licensees in your jurisdiction can usually be obtained from the issuing authority or one of the following:**

- ◆ Local licensing authority (clerk of the city or town council).
- ◆ State Alcohol Beverage Control Agency
- ◆ State alcohol tax agency

## Plan Review

Once you have made initial decisions and have identified sites (or regions) to be checked, and before the first operation, review the compliance check operation plan with prosecutors and licensing officials. The use of the operation checklist (see **Appendix C**) may be helpful when reviewing the operation with others.

### ■ Town/City Council/County Board

License administration has both legal and political dimensions. A pre-operation hearing or meeting is an ideal opportunity for law enforcement to call for support of the compliance check operation from public health officials and community groups organized around alcohol issues. News of the compliance check operation will likely prompt some business owners to call their city council members. Ideally, council members will have advance knowledge of how and why the compliance operation is conducted. Council members, acting as the licensing authority, have an obligation to enforce alcohol laws by imposing certain restrictions on business; however, they are often expected to promote business as well. If business owners complain about upcoming compliance checks, council members can respond with:

*“Didn’t you read the information on complying with liquor laws in the notice letter you received?”*

*“Don’t you know how much crime and other problems in our community are related to underage drinking?”*

Evaluate the political climate in your jurisdiction and consider calling both citizens and experts on alcohol issues to provide testimony on the value of compliance checks at a council meeting. Sources of credible experts include:

- ◆ State Department of Health staff
- ◆ Local county or city public health staff
- ◆ Community or regional prevention coalitions
- ◆ A doctor or nurse from the local hospital emergency department
- ◆ College or university faculty and staff who research youth alcohol use
- ◆ Local drug and alcohol counselors — from clinics, private practice, schools, local hospitals, or professional organizations
- ◆ Youth who are concerned about the issue

## Prior Notice

Educate the community and businesses about liquor laws and provide notice that compliance checks will be conducted sometime in the next year. The community policing movement reflects the expectations of many citizens that, in addition to crime investigation and criminal prosecution, law enforcement agencies play a proactive role in crime prevention. Prior notice to both the licensees and the community will provide:

- **Reduced rates of sales to youth.** Research shows about 50% of businesses sell alcohol to underage buyers.<sup>3</sup> When half of businesses checked for compliance with alcohol laws sell to youth, prosecution may be difficult. Prosecution of offenders may be easier if you can show that the conduct in question is exceptional, not common. Departments have found that educating people involved with alcohol sales, giving prior notice of compliance checks, and following up with warning-only checks, helps bring a majority of the businesses into compliance. Thus, the small percentage of businesses that sell to youth after receiving notice and warning-only checks exhibit exceptional behavior, and prosecution may be easier.
- **Increased awareness of liquor laws.** Merchant surveys and focus groups with managers and owners of alcohol establishments indicate that most people who sell alcohol do not expect or fear enforcement of liquor laws.<sup>4</sup> Providing notice to businesses of upcoming compliance checks may create the perception among staff that enforcement will occur, which often serves as a deterrent to making an illegal sale.
- **Improved case outcomes.** Judges and licensing authorities may be more likely to take action against non-compliant businesses that have received education and warnings about upcoming compliance checks.
- **Support from the business community.** The business community will be more likely to support the law enforcement agency if they feel they had fair warnings of upcoming checks and educational support.

### ■ How to Inform Businesses

Write a letter to all alcohol sales licensees who will be part of your compliance check operation indicating that you will soon be conducting compliance checks in their area. Include in the letter recommendations for how the business can ensure compliance with the law (see sample notice letter in **Appendix D**). Responsible beverage service training is recommended for all servers/sellers. A list of national training programs is attached as **Appendix E**. Both the contents of the notice letter and the manner in which it is delivered communicate the seriousness of complying with alcohol sales laws. Keep a record that a letter was delivered as evidence of notice for criminal or administrative hearings (see sample receipt in **Appendix F**). Choose one of the following methods of delivering the letter:

- » Ideally, have officers deliver the letters to the business owners and obtain signed receipts. Personal delivery of the notice letter sends a powerful message to business owners about the seriousness of the enforcement effort. Direct contact with establishment staff provides an opportunity for officers to answer questions and highlight critical elements of the laws.
- » Mail letters “certified–return receipt requested.”
- » Require licensees to attend annual (monthly or quarterly in large jurisdictions) licensee training programs at which licensees receive a notice letter. Typically, these training programs involve a one-morning session where law enforcement, public health, and licensing authorities present information on laws and compliance strategies for preventing the sale of alcohol to underage or intoxicated persons. Some jurisdictions combine license renewal with a training session (i.e., licensees pick up their renewed licenses at a three-hour educational session).

Sending notices through standard mail carries much less impact than hand-delivery and provides no evidence that the liquor licensee actually received the notice. In addition to the letter, another method of informing businesses of upcoming compliance checks and building business support is to encourage patrol officers to discuss liquor laws with servers/sellers at establishments that will be checked. Using casual “coffee stops” during quiet times on afternoon and evening shifts, officers can educate while building useful contacts among these “eyes and ears” of the community. A “Stop & Talk” outline is attached as **Appendix G**.

## ■ Why and How to Inform the Community

Announcements in local media (TV, radio, newspapers, posters on community bulletin boards, school papers, etc.) and presentations by officers to community groups can provide public notice of upcoming compliance check operations. Sample public service scripts, posters, and print ads are included in **Appendices H, I, & J**. Notifying the community of upcoming compliance checks is beneficial in the following ways:

- » Community members are inoculated against objecting to the compliance check operation, and may be more likely to ask why businesses sell alcohol to youth when they know it is illegal.
- » Provides further notification to alcohol business owners and sellers/servers that compliance check operations will be conducted.
- » Heightens the attention of parents and other adults to underage alcohol use. Messages directed to adults may decrease youth access to alcohol in the home, at keg parties, or through other adults in the community.
- » Builds support for compliance checks from the community at-large. Many citizens are concerned about youth alcohol use and will be supportive of efforts to reduce illegal youth access to alcohol.

# Hire and Train Buyers

## ■ Paid versus Volunteer Buyers

Issues to consider include:

- ✓ Paid buyers may be covered by municipal insurance in the event of accident or injury.
  - ✓ Some prosecutors consider paid buyers to be more credible in court. Paid employees are seen as professional and are less susceptible to being characterized as anti-alcohol crusaders.
  - ✓ Recruiting volunteer participants may be difficult or time-consuming.
  - ✓ Paid buyers are often more committed to being available for court/administrative hearings.
- Volunteers may be necessary due to lack of funds or to avoid bureaucratic hassles.

Pay should not be related in any way to purchase attempt success or failure rates. The typical rate of pay for such buyers in large cities is approximately \$8 to \$9 per hour. Match buyer wages to prevailing wages in the local community.

## ■ Apparent Age

An analysis of the political and legal climate of your jurisdiction will govern the extent to which you need to assess “apparent age” in buyer selection. For many judges and city councils, the only evidence needed of an illegal sale is proof of the buyer’s age and that a sale was made. However, some business owners, sellers/servers, judges, and councilpersons believe that “apparent age” warrants consideration. They may argue that any “reasonable person” would have considered an older-appearing buyer to be age 21, regardless of actual age. Counter defenses of apparent age in the following ways:

- ◆ Hold an age assessment panel before hiring buyers (see **Appendix K**).
- ◆ Call sellers and servers who refused to sell to the buyer as witnesses in administrative or criminal hearings.

## ■ Sources of Buyers

- ✓ Law enforcement cadet programs
- ✓ Criminal justice college courses
- ✓ Ads in college newspapers
- ✓ Youth (known by other police departments) who aspire to be law enforcement officers
- ✓ Children or relatives of departmental personnel

See sample buyer recruitment flyer and newspaper advertisement in **Appendices L and M**.

**Note:**

Departments with limited resources should consider soliciting the assistance of local MADD/SADD members, explorer posts, health departments or other similar groups to recruit and select buyers. Once buyers have been located and trained, departments may wish to consider sharing the resource with other police departments.

## ■ Buyer Characteristics

✓ **Age 18 to 19.** Avoid the borderline age of 20 to help avoid “apparent age” challenges or confusion if the buyer turns 21 between purchase and testimony.

✓ **Appearance.**

Female — little or no makeup, casual attire, average height and build.

Male — no facial hair, casual attire, average height and build.

✓ **Drinking behavior.** Some prosecutors prefer compliance checks to involve buyers who have never purchased or possessed alcohol illegally, and who commit to not purchasing or possessing alcohol throughout the duration of the project (including court proceedings). Check with your prosecutor.

✓ **Witness.** Buyers must be willing to testify in court or at administrative hearings.

## ■ Buyer Training

See **Appendix N** for details on buyer training.

## Logistics

### ■ Site Packet Preparation

Assemble packets for each site before the date of the compliance check operation (see **Appendix O** for a checklist of what to include in site packets). If your jurisdiction will check a large number of licensees, the local Explorers or a SADD group may be able to help with the packet assembly process.

### ■ Plan Routes

Establish target lists with specified criteria (random, region, etc.). Prepare maps that show the location of each establishment and the order in which the purchase attempts should occur.

### ■ Schedule Buyers/Officers

Prepare a work schedule for buyers and officers who will perform the compliance checks.

### ■ Obtain and Document Cash

Obtain cash to be used in the purchase attempts. Keep accounting records of money spent at each establishment. Some departments document and track serial numbers of bills for evidence.

### ■ Obtain and Prepare Evidence Containers

Check with your forensic laboratory for their requirements. As an example of one state’s requirements, the Minnesota Bureau of Criminal Apprehension, Forensic Laboratory, Alcohol Section recommends the use of 2 oz. Nalgene plastic bottles, an HDPE type plastic product, for preserving alcohol samples from open containers. One source for these bottles is VWR (1-800-932-5000; product #16125-027). Unopened containers and those with screw caps that can be sealed airtight can be preserved as is. Samples stored for long periods in containers that are not airtight (e.g., an opened beer can sealed with tape) may lose evidentiary value, as the alcohol will evaporate. Ideally samples from open containers will be refrigerated, but they should not be frozen. Warm storage is acceptable; however, samples will deteriorate if stored for a long period of time.



# IMPLEMENTING THE COMPLIANCE CHECK

Follow the steps below to implement the compliance check purchase attempt:

1. **Photograph** the buyer. (Repeat each day – document and preserve as evidence)
2. **Search** the buyer to document that he/she is not carrying extra cash and/or age identification.
3. Briefly **review** training. (See appendix N)

AT EACH SITE:

4. **Distribute** purchase attempt cash to the buyer.
5. **Plainclothes officer enters** establishment; exits if conditions are inappropriate for check. (*Use of a plainclothes officer inside the establishment is optional but strongly recommended; small agencies may need to swap officers with neighboring agencies to avoid recognition of the officer by the sellers*).
6. **Buyer enters** and **selects** six-pack of beer (off-sale) or places order for a bottle of beer (on-sale).
7. Buyer and plainclothes officer **witness** seller/server's refusal or sale (see buyer training in **Appendix N** for detailed buyer protocol). Buyer does not consume any alcohol!
8. If using two buyers, **second buyer enters** and makes a second purchase attempt, from a different employee if possible (confrontation of the sellers should occur after the last buy attempt in the establishment).
9. IMMEDIATE POST-BUY CONTACT PROCEDURE: Plainclothes **officer approaches server/seller**, explains check, and signals uniformed officer by radio to enter the site.

DELAYED POST-BUY CONTACT PROCEDURE: Officer exits site and fully documents sale with sufficient detail to ensure identification of the individual seller when contact is made at a later time.

AT THE TIME OF CONTACT:

10. **Uniformed officer enters.** Seller/server identified and probable cause transferred from plainclothes to uniformed officer.
11. Uniformed officer **processes seller/server** and oversees **notification of business** management.
  - A. Success (no-sale). Issues congratulations (immediately **provides positive feedback**) and identifies seller as a possible witness of apparent age.
  - B. Failure (sale). Issues warning, summons/citation or notice of intent to refer the case for charges.
12. Buyer/plainclothes officer **processes** (bag and tag) **evidence, monitors buyer(s) and insures their safety.**
13. Buyer/plainclothes officer exit to cruiser to **complete reports, review buyer's report prior to starting next purchase attempt and prepare for the next check.**
14. **Viewing** of buyer's photograph ID upon owner/manager request.
15. Uniformed **officer clears.**
16. **Process repeated** at next assigned target business.



## Communication with the Community

News releases on the compliance check operation, which include data on the negative consequences of alcohol access by minors, can further influence community attitudes toward underage access to alcohol. Most departments issue a press release soon after the first wave of compliance checks is complete, citing successes and failures and the number of reports sent to the prosecutor for charges. Other departments elect to use criminal conviction or administrative hearing results as the lead for the news release, avoiding pre-trial/hearing publicity. Ideally, news releases should be issued both after the first wave of compliance checks and after conviction(s). News releases contribute significantly to the effect of your operation in the following ways:

- √ They send powerful messages to the community that the chief executive of their law enforcement agency considers providing alcohol to underage persons a serious issue
- √ They provide an opportunity to educate the entire community on the negative consequences of alcohol use by youth (e.g., crime, teen pregnancy, educational problems, auto crashes, etc.)
- √ They let community residents know that their law enforcement agency is proactive in trying to help keep their kids safe
- √ They send messages to businesses and individuals working as alcohol servers or sellers that law enforcement is paying attention to their level of compliance with alcohol sales laws.

News releases increase the possibility that the news media may seek to identify and report the identity of specific businesses that sold illegally. “Right to Know” laws in many states make such information available to the public. Each chief law enforcement officer will want to weigh the positive benefits of publicity against the consequences of the media publicly identifying the businesses. Media may learn of the compliance check operation and demand business identity and sales information even if a press release is not issued. Departments that are planning to use press releases or that anticipate demands for information from the press on the identity of businesses that fail the compliance checks may wish to explain in the pre-check notices to businesses that public identification of sellers may occur.

A sample news release is attached to this manual as **Appendix Q**.

Activate community groups that have an interest in alcohol and youth issues. Contact the local MADD/SADD chapters, neighborhood councils, groups serving teens, block clubs, prevention committees or others who will support efforts to restrict teen access to alcohol. These groups can provide important political support. Should merchants exert political pressure in an effort to prevent compliance checks these groups will often want to serve as a counterbalance. Groups organized around public health and safety will want to reassure elected officials that important electoral constituencies want compliance checks. These groups also serve as an excellent source of volunteer help and often can assist law enforcement agencies in obtaining funding.

## **Educating the Court/Council**

Educating the public officials who will hear cases is extremely important. Alcohol plays an important role in American culture. Many people, including participants in the criminal justice system, may remember participating in underage drinking. Credible research has been done suggesting that one drink per day may even improve health for some, particularly middle-aged and older males at risk for cardiovascular disease. Unfortunately, this potential benefit is far outweighed by the large number of people for whom alcohol may be life-threatening.

The prosecutors of alcohol offenses and the presenters at administrative sanction hearings need to recognize and respect the social acceptability of alcohol. Judges, juries, and elected officials who hear administrative cases, and even some law enforcement officers, often have conflicting views on the seriousness of underage alcohol consumption. Acknowledging the legitimacy of the use of alcohol in moderation by many adults may help alleviate some of these conflicting outlooks. Assess the “track record” or attitudes of the local court or council and consider including an educational effort in early prosecutions/administrative hearings. A well-crafted and brief presentation by a local expert on the consequences of youth access to alcohol can exert a powerful influence on these decision-makers. Strategies for entering expert testimony and an outline of research on alcohol are included in **Appendix R**.

## **OTHER CONSIDERATIONS**

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Departments that bypass an educational wave of checks and bring criminal cases on the first wave may benefit from postponing the decision to charge until after all checks have been completed. The charging recommendation by the law enforcement agency head may be influenced by an analysis of sales rates, a review of the evidence gathered, and interaction with the community. Some departments have experienced exceptionally high sales rates that undermine the strength of a criminal case. Two identified factors that contribute to unusually high sales rates are a buyer whose apparent age is consistently judged by sellers to be over 21, and a community-wide norm of non-compliance with the law. These problems are more likely to arise where no pre-buy age assessment was conducted and where little or no pre-operation community education occurred. Other issues and strategies for fighting youth access to alcohol are covered in **Appendix S**.

### **Telegraphing – Delayed Post-Buy Contact**

Many businesses that are checked during a compliance operation will call neighboring businesses to warn them a compliance check is occurring and to provide a description of the buyer who is working with law enforcement. This behavior is often called “telegraphing.” Some departments use several buyers, alternating buyers from business to business to minimize the affect of such warnings.

Agencies have reported that telegraphing has become so great a problem that they have altered their compliance check procedures to avoid immediate post contact with the seller/business. These agencies conduct a purchase attempt at several establishments without any law enforcement contact with the sellers or the businesses. After all business selected for that wave of inspections have been checked officers return to complete enforcement or education activities.

Anecdotal evidence suggests that most licensees who have been warned that compliance checks are being done in the area are atypically careful for a short period following the warning. Communities with a large number of licensees typically schedule waves (buy nights) several weeks apart. Their objective is a fair test of the businesses' typical level of compliance, not to test the level of compliance stemming from a warning that a check is imminent.

A delayed post-buy contact procedure complicates evidence preservation at on-sale establishments. Typically, the buyers have to preserve and remove the evidence. Usually the buyer (ideally a buy team of two) will pour a sample from the bottle or glass into an evidence bottle and carry it to the squad car in his or her pocket. The food must be paid for. With immediate post-buy procedures, the officer typically interrupts the food order. It is canceled or ignored and establishments seldom expect payment. With delayed post-buy contact the buy teams either wait for delivery of ordered food and eat, or must leave early placing an adequate amount of cash at the table to cover the bill.

Some agencies return to the site on the same evening; others return on a subsequent night. Store clerks, bartenders, and waitpersons tend to have varying schedules and some difficulty has been experienced in making contact with the seller to issue a summons, requiring several visits to the site. It will be more difficult to obtain the buy money as evidence, as by the time the officer returns several hours after the sale it may have been given out as change or will be co-mingled with other receipts.

When delayed post-buy contact is used, more extensive reports are made to insure accurate identification of the seller upon the return visit for summons or congratulations. An observing officer is essential to facilitate identification of the seller.

Agencies should be aware that telegraphing could negate the validity of checks conducted at businesses warned that a check is imminent. The more complex delayed post-buy contact procedure may be necessary to effectively determine if a business routinely verifies age before making sales of alcohol.

Agencies that encounter a business community that consistently telegraphs (communicates to each other when compliance checks occur), and where buyers are easily accessible (e.g., regular cadet ride-a-longs) may benefit from checking only one business in the community every few weeks. Telegraphing between businesses will have the effect of enhancing overall compliance, and an accurate measure of compliance may be obtainable.

## Repeat & Egregious Offenders

Occasionally particular businesses will be identified as blatantly disregarding the liquor law. Several tactics can build a case for more severe sanctions for these types of businesses, including permanent license revocation. Conduct compliance checks at the business using multiple buyers over multiple days, to show a pattern of blatant violation of the law. Procedures should include:

- » Make no immediate post-buy contact with the seller.
  
- » Use a variety of buyers of various ages and both genders.
  
- » Use surveillance photography to document the seller's identity.
  
- » Use progressively younger buyers to establish the age limit, if any, of customers usually carded at this business.
  
- » Attempt to target different sellers (store clerks, waitpersons, bartenders) to show that the pattern of sales is attributable to the policy of the licensee, not to one particular irresponsible employee.
  
- » Target shifts when the licensee and/or a manager are typically working the cash register, counter, or bar.
  
- » For off-sale businesses, consider an increase in the quantity of beer being purchased. Volume often correlates to potential short-term harm. Selling two cases of beer to a 17-year-old will be difficult for anyone to justify.

## Combined Tobacco Checks

*(Optional; not recommended)*

The compliance check processes for alcohol and tobacco are similar in many ways. Many off-sale alcohol licensees also have tobacco licenses. Combining compliance checks for both alcohol and tobacco at these businesses may offer operational efficiency. However, caution should be exercised in combining these operations.

*Consider the following:*

- The legal age to purchase tobacco is 18; the legal age to purchase alcohol is 21. As a result, buyers of different ages will be needed. A 14-year-old seeking to buy tobacco would not be extraordinary, whereas the same person seeking to buy alcohol would.
- A check determining if a clerk will sell alcohol to someone who looks under 18 will leave unanswered the seller's practice in selling/serving of 18- to 20-year-old youths.
- In small jurisdictions where strangers attract attention, two consecutive strangers buying controlled products may attract attention and prompt clerks who typically do not check IDs to do so, or may induce one establishment to warn neighboring establishments of the suspicious buyers.

Separate compliance operations will be more effective in focusing the attention of the sellers, servers, business owners, and the community on the separate issues of alcohol and tobacco access by youth. However, combined recruitment, training, and education processes for the buyers can be used to limit the time and expense involved. If combined checks cannot be avoided due to budgetary limitations, consider the following safeguards:

- **Use two buyers.** Use one buyer with an apparent age of 15 to 17 for tobacco checks and a second buyer with an apparent age of 18 or 19 for alcohol checks. Alternate the order in which the buy attempts are made from one store to the next.
- **Check multiple sellers.** If the business has more than one clerk and/or cash register in operation, have the buyers attempt to purchase from different clerks. This will minimize the influence of one check on the other and will better represent the general practice of the business as opposed to the behavior of a single clerk.

## CONCLUSION

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Fewer crimes will occur when youth drink less. Overwhelming evidence indicates that alcohol does not belong in the hands of our youth; underage drinking harms our communities, our families, and our children. Compliance checks are a powerful and positive tool for law enforcement to use in restricting youth access to alcohol, because they hold *adult suppliers*, as well as the *young consumers*, accountable for the problem.

Compliance checks are also effective community policing tools. Law enforcement agencies can significantly reduce the illegal sales of alcohol to underage persons by conducting cost-effective compliance check operations. Pre-planning and interaction with the community enhance community support and improve outcomes at trials and administrative hearings. Careful selection of underage buyers helps avoid conflict over their apparent age. Publicity and officer interactions with servers, clerks, and business people can influence community norms on tolerance of youth drinking alcohol. Compliance checks are an important weapon in law enforcement's arsenal and may be an effective method for reducing alcohol-related crime and public health problems.



## REFERENCES

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- <sup>2</sup> Wagenaar, A.C., Wolfson, M. Enforcement of the legal minimum drinking age in the United States. *Journal of Public Health Policy*, 15(1):37-53, 1994.
- <sup>3</sup> Forster, J.L., Murray, D.M., Wolfson, M., Wagenaar, A.C. Commercial availability of alcohol to young people: results of alcohol purchase attempts. *Preventive Medicine*, 24:342-347, 1995.
- <sup>4</sup> Wolfson, M., Toomey, T.L., Forster, J.L., Murray, D.M., Wagenaar, A.C. Alcohol outlet policies and practices concerning sales to underage people. *Addiction*, 91(4):589-602, 1996.

## Appendix A ■ Decision Checklist

ISSUE	OPTIONS	OPTION(S) SELECTED
Determine type of compliance check	<ol style="list-style-type: none"> <li>1. Educational only – issue warnings</li> <li>2. Educational/administrative – no criminal charges</li> <li>3. Administrative &amp; criminal</li> </ol>	
Review/revise ordinances or statutory criminal sanctions	<ol style="list-style-type: none"> <li>1. Use state law</li> <li>2. Use local ordinance</li> <li>3. Sponsor enactment of (or revision of) local ordinance</li> </ol>	
On-sale: type & quantity of alcohol	<ol style="list-style-type: none"> <li>1. Bottle beer – <i>brand/type (e.g., Bud Lite)</i></li> <li>2. Mixed drink – <i>drink (e.g., Strawberry Daiquiri)</i></li> <li>3. Other – <i>(specify)</i></li> </ol>	
Off-sale: type & quantity of alcohol	<ol style="list-style-type: none"> <li>1. Six-pack of beer – <i>brand/type (e.g., Busch cans)</i></li> <li>2. Bottle beer – <i>brand/type (e.g., Bud)</i></li> <li>3. Other – <i>(specify)</i></li> </ol>	
Number of officers	<ol style="list-style-type: none"> <li>1. Two (one uniform &amp; one plainclothes)</li> <li>2. One</li> </ol>	
Number of buyers	<ol style="list-style-type: none"> <li>1. One buyer</li> <li>2. Two buyers</li> <li>3. Multiple buyers</li> </ol>	
Viewing the buyer	<ol style="list-style-type: none"> <li>1. Provide view using ID &amp; Polaroid photo</li> <li>2. Allow in-person viewing at the cruiser</li> <li>3. None</li> </ol>	
Buyer compensation	<ol style="list-style-type: none"> <li>1. Paid</li> <li>2. Volunteer</li> </ol>	
Site selection	<ol style="list-style-type: none"> <li>1. Random selection from all licensees in jurisdiction</li> <li>2. All licensees in <i>(define region)</i></li> <li>3. All licensees who failed previous checks</li> <li>4. All licensees identified in investigations and source tracking</li> <li>5. All licensees identified in verified complaints</li> <li>6. All licensees of a certain type</li> </ol>	
Plan review	<ol style="list-style-type: none"> <li>1. Public hearing with expert testimony on negative consequences of youth alcohol consumption</li> <li>2. Written report of operational plan and purpose</li> <li>3. None</li> </ol>	
Prior notice to businesses	<ol style="list-style-type: none"> <li>1. No notice</li> <li>2. Notice letter               <ol style="list-style-type: none"> <li>a. Hand-delivered with receipt</li> <li>b. Mailed certified return receipt requested</li> <li>c. Mailed standard</li> </ol> </li> </ol>	

Prior notice to community	<ol style="list-style-type: none"> <li>1. Radio/TV public service announcements</li> <li>2. Posters</li> <li>3. Print ads in local newspapers</li> <li>4. Patrol officer "Stop &amp; Talks"</li> </ol>	
Buyers – Where to recruit	<ol style="list-style-type: none"> <li>1. Law enforcement cadets</li> <li>2. Criminal justice college courses</li> <li>3. Ads in college newspapers</li> <li>4. Other L.E. departments</li> <li>5. Children/relatives of dept. personnel</li> </ol>	
"Age assessment" of buyers	<ol style="list-style-type: none"> <li>1. Department staff only</li> <li>2. Community age assessment panel</li> </ol>	
Immediate vs. delayed post-buy contact with sellers/servers	<ol style="list-style-type: none"> <li>1. Immediate contact with both failures and successes</li> <li>2. Immediate contact with failures only</li> <li>3. Delayed contact with both failures and successes</li> </ol>	
Buyers to carry/show ID	<ol style="list-style-type: none"> <li>1. Carry no ID – report it's in the car and leave if ID is requested.</li> <li>2. Carry valid ID and present it if requested. <i>(Not recommended for initial checks)</i></li> </ol>	
Site packet preparation	<ol style="list-style-type: none"> <li>1. Assigned to departmental staff</li> <li>2. Solicit assistance from <i>specify (i.e., Explorer post, SADD, etc.)</i></li> <li>3. None</li> </ol>	
No sale – immediate follow-up	<ol style="list-style-type: none"> <li>1. Uniformed officer identifies seller and congratulates</li> <li>2. None</li> </ol>	
Sale – immediate follow-up	<ol style="list-style-type: none"> <li>1. Uniformed officer issues citation</li> <li>2. Uniformed officer issues warning</li> </ol>	
No sale – delayed post-buy contact	<ol style="list-style-type: none"> <li>1. Officer visits site at end of shift/wave and delivers notice of success</li> <li>2. Letter of notice of success mailed to site</li> </ol>	
Sale – delayed post-buy contact	<ol style="list-style-type: none"> <li>1. Officer returns to site after all sites for that shift/wave checked, IDs seller, and issues citation/notice of failure</li> </ol>	
Post-buy communication – with successful (i.e., no sale) licensees	<ol style="list-style-type: none"> <li>1. Letter of congratulations to the seller</li> <li>2. Letter of congratulations to the licensee</li> </ol>	
Post-buy news releases	<ol style="list-style-type: none"> <li>1. After each wave</li> <li>2. After administrative hearings</li> <li>3. After criminal convictions</li> </ol>	
Alcohol only vs. alcohol & tobacco	<ol style="list-style-type: none"> <li>1. Separate compliance checks</li> <li>2. Combined checks at dually licensed sites</li> </ol>	

## Appendix B \_ Model Ordinances

State laws that authorize local jurisdictions to adopt ordinances vary significantly. This appendix offers sample model ordinances that conform to Minnesota law to provide an example of ordinances that have been found to be effective by law enforcement. Contact your state’s Attorney General or other appropriate legal authority to determine if the option of local ordinances is available in your state.

Communities have used a variety of local ordinances as tools in controlling the sale of alcohol to underage and intoxicated persons. Research on the effectiveness of different approaches is not complete. Based on anecdotal reports communities may want to consider:

- ◆ Civil penalty structures (Model I below)
- ◆ Presumptive penalties (Model II below)
- ◆ Graduated penalties (both Model I & Model II below)

Penalties imposed by local ordinance as “**civil penalties**” carry less of a stigma than the criminal penalties provided for in the statute. The character of evidence required to sustain imposition of a civil penalty is less burdensome than that required for a criminal conviction. The use of civil penalties and local ordinances can make the compliance check process less difficult to operate and less onerous on those found to be non-compliant. Use of the civil penalty/local ordinance approach does not preclude using the statutory criminal process when egregious circumstances or repeat offenses make the criminal process more appropriate. Model I provides an example of a civil penalty ordinance.

**Presumptive penalties** establish a standard consequence that will be imposed for making an illegal sale. Provisions provide for deviation, up or down, from the presumptive penalty when exceptional circumstances exist. Presumptive penalties provide clear notice of the consequences of non-compliance.

**Graduated penalties** affix a relatively small cost to first offenses while providing increasingly larger consequences to those who don’t correct their behavior. Graduated penalties are generally seen as being fair. It is believed that people accept sanctions more readily and that the sanctions are more apt to change behavior when they are seen as fair. Model I below uses a percentage increase approach to its civil penalties. Model II below has set increases in both the civil penalties and periods of licensees’ suspension as an element of the presumptive penalty grid.

We provide the following two models for consideration. Several other models exist. Local jurisdiction’s legal counsel should be able to help select the approach best suited to each communities need.

### Model I. Sample Ordinance

#### ADMINISTRATIVE PENALTIES FOR LIQUOR LAW VIOLATORS

The following sample ordinances are intended to provide the City with an informal, cost effective and practical alternative to traditional enforcement for violations of certain alcohol ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with a designated administrative offense.

### Model II. Presumptive Penalty Grid

To be used with more traditional ordinance approaches, the grid on the following pages provides an example of how presumptive civil penalties can be structured.

### Model I – Civil Penalty Model

#### GENERAL LICENSE RESTRICTIONS: RESPONSIBILITY OF LICENSEE,

## **RIGHT TO SEARCH, AND COMPLIANCE CHECKS**

In light of the high risk involvement with illegal conduct that an establishment selling or serving alcoholic beverages poses to the general public, the City shall hold every licensee responsible for the conduct of his or her place of business and the conditions of sobriety and order in it, as required by Minnesota Statute Section 340A.501. The act of any employee of the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable for all penalties provided by this ordinance equally with the employee, except criminal penalties.

### **Section 1. Requirements.**

The issuing authority or the City Police Department or both shall:

- (a) have, as a condition of the license, the right to enter, inspect, and search the licensed premises without a search and seizure warrant during the hours in which the licensed premises are open for the sale of alcoholic beverages; and
- (b) conduct at least two (2) compliance checks each year, and shall issue citations to any licensee violating the provisions of their license or any relevant provisions of Minnesota Statute §340A.

## **ADMINISTRATIVE PENALTIES GENERAL PROVISION**

### **Section 1. Administrative Offense Defined.**

- (a) An administrative offense is a violation of a provision of this Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 7 below.
- (b) At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, in its discretion, may choose not to initiate an administrative offense procedure and may bring criminal charges in the first instance.

### **Section 2. Notice.**

Any officer of the City Police Department or any other person employed by the City, authorized in writing by the City Manager, and having authority to enforce this Code, shall, upon determining that there has been a violation, notify the violator. This notice shall set forth the nature, date and time of violation, and amount of the scheduled penalty.

### **Section 3. Payment.**

Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

**Section 4. Hearing.**

Any person contesting an administrative offense pursuant to this Chapter may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed.

**Section 5. Failure to Pay.**

- (a) In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City for the same violation.
- (b) In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of the subsequent criminal sentence in the event the party is charged and is convicted guilty of the criminal violation.

**Section 6. Disposition of Penalties.**

All penalties collected pursuant to this Chapter shall be paid to the City treasurer and shall be used to fund the cost of development and operation of related programs.

**Section 7. Offenses and Penalties.**

Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Manager [Mayor].

This ordinance shall take effect within \_\_\_\_\_ days.

**ADMINISTRATIVE PENALTIES FOR  
LIQUOR LAW VIOLATORS**

**Section 1. Penalties for Noncompliance.**

In addition to any criminal penalties which may be imposed by a court of law, the City Council may suspend a license for up to sixty (60) days, may revoke a license and/or may impose a civil fine on a licensee not to exceed two thousand dollars (\$2,000) for each violation on a finding that the license holder or its employee has failed to comply with a statute, rule, or ordinance relating to alcoholic beverages, non-intoxicating malt liquor or wine.

**Section 2. Minimum Penalties.**

In no event shall a penalty be less than:

- (a) for a first violation, the mandatory minimum penalty shall be the administrative penalty imposed pursuant to *[insert citation to General Provision of Administration ordinance provided just prior to this section of the document]*.
- (b) for a second violation in twelve (12) months the mandatory minimum penalty shall be the appropriate administrative penalty in (a) above, plus suspension of the liquor license for three (3) days.
- (c) for a third violation in twelve (12) months the mandatory minimum penalty shall be the appropriate administrative penalty in (a) above plus suspension of the liquor license for eighteen (18) days.

**Section 3. Revocation or Suspension.**

Revocation or suspension of a license by the Council shall be preceded by a public hearing in accordance with Minnesota Statute 340A.415. The City Council shall conduct the hearing. The hearing notice shall be given at least ten (10) days prior to the hearing, include notice of the time and place of the hearing, and shall state the nature of the charges against the licensee.

This ordinance shall take effect \_\_\_\_\_.

**SAMPLE LIST OF ADMINISTRATIVE PENALTIES**  
(To be kept in City Manager's office)

**Alcohol Offense**

Liquor license violations

**Administrative Penalty**

1<sup>st</sup> offense \$250

2<sup>nd</sup> offense \$500

3<sup>rd</sup> offense \$750



## MODEL II - Presumptive Civil Penalties

- A. Purpose. The purpose of this Section is to establish a standard by which the City Council determines the amount of civil fines, length of license suspensions and the propriety of revocations, and shall apply to all premises licensed and individuals charged under this Chapter. These penalties are presumed to be appropriate for every case; however, the Council may deviate in an individual case where the Council finds that there exists substantial reasons making it more appropriate to deviate, such as, but not limited to, a licensee’s efforts in combination with the State or City to prevent the sale of alcohol to minors. When deviating from these standards, the Council will provide written findings that support the penalty selected.
- B. Presumptive Penalties for Violations. The minimum penalties for convictions or violations must be presumed as follows (unless specified, numbers below indicate consecutive days’ suspension):

<b>Appearance</b>				
<b>Type of Violation</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>
1. Commission of a felony related to the licensed activity.	Revocation	NA	NA	NA
2. Sale of alcoholic beverages while license is under suspension.	Revocation	NA	NA	NA
<b>3. Sale/purchase of alcoholic beverages to/by under-age-person.</b>	<b>\$250</b>	<b>\$500 &amp; 3-day suspension</b>	<b>\$750 &amp; 18-day suspension</b>	<b>Revocation</b>
4. Sale of alcoholic beverages to obviously intoxicated person.	\$250	\$500 & 3-day suspension	\$750 & 18-day suspension	Revocation
5. After hours sale of alcoholic beverages.	3	6	18	<b>Revocation</b>
6. After hours display or consumption of alcoholic beverages.	3	6	18	<b>Revocation</b>
7. Refusal to allow City inspectors or Police admission to inspect premises.	5	15	Revocation	NA
8. Illegal gambling on premises.	3	6	18	<b>Revocation</b>
9. Failure to take reasonable steps to stop person from leaving premises with alcoholic beverages.	3	6	18	Revocation

Adapted from Ordinance 98-2 City of Plymouth, Minnesota.

## Appendix C ■ Operation Checklist

The following is a step-by-step checklist for compliance checks operations.

### ***Operation Plan/Checklist***

1.  Determine type of compliance check
2.  Review existing ordinances
3.  Revise ordinances (*optional*)
4. Make decisions regarding:
  - a.  Type of alcohol to purchase
  - b.  One vs. two officers
  - c.  One vs. multiple buyers
  - d.  Viewing the buyer(s)
  - e.  Buyer compensation (paid vs. volunteer)
  - f.  Immediate vs. delayed post-buy attempt contact
5.  Select sites to be checked
6.  Review plan with the Prosecuting Attorney and the city council/licensing authority
7.  Notify businesses
8.  Notify community
9. Hire and train buyers
  - a.  Advertise/recruit buyer applicants
  - b.  Recruit and schedule age assessment panel members (*optional*)
    - i.  Hold age assessment panel
    - ii.  Select and hire buyers based on results of assessment panel
  - c.  Train buyers
10. Logistics
  - a.  Prepare site packets
  - b.  Plan routes – establish target lists with specified criteria (random, region, etc.)
  - c.  Schedule buyers and officer(s)
  - d.  Obtain and document cash for purchases
11.  Implement the compliance check according to protocol
12.  Complete reports and refer to appropriate authority for criminal or administrative charges
13.  Send letters of congratulations/thanks to businesses/sellers who did not sell
14.  Issue press releases

## Appendix D \_ Sample Notice Letter

Date

Business Name  
Address  
City, State, Zip

Dear Business Owner:

The *Anytown* Police Department will begin (continue) to use compliance checks to enforce liquor sales laws in *Anytown, State*. We believe that helping you to avoid law violations, such as selling alcohol to underage people, will help us to avoid the problems that come with underage drinking. It is less expensive and easier to prevent youth access to alcohol than to investigate the motor vehicle crashes, fights, and other crime that underage drinking promotes. Nearly half of injury motor vehicle crashes involve drivers who had been drinking alcohol. Communities that have reduced the availability of alcohol to underage drinkers have experienced fewer crashes and fewer crimes. *(Replace following sentence with local statistics where available.)* In over 6,000 alcohol purchase attempts in the upper Midwest conducted since 1992, youthful-appearing buyers were sold alcohol without being checked for ID approximately 25-50% of the time. This evidence suggests that a serious problem exists.

Underage young adults will come into your business during the next few months to try to buy alcoholic beverages. Police officers will be working with these youths. Staff caught selling alcohol to underage buyers will be referred to the Prosecuting Attorney for criminal prosecution. Businesses where sales to underage buyers occur will be referred to the licensing authority for administrative action. Reports on compliance check operations become public data under *State* law, meaning that the identity of businesses checked and the outcome of each check can be obtained and published by the news media.

We want your staff to refuse alcohol sales to our underage buyers. We can offer the following tools to help ensure that your staff knows the law:

- ♣ Copies of the Valid ID book (photo examples of proper IDs) can be obtained from most alcohol distributors or from commercial vendors including the Drivers License Guide Company (1-800-227-8827).
- ♣ At your request, we can send a patrol officer to your establishment to give a 10-15 minute informational talk on alcohol sales laws.
- ♣ Contact your insurance company or alcohol distributor; they may provide training guides, signs, or information on training programs available in your area.

Selling alcohol is a legitimate business that plays a valid role in our community. We pride ourselves in being a friendly and pro-active police department. Selling alcohol is a privilege that has very specific responsibilities attached to it. We only ask that you fulfill those responsibilities. This is our request for cooperation in a necessary effort by our community to reduce the availability of alcohol to our youth. Work with us to ensure your business' compliance with underage sales laws.

If you would like further information, please call Chief (*name*) at (*phone number*).

Yours in safety,

Chief (*insert name*)

## Appendix E \_ Responsible Beverage Service Training

### Training Resources

Businesses that seek a comprehensive responsible beverage service training program can refer to the commercial providers listed below. Most state Alcohol Beverage Control (ABC) agencies also maintain information on available training. Encourage businesses to have their employees go through one of these programs. Some programs are provided as part of membership in beverage associations. Businesses that have their staff trained may receive insurance discounts that are greater than the cost of the training, including staff wages.

Law enforcement officials may offer limited liquor law compliance information to establishment staff by sending a representative of the department to the business for a 15 to 20 minute “stop & talk” on liquor laws and compliance. By helping businesses stay in compliance, business owners may be more supportive of the compliance check operation when prosecutions and administrative sanctions begin. See Appendix G for information to discuss with establishment staff.

#### National Training Services

- ◆ TIPS (Training for Intervention Procedures)  
1101 Wilson Boulevard Suite 1700, Arlington VA 22209 1-800-438-8477
  - ◆ TAM (Techniques of Alcohol Management) National Licensed Beverage Association  
20 South Quaker Lane, Suite 320, Alexandria, VA 22314 1-800-441-9894
- nlba-mail@nlba.org      <http://www.nlba.org>

## Appendix F \_ Prior Notice Receipt

*Anytown, State*, Police Department  
Address  
City, State, Zip  
Phone Number

### Record of Notice Served

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Recipient Name (Print or affix mailing label): \_\_\_\_\_

**On the date and time shown above I hand-delivered a written notice to the person listed above notifying them that a liquor law compliance check(s) will be conducted at their establishment. He/she was provided with a description of the liquor laws/ordinances and resource material to assist in training his/her staff to remain in compliance with these laws.**

Officer Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

---

### Acknowledgement of Notice Received

The signature of the recipient is requested but not required.

I hereby acknowledge receipt of notice from the *Anytown* Police Department that liquor law compliance checks will be conducted at my establishment.

Signed: \_\_\_\_\_

## Appendix G \_ “Stop & Talk” – Outline for Law Enforcement Officers

The *Anytown* Police Department will be conducting a series of alcohol law compliance checks in our jurisdiction. We have mailed notices to each business licensed to sell alcohol. The notices include an offer to have a patrol officer stop by the business to talk with the management or staff about alcohol laws. This document outlines information you may wish to discuss with staff during a “stop & talk.”

If your routine includes stopping for meals or breaks at businesses licensed to sell alcohol, we encourage you to take time to talk about the forthcoming compliance checks. The department’s goal is to increase compliance with the laws prohibiting the sale of alcohol to underage and intoxicated persons. Warn the store clerks and waitpersons with whom you interact daily to be careful when selling alcohol to avoid being caught selling to an underage buyer. Provide them with basic information on how to comply with these laws.

The information below lists suggestions on how to sell alcohol in compliance with the law and details *State* laws relating to the sale of alcoholic beverages.

### How to Comply with Alcohol Laws

**Provide guidance to store clerks and waitstaff on easy ways to check IDs. Encourage owners and managers to maintain calendars that show the current date and the corresponding year for the legal age to purchase alcohol.**

Officers should encourage store staff or waitpersons to use law enforcement as a resource. Remind them that they can call an officer to the store anytime they believe someone is trying to illegally purchase alcohol.

The primary purpose of these talks is to make sure people selling alcohol know what their rights and responsibilities are under our laws. Once this has been accomplished it may help convince them to take the law seriously if you explain some of the reasons the law exists. Here are some good reasons why it is illegal for people under age 21 to purchase alcohol.

- When the drinking age was 18, many more youths were killed and injured in alcohol-related motor vehicle crashes
- People who start drinking at an early age drink more and more often later in life, are more likely to become addicted to alcohol, and have more alcohol-related health and employment problems
- Researchers report that when younger people drink they experience:
  - More unplanned teen pregnancies, sexually transmitted diseases, and unplanned sex.
  - More assaults, vandalism, and violence
  - Increased problems in school and work

**Remind the clerks and waitpersons that checking IDs takes very little time compared to dealing with being caught in a compliance check sting or being involved in a lawsuit. “Stop & talks” are an important community policing tool that help you to keep alcohol businesses out of trouble when compliance checks test their businesses.**

Provide each establishment with a summary of your state’s laws or jurisdiction’s ordinances related to alcohol sales. (Most state Alcohol Beverage Control agencies publish a law summary.)

## **Appendix H \_ Public Service Script**

### **Public Service Announcement #1**

#### **Radio Script (30 seconds)**

When people under 21 drink alcohol they put themselves and our community at risk. When underage people drink they:

- Get involved in more acts of violence as perpetrators and victims.
- Are more apt to commit vandalism.
- Have more car crashes and other accidents causing injury.

The *Anytown* Police Department wants the next generation to make a healthy and safe start. Help keep alcohol out of the hands of our youth.

---

### **Public Service Announcement #2**

#### **Radio Script (30 seconds)**

Law Enforcement Alert:

Are you a salesclerk, cashier, bartender, or waitperson? Beware! *State* law makes it a (*insert appropriate crime classification*; e.g., gross misdemeanor ) to sell, furnish, or give alcohol to a person under 21. You can be fined up to (*insert appropriate maximum fine amount*) or sent to jail for up to (*insert appropriate maximum imprisonment period*).

*Anytown* police want the next generation to make a healthy and safe start—help keep alcohol out of the hands of our youth.



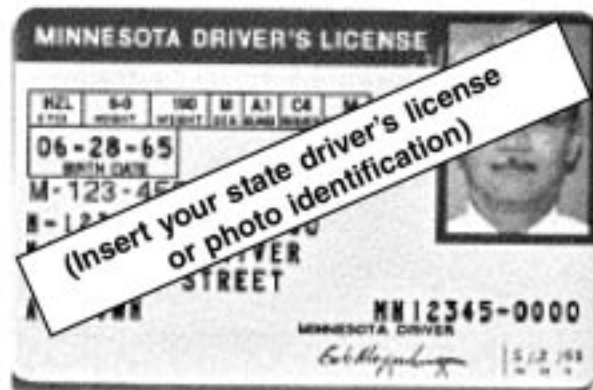
## Appendix I \_ Sample Posters



**don't be offended...**

---

**we card everyone**



**who looks  
under  
30**

**SPECIAL ALCOHOL PRICING**

**FOR THOSE UNDER 21**

**ATTEMPTING TO PURCHASE ALCOHOL:**

**Fine up to \$700.00**

***(or up to 90 days in jail).***

**(insert local penalties)**

---

# ATTENTION CASHIERS!

---

**An underage person who tries to buy alcohol in our establishment is:**

## TRYING TO GET YOU ARRESTED.

A gross misdemeanor can get you a \$3000 fine or up to one year in jail. Most people pay a fine of \$200 to \$500. *(Insert your state's penalties).*

## TRYING TO GET YOU FIRED.

We terminate employees who fail to card customers who appear under 30 years of age.

## PUTTING THEMSELVES AT RISK.

Underage drinking is related to unintentional injuries, unplanned pregnancy, violence and death.

## Appendix J \_ Sample Print Advertisements



# LIQUOR

in the hands of youth

## IS NO LAUGHING MATTER

Many of the leading causes of death among teenagers are related to alcohol use. These include:

- car crashes
- drownings and other injuries
- violence

If you suspect a customer is underage and is attempting to buy alcohol from you, call your local law enforcement agency.

DO YOU SELL OR PROVIDE ALCOHOL  
TO UNDERAGE PEOPLE?

# BEWARE

- It is a gross misdemeanor to provide alcohol to an underage person outside of the home.
- Your police department cares about our youth and strictly enforces the law.
- Store cashiers, and waitpersons, and anyone who buys alcohol for an underage person may pay up to \$3,000 in fines and be sentenced to up to one year in jail.

Remember, if an underage person asks you to sell him or her alcohol, call your local law enforcement agency.

(Insert local penalties)



## Appendix K \_ Buyer Age Appraisal

Conducting an “Apparent Age” appraisal of potential buyers will provide:

- Strong evidence that a “reasonable person” would consider the buyer to be under age 21.
- An opportunity for community groups or leaders to be involved in the compliance check operations, which will promote positive community relations.
- An opportunity to interview and assess prospective buyer’s “court presence” and utility as a witness.

We recommend assembling a panel of qualified “reasonable people” to do an assessment of the age of youths being considered as buyers. Appropriate panel members may include schoolteachers, guidance counselors, doctors, nurses, youth counselors, attorneys, and other underage youth. Select citizens who routinely deal with young people. Store clerks or citizens engaged in the business of alcohol sales should be used only if they are not from the jurisdiction to avoid suggestions of “tipping off” or favoring any businesses. An ideal panel size is from 5 to 7 members.

Instruct buyers to come to the age assessment dressed in jeans, T-shirts, or sweatshirts. Advise them to select clothes similar to those they will wear when conducting compliance checks, and, if necessary, when testifying in court. Females should be advised to wear little or no makeup and to avoid wearing jewelry. Men should be clean shaven.

Have the panel and the applicants report to one site, but in separate rooms. Once the panel is assembled give each member an age assessment sheet (see below). Have each buyer candidate, and ideally, at least one clearly overage and one clearly underage (15-16 year old) youth, enter the panel room one by one, make one short statement, and then leave the room. The duration and character of the panel exposure to the buyer candidate should mimic the circumstances of a typical alcohol sale. If your compliance check operation will include on-sale restaurants and bars with typical low lighting conditions, consider holding the panel in a room where low lighting levels can be established. The buyer applicants can give their name or be identified by number. The panel members will fill in a rating sheet that identifies each buyer candidate’s “apparent age.” An ideal outcome will result in some buyer candidates being assessed at age 18 or 19 by the entire panel. In any event choose buyers judged to be 18 or 19 by the most members of the panel, and avoid hiring buyers judged to be very young (13-16) or very old (21-23) by any panel members.

Review this procedure with your prosecutor. He or she may wish to set the limits on the apparent age of buyers employed in your jurisdiction (e.g., hire only buyers who are rated by 80% of the age assessment panel to be 18 or 19 years old.)

## Age Rating Sheet

Visual age assessment (Please circle only one number)

Panel member name: \_\_\_\_\_

### Applicant

1.	13	14	15	16	17	18	19	20	21	22	23+
2.	13	14	15	16	17	18	19	20	21	22	23+
3.	13	14	15	16	17	18	19	20	21	22	23+
4.	13	14	15	16	17	18	19	20	21	22	23+
5.	13	14	15	16	17	18	19	20	21	22	23+
6.	13	14	15	16	17	18	19	20	21	22	23+
7.	13	14	15	16	17	18	19	20	21	22	23+
8.	13	14	15	16	17	18	19	20	21	22	23+
9.	13	14	15	16	17	18	19	20	21	22	23+
10.	13	14	15	16	17	18	19	20	21	22	23+
11.	13	14	15	16	17	18	19	20	21	22	23+
12.	13	14	15	16	17	18	19	20	21	22	23+

## Appendix L \_ Buyer Recruitment Flyer

**Needed!**

### **Underage buyers for alcohol compliance checks**

Alcohol products in the hands of underage youth pose a serious threat to the public safety and public health of our community. The (*Law Enforcement Agency*) is committed to upholding *State* law and local ordinances that appropriately prohibit access to these products. We want your help in this important law enforcement effort.

If you are considering a career in law enforcement, want to play a role in promoting public safety and public health in our community, or just want to help law enforcement with crime prevention, consider becoming a “buyer” for our compliance check operation.

#### **WHAT YOU WILL DO:**

You will enter businesses licensed to sell alcohol — convenience stores, bars, restaurants, etc. — to try to purchase alcohol. Law enforcement officers will work with you. If an illegal sale occurs, the individual who sells to you and/or the business that person represents may be brought into criminal court or an administrative hearing. You may be needed to testify at any trials or hearings to explain what you did and said during the compliance check.

Participating in compliance check operations will give you a unique opportunity to experience law enforcement work. We plan to check approximately (*insert number*) businesses in our jurisdiction to insure that they are complying with the law. Each buyer will need to work approximately *X* shifts at *X* hours each. You will need to attend a screening and training session to be held (*date*), which will last no more than three hours. Buyers will need to be available to make court or hearing appearances for up to six months after the last compliance check.

#### **IF YOU ARE INTERESTED:**

Call Officer (*name*) at (*phone #*) to discuss your qualifications and, if appropriate, make arrangements for you to attend the screening and training session.

On (*date*) we will screen applicants and select buyers. Your “apparent age,” how old you look, will be the major factor in the selection process. Those who are not selected are usually screened out because they look too old or too young. Selected applicants will then be trained. Scheduling for the actual compliance checks will be done during the training process.

## Appendix M \_ Buyer Recruitment Advertisement

### Opportunity for Law Enforcement Experience

Are you age 18 or 19 and look your age?

Are you considering a career in law enforcement?

The *Anytown* Law Enforcement Agency needs civilians (volunteers) to participate in a liquor law enforcement compliance check operation as underage buyers.

Call (name) at (phone number) for more information.

## Appendix N \_ Buyer Training

Buyer training should cover the buy process, report writing, and information on being a witness for criminal or administrative hearings. Give the buyer a general description of how the compliance check operation will run. If criminal complaints or administrative sanctions will be sought, explain the criminal court and licensing sanction processes. Insure that the buyer understands that they may be called upon in the future to be a witness, that they could be deposed, and may have to testify in public before a judge, jury, or city council regarding the particular details of a compliance check. The purpose of this instruction is both to insure that the buyer understands the full character of the task they are agreeing to perform and to instill an appreciation for the seriousness of conducting compliance checks.

Give buyers the following instructions:

### General Information

#### Dress Requirements:

- Report for duty in casual attire (jeans and T-shirt/sweatshirt). Do not dress up.
- Males: clean shaven and wear little or no jewelry.
- Females: wear little or no makeup and little or no jewelry.
- Do not carry purse or bag into establishment (If using the “no ID” protocol, buyer will carry no ID. The officer(s) will hold the buyer’s driver’s license or other ID).
- Only carry the cash issued to the buyer for the purchase attempt.

#### Alcohol Consumption:

Buyers shall not consume any alcohol under any circumstances. Use of buyers who do have a history of prior illegal alcohol or false ID use should be cleared with the local prosecutor prior to the compliance check. The professionalism of the compliance check operations and the buyer’s credibility as a witness could be severely damaged if evidence arises that he or she consumes alcohol.

Pre-screen buyers to insure that they have not previously illegally consumed or purchased alcohol. Explain the legal system and the buyer’s potential role as a witness. Should any case go to court or administrative hearing, attorneys representing the seller/server/business will attempt to challenge the credibility of the buyer. Defense attorneys will question the buyer’s prior involvement in illegal alcohol sales, purchases, consumption, or the use of false identification. Stress that these questions must be answered truthfully under oath. If the buyer has engaged in any of the illegal activities, someone else likely knows about it and defense attorneys may locate those people for use in impeaching the buyer. Explain to the buyers that perjury on the stand is a much more serious offense than illegal alcohol sales.

#### Scheduling:

Typical scheduling will involve one or more officers working with a team of two buyers. Usually buyers will alternate from site to site at off-sale establishments and will enter as two friends at on-sale establishments. Some communities with few sites to check or limited resources will schedule one buyer to work alone with one officer.

#### Pre-Operation:

- Officer will conduct a cursory search of the buyer (pockets inside out, etc.) to document that the buyer is not carrying cash other than the buy money issued at each site and that they do not have IDs with them.
- Officer will photograph buyers at the beginning of each day of the compliance check operation.
- Some departments do Preliminary Breath Tests.

#### Entrapment:

“Entrapment is the conception and planning of an offense by an officer, and his procurement of its commission by one who would not have perpetrated it except for the trickery, persuasion, or fraud of the

officer.” Sorrells v. United States 287 U.S. 435 (1932). Compliance checks are broadly recognized as not constituting entrapment. However, any actions by a buyer that could be seen as persuading someone who would not normally commit a crime to do so, could be challenged as entrapment. An example of such improper conduct would be offering the seller/server a \$10 bribe to make the sale. It is important that law enforcement personnel who conduct buyer training give buyers clear instructions about what can and what should not be said during a purchase attempt.

**General Procedures:**

Ideally the buyer will say nothing (off-sale) or simply place the order (on-sale). The less a buyer says during a compliance check the easier testimony and report writing will be. Buyers should not initiate any conversation except what is necessary to order. A buyer does not need to ask for a receipt, but if one is offered should take it and give it to the officers to tag as evidence. Also, saying little to the seller/server will help counter arguments that the buyer coerced or enticed the seller into illegal activity. A short standard speech from the buyer also keeps the treatment of all sellers/servers and businesses uniform. The buyer should, however, be instructed to act as a normal person would. If the clerk comments on the weather, the buyer should make an appropriate response.

If a buyer enters an establishment and recognizes the clerk, waitperson, or bartender as someone they know, the buyer should attempt to go to a different cash register or area of the bar/restaurant if practical. If this is not practical, or if another customer at the site is someone the buyer knows (uncle, teacher, neighbor, priest, etc.) and the buyer does not want to be seen purchasing alcohol then she or he should return to the car. The second team buyer can go in or the officer can check the site at a later date with a different buyer team.

At almost all purchase attempts an officer will observe the buy and will also identify the seller. However, in some cases it will be necessary for the buyer to return to the store with the law enforcement officer to identify the clerk, then return to the car while the officer completes the violator interview.

**PURCHASE ATTEMPT:**

The specific buy procedure will vary depending on the availability of a plainclothes officer as an observer inside the business.

**OFF-SALE COMPLIANCE CHECKS**

Before starting the first check the officer(s) will review the procedure and will identify a major brand of beer to be purchased. To keep checks the same for all sites checked, purchase the same type of beer at each site. If they don't stock the selected type, pick the most similar type available.

Where feasible the officer will monitor the establishment with the buyer. Avoid initiating the buy attempt during a very busy period. Generally avoid extenuating circumstances to deny the server or seller the defense of extraordinary circumstances.

- 1) Plainclothes officer enters the establishment and positions himself/herself where purchase can be observed.
- 2) Buyer enters the establishment and goes directly to the beer cooler.
- 3) Buyer selects a six-pack of a pre-determined major brand of beer.
- 4) Buyer observes the sales counter and determines if anything unusual is occurring.  
*(If there is an unusual line at the counter, a dispute in progress between the clerk and a customer, or any other unusual situation, buyer waits briefly for the situation to clear; if situation hasn't cleared within five minutes, buyer leaves without making a buy attempt.)*
- 5) Buyer selects the least busy checkout (if business has more than one salesclerk on duty) and places beer on counter.  
*If the wait is the same at all checkouts, buyer selects the checkout staffed by the youngest looking person.*

***If asked for age or date of birth:***

- 6) Buyer answers truthfully by giving his/her real **date of birth**. This tests the seller's ability to calculate age from date of birth. If a seller asks how old that makes the buyer the buyer should honestly state their age in years.

***If asked for an ID:*** (no ID protocol)

- 7) Buyer states that he or she is not carrying an ID.

***If seller hesitates, or refuses sale:***

- 8) Buyer states "My license is out in the car" or "I left my license at home" or some alternative excuse for not having the license with him or her. Vary excuses from wave to wave so that a standard line does not become recognized as a sign that the young person is a police buyer. *Buyer makes no additional statements to encourage a sale.*

***If seller still refuses sale, or requests that buyer get ID in car:***

- 9) Buyer says "I will get my ID and come back" and exits establishment.

***If seller agrees to sale:***

- 10) Buyer purchases beer. Buyer accepts receipt if offered, but does not request one.
- 11) Buyer exits establishment, staying with one of the officers at all times. Agencies using the immediate post-buy contact procedure may have the officer intervene once the sale is completed. In such circumstances the officer will direct the buyer. Typically the buyer will go to the car and complete reports while the inside officer interviews the seller.
- 12) Buyer fills out buyer report form in the car (see sample buyer's report below).

## ON-SALE COMPLIANCE CHECKS

- 1) The plainclothes officer enters the establishment and positions him/herself where a purchase can be observed.
- 2) The buyer sits at a table in a well-lit area, near the exit door, and if practical in sight of the observing officer.
- 3) The buy team places an order appropriate to the establishment.
  - At a stand-alone bar, buyer places an order for a common brand of bottled beer. The second team member should order a non-alcoholic drink (soda, ice-tea, coffee).
  - At a restaurant, buyer places order for an inexpensive appetizer and a common brand of bottled beer (if beer is available only on tap, buyer orders a glass). The second team member should order a non-alcoholic drink (soda, ice-tea, coffee).

### ***If asked for age or date of birth:***

- 4) Buyer answers truthfully by giving his/her real **date of birth**. This tests the seller's ability to calculate age from date of birth. If a seller asks how old that makes the buyer, the buyer should honestly state his or her age in years.

### ***If asked for an ID: (no ID protocol)***

- 5) Buyer states that he or she is not carrying an ID.

### ***If seller hesitates, or refuses sale:***

- 6) Buyers states "My license is out in the car" or "I left my license at home" or some alternative excuse for not having the license with him or her. Vary excuses from wave to wave so that a standard line does not become recognized as a sign that the young person is a police buyer. *Buyer makes no additional statements to encourage a sale.*

### ***If seller refuses sale, or requests buyer get ID in car:***

- 7) Buyer says "I don't want the food either" and exits establishment (or if a plainclothes officer is inside observing, waits for him/her to approach).

### ***If seller agrees to sale:***

- 8) Buyer purchases beer and appetizer.
  - a. Immediate post-buy contact procedure. Buyer awaits the arrival of the on-site plainclothes officer who will take charge of preserving the alcohol sample and interview the seller. Typically the officer will direct the buy team to go to the car and complete reports.
  - b. Delayed post-buy procedure. **The buy team will not consume any alcohol!** After alcohol and food has been served, the buy team will observe site staff. When no site staff is observing, the buyer will pour a sample of the alcohol into an evidence bottle. A team member should hide the evidence bottle in a pocket, so its removal from the establishment will not be detected. The remaining alcohol will be left at the table. The team pays for the meal and drinks and leaves. (Some departments will have buyers leave early—as soon as practical after being served alcohol—leaving payment for all food and drinks ordered on the table.)
- 9) Buyer(s) notes the time and a careful description of the server/seller to put on reports.
- 10) Buyer exits establishment before or in the company of the plainclothes officer.
- 11) Buyer fills out buyer report form in the car (see sample buyer's report below).



**BUYER REPORT**

Any Town/County Law Enforcement Agency

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, (*describe alcohol purchased*), an alcoholic beverage and paid \$xx.xx 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 (*describe alcohol taken to the counter*), an alcoholic beverage, but the seller:

( ) refused to sell to me.

( ) asked for an ID and when I gave my excuse for not having an ID refused to sell to me.

( ) asked my age and when I said my true age refused to sell to me.

**SELLER DESCRIPTION**

The clerk/cashier/waitperson/bartender is: (*Describe*)

Male \_\_\_\_\_ Female \_\_\_\_\_ Hair color \_\_\_\_\_ Shirt/Top color \_\_\_\_\_

Trousers/dress/bottom color \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Age \_\_\_\_\_

Other (ID/name badge, etc.) \_\_\_\_\_

At the time of the purchase I did not possess nor did I display any form of written identification.

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

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Witnessing Officer:

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

## Appendix O \_ Site Packet Checklist

Report forms. Complete reports for both successes (refusal to sell) and failures (sales)

- Observing officer's report. (If an inside observing officer is used.)
- Buyer's report - pens & clip board for ease of writing reports in the car between sites
- Outside officer's report

Evidence Tags with lines for date, time, location, contents, name of purchaser, officer signature

- One tag for the alcohol sold
- One tag for the cash used to purchase alcohol and seized as evidence

Evidence containers

- Plastic food wrap and rubber bands/evidence tape to seal the top of bottles or glasses
- Evidence bottles if samples of mixed drinks or glasses of beer are to be seized
- Cooler or other device to hold containers upright conveniently

Camera & film

- Photograph the buyer before the operation starts
- Some agencies photograph the sellers who are to be charged to aid in court identification

Citations/summons if immediate citation is planned (generally requires the use of an inside observer officer to meet the standard for misdemeanor arrest without a warrant).

Buy cash. Use \$5.00 bills and document the serial number for evidentiary purposes and to simplify recovery from the cash register.

Copy of the notice letter to be issued to seller or server and manager in either success or failure, to remind sellers and business owners that notice and warning were given.

## Appendix P \_ Sample Congratulations Letters

### To Licensee

Date

Liquor Licensee  
Liquor Licensee Business  
Address  
City, State, Zip

Dear Licensee,

Congratulations and thank you for your efforts leading to your recent success in passing the alcohol sales compliance check conducted at your business. Hiring, training, and supervising responsible staff is essential to keeping your business in compliance with the laws and ordinances regulating the sale of alcohol. We appreciate the work you have put into this important part of your business. Responsible alcohol sales businesses are a respected part of our business community and your efforts to help us keep alcohol out of the hands of youth are appreciated.

We will regularly use alcohol sales compliance checks as a tool in our efforts to keep the county (town/city) safe. By working together we can make a difference. Please pass the enclosed letter on to your employee who performed correctly during the compliance check. Feel free to contact us if we can better work with you.

Yours in Safety,

Chief or Sheriff

Encl.: Letter to employee



## To seller

Date

Employee First & Last Name

Liquor Licensee Business

Address

City, State, Zip Code

Dear (Seller),

Congratulations on your recent commendable performance during the alcohol sales compliance check conducted at your workplace. Your decision to refuse alcohol sales to our underage buyer reflects your commitment to being a responsible member of the alcohol sales industry. The extra time you took to ensure that your customer was of legal age saved you from facing criminal charges and several hundred dollars in fines. As you likely know, the penalties for illegally providing alcohol to youth, including selling alcohol, can be as high as *(insert maximum fine amount)* and *(insert maximum jail sentence)* in jail. Refusing to sell alcohol to underage customers is the “right thing” to do; it is also easier and cheaper for you in the long run.

Your law enforcement agency conducts alcohol sales compliance checks because we care about youth access to alcohol. When underage people drink they have more car crashes, get involved in violence and petty crime more often, and are more apt to get pregnant or contract a sexually transmitted disease. Your efforts to keep alcohol out of the hands of underage drinkers are helping keep our community healthy and safe. Thanks for doing the right thing and keep up the good work!

Yours in Safety,

Chief/Sheriff



## Appendix Q \_ Post Buy News Release

**Release:** (Date)

**Contact:** (Name, Phone #, Any Town/City/County Law Enforcement)

Alcohol sales law compliance checks were conducted between (dates) on (#) businesses licensed to sell alcoholic beverages. Working with plainclothes and uniformed officers, underage youths entered these businesses and attempted to illegally purchase alcoholic beverages. (Insert number) businesses refused to sell to our underage buyers. The efforts of these responsible business people are commended.

Regrettably, (#) of the businesses checked failed to comply with the law and sold to the underage buyers. These cases have been referred to (county/city attorney, county board/city council) for appropriate action.

Illegal alcohol use by underage persons contributes to crime, car crashes, injuries, and deaths. Law enforcement officers find that alcohol also has a role in many of the more frequent minor crimes and nuisances that degrade the quality of life in our community. Many noise complaints, vandalism, littering, and similar nuisances involve young people who have been drinking. Public health officials report that alcohol use and abuse is also connected with teenage pregnancy, sexually transmitted diseases, and other health problems. We have learned that the community and our youth are safer and healthier when they don't start using alcohol until after age 21. Providing alcohol to an underage person is a (*insert crime classification*) punishable by fines up to (*insert maximum fine amount*) and up to (*insert maximum jail time*) in jail. Typical offenders are fined several hundred dollars (*Cite local ordinance and its fine structure in place of this section if appropriate*).

Please help us keep the next generation safe, keep alcohol out of the hands of our youth.

## Appendix R \_ Expert Testimony Guide

Try to get into evidence the following negative consequences of underage drinking:

Alcohol, even in small quantities, effects the highest levels of reasoning in the mind first. Judgment is impaired, inhibitions are suppressed, and emotions come to the surface. These effects are why many adults include alcohol in social situations to ease conversation and relax internal barriers to personal interaction. Young people are just learning how to socialize: when to trust, when to discourage, when to pursue romantic or physical advances, when to take offense at challenges and when to respond to threats. Immature judgement is challenged by these decisions. Adding alcohol to the brain suppresses immature inhibitions and sets loose volatile emotions which often leads to the threats to public safety that alcohol sales laws are designed to prevent.

- Auto crashes continue to be the number one cause of untimely death of young adults.
- Vandalism often is committed by offenders under the influence of alcohol.
- Many thefts and burglaries are committed by juveniles. Many of these kids are seeking alcohol or property to sell to get money to buy alcohol or other drugs.
- Many sexual assaults and rapes involve both perpetrators and victims who have been drinking.
- Unplanned sexual activity leading to teen pregnancy or sexually transmitted diseases often occurs when one or both of the partners have been drinking.
- Alcohol poisoning—drinking to extreme intoxication—often occurs with the more inexperienced youthful drinkers. As alcohol levels in the blood increase it progresses to the parts of the brain that control basic involuntary actions such as breathing. Blocked airways or pneumonia from aspirated vomit and respiratory slowdown to the point of respiratory failure are the typical mechanisms of alcohol poisoning deaths.
- Impaired judgment leads to falls, drowning, and other injuries stemming from a combination of attempting risky activities and the reduced coordination and reaction time of a person under the influence of alcohol.
- There is increased risk of suicide among heavy drinking adolescents.

Beyond these relatively immediate effects of alcohol use, alcohol use by youth also affects their lives long-term.

- Research shows that people who start drinking after turning age 21 drink less often and in lower risk amounts than those who start drinking at an earlier age.
- A large number of adult criminals have substance abuse problems and frequently commit crimes while under the influence of alcohol or drugs. Many alcohol counselors report that these conditions began during the criminal's youth, typically starting with drinking alcohol.

Drinking during developmental years increases the risk of developing an addiction, and the rate at which an addiction will occur. Evidence suggests that there can be a genetic predisposition to alcohol addiction, but these effects are small. The tendency to drink is effected more by environmental circumstances, particularly the ease of access to alcohol.



The body, particularly the parts of the brain involved in higher reasoning, develops at a fast rate during the first 20 years of life. While this development is occurring, alcohol addiction will similarly develop fast. Keeping alcohol out of the hands of our youth will give them a better chance to avoid addiction. As adults, the process of growth is slower, and the process of becoming addicted is slower. Adults have better judgment and more experience with which to understand the evolving cravings and urges.

Alcohol has been shown to be a “gateway” drug. Using alcohol as a teen increases the risk of also using other illegal drugs.

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## **Appendix S \_ Other Issues & Strategies**

### **Patrol Walk-Through**

Uniformed patrol officers walk through alcohol sales establishments. They check the age identification of any individuals with alcohol who appear under the legal drinking age. Managers of bars report this strategy is very effective in keeping servers and bartenders in compliance with age verification policies. Jurisdictions wishing to initiate walk-throughs should work with owners and managers, provide advance notice before initiating the program, and keep the process low key.

### **Investigate the Source**

#### **Youth Access to Alcohol**

Research on the sources of alcohol for underage youth suggests that in many close-knit communities, both inner-city and rural, some businesses regularly sell alcohol to youth “out the back door.” These flagrant violators of the law are not susceptible to typical compliance check operations since they sell only to kids they know and the transaction usually does not involve an over-the-counter sale.

Apply community policing tactics to prevent this type of youth access to alcohol. Community policing helps keep law enforcement in touch with the people they serve. When officers establish close relationships within neighborhoods, people “in the know” will report which businesses sell “out the back door.” Encourage officers to include locating sources of alcohol for youth in their community interactions. Make investigating the source of the alcohol a standard part of any investigation of crime in which alcohol is a contributing or aggravating cause.

#### **Intoxicated Persons Involved in Crime – Track the Source**

Include alcohol involvement and alcohol sources as standard questions on investigation and arrest reports. Law enforcement routinely tracks the relationship between motor vehicle crashes and locations. Speed limits, sign sizes, or sign locations are changed when crash patterns suggest a problem. Use a similar approach to track the role of intoxicated people involved in crimes. Add sections to report systems that ask if illegally purchased alcohol or intoxication played a role in the event under investigation. If the answer is yes, have a section for identifying where the alcohol was consumed or purchased. If a liquor licensee is identified as the source and the sale was illegal document the business’ name. The vast majority of liquor licensees are upstanding businesses that provide professional hospitality services. A few establishments abuse the privilege of the license and contribute to crime in the community. Tracking the sources of alcohol consumed by people involved in crashes and crimes will help to identify those businesses that abuse the privilege. This data will also contribute to the overall understanding of the relationship between alcohol and crime.

### **Send Warnings to Businesses Identified as Sources of Alcohol**

Many responsible liquor licensees are unaware of illegal sales that occur in their establishments. Warnings are the least expensive tool for deterring illegal sales. Notify the licensees when they have been identified as the source of alcohol by people involved in crashes or crime (see sample notice letter below). The potential for intoxicated subjects involved in crime misidentifying the source of their alcohol is a legitimate concern. However, a friendly non-threatening alert that an unverified report has been received can help a liquor licensee stay in compliance through internal review. Such warnings send the message that the law enforcement agency considers illegal alcohol sales a serious matter. The warning letter also shows that law enforcement's first goal is prevention of crime, not arrests and convictions.

SAMPLE WARNING LETTER:

*Liquor Licensee  
Address  
City, State, Zip Code*

RE: Crime Prevention

Dear Business Owner:

The *Anytown* law enforcement agency prefers to prevent crime, rather than perform investigations and make arrests. Prevention of crime is easy, cost effective, and leaves no innocent victims. Alcohol plays a legitimate role in our society; however, excessive and illegal use of alcohol contributes significantly to crime in our community. As a routine part of our investigations of incidents involving an intoxicated or underage individual possessing alcohol, we attempt to determine how the alcohol was obtained. If the alcohol was illegally obtained (i.e., sold to an underage or intoxicated person) we seek to identify the source of the alcohol. Unless corroborated by other witnesses or evidence, we consider these reports unverified and recognize that they may or may not be accurate. Circumstances and limited investigatory resources make it inappropriate or impractical to further investigate all these reports. Typically, we investigate further only when a particular source is named in several different cases.

We consider most liquor licensees to be responsible and contributing members of our community. In an effort to help you keep track of what may be going on in your business we are sending this letter. We want to alert you that **your business was recently identified as a source of alcohol, allegedly illegally obtained**. At this time, we do not intend to pursue further investigation of this unverified report. We want you to know about it so you can evaluate the practices of your staff. We trust you to determine if a problem exists at your business. We encourage liquor licensees to have written policies that clearly describe employee's responsibilities under law when serving or selling alcohol. Give every employee a copy of your policies. We also support regular training of staff. Keep samples of valid forms of identification at the bar or cash register, and use other tactics that help keep staff alert and your business in compliance with the law. If we can assist you in any way with staff training please contact (*name*).

The unverified report of an allegedly illegal alcohol sale involved:

- An underage buyer
- An obviously intoxicated buyer

Buyer gender:  Male  Female      Approximate age:

Date and approximate time of sale: (*time*) a.m./p.m. on (*date*)

In accordance with data privacy policies the identity of the reporter or more specific information is not available at this time. The information above is for your assistance in evaluating the need to assess your employees' practices. If you are confident that the report is false, feel free to take no further action. At this time our agency plans no further action on this matter.

Sincerely yours,

Chief Law Enforcement Officer

## **Appendix T \_ Sample Parental Consent and Participant Consent Forms**

### **Parental Consent**

Parental consent for youth who serve as buyers in a compliance check operation is generally not required when the youth is age 18 or older. However, many agencies elect to require parental consent for youthful buyers who live at home with their parents. Parental consent in this circumstance is a community relations tool and is respectful of the important role parents continue to play in the lives of young adults who reside with them. Many agencies combine recruitment and training of tobacco and alcohol buyers and simplify their procedures by using parental consent forms that are appropriate for both the tobacco buyers (who are typically age 15 or 16) and the young adult alcohol buyers.

A general consent form merely documents the parent's awareness of and agreement with the youth's involvement. Formal legal waivers of liability claims are also in general use. A waiver of claims is a formal legal document, the language for which may vary depending on state law. Departments needing such forms should consult their legal counsel. A model of a general consent form is provided on the following page.

### **Participant Consent Form**

Many agencies ask youth buyers to complete a participant consent form. A participant consent form confirms the agreement to serve as a buyer and defines expectations and limitations. This tool reinforces the importance of (1) the buyer's compliance with alcohol laws, (2) maintenance of confidentiality of the plan and evidence, and (3) acknowledgment of training. A model of a Youth Participant Consent Form is provided following the sample parental consent form.

## Sample Parental Consent Form

Date \_\_\_\_\_

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 relativesXso-called social providersXare 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 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 (Enter name of your law enforcement agency.)

\_\_\_\_\_  
Signature of Parent or Guardian

\_\_\_\_\_  
Date

Yours in Safety,  
Chief or Sheriff

## Sample Youth Participant Consent Form

Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Date of Birth documentation: (require youth buyer to produce and attach copy of some legal proof of age)  
birth certificate \_\_\_\_\_ passport \_\_\_\_\_ driver's 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 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 violations unless I am under the direct supervision of a law enforcement officer or licensing inspection official.

I understand that 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, 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 I am granted immunity from, that I may be responsible for those violations.

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 compliance checks is to test compliance. 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 (Enter name of law enforcement agency) and I agree to adhere to the protocol explained in that training.

Youth's Name (print) \_\_\_\_\_ Youth's Signature \_\_\_\_\_  
Date \_\_\_\_\_

Witness \_\_\_\_\_ Date \_\_\_\_\_

# Youth & \_\_\_\_\_

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## Alcohol Facts

Alcohol is the drug most frequently used by 12- to 17-year-olds and the one that causes the most negative health consequences (Center for Substance Abuse Prevention, 1993).

### Risky Sexual Behavior

A 1990 survey of Massachusetts 16- to 19-year-olds found that 49% were more likely to have sex if they and their partner had been drinking. In addition, 17% used condoms less often after drinking (Strunin, 1992).

Sixty percent of college women diagnosed with a sexually transmitted disease were drunk at the time of infection (Advocacy Institute, 1992).

### Alcohol Poisoning

There are 200 to 400 alcohol-poisoning deaths annually in the United States.

2.6 million teenagers don't know that a person can die from an alcohol overdose (CSAP, 1996).

### Suicide

In one study of youth suicide, drug and alcohol abuse was the most common characteristic of those who attempted suicide; fully 70% of these young people frequently used alcohol and/or other drugs (US Department of Education, 1993).

### Rape and Sexual Assault

Researchers estimate that alcohol use is implicated in one- to two-thirds of sexual assault and acquaintance or "date" rape cases among teens and college students (Office of the Inspector General, 1992).

A survey of high school students found that 18% of females and 39% of males say it is acceptable for a boy to force sex if the girl is stoned or drunk (Office of the Inspector General, 1992).

### Alcohol Availability

Almost 7 million young people who drink (about two-thirds) buy their own alcoholic beverages. Students as young as ages 12 or 13 report buying alcoholic beverages in a store (Office of the Inspector General, 1991).

### Water-Related Injuries and Drowning

Two studies that have attempted to link youth alcohol use and drowning found that from 40 to 50% of young males who drown used alcohol prior to drowning (Orlowski, 1988; Wintemute, 1987).



## Campus-Related Problems

Approximately 240,000 to 360,000 of the nation's 12 million current undergraduates will ultimately die from alcohol-related causes — more than the number [who] will get MAs and PhDs combined (Eigen, 1991).

Poor grades are correlated with increased use of alcohol. Alcohol is implicated in more than 40% of all academic problems and 28% of all dropouts (Anderson, 1992).

The average college student spends more money for alcohol than books (Eigen, 1991).

College students consume an estimated 430 million gallons of beer, wine and liquor per year. This is enough alcohol to fill 3,500 Olympic-sized swimming pools (OSAP, 1992).

## Vehicular Accidents

Approximately 1/3 of all [deaths among 15- to 24-year-olds] result from motor vehicle crashes. [Over one-third] of these fatalities (37%) were in alcohol-related crashes (NHTSA, 1998).

2104 persons aged 16-20 died in alcohol-related crashes in 1997 (NHTSA, 1998).

## High School-Related Problems

According to a poll conducted by the National Association of Student Councils, alcohol is the leading school problem today: 46% say that alcohol is their school's most serious problem (Ordozensky, 1991).

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*All of the above facts are direct quotes from the sources indicated.*

## Alcohol Compliance Checks

### What are alcohol compliance checks?

Alcohol compliance checks are a type of environmental prevention that deters alcohol outlets from selling alcohol to underage youth. Law enforcement officials supervise undercover youth who attempt to purchase alcohol; if the attempt is successful, the establishment is penalized. Compliance checks are thought to be most effective when they are frequent, well publicized, and well designed; solicit community support; and impose penalties on the licensed establishment rather than just the server.

### How do alcohol compliance checks reduce underage drinking and its consequences?

Frequent use of compliance checks decreases alcohol sales to minors significantly, are associated with reduced alcohol-related injuries, and impose penalties on the licensed establishment rather than just the server. By decreasing alcohol availability, compliance checks are believed to also reduce alcohol-related problems and crime among youth. Nationally, an estimated 8.6 percent of past-month drinkers purchased their own alcohol the last time they drank. Variations by State ranged from 3.1 percent to 18.8 percent.

### How can my community take this action?

Take the following steps to initiate or strengthen compliance checks:

**Engage the media.** To understand why compliance checks are needed and aren't a way to target and unnecessarily punish merchants, the community needs to understand the frequency of illegal alcohol purchases by youth; the nature and rate of youth alcohol-related problems within the community; and the link among alcohol availability, consumption, and alcohol-related problems. Media advocacy may be needed to convince a skeptical community and law enforcement to commit resources to implementing these checks.

**Use social media to expand public outreach.** Consider using electronic media (e.g., Web sites and email lists) and social media (e.g., Facebook, YouTube, and Twitter) to raise awareness about your compliance check-related activities and to get input from the community.

**Conduct Town Hall Meetings to build community support for compliance checks.** Town Hall Meetings provide a way to help increase understanding and awareness of underage drinking and its consequences, as well as encourage individuals, families, and communities to address the problem. They are

designed to alert and empower the community as well as generate interest from the media. Town Hall Meetings can give local communities the opportunity to come together to learn more about underage drinking and its impact on both individuals and the community.

**Measure and report successful outcomes.** Some objective and subjective measures of the effectiveness of alcohol compliance checks are:

- ▶ Rates of motor vehicle crashes involving youth;
- ▶ Rates of youth arrested and convicted of driving under the influence;

- ▶ Degree of support from merchants;
- ▶ Self-report of underage drinking and impaired driving;
- ▶ Perceived likelihood among youth of being caught driving with an illegal blood alcohol level; and
- ▶ Awareness of impaired driving and zero tolerance laws.

### Resources Supporting Action

Centers for Disease Control and Prevention, *The Health Communicator's Social Media Toolkit*, from [http://www.cdc.gov/socialmedia/Tools/guidelines/pdf/SocialMediaToolkit\\_BM.pdf](http://www.cdc.gov/socialmedia/Tools/guidelines/pdf/SocialMediaToolkit_BM.pdf) (accessed January 31, 2012).

CDC, Preventing excessive alcohol consumption: Enhanced enforcement of laws prohibiting sales of alcohol to minors. *Guide to Community Preventive Services*, from <http://www.thecommunityguide.org/alcohol/lawsprohibitingsales.html> (accessed January 31, 2012)

Office of Juvenile Justice and Delinquency Prevention Enforcement of Underage Drinking Laws Training Center, Alcohol Compliance Check Database, from <http://www.udetc.org/aps/ComplianceChkDB.htm> (accessed January 31, 2012). The Center also offers:

- ▶ *Guide to Responsible Alcohol Sales: Off Premise Clerk, Licensee, and Manager Training*;
- ▶ *Preventing Sales of Alcohol to Minors: What You Should Know About Merchant Education Programs*; and
- ▶ *Strategies for Reducing Third-Party Transactions of Alcohol to Underage Youth*.

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SCHOOL *of* MEDICINE  
THE BOWMAN GRAY CAMPUS

## **Compliance Checks**

***A Case Study of the Implementation of a Best Practice as Part of the Enforcement of Underage Drinking Laws Program***

**June 2003**

**Jessica Kirsch, R.N., M.P.H**

## **Preface**

This document is prepared as a part of the Best and Most Promising Practices component of the National Evaluation of the Enforcing Underage Drinking Laws (EUDL) program, which is being conducted Wake Forest University School of Medicine. It is an evaluation report submitted to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice. This report has not been published by OJJDP. Opinions or points of view expressed are those of the authors and do not necessarily reflect the official position or policies of OJJDP.

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## **Introduction**

Alcohol consumption by youth under 21 years of age continues to be a significant public health problem in the United States. The results of the Youth Risk Behavior Survey which is conducted every two years indicate no change in the percentage of high school students reporting alcohol consumption during the previous 30 days from 1991 to 1999 (CDC, 2001). In 1999 52.3% of males and 47.7% of females reported recent alcohol consumption. The percentage of high school students reporting recent binge drinking varied from 1991 to 1999, and these variations differed for males and females. In 1991 25.9% of females reported binge drinking in the previous 30 days. This increased to 28.6% by 1995 and was 28.1% in 1999. The percentage of males who recently binge drank was 36.5% in 1991, increased to 37.3% in 1997, and decreased to 34.9% in 1999. In 1999 37.4% of males and 26.8% of females reported that their first drink of alcohol other than a few sips was before the age of 13 years. Also, 17.4% of males and 8.7% of females reported driving after drinking alcohol during the previous 30 days.

Community interventions that include enforcing underage sales laws have been found to reduce sales to minors (Wagenaar et al., 2000; Grube, 1997; Holder, 2000). One of the methods used in enforcement of underage sales laws is compliance checks. Compliance checks, also known as “stings” or “decoy operations,” involve the use of underage buyers by law enforcement agencies to determine a seller’s or vendor’s compliance with laws prohibiting the sale of alcohol to underage youth. In several studies, the use of compliance checks has been shown to reduce the sales of alcoholic beverages to underage persons (Scribner, 2001; DOT, 2001; Alcohol Epidemiology Program, 2000; Mosher & Stewart, 1999; Grube et al., 1996; Preusser et al., 1994; Wagenaar et al., 2000).

There are several components of a comprehensive compliance check program. The main components can be described as: type of sanctions, site selection, law enforcement and community involvement, notification and involvement of retailers, use of agents, use of underage buyers, post-buy contact or follow-up, use of media, and funding sources. Each of these components can be divided into more detailed sections to meet the needs of individual communities or states. While the inclusion of all of the components would be considered the “benchmark,” many states are conducting very proficient and effective programs incorporating as many components as their resources allow.

As part of the National Evaluation of the Enforcing Underage Drinking Laws Program, Wake Forest University School of Medicine conducted a web-based survey of experts and practitioners in reducing adolescent alcohol use to determine the best or most promising practices for enforcing underage drinking laws (Williams et al., 2001). Based on recommendations from the survey participants, staff of the Office of Juvenile Justice and Delinquency Prevention, and staff of the Center for Enforcing Underage Drinking Laws, telephone interviews with EUDL program directors from 11 states were conducted concerning the compliance check programs in each state. Based on these data, one program was chosen to provide an example of implementation of a best or most promising practice as

part of a state's EUDL program—in this case, compliance checks—which could serve as a model for other states. The goal was to provide in-depth information on issues addressed and decisions made in order to help other states design and implement a successful compliance check program. We chose Louisiana for this case study because it was using EUDL funds to support systematic and comprehensive compliance checks across the state. A site visit was scheduled and additional data were obtained from on site interviews and observations in September 2001.

This report includes 1) legislative background information, 2) organization and alliances which contribute to the compliance check program, 3) interventions and strategies, and 4) a brief summary of the program's progress based on the Louisiana case study.

### **Legislative Background Information**

In order to receive federal highway funds, in the years 1986 to 1995 Louisiana had to respond with legislation restricting alcohol access to minors. Louisiana enacted a law, which stipulated that it was illegal for an 18-20 year old to drink or possess alcoholic beverages, but not illegal for businesses to sell to them. Anyone under the age of 18 was considered a minor and sales to minors remained illegal. That satisfied the federal guidelines for federal highway funds.

In 1995, a new law was passed with the support of the Louisiana Highway Safety Commission, making it illegal to possess alcoholic beverages or sell alcoholic beverages to anyone under the age of 21. A District Judge in Evangeline, LA, ruled that the law was unconstitutional, so the law remained dormant throughout that year.

During the 1996–1997 legislative years, the law was revisited and the Appeals Court upheld the District Court's decision that the law was unconstitutional. The Attorney General appealed to the Louisiana Supreme Court. The newly seated Supreme Court found the law constitutional and allowed for its enforcement toward the end of 1996.

During this time, essentially no enforcement was taking place. In addition, industry lobbyists worked extensively to ensure that beer and liquor license fees remained some of the lowest in the US (Wagenaar, Harwood, & Lenk, 2000). Local ordinances restricting beer/liquor sales were often sketchy and inconsistent. Some ordinances restricted distance from alcohol outlet to schools and churches, while others had no specified restrictions. While this period saw powerful lobbying from the alcohol and restaurant industry, other groups, such as MADD, were working to prevent underage alcohol use. The Office of Alcohol and Tobacco Control (ATC) tried to stay in a neutral position. In 1996, Mr. Murphy Painter became the commissioner of ATC and began to develop a multifaceted program that included compliance checks. However, at that time, there were only 18 ATC agents for the entire state of Louisiana, covering 64 parishes, 4.2 million residents and more than 15,000 retail establishments (Press release, 8/5/98).

The Responsible Vendor Law was enacted during the 1997 Legislative session for implementation in 2000. This law gave the ATC authority to issue administrative violation citations to individual employees who sell or serve alcohol. Prior to this change, administrative sanctions could only be issued to the vendor. For example, under prior law, a store owner could be issued an administrative violation citation and be responsible for fines and penalties if an employee sold or served alcohol to an underage customer. No administrative action could be taken against the employee who actually sold or served the alcohol, even if the owner had no knowledge of the employee's actions. Under the new law, an individual employee can also be issued an administrative violation citation (ATC website).

A Board of nine members was established to govern the program. The Commissioner of the ATC plus eight other members, made up of representatives of restaurants, alcohol retailers, alcohol and drug abuse council, hotel/motel, and the community served on the Board. The goal of the program was to “educate vendors and employees about selling, serving, and consuming alcoholic beverages in a responsible manner” (1998, ATC Control Law).

Funded through the Office of Juvenile Justice and Delinquency Prevention's *Enforcing Underage Drinking Laws Program* (EUDL), in 1998, the Department of Health and Hospitals (DHH) was designated as the State agency to receive and administer the grant. In collaboration with investigators at Louisiana State University and the DHH, ATC completed the first baseline compliance checks on tobacco and alcohol of on-premise and off-premise outlets. Approximately 400 outlets statewide were checked for tobacco and alcohol sales to 14-17 year olds. The alcohol non-compliance rate was 58%. EUDL funds were critical to the implementation of the compliance check program. The funds allowed for the addition of agents and the payment of overtime hours needed to perform the compliance checks.

With additional money from EUDL in 1999, the DHH continued to support the ATC's efforts in compliance checks. Expanding the number of agents and priority focus, almost 14,000 compliance checks were conducted by the ATC that year. The data continued to show improvements in compliance with underage drinking laws.

In 2000 EUDL money was redirected to focus even further on enforcement with responsibility for administration of the EUDL program being transferred to the ATC. Another 13,000 compliance checks were conducted. With consistent exposure to compliance checks, the non-compliance rates for serving or selling to underage drinkers continued to fall.

## **Organization and Alliances**

*“We have achieved great success the last few years through enforcement efforts combined with the outside support of many alliances, groups and individuals in lowering access of these products to our underage youths.”*

*Murphy Painter, Commissioner, ATC*



The Office of ATC is located within the Louisiana Department of Revenue. The ATC is comprised of three divisions: Administration, Certification, and Enforcement.

### **Administrative Division**

Under Governor M.J. Foster's administration, Murphy Painter was appointed Commissioner in 1996. Since his appointment, the ATC has more than doubled its staff, initiated alliances with retailers and community organizations, streamlined regulatory processes, and increased the awareness of enforcement practices throughout the state. "There has been a concerted effort to establish an unprecedented balance of cooperation and support from industry and anti-alcohol organizations alike," stated Secretary Kennedy of the Department of Revenue in a 1998 press release (DOR, 8/5/98). The needs of the retailers and the needs of the community were both emphasized to obtain the necessary "buy in" of both sides. Accomplishments of the Department include the creation and implementation of the Responsible Vendor Program, a streamlined and coordinated application and permit process, an integrated tobacco and alcohol database, an agency website, a newsletter, and a statewide radio system (DOR, 8/5/98).

### **Certification Division**

The Certification Division of the ATC is responsible for alcohol and tobacco permits, responsible vendor training permits, and approving all providers for training.

The permit section oversees:

- Greater than 30,000 new and renewal applications which are processed each year
- A database containing payment history, non-compliance history, and permit status of approximately 14,500 active vendors
- Notice to vendors of fines or hearings for non-compliance
- Collection of and documentation of all fees and fines (ATC webpage)

### **Enforcement Division**

The Enforcement Division of the ATC has seen tremendous growth in the last few years. The number of agents has grown from 18 in 1996 to 45 in 1998. Their primary responsibilities include permit investigations, compliance monitoring, and supervision of the Responsible Vendor training. Through a rigorous schedule of compliance monitoring, the ATC was able to bring the non-compliance rate for serving underage youth from 58% in 1996 to 21% by 2001. They are also responsible for background checks of all owners and training providers, verification of licenses, and zoning compliance monitoring.

### **Responsible Vendor Program**

The Responsible Vendor Program (RVP) officially began in 1998. A two-year transition period allowed for voluntary participation by all vendors and servers covered under the program. In 2000, server training became mandatory (ATC, 2000). "The power of this program is that it promotes voluntary compliance of the vendors and rewards the good vendors as much as it singles out the irresponsible vendors," according to Secretary Kennedy (DOR, 8/5/98). Through the use of education and certification, the program strives to decrease the sales of alcoholic beverages to underage youth and help prevent illegal use and abuse of alcohol.

Under the program, a vendor (any holder of a permit to sell alcoholic beverages at a bar, nightclub, lounge, restaurant, food establishment, grocery store, convenience store or any other package outlet) is required to have all employees attend a two-hour server-training course within 45 days of the server's first day on the job (ATC, 2000). The training must be from one of the approved training programs at an approved site. Additionally, the server must carry this proof of certification and picture ID when serving alcohol and the vendor must retain records of all employees' training status. Permits for server training must be renewed every two years.

Louisiana Responsible Vendor Program - ANNUAL REPORT  
A New Approach to Underage Drinking – Server Responsibility

The Louisiana Responsible Vendor Program introduced a new concept and approach to enforcing underage drinking laws in the state. The program placed responsibility on the server of the alcohol, as well as the licensee. Before this new approach, the server, waiter or waitress, or bartender was not held accountable for serving underage consumers. Only the licensee was punished.

Under the Program, the server receives a citation that he/she must pay and the licensee receives a citation. In addition, if a server receives three such citations, his/her license to serve alcohol can be permanently revoked. This “three strikes and you’re out” policy stops the previous practice of a server simply hopping from one job to another only to continue serving underage consumers (Louisiana Office of Alcohol & Tobacco Control, 2000).

Since the program began, over 145,000 servers and employees have been through the certification training. There are over 70 approved providers for certification and training in the state. The Responsible Vendor Administrator Committee oversees the entire process and must approve all training providers and their curricula prior to their conducting any training sessions. The office of ATC is also responsible for observing each provider and assuring that proper procedures, documentation and curriculum content are maintained. At any given time, there are 2-3 available training sessions held each week somewhere in the state. The administration of the Responsible Vendor Program is supervised by a committee of state, retail, and community agencies. The agencies represented are:

## **Responsible Vendor Program Administrator Committee**

Louisiana Office of Alcohol and Tobacco Control  
Louisiana Restaurant Association  
Louisiana Retailers Association  
Louisiana Association of Beverage Alcohol Licensees  
Louisiana Oil Marketers and Convenience Store Association  
Council on Alcohol and Drug Abuse for Greater New Orleans  
Louisiana Hotel and Motel Association  
Mothers Against Drunk Driving

### **Implementation Design and Strategies**

This section details the components of an ideal compliance check program (theory) and compares them to Louisiana's program strategies (practice). A comprehensive compliance check program may include up to nine components (Grube and Stewart; DOT, 2001). The Louisiana program incorporates all nine components in some fashion and is described below.

#### **COMPONENTS OF A COMPREHENSIVE COMPLIANCE CHECK PROGRAM**

The main components can be described as:

- type of sanctions
- site selection and frequency of investigations
- law enforcement and community involvement
- notification and involvement of retailers
- use of agents
- use of underage buyers
- post-buy contact or follow-up
- use of media
- funding sources

Each of these components can be divided into more detailed sections to meet the needs of individual communities or states. While the inclusion of all of the components would be considered the "benchmark," many states are conducting very proficient and effective programs incorporating as many components as their resources allow.

#### **Type of Compliance Check**

There are three categories of compliance checks based on the type of sanctions used:

- Educational only
- Educational/Administrative
- Administrative and criminal

Definition

Administrative sanctions are issued to the retailer through the State’s regulatory policies for licenses. If retailers do not follow the standards of responsible service, the State has the authority to set a fine for the infraction or suspend the retailer’s operating license. Criminal sanctions allow individuals to be cited for beverage service violations. Although different in their focus, both kinds of sanctions can be carried out concurrently (Mosher and Stewart, 1999). State regulatory agencies often work with local law enforcement agencies, the Sheriff’s or Police Department to process these sanctions.

Fines should be specific and graduated for first, second, and subsequent offenses. Law enforcement and licensing agencies are more apt to apply penalties to first-time offenders if the sanctions are progressive in nature. It is more difficult for business owners to contest fines that have been specified from the beginning of the program. The community may also find this approach the most equitable for all businesses (AEP, 2000; Mosher and Stewart, 1999).

Table 1. Sample of Administrative Penalties for Sale of Alcoholic Beverage to Underage Person

	Option A	Option B
1 <sup>st</sup> offense	\$250	\$250
2 <sup>nd</sup> offense	\$500	\$500 + 3-day suspension
3 <sup>rd</sup> offense	\$750	\$750 + 18-day suspension
4 <sup>th</sup> offense	Suspension	Revocation

Programs that have included administrative sanctions have realized a lower incidence of sales to minors. While all states impose some types of criminal and administrative penalties, these may vary greatly (Grube, 1997; Holder, 2000; Scribner and Cohen, 2001).

Practice

When non-compliance is observed during a compliance check, a citation is issued to the seller/server/ and owner of license. These are sent to the Prosecutor’s Officer and a hearing date is set. The graduated fine schedule is detailed below in Table 2.

Table 2 – Graduated Penalties

	Owner of License	Seller/Server
1 <sup>st</sup> offense	\$50 to \$500	\$25
2 <sup>nd</sup> offense	\$250 - \$1000	\$100 - \$500
3 <sup>rd</sup> offense	\$500 - \$2500	Suspension of right to work

Within the range of graduated fines, local Parishes have input into the specified amount usually charged for each offense. However, the Commissioner has the authority to suspend a

license at any point. The licensee may file an appeal within 10 days with the local court. If unsuccessful, the licensee may continue the appeal process within 30 days to the District Court (Louisiana Office of Alcohol & Tobacco Control, 1998).

The number of violations varies throughout the year, based on the season and community or school events. In 2001, 5,245 compliance checks were conducted and 1,103 citations were issued to businesses. The number of compliance checks was lower in 2001 due to budget constraints. Approximately 10,500 are planned for 2002.

### **Site Selection and Frequency of Investigations**

#### **Definition**

The most comprehensive compliance check program would involve all retail businesses that sell alcohol, either for on-premise, or off-premise consumption. Since this requires enormous resources (time, funding, and personnel), it is not practical for many states and communities. A wave format, which checks all licensees in a short period of time, has been used successfully by some programs. The wave format can also be modified to periodic compliance checks twice a year or on an irregular schedule. The more frequent the compliance checks, the greater the perceived deterrent threat to businesses, increasing the likelihood of long-term compliance.

Compliance checks can include all retail locations that sell alcohol or be limited by type of retail outlet, location, or history of compliance. To ensure that no businesses are unfairly targeted, every type of retail outlet should be included in the overall program.

Site selection should consider

- *Random selection of retail sites.* This can reduce the overall cost of program implementation and still result in significant reduction in youth sales.
- *Region.* A specific region is designated and compliance checks are done on all licensees within that area (Useful if resources are limited).
- *Underage sale record.* Recheck sites that have previously sold to minors.
- *License type.* Select businesses to be targeted by type of retail license and rotate by type. (Different types include liquor stores, convenience stores or restaurants and bars).

#### **Practice**

Currently there are approximately 14,500 alcohol beverage licenses (both on premise and off-site) in the state of Louisiana. The ATC is able to reach at least 75% of them in any given year. At the peak of the program in 1999 and 2000, agents completed 13,500 compliance checks. This fell to 5,245 in 2001, but ATC anticipates 10,500 checks in 2002.

The LA Department of Health and Hospitals supplied the baseline data. They made determinations for site selection based on baseline compliance data, population density, and geographic region. The goal was to reach each business once a year. If there were problems

in one region, agents would concentrate efforts there. Problem areas were determined from complaints cited by local law enforcement officials and community members. For example, from the data collected in 1996, New Orleans had the highest non-compliance rate in the state. In an effort to reduce it, the ATC concentrated on that region, making repeated compliance checks per establishment in 1998.

Site selection is usually limited to the number of businesses (per region/operation) which can be observed over a couple of days. This is determined by the density of retail outlets, numbers of complaints, and resources available. More than that allows businesses to notify each other and anticipate the “sting,” compromising the operation.

## **Community Involvement**

### Definition

Compliance checks have both legal and political elements. Before plans are finalized for any compliance check program, it is imperative to investigate the ordinances and laws that pertain to the program components. Many states prohibit underage volunteers from being used in law enforcement operations. Others have specific restrictions, which must be noted. Prosecutors and licensing officials are the first line for advice and support.

### **BROADEN YOUR BASE OF SUPPORT**

The broader the base of support for the compliance check program, the more effective it will be. Prior to beginning the program, community groups interested in underage alcohol issues should be recruited. There are many opportunities for community involvement. Building a coalition around alcohol-related issues or prevention of underage drinking can offer the greatest source of experts and interested members.

Sources for coalition members:

- Public health officials
- City Council or County Board members
- Universities or colleges
- Hospitals
- Counselors
- Schools
- Youth groups
- Church groups
- Established community groups.

Having a diverse support group lessens the chance that businesses will contest the program. Increased awareness of underage drinking may also heighten the attention of parents and other adults supervising youth. There are many opportunities for underage drinking and compliance checks cannot take the place of concerned adults and community-wide support and participation.

### Practice

There are several coalitions supporting the compliance check program in Louisiana. The coalition that is key to the program is the Board of the Responsible Vendors Program (RVP). Made up of representatives from the retail industry, substance abuse and community organizations, and the ATC, the RVP supervises server education, training, and certification. This association of members is also able to lend support to enforcement efforts by disseminating information to their constituents and providing feedback to the Board.

Other coalitions that lend support to the Compliance Check program include the *Louisiana Alliance to Prevent Underage Drinking* and a *Matter of Degree*, both funded by the Robert Wood Johnson Foundation (RWJF). *A Matter of Degree* is a national initiative to identify and address factors that lead to student binge drinking (Erk, 2000). The Louisiana program is managed by the Louisiana State University Office of Student Health Services. Through the coalition and its subcommittees, approximately 100 members, representing students, communities, and enforcement, are involved. Although these substance abuse prevention forces are open about their direct opposition to the retail industry, progress has been made. “Commissioner Painter is caught between a rock and a hard place” stated Nancy Mathews, Director of Louisiana’s A Matter of Degree program, “because he needs cooperation from both sides.” Ms. Mathews also noted that compliance checks are the “biggest help” to reducing underage drinking and believes that every “sting operation” should be publicized.

## **Notice and Involvement of Retailers**

### Definition

Offering education to the community and the businesses about liquor laws and providing advanced notice of a compliance check operation, may result in several positive outcomes:

- *Reduced sales to youth.* It has been noted that educating businesses involved in alcohol sales, giving prior notice of compliance checks, and following up with warnings helps bring a majority of businesses into compliance. Once most of the businesses are operating within the law, it is easier to prosecute the remaining exceptions.
- *Giving notice to businesses of upcoming compliance checks.* When there is prior notice of checks, merchants may perceive the threat of prosecution to be sufficient to comply with existing laws.
- *Improved case outcomes.* Judges and licensing authorities are more likely to take action against non-compliant businesses when they know educational programs and prior notification were offered.

With fair warning and sufficient educational support, most businesses will be supportive of the program efforts.

### Practice

Through the RVP, all vendors and their employees must attend a mandatory 2-hour training program about selling, serving and consuming alcoholic beverages. They are also informed about policy requirements, such as documentation and maintenance of certification records.

This direct input from the retail industry has led to their unprecedented (in Louisiana) cooperation with law enforcement.

There are 10 instructors contracted through the RVP to provide 20 classes per month. Attendance has ranged between 25-30 per class. There are also approximately 70 approved training and certification providers throughout the state. Thus, in any given week, multiple training sessions are provided throughout the state. Information regarding training dates and providers are available through the RVP. Vendors and servers may choose any convenient certified training session. The cost of the class is \$25 per person. ATC agents regularly attend classes to ensure that teaching standards are being maintained. Since the inception of the program, in 1998, over 145,000 vendors and servers have been trained (Louisiana Office of Alcohol & Tobacco Control., 2000)

The Board of the RVP meets monthly to review violations and to conduct strategic planning. As mandated by the State, all vendors and servers must renew their certification every two years. At the time of this report was being written, there was some debate within the Board of the RVP as to the exact content of the renewal course.

## **Use of Agents**

### **Definition**

The safety of the underage buyers and the officers, and the ability to observe the violations, are the most important elements of a compliance check program. For this reason, sworn officers should be involved in each compliance check program. Some communities use adult volunteers, but this is usually for warnings and educational follow-up. When administrative and criminal sanctions are to be imposed, officer involvement is mandatory.

Many programs use only one officer and one underage buyer. If resources are limited, this is a viable option. It is optimal to have two officers. Ideally, one officer should be in plain clothes and serve as an observer within the retail outlet and witness the transaction. This reduces any chance for the retailer to complain of entrapment. The second officer, in uniform, drives the car, and is responsible for post-buy follow up. A benefit of a uniformed officer is that it takes attention away from the buyer and places it on the officer.

Several programs use video or electronic equipment. These can be cameras in baseball caps, handbags, or hidden in carried objects. If two officers are not available, this is an option that can be considered. A video or voice recording can minimize challenges made by the retailers to the citation.

### **Practice**

To ensure the safety of the volunteers and officers, and to enhance the ability to record the violations accurately, the ATC uses a minimum of two agents for each compliance check operation. One agent is uniformed and one is in plain clothes. The plain clothes agent is able to observe the underage “buy” and remain accessible to the underage volunteer. The



uniformed agent is responsible for post-buy communication with the server and vendor. He/she describes the infractions and issues the citation.

The Louisiana program has the capability of using video equipment to record each operation if warranted. Stationed in an undercover van, an agent is available to lend assistance if needed, and supervise the area while the “sting” is being conducted. The van is equipped with video cameras and recorders, telescopes and telephones.

A female agent is required on each operation that employs a female underage buyer. Because there are fewer female agents available, most buyers tend to be male.

### **Use of Underage Buyers**

#### **Theory**

Using more than one buyer helps to identify businesses that tend to sell alcohol to underage youth. Selling alcohol to one buyer may simply show the failure of one employee. Selling alcohol to two or more underage youth is more representative of a business’ general practice. Multiple buyers can only be used in retail outlets that have multiple employees engaged in selling alcohol.

Multiple buyers also offer the businesses a fairer chance to comply with the law. For example, if a business is found to comply with the law on 50% of the compliance checks, the sanctions issued may be less severe. Total failure in multiple-buyer purchases offers a stronger case for sanctions.

Having two buyers work together, whether they are making multiple purchase attempts at each site or alternating purchase attempts at off-sale outlets, can be beneficial. Two buyers can support and encourage each other. Two buyers of the same age may also seem like a more common practice to an outlet’s employees, and hence be more convincing. To avoid charges of “entrapment” of the retail employee, it is best not to have an underage buyer partner with the plain clothes officer. It may appear to the seller as if the buyer is purchasing with a parent (AEP, 2000).

#### **Practice**

One buyer is usually used for each compliance check operation. The buyers are paid \$10/hour. Buyers are chosen by the ATC using the following guidelines:

- Buyers must be 17–19 years old. (Occasionally, a 20 year old may be used if he/she appears young). Efforts to avoid the appearance of “entrapment” are encouraged. Volunteers who appear older than their age (tall, heavy, bearded, etc.) are rejected.
- A picture of the buyer and contact information are maintained in the ATC files.
- Driver/criminal checks are completed for each buyer.
- Buyers must have an accurate picture ID.
- Buyers must have a desire to work with enforcement and the ability to carry out the operations.

Some buyers realize they are unsuited for a particular buy attempt situation. Agents have the authority to end any operation should a buyer appear uncomfortable.

Two agents accompany each underage buyer. The agent monitoring from the van also provides surveillance and support. The buyer is instructed on how to enter, what to ask for, how to pay for the beverage, and how to leave the establishment. Even with these instructions, some buyers get nervous and forget the proper procedures. The support and encouragement of the agents is instrumental in the success of the buyer to carry out the operation. In off-site establishments the plain clothes agent enters first and appears to be looking for a bag of chips, candy, etc. The youth then enters the store and attempts to buy an alcoholic beverage. If successful, the youth goes directly to the car that the uniformed officer is sitting in and gives the officer the beverage. In on-premise establishments (e.g. a bar), the plain clothes agent enters first, followed by the youth, who sits at a different place than the agent. If an alcoholic beverage buy is successful, the youth completes the purchase, then appears to leave to go the bathroom; but goes to inform the uniformed agent in his/her car. In all cases the uniformed agent enters the establishment and issues citations to the server and the manager/owner. The plain clothes agent is not identified; the manager or owner is only told that the sale was witnessed by a plain clothes agent.

## USING UNDERAGE BUYERS

Political and legal considerations must be addressed before using underage buyers for compliance checks. Once the decision has been made to use underage buyers, selection and training protocols must be developed. Issues that must be addressed include:

- Apparent age – all buyers should be 18 years of age or older. But the appearance of the buyer is crucial because businesses may claim that a “reasonable person” would have considered the buyer to be 21. To avoid this problem, each buyer should appear youthful (18 or 19). It is helpful to have a committee to review each buyer and verify perceived age appropriateness. It is especially useful to have a community-based committee for support and corroboration. A majority of the committee members must verify that the buyer looks 18 or 19.
- File established on each buyer
  - ✓ Driver/criminal checks
  - ✓ Parental permission forms
  - ✓ List of “buy rate” – number of compliance checks the buyer has participated in and the outcome of each
  - ✓ Compensation
- Training and practice
  - ✓ What to say.
  - ✓ What to buy.
  - ✓ How to dress.

### **Post-buy Contact or Follow-Up**

#### Definition

##### 1. Post-Buy contact

Immediate vs. delayed post-buy contact with sellers/servers

- Immediate post-buy contact – plain clothes officer approaches seller/server, explains the compliance check, and signals for a uniformed officer by radio to enter the site. If there was no sale to the buyer, the officer congratulates the seller. If a sale was made to the buyer, the uniformed officer may offer a warning or a citation.
- Delayed post-buy contact – officer exits site and fully documents the sale with sufficient detail to ensure identification of the individual seller when contact is made at a later time. The officers may return after all sites in the wave or period have been checked.

One problem with immediate contact is that businesses tend to utilize a “phone tree” and notify other retail outlets about the compliance checks. For some communities, this is sufficient cause to use delayed contact.

### Practice

The method of post-buy contact can vary from region to region (parish to parish) or from compliance check to compliance check. There are two different ways post-buy communication can be handled. If the region is small or retail outlets densely packed, post-buy contact can be made after all the compliance checks in that region have been completed. This avoids any “telephone tree” occurrences, preventing inter-business warnings. Many agents prefer to make immediate post-buy contact with the seller and vendor. As stated above, the uniformed agent is the one designated to issue the citation; however, there are no firm rules preventing the plain clothes agents from making the contact if necessary. This is avoided to help conceal the identities of the agents.

If the compliance check was successful (the server complied with the underage drinking laws), a letter of congratulation is sent to both the server and the retail owner. These are to be kept on file as part of the establishment’s permanent records. If there are future complaints against the vendor or server, a record of successful compliance checks can be used to mitigate the penalty.

### **Use of Media**

#### Definition

News releases are an important means of communicating with the community. News releases contribute to the enforcement of underage drinking laws by

- Sending a powerful message to the community that law enforcement is taking underage drinking seriously
- Providing an opportunity to educate the public about the negative consequences of alcohol use by youth
- Sending a proactive message
- Warning businesses and employees that law enforcement is paying attention to compliance with alcohol sales laws.

#### Practice

The ATC does not publish the names of businesses that fail compliance checks. Some substance abuse/prevention organizations would like to see that happen, but currently; there is no coordinated effort with the print/broadcast media to do so. Occasionally, the media has accompanied the agents on compliance checks, but this is not a routine occurrence.

The ATC has developed and publicized an agency Internet website; produced an agency newsletter to inform lawmakers, industry, and the public about activities and policy changes; and produces annual reports for the RVP (see <http://www.rev.state.la.us/>).

## **Funding Resources**

### **Definition**

Compliance checks require resources. Most departments will need some type of funding to develop comprehensive compliance check programs. Some states have increased license fees to fund compliance check operation and/or obtained grants.

### **Practice**

EUDL funds were instrumental in developing the Louisiana ATC compliance check program. From 1998 to 2000, the Office of ATC received a portion of the EUDL funds from the DHH. Since then, all EUDL block grant funds were directed to the ATC. These funds allowed the Office of ATC to increase the number of agents and pay for over-time charges to carry out compliance checks. Since a large proportion of compliance checks, by necessity, are done at night, the need for overtime monies becomes an important issue. Each compliance check costs the department approximately \$50 (fuel, overtime, compensation for the underage buyer, etc.).

Funds are also collected from each license that is awarded to a vendor. Each license costs \$50 and is renewable yearly. The RSV charges \$25 for each server training and certification. This is renewable every two years. It is anticipated that between 50,000 and 75,000 new certificates will be needed each year.

### **Summary**

Grube (1997) states that environmental interventions, which include enforcement of underage laws, responsible beverage service and training and media advocacy, are “promising prevention tools” for combating underage drinking. Louisiana’s comprehensive compliance check program has demonstrated the benefits of those tools by reducing non-compliance rates for the sale and service of alcohol to youth.

Much of the success of the program can be attributed to administrative and legislative support. Under Governor Foster’s administration, attention was focused on the problems of underage drinking. Data from the initial baseline survey undertaken by the Department of Health and Hospitals was instrumental in demonstrating the need for policy changes. The legislature responded by passing a bill which authorized the RVP and enforcement efforts by the ATC. Data from the baseline survey was also persuasive in convincing the alcohol retail industry to join the efforts for certification and enforcement.

Community organizing through the creation of coalitions has been described as one method of effecting environmental changes in an effort to reduce availability of alcoholic beverages to underage youth (Holder, 2000). The RSV program is an example of such a coalition. It brings what would ordinarily be oppositional forces together to set standards for the statewide implementation of server/vendor training and certification. “We support and continue to support fair and reasonable enforcement,” stated Chris Young, Louisiana Association of Alcohol Beverage Licensees. He continued to say, “I think this program could

have the single biggest impact on reducing sales to underage youth.... now you have almost 150,000 ambassadors.” Noting the importance of industry input in the RVP, Kelly Ponder, Louisiana Restaurant Association, stated “we wanted a proactive approach to training rather than more mandates from the state. It was important to have a say in what was being taught.”

Unquestionably, the greatest impact on the reduction of underage drinking in Louisiana has come from the compliance check program. The retail industry, substance abuse/prevention organizations, law enforcement agencies, legislators, and ATC agents and leadership all agree that the compliance check program is pivotal to the success of all other efforts to reduce underage drinking. “If there weren’t compliance checks, the servers and vendors would not renew their training certificates,” stated Kelly Ponder, a RVP Board member. “The Office of ATC’s constant and consistent presence has resulted in lowering the non-compliance rates across the state,” echoes Chris Young, another RVP Board member. The results of the comprehensive compliance check program have been dramatic (Table 3).

Table 3 – Results of Louisiana’s Compliance Check Program

Date	Target pop. of Compliance Check	Rate of Non-Compliance
1996	14 –17 year olds	58% non-compliance rate
1998	<21	33% non-compliance rate
1999	<21	29% non-compliance rate
2000	<21	12% non-compliance rate
2001	<21	21% non-compliance rate

Sustainability of the program is assured through the collection of license and certification fees, but whether it would be possible to remain at the present level of enforcement is questionable. Clearly, EUDL funds provide an important source of support for maintaining a high level of enforcement. Commissioner Painter believes that reaching a non-compliance rate of 10% or less, and sustaining that rate for several years, would be required to see permanent socio-cultural changes in the way underage drinking is perceived and enforced.

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## Operating Alcohol Age Compliance Checks in Wisconsin

**“Increasing enforcement against retailers who sell to minors can have a substantial effect on alcohol sales to young people. Even moderate increases in enforcement can reduce sales to minors by as much as 35 percent to 40 per cent, especially when combined with media and other community activities.”**

Reducing Underage Drinking: A Collective Responsibility, National Research Council Institute of Medicine, 2004

Alcohol is perhaps the most regulated substance in the world with a history of organized regulation stretching back thousands of years. Every state and the District of Columbia has adopted age 21 as the minimum legal drinking age with a limited number of narrow exceptions. Alcohol retailers are expected to respect and enforce the law as required by their specific licensing. Of course, accountability improves compliance in all aspects of human behavior. The National Academies of Science Committee on Developing a Strategy to Reduce and Prevent Underage Drinking found an impressive body of research resulting from years of studies showing that alcohol age compliance checks reduce alcohol sales to youth.<sup>1</sup>

Alcohol age compliance checks are widely, but not universally, used in Wisconsin to reduce youth access to alcohol. Communities adopting a comprehensive approach to preventing and reducing underage drinking often pair age compliance checks with efforts to reduce non-commercial (social) access to alcohol such as social host ordinances.

Recent changes in federal funding and priorities compelled some communities to reconsider the value and goals of alcohol age compliance checks. Extensive research leaves little doubt that alcohol age compliance checks are an important part of the community alcohol control efforts, especially efforts to prevent and reduce underage drinking.

Research shows that the impact of age compliance checks diminishes as early as two weeks after an enforcement action and the deterrent effect has largely disappeared after three months.<sup>2</sup> A constantly changing group of teens and high levels of turnover among retail requires ongoing employee education efforts and vigilance is needed to keep compliance rates in acceptable ranges.

### **Alcohol Age Compliance Checks – Enforcing Existing Law**

Compliance checks should be part of the community effort to prevent and reduce underage drinking, as a proven strategy to reduce commercial access to alcohol among youth for several reasons:

- 1) Selling alcohol to anyone under age 21 is clearly illegal – there are no grey areas when a solid protocol is used. The community enforces alcohol related laws, community expectations are clear.
- 2) Studies consistently show alcohol age compliance checks reduce alcohol sales to underage individuals.

Alcohol age compliance checks are often the first step in community efforts to improve the alcohol environment. Alcohol age compliance checks support positive community expectations, reduce underage drinking by reducing youth access to alcohol while enforcing the widely accepted and respected minimum legal drinking age. While some retailers may balk, citizens expect retailers to respect the law and will support the effort if the goals and process is explained.

### **Wisconsin Experience**

Because community safety, law enforcement and alcohol regulation are primarily local responsibilities in Wisconsin, materials prepared for states with statewide beverage control boards or alcohol control agencies often need modification before use in Wisconsin.

Experience shows compliance checks are most effective when: <sup>3</sup>

- 1) scheduled to cover retailers at least twice a year
- 2) provide advance notification to retailers, they are not “stings”
- 3) use tested and effective protocols
- 4) build community support for compliance with the law
- 5) penalize the license holder when appropriate and not simply the clerk or server

Although overall rates of underage drinking in Wisconsin have recently fallen, our rate still exceeds the national average. Youth acquire alcohol through either commercial or noncommercial sources; younger teens and tweens pilfer alcohol from family and family friends while older teens (noncommercial sources) are likely to attempt alcohol purchases at off-premises (Class A) retailers, especially convenience stores or similar small retailers. While the patterns vary, vigilance and public safety suggest communities make every effort to sustain or initiate alcohol age compliance checks to achieve a deterrent effect.

### **Municipal Concerns**

If your community does not conduct alcohol age compliance checks, it is important to learn why before taking action. Sometimes law enforcement is unaware the community supports enforcement of minimum legal drinking age laws. In other situations, the lack of compliance checks may be a political decision or simply a long standing tradition with a long forgotten rationale. Citizen involvement in a public discussion about underage drinking and where youth acquire alcohol may change the political view. Some communities have leveraged the Parents Who Host Lose the Most campaign with alcohol age compliance checks to help reduce both commercial and non-commercial (social) youth access to alcohol, an important step towards a comprehensive community plan.

Consistent vocal support from community residents has sometimes quieted retailer objections to age compliance checks. When local law enforcement and the governing body of the community knows residents support alcohol age compliance checks, the effort becomes a matter of public safety not retailer inconvenience. While people often pay lip service to the political power of alcohol interests in Wisconsin, the simple truth is that very few people actually want retailers to sell alcohol to youth. The minimum legal drinking age has proved to be a popular and effective law that has significantly reduce death and injury among teens.

Without federal funding, it is important for a community to consider local financial support for compliance checks. The federal Comprehensive Alcohol ReDuction (CARD) grants through DOT did not always cover the entire cost of the alcohol age compliance check operations, many grants were for \$5,000 or less. It is important to know to what extent, if any, the loss of federal funds impacted your ability to conduct alcohol age compliance checks. Even if federal funds were an important part of your local efforts, there are community options that may allow the operation to continue.

In Wisconsin, some coalitions perform aspects of the compliance check program that do not require a sworn officer. A list of potential civilian tasks is located in Appendix 1. Some communities used multi-jurisdictional task forces to create economies of scale. As a result of federal funding cuts, one multi-jurisdictional task force is experimenting with integrating age compliance checks into other operations. In short, when a community values alcohol age compliance checks, they look for the resources to continue them.

### **Early Planning**

Most Wisconsin municipalities have adopted Chapter 125, the section of Wisconsin statutes on alcohol control, as part of their municipal ordinances enabling local law enforcement to issue civil citations for selling alcohol to underage customers. Local law enforcement or the municipal clerk can explain your municipality's policy.

Municipal citations provide an opportunity for retailer education or license conditions in lieu of other sanctions, an option that may be more beneficial to the community in the long run. If it becomes clear the licensee (as opposed to a retail clerk or server) is noncompliant, the licensee and not the clerk may be ticketed. By statute, only one offense may be prosecuted as a result of a single instance of selling alcohol to an underage individual. It is important to consider who will be cited and what sanctions will be applied in advance of any operation.

Before beginning compliance checks; the municipal judge (or judges in regional efforts) should be briefed on the purpose and operation of age compliance checks. Law enforcement can fill this role, but it is also appropriate for citizen groups (including a community coalition) to discuss the goals of alcohol age compliance checks and local underage drinking concerns in general terms, without mentioning a specific case.

It is important for municipal judges to understand that alcohol age compliance checks are not “sting” operations and that research shows compliance checks prevent underage drinking. Most judges are well aware of the problems caused by underage drinking as a result of the vandalism, theft and disorder concerns they see in their courtroom. On occasion, the failure to include the municipal judge in discussions has resulted in dismissed citations or reduced forfeitures by judges who were unaware of local underage drinking problems or failed to understand the goals of the operation.

### **Retailer Education Can't Replace Compliance Checks**

Retailer efforts to educate employees on proper age verification procedures are good for both the retailer and the community. While some retailer education programs may appear similar to alcohol age compliance checks, these alcohol industry supported efforts can only complement police operations, but cannot replace them. Privately retained secret shoppers or actors impersonating underage customers attempting to purchase alcohol can be a valuable educational tool, but they can't replace a police operation.

Some of the industry education programs are limited to retailers who are clients of a specific wholesaler or who had agreed in advance to have their store monitored. There's no reason to discourage these operations but it is important for municipal leaders to understand they are not an effective substitute for alcohol age compliance checks. Alcohol is a legal regulated product, determining whether all licensed retailers are in compliance with minimum legal drinking laws is a municipal responsibility.

## Operational Planning

Successful alcohol age compliance checks are operated by local police, Sheriffs' Departments or regional law enforcement task forces. Both Sheriffs and local police departments have successfully operated regional age compliance check operations under multi-jurisdictional agreements or a Memoranda of Understanding (MOU). Regional operations may achieve economies of scale and create a larger pool of youth decoys making a regional approach an attractive option for many communities.

The size of each team and how they are deployed varies even within Wisconsin. In general, each compliance check team consists of at least two youth decoys, and two adults. Some teams are composed of one sworn officer and one adult volunteer, while other Departments deploy two sworn officers. While some communities field one officer with two decoys, that approach leaves one decoy temporarily unsupervised for brief periods throughout the shift.

Only officers should drive from location to location. Adult volunteers may be required to pass a background check prior to participating in an operation. Departmental policies vary, but most limit adult volunteers to individual who have not had an alcohol related citation or offense. While some communities use teams that do not include an officer, the effectiveness of civilian/youth teams has not been established in Wisconsin.

Some Wisconsin coalitions recruit and train both adult and youth volunteers involved in alcohol age compliance checks, significantly reducing the amount of time law enforcement officers devote to the program. Community groups can also perform some of the administrative tasks that do not require a sworn officer reducing the overall cost of the program.

Making a community coalition an integral part of local alcohol age compliance checks benefits both the law enforcement agency and the coalition. The coalition participates in an effective evidence-based intervention and the law enforcement agency is able to implement age compliance checks without draining local resources.

Many community coalitions and Drug Free Community Grantees are members of the Wisconsin Alliance for Youth which encourages cooperation with local law enforcement. A listing of coalitions participating in the Wisconsin Alliance for Youth, by county, is located at: <http://www.allwisoyouth.org/alliances-by-county.php>.

## Youth Decoys

Law enforcement has a ready source of trained youth volunteers (decoys) from the tobacco age compliance check Wisconsin "WINS" program. Youth too old to volunteer for tobacco age compliance checks (age 18) are at the right age to become decoys for alcohol age compliance checks. Some Wisconsin

communities recruit decoys from local Explorer Scout Posts or law enforcement students (cadets). Law enforcement agencies usually deploy decoys outside their neighborhood or community, reducing the chance a decoy will be recognized by retailers.

Youth decoys should not have any previous (non-traffic) citations or alcohol violations. If a youth receives an alcohol related citation after becoming a decoy, they are no longer credible decoys and their participation should end.

Prior to accepting a youth volunteer as a decoy, most law enforcement agencies conduct an internal review to determine that a reasonable person would believe the youth was younger than age 21. Young men with facial hair or young women who successfully use make-up to appear significantly older are not good choices for decoys.

Before the first operation, each youth decoy needs to provide the following:<sup>4</sup>

1. Signed parental permission slip
2. Signed waiver of department responsibility for injury or harm.
3. Emergency contact and health insurance information
4. Copy of birth certificate.

Some law enforcement agencies develop a written agreement between youth decoys and the Department which is signed by both parties prior to participation in any compliance check operations.

Agreements describe:

1. Exact duties and responsibilities of a decoy
2. Length and frequency of shifts
3. Any post citation responsibilities
4. Other specific expectations for youth volunteers at all times, such as not participating in or attending events where illegal underage drinking occurs

Youth are not generally compensated for participation, but some municipalities reimburse for travel costs or provide small incentives such as movie passes or pizza gift cards. In some communities, local restaurants and entertainment venues provide passes or meals to decoys as a public service receiving recognition for their community service.

All decoys should be photographed in the clothes they are wearing prior to each shift to document their appearance at the time of the operation. Digital cameras give Departments the ability to add the decoys photo to the computer record of the operation. Some Departments record the decoy's 0.00 BAC prior to the shift by administering a breath test.

As noted earlier there is some variation in the size and composition of teams, with some youth independently or in teams of two with an adult.<sup>5</sup> Some agencies find youth are more comfortable working in pairs, because they are uncomfortable entering retailers alone. Having two youth on each team allows decoys to switch off serving as the buyer to reduce the impact of retailer telephone trees. Youth should be accompanied by a sworn officer who remains out of sight and, in some communities, a second adult, who may or may not be an officer.

### **Scheduling and Timing**

The most effective alcohol age compliance checks are conducted systematically over a long period of time. Research and experience indicates age compliance checks need to be an ongoing police activity, much like speed control.

In Wisconsin alcohol age compliance checks generally operate using one of the two following patterns:

1. The law enforcement agency conducting the operation picks an extended period (two-weeks to one month) once or twice a year to conduct the compliance checks. The operation may move between neighborhoods and municipalities at any point during the announced time frame in response to vendor phone trees or community events.
2. Agencies schedule compliance checks throughout the year as resources allow, with the goal of checking the majority of licensees within the area.

While many communities want to check each licensed establishment at least once a year, monetary and manpower limitations may not allow the optimum number of checks. Because youth are most likely to attempt alcohol purchases at convenience stores and similar retail locations, some departments make Class A (off-premises) establishments the priority. Checks based on anonymous or citizen complaints are not recommended.<sup>6</sup>

Aggressive retailer telephone trees that alert other vendors to the presence of age compliance check operations are irritating but not an irresolvable problem. Heightened observance of the law by local retailers is deterrence in action. In most situations the compliance check team simply relocates to another part of the jurisdiction and multi-jurisdictional operations may simply proceed to another community after the first ticket is issued to complete the shift, leaving behind community retailers operating within the law.

In small jurisdictions, some Departments decide to write tickets after all the checks for that day are completed to prevent telephone tree alerts. In a small number of situations, officers return to write tickets the following day. The impact of these practices on the overall effectiveness of the operation is unknown.



**Prior Notification**

Most law enforcement agencies notify licensees in advance of the general time frame before initiating compliance checks. In Wisconsin, prior notification is generally made by first class letter to every license holder in the community, although some officers or Departments may also visit licensees as well. Prior notification reduces the appearance of a police “sting” blunting possible objections from local retailers and reinforcing the public perception that laws relating to alcohol sales are enforced. Some communities rely on media outreach to notify licensees know that alcohol age compliance checks are conducted throughout the year.

Some law enforcement agencies chose to limit age compliance checks to high risk occasions including; homecoming, prom and graduation. However, time targeted checks are unlikely to deter retailers the rest of the year.

A few law enforcement agencies chose not to make any prior notification and schedule age compliance checks throughout the year as perceived need and manpower allows. The deterrent effect of spontaneous and irregular checks is unknown, advance notification is generally recommended.<sup>7</sup>

**Citations**

Communities may consider the first round of alcohol age compliance checks a “survey” with written warnings issued to failing establishments and citations issued during subsequent checks. Communities may choose to cite either the license holder or the actual seller, but cannot prosecute both for a single violation. Most communities write citations against the seller, although research indicates that citations written against owners (licensee) are a more effective deterrent<sup>8</sup>.

Some communities initially ticket the seller/server selling alcohol to the decoy, but ticket the licensee for repeated sales to underage decoys. When a location is repeatedly cited for serving alcohol to underage customers, it is likely the owner has failed to take even minimal steps to avoid selling alcohol to youth. The City of La Crosse issues simultaneous citations were issued to both the server and the license holder with one ticket dismissed after investigation and prior to a court appearance. The intervening period allows the City to determine if the clerk or the licensee was at fault.

**Decoy ID or No ID**

In Wisconsin, many compliance check decoys attempt to purchase alcohol without presenting an ID. Decoys leave their personal IDs with the officer and are instructed to provide truthful responses to any questions asked by retailers, but not to initiate a conversation. If the retailer sells to the youth without seeing identification, a citation is issued.



Some protocols ask decoys to present their own ID when requested by retailers and a ticket is issued if the sale is completed. When an ID is not presented, it is impossible to determine if clerks would have examined an ID to ascertain birthdate and identity before a sale.

At least one Wisconsin community noticed a dramatic drop in the retailer compliance rates when the local protocol began to require decoys to present their (underage) identification as opposed to assuming compliance if identification was requested.<sup>9</sup>

### **Penalties and Sanctions**

Alcohol age compliance checks are conducted to encourage compliance with minimum legal drinking age laws. To achieve that goal, many law enforcement agencies allow clerks and licensees to avoid forfeitures by successfully completing training sessions on alcohol sales and service.

Wisconsin's required *Responsible Beverage Server* (RBS) training is minimal, additional training and internal enforcement policies are the responsibility of the license holder. Municipalities may not *require* additional training. New employees often have very little alcohol sales training. In addition not every person selling or serving alcohol needs to hold a bartenders (called operators) permit to sell or serve alcohol. Just one licensed operator needs to be on the premises in a supervisory role whenever the establishment is open.

Clerks may receive only training provided by the retailer. Increasingly, local law enforcement offers retailer training to encourage compliance and reduce alcohol related problems in the community. Both the Madison Police Department and the La Crosse Police Department offer training to alcohol sellers, servers and licensees. In some situations, additional training is an appropriate substitute for other sanctions after a violation.

Individuals or establishments that consistently fail compliance checks may need additional incentive to become compliant. Law enforcement agencies can document repeated alcohol sales to underage decoys, raising the issue during the license renewal period. The effectiveness of alcohol age compliance check depends on both the ongoing operation of the program and a credible belief that serious sanctions will be imposed on repeat offenders.

### **Operational Guides**

There are several well documented protocols available that outline every aspect of alcohol age compliance checks. In Wisconsin, a frequently used protocol is the Minnesota Alcohol Epidemiology Program Alcohol Age Compliance Checks <http://www.epi.umn.edu/alcohol/manual/manual.pdf>

Some aspects of the Minnesota manual conflict with Wisconsin law, involvement of local law enforcement will help identify those conflicts. Appendix A of the

Minnesota protocol is a *Decision Checklist* that includes many of the decisions outlined in this summary.

Community alcohol and drug coalitions may benefit from the planning and organizational materials found in: [Using Getting To Outcomes™ with the SAMHSA Strategic Prevention Framework to Achieve Results](http://www.rand.org/content/dam/rand/pubs/technical_reports/2007/RAND_TR403.pdf) (beginning on page 139) available online at: [http://www.rand.org/content/dam/rand/pubs/technical\\_reports/2007/RAND\\_TR403.pdf](http://www.rand.org/content/dam/rand/pubs/technical_reports/2007/RAND_TR403.pdf)

Well run operations require well trained officers. Appendix 2 of this summary provides information on several training opportunities available to Wisconsin law enforcement agencies.

### **After the Operation**

After the completion of each series of compliance checks, the establishments checked will fall into one of two categories:

- 1) Locations unwilling to sell alcohol to underage decoys
- 2) Locations willing to sell alcohol to decoys.

Aggregate results from each round of alcohol age compliance checks should be released widely to the media. Frequently, the first round of compliance checks reveals a shocking lack of compliance with 50% or even 75% of merchants selling to youth decoys. Results often improve dramatically in subsequent rounds of compliance checks *if retailers are sanctioned*, a good reason to keep going after a disappointing result.

The National Academies of Science suggested a national goal of 80% compliance in 2004.<sup>10</sup> The Wisconsin State Council on Alcohol and Other Drug Abuse (SCAODA) endorsed the national standard for Wisconsin as part of the 2010 report, *Alcohol, Culture and Environment Workgroup Recommendations: Changing Wisconsin's Alcohol Culture to Promote Safe and Healthy Lives*. It is an achievable goal your community can track over a period of years.

The names of establishments willing to sell alcohol to youth should be released to the media after the conclusion of the checks. A brief straightforward release listing the noncomplying establishments encourages retailers to train and monitor identification checking procedures. Repeated failures should be noted in the licensees' record and discussed several months prior to license renewal based on the guidance provided by the municipal attorney. Coalition or community group members may wish to add letters to the licensee file for review before license renewal.

Licenseses that refused to sell to decoys should receive letters praising their successful training and screening procedures. The names of these good citizen businesses should be released to the media separately from the names of ticketed establishments to avoid any confusion. In some jurisdictions, community alcohol and drug prevention agencies organize media events to recognize licenseses that pass alcohol age compliance checks in addition to volunteer assistance with the operation. When recognition comes from a community group, refusing to sell alcohol to youth becomes a matter of civic responsibility.

If the compliance rate fails to improve significantly during the second series of checks, it is time to reconsiders both the protocol and the consequences for retailers of failing a compliance checks. Compliance rates commonly improve steadily in subsequent checks, eventually reaching an acceptably high rate. If that is not happening, coalition leaders, working closely with law enforcement, should consider the barriers blocking progress and consider ways to overcome them

Alcohol age compliance checks are just one part comprehensive efforts to prevent and reduce underage drinking. No single agency, individual or group can change the community alcohol environment.

Alcohol age compliance checks support a broader community consensus and an improved community alcohol environment. By utilizing the resources available through local community coalitions, the Underage Drinking Enforcement Training Center and the Wisconsin law enforcement agencies currently conducting effective alcohol age compliance checks, each municipality has the ability to reduce and prevent underage drinking by implementing alcohol age compliance checks.

## Appendix 1: Coalition Tasks in Support of Alcohol Age Compliance Checks

For many years, community coalitions, Police Explorer Scouts and other groups have been volunteering time to support local alcohol age compliance checks. Adult volunteers allow police officers to focus their time on the tasks only they can perform. When federal funding for the Enforcing Underage Drinking Laws program was terminated, many communities quickly discovered that sustaining existing compliance operations or initiating new ones required community support and finding dedicated partners.

Local logistical support varies widely from community to community. Drug Free Community grants can be used to support alcohol age compliance checks. Often financial support mirrors significant logistical support. In general, the tasks fall into three general categories outlined below, each community must find the combination of law enforcement and coalition support that supports the scope and goals of the operation.

### 1. Provide logistical and administrative support

Coalitions can provide behind the scenes support such as obtaining the buy-money for each operation and photocopying the cash (to create a record of serial numbers), assembling the paper work and subsequent record keeping for the operation.

Coalitions can obtain a list of all current licensees and mail a pre-notification letter written or approved by the law enforcement agency. Although not required, pre-notification letters are recommended. Compliance with the law is the goal these are not “sting” operations.

A coalition could also assume responsibility for compiling the test results and data into a spreadsheet that tracks each compliance check. The specific role varies with one group collecting only aggregate data and another creating a record for police department purposes. Each law enforcement agency must determine the appropriate data to be collected, its use, and ownership. Tracking citations is a municipal responsibility.

Law enforcement may release the aggregate results at the conclusion of the test period, with the coalition acting in a support role. Some coalitions organize recognition for retailers who have repeatedly demonstrated compliance with the law. A few communities rely on coalitions to tabulate the aggregate results and release them to the media calling attention to both those in compliance and those failing to comply.

### 2. Recruit and schedule youth decoys for the program.

Youth can purchase tobacco legally beginning at age 18. Youth aging out of tobacco age compliance work, criminal justice students at local colleges and police Explorer Scouts are all good sources of youth decoys. Law enforcement

agencies will conduct full background checks on all potential decoys and may have personal appearance requirements

Multiple youth decoys will be needed; in small communities and rural areas youth should not act as decoys in the home community where they are likely to be recognized. A pool of at least 6 or 7 youth of both genders is suggested.

In some communities youth are paid a stipend after the round of compliance checks is conducted. In Racine youth receive \$10.00 per hour and are scheduled for four hour blocks of time per day.

Some coalitions take responsibility for scheduling youth for the compliance check operations and providing transportation to and from the police station.

At the request and with the guidance of primary law enforcement agency, local coalitions can schedule, organize and, in some cases, provide training to youth decoys at requested intervals. At a minimum, youth decoys need an orientation before the first operation outlining the steps to a sale, what to expect and common scenarios.

Before beginning each shift, youth should be photographed creating a record of how they were dressed and groomed during the operation. Digital photos can be pasted right into the file of any later citations.

Some coalitions provide an adult volunteer to ride along with the officer and decoy as a witness to the operation.

3. Vocally and publicly support alcohol age compliance checks and other actions that enforce Minimum Legal Drinking Age Laws.

Every coalition should organize vocal citizen support for the law enforcement agency conducting alcohol age compliance checks, including letters to the editor of local media outlets and calls of support to local elected officials such as Aldermen or the Police Commission.

The police need community support to take actions designed to prevent or reduce underage drinking and alcohol misuse, including age compliance checks. Law enforcement agencies can experience substantial push-back from trade and industry groups; unless the community coalition articulates community support elected officials may conclude the community does not support compliance check operation.

## Appendix 2: Law Enforcement Training Opportunities on Alcohol Age Compliance Checks

There is an ongoing need for training on alcohol age compliance check procedures. Fortunately, free online distance learning opportunities are available through the Underage Drinking Enforcement Training Center (UDETC) <http://www.udetc.org/distancelearning.htm>.

The online class takes about 90 minutes and may be taken individually or in a group. The procedure in the class is very similar to the procedure used in the operational guides listed earlier. In addition, the class materials include many of the forms and documents needed in an easily amendable Word format.

Each law enforcement agency must make its own determination whether the on-line training should be supplemented by field training with a UDETC trainer or a UDETC certified trainer. For a list of the UDETC certified alcohol age compliance check trainers in Wisconsin please contact the Wisconsin Alcohol Policy Project at <http://law.wisc.edu/rcid/> or call 608-262-0370.

The Underage Drinking Enforcement Training Center website has information about the additional training opportunities available through the Center.

Visit <http://www.udetc.org/index.asp> for more information.

**Note:** Special thanks to Francie Winkler and the staff of Focus on Community, Racine, Dorothy Chaney, Wisconsin Community Health Alliance and Chris Wardlow, ATODA Prevention Specialist Catalpa Health, Outagamie County DHHS for sharing their experience and knowledge of alcohol age compliance checks in Wisconsin.

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<sup>1</sup> National Research Council an Institute of Medicine (2004) Reducing Underage Drinking: A Collective Responsibility. Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, Richard J. Bonnie and Mary Ellen O'Connell, Editors, Board on Children, Youth and Families, Division of Behavioral and Social Sciences and Education. Washington, D.C. The National Academies Press.

<sup>2</sup> Wagenaar AC, Toomey TL, Erickson DJ. Preventing youth access to alcohol: Outcomes from a multi-community time-series trial. *Addiction*, 100(3):335-45, 2005.

<sup>3</sup> Imm, P., Chinman, M., Wandersman, A., Rosenblum, D., Guckenburg, S., Leis, R., Reducing Underage Drinking: Getting to Outcomes with the SAMSHA Strategic Prevention Framework, Rand Health, 2007

<sup>4</sup> Pacific Institute for Research and Evaluation, Conducting Compliance Check Operations: Enforcing Underage Drinking Laws (online course)[www.thecjportal.org/dl/PIRE/CC](http://www.thecjportal.org/dl/PIRE/CC) Underage Buyer/Volunteer Letter

<sup>5</sup> Alcohol Epidemiology Program. *Alcohol compliance checks: A procedures Manual for enforcing alcohol age-of-sale laws*. Minneapolis: University of Minnesota, 2000.

<sup>6</sup> Alcohol Epidemiology Program. *Alcohol compliance checks: A procedures Manual for enforcing alcohol age-of-sale laws*. Minneapolis: University of Minnesota, 2000. New Hampshire Liquor Commission, Division of Enforcement & Licensing, Compliance Checks Policy, <http://www.nh.gov/liquor/enforcement/about-us/documents/compliance-checks.pdf>. Selective Alcohol and Tobacco Initiative. accessed online 1/18/13

<sup>7</sup> Alcohol Epidemiology Program. *Alcohol compliance checks: A procedures Manual for enforcing alcohol age-of-sale laws. Prior Notice*. Minneapolis: University of Minnesota, 2000.

<sup>8</sup> Toomey & Wagenaar, Policy Options for Prevention (1999)

<sup>9</sup> Conversation with Francie Peardon, Eau Claire Public Health Department, December 2012.

<sup>10</sup> National Research Council and Institute of Medicine (2004), Reducing Underage Drinking: A Collective Responsibility. Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, Richard J. Bonnie and Mary Ellen O'Connell, Editors. Board on Children, Youth and Families, Division of Behavioral and Social Sciences and Education. Washington D.C. The National Academies Press.

# DECOY SHOULDER TAP PROGRAM

## Procedure Manual for Law Enforcement



DEPARTMENT OF  
ALCOHOLIC BEVERAGE CONTROL



## FOREWORD

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This procedure manual has been prepared by the Department of Alcoholic Beverage Control (ABC) for use by local law enforcement officers as an easy-to-use guide for shoulder tap operations. This is merely a guide and is not intended to supersede local law enforcement agency policies.

This manual provides recommendations on how to implement a Decoy Shoulder Tap Program, from identifying resources to evaluating the program's success.

It is ABC's hope that local law enforcement agencies will find this manual useful in complementing their existing enforcement efforts.

*Department of Alcoholic Beverage Control*

*Published under a grant from the State of California's Office of Traffic Safety*

## THE LAW: Business and Professions Code

25658. (a) Except as otherwise provided in subdivision (c), every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

(c) Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under the age of 21 years, and the person under the age of 21 years thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, is guilty of a misdemeanor.

(d) Any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

(e) (1) Except as otherwise provided in paragraph (2) or (3), any person who violates this section shall be punished by a fine of two hundred fifty dollars (\$250), no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. A second or subsequent violation of subdivision (b) shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

(2) Except as provided in paragraph (3), any person who violates subdivision (a) by furnishing an alcoholic beverage, or causing an alcoholic beverage to be furnished, to a minor shall be punished by a fine of one thousand dollars (\$1,000), no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not employed and is not attending school.

(3) Any person who violates subdivision (c) shall be punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine of one thousand dollars (\$1,000), or by both imprisonment and fine.

(f) Persons under the age of 21 years may be used by peace officers in the enforcement of this section to apprehend licensees, or employees or agents of licensees, or other persons who sell or furnish alcoholic beverages to minors. Notwithstanding subdivision (b), any person under the age of 21 years who purchases or attempts to purchase any alcoholic beverage while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase an alcoholic beverage. Guidelines with respect to the use of persons under the age of 21 years as decoys shall be adopted and published by the department in accordance with the rulemaking portion of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Law enforcement-initiated minor decoy programs in operation prior to the effective date of regulatory guidelines adopted by the department shall be authorized as long as the minor decoy displays to the seller of alcoholic beverages the appearance of a person under the age of 21 years. This subdivision shall not be construed to prevent the department from taking disciplinary action against a licensee who sells alcoholic beverages to a minor decoy prior to the department's final adoption of regulatory guidelines. After the completion of every minor decoy program performed under this subdivision, the law enforcement agency using the decoy shall notify licensees within 72 hours of the results of the program. When the use of a minor decoy results in the issuance of a citation, the notification required shall be given to licensees and the department within 72 hours of the issuance of the citation. A law enforcement agency may comply with this requirement by leaving a written notice at the licensed premises addressed to the licensee, or by mailing a notice addressed to the licensee.

(g) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law, including, but not limited to, Section 272 of the Penal Code and Section 13202.5 of the Vehicle Code.

## PROGRAM DESCRIPTION

The Decoy Shoulder Tap Program is an enforcement operation that uses minor decoys to identify people who furnish alcoholic beverages to minors<sup>1</sup> outside ABC licensed establishments.

It is a misdemeanor to furnish alcoholic beverages to minors and any persons observed furnishing alcoholic beverages to minors are subject to arrest pursuant to Section 25658(a) of the Business & Profession Code.

The local law enforcement agencies that have used the Decoy Shoulder Tap Program have had significant results.

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<sup>1</sup> “Minors” means persons under the age of 21

## Step 1: Identify Resources

Determine the personnel, equipment and materials required. Depending on operational objectives, a typical shoulder tap operation normally runs between four to eight hours. In addition to the minor decoy, it is recommended that at least three officers are utilized, with one assigned to decoy safety. ABC resources are available to assist in joint task force operations.

### **Recommended Personnel:**

- Uniform officer
- Plain clothes officers
- Minor decoy

### **Recommended Equipment:**

- Marked patrol vehicle
- Undercover vehicle
- Wireless voice transmitter
- Recording device
- Buy money
- Camera
- Evidence bags/labels

## Step 2: Gain Program Support

Contact the local District or City Attorney's Office to discuss program and determine any specific prosecutorial requirements. Encourage prosecution of furnishing alcoholic beverages to minors to the fullest extent of the law. Business & Professions Code Section 25658(e) (2) provides for a minimum \$1,000 fine plus 24 hours community service.

It is suggested, where appropriate, that the police officer or local prosecutor contact the presiding judge of the court to explain the objectives of the program and the minimum penalties for a conviction of furnishing alcoholic beverages to minors.

### Step 3: Identify Target Locations

The Decoy Shoulder Tap Program has the best effect when used:

- In areas where minors have resorted to the Shoulder Tap method of obtaining alcohol rather than buying it.
- High traffic areas where youths congregate
- Contact local Alcoholic Beverage Control district offices to identify any problem licensed premises.

To assist in developing intelligence the following may be helpful for an effective Shoulder Tap Operation:

- Talk to parents who report to law enforcement that their child has obtained alcohol.
- Contact officers assigned to local high schools who may know how and where students obtain their alcohol.
- Contact officers who may have observed minors' activities or interviewed minors relating to alcohol matters. These officers may have information on how and where minors are getting alcohol.

### Step 4: Media Advocacy

One of the most effective uses of the media is to publicize enforcement. Many adults are not aware of the seriousness of furnishing alcoholic beverages to minors. The publicity of those arrested sends a strong message to those who may be inclined to provide a minor with alcoholic beverages.

Law enforcement officers may have experienced the frustration of “the media” not getting the story right. Media advocacy is an approach that is more proactive. Rather than waiting passively for the media to “get it right”, you participate in the process.

#### *Action Steps*

- Issue news releases as follows: (a) one to announce the start of program; (b) one to summarize the results of the operation to announce the number of arrests.

- Fax or email a copy of each news release to ABC, attention Public Information Officer, as soon as it is released. ABC will assist, if needed, in preparing a news release and will lend support with the resources of a Public Information Officer.
- Respond to calls from reporters
- Initiate calls to reporters
- Design good visual images for television reporters
- Hold media events in cooperation with ABC
- Develop good working relationships with editors and producers

It is recommended that news releases, media contacts, media events, and/or visual materials should be used where appropriate. Working with the media in a proactive manner while conducting the operation will be helpful in disseminating information to the public.

### Step 5: Select Decoy

While strict requirements (i.e., Rule 141) only apply to minor decoys, the selection of decoys for use in shoulder tap operations is an important component.

- Check with the local prosecutor to determine if they have any specific age requirements
- Use decoys who are under 21 years of age
- Decoys should have the appearance of someone under the age of 21
- Refer to the local law enforcement agency's policy on use of non-agency personnel in such operations and any waiver requirements

In addition, the following criteria are suggested:

- The decoy should be willing to conduct undercover work
- The decoy should be willing to wear a wireless voice transmitter and have their conversations recorded

- The decoy should have the ability to prepare written statements of their involvement
- The decoy must be willing to testify in any court proceedings resulting from the program
- The decoy should be informed that being involved in a Decoy Shoulder Tap Operation may result in media attention
- Obtain signed parental release form for any decoy under age 18

### Step 6: Training/Operation

To help ensure successful prosecution and maintain safety of the decoy, certain operational procedures should be followed. The decoy should also be instructed on situations they may possibly encounter.

#### *Action Steps*

- The minor should always be under the direct supervision of a law enforcement officer
- It is recommended that the minor makes an age related statement to the adult they solicit
- Check with local prosecutor agency if they have any specific age related requirements
- Equip minor with a wireless voice transmitter to have their conversation recorded for evidence.
- Decoy should only solicit the potential subject once. Upon an initial refusal, decoy should cease any further solicitation.
- Decoy must not befriend, beg, plead or otherwise entice the potential suspect with significant reward.
- If the adult furnishes alcoholic beverages to the minor, the minor should walk away to a pre-designated location. The adult should be allowed to move away from the minor before being contacted. This gives added security for the minor's protection



- Before issuance of citation, verify an alcoholic beverage has been purchased for the decoy.
- Suspect may be released on a misdemeanor citation for violation of Section 25658 (a). If the situation warrants, book the suspect into jail.

### Step 7: Decoy Safety

The safety of all minors and officers used in the Shoulder Tap Operation is of paramount importance. Research shows that over 25% of those arrested are either on probation, parole, have warrants or are under the influence at the time of arrest.

#### *Action Steps*

- Have enough cover officers for the location/area
- Survey the location prior to the operation
- Instruct decoy to never enter a vehicle with a suspect and to never leave the area on foot to follow the suspect
- Instruct the decoy to stand near the front of a location in a well lit area
- Always have decoy stand in an area visible by officers
- Immediately terminate any operation that you feel is not safe
- Be aware of vehicles approaching the decoy or getting in between officers and the decoy
- It is not uncommon for decoys to be offered other items such as drugs. While it is not the intent of shoulder tap to encourage or engage in such activities, the decoy should be instructed on how to respond in such situations pursuant to the local law enforcement agency's policy
- Decoy should remain secure in the vehicle until the suspect has been cited and released

## Step 8: Reporting

The report should contain the following information and exhibits:

### *Action Steps*

- A detailed summary of the investigation and observations made by the arresting investigator or officer of the furnishing violation
- If the transaction is unable to be heard clearly, obtain a supplemental statement from the minor regarding his or her observations
- It is recommended that a color photo of the suspect be taken and a color photo of the alcohol, if it is not seized for evidence, also be taken.
- Unlike the Minor Decoy Program, a face to face identification is *not* required.
- Details on the suspect; e.g., whether the adult suspect profited from the violation (i.e., asked for extra money from the decoy); whether the suspect was intoxicated; whether a PAS device was used and the results; and statements made by the suspect at the time of arrest after Miranda (i.e., “why did I do it”).
- A supplemental report may be needed from decoy if an unusual situation arises

## Step 9: Evaluation

The program’s success can be measured quantitatively by the number of persons who furnished over those who did not over a specific period of time.

Further quantitative measures include the number of arrests; the number of suspects booked versus released on misdemeanor notices to appear; and the age of the arrested suspects.

### *Action Steps*

- Track and record statistics
- The number of contacts made by decoy and number of arrests made during the operation should be documented. This information is useful for future press releases.

## Frequently Asked Questions

**Question 1:** Can the decoy offer the suspect additional money to get the alcoholic beverage?

*Answer:* In order to avoid any entrapment issues, the decoy should never offer the suspect additional money. However, if the suspect inquires about receiving compensation (money, food, and/or alcoholic beverage) the decoy should not engage in negotiation but may state that the money they have is all that is available.

**Question 2:** Does the operation (transaction between suspect and decoy) have to be recorded?

*Answer:* There is no legal requirement to record the transaction; however, it may be a requirement for a successful prosecution through your local district attorney.

**Question 3:** Do the alcoholic beverages have to be seized as evidence?

*Answer:* Refer to your local departmental policy and your district attorneys' office. If it is not required for you to take as evidence, a picture should be taken of the alcoholic beverage for your report.

**Question 4:** Can a decoy that is under the age of 18 years old be used for an operation?

*Answer:* Yes, there is no legal requirement for the age of decoys; however, you should refer to your local departmental policy.

**Question 5:** Can a decoy that is 20 years old be used for an operation.

*Answer:* Yes, the law states that it is against the law to furnish an alcoholic beverage to a person under the age of 21; however, you should refer to your local departmental policy and your local district attorneys' office, because they may require the decoy to be a certain age.

**Question 6:** Does the furnisher have to physically give the alcohol to the decoy?

*Answer: No. Often times the furnisher will simply walk past the decoy and place the alcohol on the ground or even placing it in a trash can. Once the decoy has taken possession of the alcohol the act of furnishing is complete.*

**Question 7:** Can the decoy solicit other minors to purchase him/her alcoholic beverages?

*Answer: Yes. The decoy should be non-discriminatory in their contacts. Should the situation arise where a minor is able to purchase and then furnish alcohol to the decoy, the licensed location could face disciplinary action by the Department of Alcoholic Beverage Control. See ABC enforcement manual regarding sales to minor violations.*

**Question 8:** What happens if a licensee or employee is directly involved in the furnishing of alcoholic beverages to the minor decoy?

*Answer: If it can be established that the licensee/employee was directly involved in (or had direct knowledge of) the furnishing of the alcoholic beverage to the minor decoy, the licensed premises could be held liable. If applicable, the licensee/employee could be cited for violation of Section 25658(a) B&P; Causing Alcohol to be Sold or Furnished to a Minor. It could also be possible for ABC to take administrative action against the licensed premises. In addition to pursuing criminal action with the local prosecutor, a copy of the criminal report should be forwarded to the local ABC office. In such cases the report should clearly articulate the involvement or knowledge of the licensee or employee.*

**Question 9:** Does Rule 141 of the California Code of Regulations apply to Shoulder Tap Operations?

*Answer: No. Rule 141 is only applicable during Minor Decoy operations.*

**Question 10:** Does a face to face identification need to take place between the minor decoy and the furnisher?

*Answer: No. There is no reason the suspect should have contact with the decoy after officers have detained the suspect. Every effort should be made to protect the identity and safety of the minor decoy.*

**A handbook for youth and community groups  
for implementation of**

# **PROJECT STICKER SHOCK**

2004

Sponsored by the Office of Substance Abuse  
*with funding from the U.S. Office of Juvenile Justice and Delinquency Prevention*

## Acknowledgements:

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This handbook is available electronically on the web at <http://www.maineosa.org/prevention/sticker>  
Printed copies are available by calling the OSA Information and Resource Center.

**Last Updated: November, 2004**

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## Purpose & History

National and Maine surveys have shown that many underage drinkers access alcohol through adults over 21 who can purchase it legally for them. Maine law prohibits both providing alcohol to minors (other than your own child in your home) and allowing minors to consume in a place that is under your control, i.e. your home or car, even if you don't supply the alcohol.

**The Sticker Shock Campaign is designed to reach adults who might purchase alcohol legally and provide it to minors. Stickers warning about the penalties for furnishing alcohol to minors are placed on all multi-packs of beer, wine coolers, and other alcohol products that might appeal to underage drinkers.** The impact of the stickers is increased by media coverage of the event and by longer-lasting signs to be displayed by participating retailers. The project represents a partnership between youth, retailers, concerned parents and community members, prevention professionals, and law enforcement with the goal of educating potential furnishers, raising public awareness about underage drinking, and strengthening the deterrent effect of the law against providing alcohol to minors.

### History:

The first Sticker Shock campaign was designed by a group of youth in Pennsylvania in 1998, who started locally in their community and then expanded the project statewide in subsequent years. In February 2001, Sticker Shock first came to Maine when the Fort Kent Area Community Voices group adapted the idea and implemented it in their area. The dream of these Fort Kent area youth was that the project would go statewide in Maine as well.

In May 2001, their dream came true. The Maine Office of Substance Abuse, Maine Bureau of Liquor Enforcement, and other Underage Drinking Task Force members joined forces to sponsor a pilot project, with funding from the U.S. Office of Juvenile Justice and Delinquency Prevention, to expand the work of Fort Kent Area Community Voices. This initiative was particularly timely, with the intention of raising awareness around underage drinking issues right before the Memorial Day weekend, graduation season, and summer vacation. More than 15 youth/community groups blanketed the stores in their towns, and several worked with local media to increase the impact of their efforts. In addition, approximately 400 stores, including some entire chains, participated by having their employees put the stickers on even when there was no youth group participating in their area. The overwhelming success of this pilot project provided the foundation for expanded campaigns in future years with emphasis in May and December.

If you have questions or suggestions, and/or if you are interested in participating in Project Sticker Shock, please contact:

Maine Office of Substance Abuse Information & Resource Center  
1-800-499-0027 or [osa.ircosa@maine.gov](mailto:osa.ircosa@maine.gov)



## Guidelines for Implementation of Sticker Shock

### Groups implementing Project Sticker Shock should follow these guidelines:

1. Stickers should be placed on multi-packs, not directly on bottles or cans.
2. Stickers should not cover brand names or bar codes.
3. Youth should be supervised by adults (chaperones and store staff) at all times in the store.<sup>1</sup>
4. Ask the store staff if they have any specific requests, expectations, or restrictions about where/how stickers should be applied.
5. If packages must be moved to apply stickers, only adults over age 21 and/or store employees should handle the alcohol.
6. For youth groups implementing Project Sticker Shock, adult coordinators/teachers should ensure that youth under 18 have parental permission to participate in the project.

### *Other suggestions:*

1. All youth participating in visiting retailers and stickering beer should have a permission slip/media release form signed by their parent/guardian and kept on file by an adult coordinating the group's efforts. All adults involved should also sign this form so that it can function as a media release form and be kept on file as well. A sample permission slip/media release form is included in this guide.
2. At any media events where youth will be handling beer, you should have a representative from law enforcement present. It is a good idea to have law enforcement involved whenever possible, but it is especially essential at media events, again to avoid any criticism about youth handling beer illegally, as well as to demonstrate the value of youth and law enforcement working together.
3. Please be fair to all alcohol retailers by offering them equal opportunity to participate. If you live in a large town, it may be difficult to visit all retailers personally to invite their participation. In that case, send a letter to all alcohol retailers inviting their participation, and then follow-up with a personal visit (youth are most effective in this role!) to those whose participation is most important to you.
4. The real impact of the Sticker Shock campaign is not in the stickers themselves, since once the stickered alcohol is all sold the stickers are gone. The real impact is achieved by raising awareness of the furnishing laws on a larger scale, particularly through media coverage of your activities. Plan how you will maximize these impacts.
5. Please help us in our efforts to evaluate the effectiveness of this campaign. Return the Team Evaluation Form to us as soon as possible after the end of the campaign. Also, please ask your retail partners to fill out the Merchant Evaluation form within two weeks after the campaign and return it to the Office of Substance Abuse. If you would like to re-visit your retailers and collect those surveys, and then return the whole set to the Office of Substance Abuse, that would guarantee that we get them back and give you an opportunity to get feedback directly from the stores and build your relationship with them further.

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<sup>1</sup> Whenever youth are stickering beer, an adult chaperone must be present to supervise. This is crucial for many reasons, including the need to ensure that you are not criticized for breaking the law yourselves, since the handling of alcohol by minors is also prohibited by law (unless it is in the scope of employment).

6. On any press releases or other written public materials, please include the following language (can be in small print at the bottom):

*Project Sticker Shock is sponsored by the Maine Office of Substance Abuse with funding from the U.S. Office of Juvenile Justice and Delinquency Prevention.*

### ***Suggestions Successful Implementation:***

1. Youth should take lead roles whenever possible. The message of Project Sticker Shock is most effective when it is delivered by youth.
2. Don't be afraid to ask stores to participate. Most retailers want to sell alcohol responsibly and be upstanding members of the community, and most will want to participate. Assume the best and be confident that you are offering them an opportunity to partner with you to meet a mutual goal. Most of them will be happy to participate.
3. Keep a camera handy and take lots of pictures. Take a picture of youth putting stickers on in every store that participates. Invest in some disposable cameras if you have multiple teams so that each team can take pictures. Create a brag book to be able to show others the work your team did and the partnerships you developed.
4. Figure out a way to get your participating retail partners some positive recognition, as well as other partners, such as your local law enforcement. Possible ideas include:
  - take out an ad in your local paper, naming them and thanking them for their participation
  - create a thank you certificate for them to hang up
  - send them a personalized thank you letter signed by your whole group
5. The adults involved should also plan to celebrate and recognize the work of the youth who guide and carry out this initiative – get pizza after the stickering is completed, encourage recognition for their efforts from the school board, etc...
6. Have fun and be proud of yourself for doing something that will save lives and make your community a healthier, happier, and safer place to live! Know that your hard work is appreciated!

## **Sticker Shock Action Plan: Step-by-Step**

### **STEP 1: Meet as a group and develop a local implementation plan**

- Identify the alcohol retailers in your community.
- Decide whether to send them an invitation letter and/or visit them personally to invite them to participate.
- Distribute permission slips to each participating youth and adult volunteer (necessary for all, because it serves as the media release form as well).
- Assign responsibilities and deadlines (you may want to use the Action Plan form)
- Establish future meeting dates/times.

### **STEP 2: Contact alcohol retailers and line up participating stores**

- Send letters/make visits to each store to invite them to participate. Decide how you will follow up if they can't give you an immediate answer.
- Develop a schedule for visiting each store to place the stickers during your campaign time-frame.
- Make appointments with each store and decide who (youth and adults) will visit each store on the agreed-upon day. If possible, you may want to do all the stores in town in the same trip, if one team can do them all. If there are too many stores for this, you may want to set up more than one team and divide up the stores.
- When you make your appointment, find out how many multi-packs of beer, wine coolers, etc. are likely to be accessible to you on the day you visit so you can roughly plan how many stickers you will need at each store (plan to sticker only the alcohol that is easily accessible – only store staff should move or rearrange large boxes, not youth or adult volunteers!). You should also ask how many posters they would display.
- An option for some stores in your area is for the merchants to sticker the items as they sell it. Find out how many they would need for the rest of the month, and plan to leave them that many. At least a week in advance, check to make sure you have enough stickers and posters. Call the OSA Information and Resource Center at 1-800-499-0027 if you need more.

### **STEP 3: Develop a media plan**

- Do you want to have a media event to kick off your local campaign? A sample agenda is included to help you think about special guests to invite, talking points, etc. Send out a media advisory to all local newspapers and television stations a week or two in advance inviting them to the media event; follow-up with phone calls if possible. Send out a detailed press release the morning of (or before) the media event.
- A big media event is not the only option. You might choose to call one reporter who has written a story on your activities in the past and invite them to accompany your group as you do the stickering (be sure to tell them it will be a great photo op!) and write a story about the campaign. If you know a reporter is joining you, be sure to have a local law enforcement representative along, and think about whether it might be advantageous to invite other officials, such as town council members (who grant liquor licenses) or your local legislative representatives.
- Other options include sending an Op-Ed piece to your local paper, and/or having different people write Letters to the Editor to encourage adults to think twice before providing alcohol to youth, encourage parents not to allow youth to drink at graduation parties, recognize the youth for taking action on this issue, praise the retailers for participating, etc.
- Once you have identified the pieces of your media plan, assign responsibilities and deadlines.

#### **STEP 4: Do It!**

- Be sure all youth and adults involved have turned in a permission slip/media release.
- If useful to your group, fill out the tracking form listing each retailer so you can track your progress.
- Have fun and take pictures!
- Avoid liability issues – youth should not be in the coolers, back rooms, or storage areas of the establishments. Plan to sticker only the alcohol that is easily accessible.
- Offer to leave additional stickers with the store manager if they wish to place more stickers on the less-accessible items themselves, and/or if they are willing to continue stickering beyond your campaign. Also, don't forget to give them one or more signs to display.
- Stickers should be placed on the cardboard in a way that does not cover the brand name or the UPC symbol. Do not place stickers directly on bottles or cans.
- Videotape the news coverage and clip newspaper articles.

#### **STEP 5: Celebrate and recognize participants / Evaluate your efforts**

- Recognize all participants and find a way to publicly thank them: youth, adult volunteers, law enforcement, retailers, etc.
- Have a post-campaign debriefing to talk about what you accomplished and identify anything that could be improved next time.
- Fill out the Team Evaluation Form and send it with your store info forms and copies of any local newspaper articles on Sticker Shock (as well as video newsclips if possible) to: Office of Substance Abuse, attn: Becca Matusovich, 159 State House Station, Augusta ME 04333.
- Encourage your participating retailers to send/fax back their Merchant Evaluation form (if you wish, visit them again to collect it and thank them for participating).

# Sticker Shock Permission Slip / Media Release Form

*Adult participants must sign this form as well, to serve as a media release.*

Name: \_\_\_\_\_ Age (if under 21): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Group Name: \_\_\_\_\_ Contact person: \_\_\_\_\_

## Dear parent/guardian/participant:

Project Sticker Shock is a statewide campaign that our group, \_\_\_\_\_, is participating in. This activity aims to reduce underage drinking by limiting youth access to alcohol. The goal is to educate adults who might provide alcohol to youth about the law that prohibits furnishing alcohol to minors. Youth will place warning stickers on multi-packs of beer, wine coolers and other alcoholic beverages at participating local stores. The sticker warns that it is illegal to provide alcohol to minors. It is important that your child has your permission to participate in this activity because it entails handling packages of alcoholic beverages in each store. An adult chaperone will be present at all times. If you have any questions, please feel free to call the contact person listed above at the following phone #: \_\_\_\_\_.

## Terms:

1. I give permission for my child to participate in the Sticker Shock Campaign.
2. I understand that the activity involves participants placing stickers on alcoholic beverages at local retail stores.
3. I understand that there will be adult supervision at the site to assure that reasonable and foreseeable safety precautions are taken.
4. This event may involve local and statewide media. I give my permission and release for my/my child's (if under 21) photograph or electronic image to be captured and associated with the Sticker Shock Campaign.
5. I have read and understand this authorization consent form and agree to all terms outlined here.

\_\_\_\_\_ Date: \_\_\_\_\_  
signature of parent or legal guardian (or self if participant is at least 21 years old)

**Action Plan**

<b>What needs to be done?</b>	<b>Who will do it?</b>	<b>By When?</b>	<b>Comments</b>

# Project Sticker Shock Store Information Form

Date of Campaign: \_\_\_\_\_

Youth/Community Group: \_\_\_\_\_

Return this form to: \_\_\_\_\_ By date: \_\_\_\_\_

Questions? Contact: \_\_\_\_\_

<p>_____</p> <p><i>name of store</i></p> <p>_____</p> <p><i>contact person</i></p> <p>_____</p> <p><i>mailing address</i></p> <p>_____</p> <p><i>street address (if different)</i></p> <p>_____</p> <p><i>town &amp; zip code</i></p> <p>_____</p> <p><i>phone #</i></p> <p>_____</p> <p><i>fax #</i></p>	<p><b><i>Participating stores need to provide the following information:</i></b></p> <p>1. How many 8x11 posters would you like to hang in your store?</p> <p>_____</p> <p>2. Approximately how many multi-packs of each of the following types of alcoholic beverages do you expect to sell (on average) in a week during the month?</p> <p><i>Beer:</i> _____ <i>(i.e. 6, 12, 18, 24, or 30 packs)</i></p> <p><i>Wine coolers:</i> _____</p> <p><i>Other:</i> _____ <i>(other alcoholic beverages that might appeal to underage drinkers)</i></p> <p><b>Total:</b> _____</p> <p>Note: our intention is to provide enough stickers for each participating store to carry the campaign</p>
---	--

## For group use:

Person(s) who requested store's commitment to participate: \_\_\_\_\_

Date planned for stickering visit: \_\_\_\_\_ Visit completed: \_\_\_\_\_ Evaluation form collected: \_\_\_\_\_

Thank you sent/delivered (after campaign): \_\_\_\_\_ Comments: \_\_\_\_\_

**Sample letter to local alcohol retailers for December campaign  
(groups may modify as appropriate for other times of year)**

LETTERHEAD

(including your group's name, contact address, & phone number)

Date

Retail Store Name

Retail Store Address

Town, State, Zip

Dear (Name of Store/Owner/Manager):

Communities all over Maine and the U.S. are trying to figure out what they can do to prevent the alcohol-related deaths or injuries that are too often associated with the holiday season. This year, you have a unique opportunity to partner with a group of concerned youth in our community to recognize Alcohol Awareness week (December 3-7, 2001) and take action to prevent such a tragedy from happening in our town.

\_\_\_\_\_ (Group Name) is a group of youth and adults working together to address issues related to underage drinking in \_\_\_\_\_ (community/ies). Between December 3<sup>rd</sup> and 31<sup>st</sup>, we will be participating in Maine's statewide Sticker Shock Campaign, sponsored by the Maine Office of Substance Abuse. **This project aims to reach those individuals over age 21 who legally purchase alcohol and provide it to a minor.** The campaign consists of youth-designed stickers being adhered to multi-packs of alcoholic beverages (beer, wine coolers, etc) in participating retail stores. A team of youth, accompanied by an adult chaperone, will visit each store at a time of mutual convenience during the scheduled campaign dates, to place the stickers on and hang up the 8 x 11" poster(s). If you prefer to have your employees place the stickers on and/or hang the posters on your own during those dates, we will be happy to simply deliver the appropriate number to you.

We recognize your desire to sell alcohol responsibly and would like to showcase your business as a cooperating partner in this effort. To prepare youth and media schedules, we need you to respond. If you have questions, or to confirm your participation in this event, please contact:

\_\_\_\_\_ (Name of local contact person, contact phone #, email, etc.)

Thank you for your kind attention. We look forward to working with you in this public information campaign to prevent adults from providing alcohol to youth.

Sincerely,

*Signature of local contact person*

(Name and title of local contact person)

Enclosure: Sticker sample (if available)



# Sample Media Event Agenda

## “Project Sticker Shock”

Hosted by: \_\_\_\_\_ (group name)

Date

Location

Welcome/Opening Remarks: Name & Title of person  
Affiliation/group represented

Supportive Remarks from Youth Speakers: Name & affiliation (i.e. school, community, group, or age)  
of each speaker

Other guest speakers: for example: Owner/manager of store if event held in store  
Police Chief or other law enforcement rep.  
Parent &/or school board member  
Mayor, Legislative representative(s), etc.

Recognition of other special guests *optional – only necessary if there are any additional guests who you would like to publicly recognize but who aren't speaking*

Kickoff the application of the Stickers *First several should be jointly applied, with an adult guest speaker holding the beer and a youth applying the sticker*

### Notes:

- *Media events should last no longer than 15 minutes. Each speaker should only speak for a minute or two.*
- *Schedule your event no later than mid-day if you hope to make that evening's news &/or the next day's paper.*
- *Provide good photo opportunities.*
- *Hang your group's banner if you have one to get additional publicity from any pictures that are taken.*
- *Send out a media advisory about a week before the event to all local newspapers and television stations. If you aren't sure how to get it to the right person, look up the general number for the paper or station in the phone book, then call and ask which reporter might be most interested in a story about youth taking action to reduce underage drinking and where to fax the information.*
- *Fax out a press release to all your contacts again immediately following your media event. The press release should have more detail, including quotes – if you do a good job, some papers will run a story that is basically a reprint of your press release.*
- *Have certain people, including several youth, who are prepared to be interviewed by reporters, and have 3 major points that everybody involved is prepared to make in case they are interviewed. Don't wait for the reporter to ask the right question – make your prepared points fit whatever question they ask.*
- *Have media kits available that include: your press release; list of speakers; list of participating stores; information about your group; fact sheets; a sample sticker; and other relevant materials (i.e. brochures describing Maine's Liquor Laws – you can ask for them when you call to get your stickers)*
- *Don't expect too much. Most press conferences aren't the way they look on TV. You may only get one or two reporters and photographers. If another big story breaks the day of your event, you may get no media representatives. Be prepared to follow up with your press contacts and reschedule the photo op if they are still interested in the story before the campaign ends.*

**Sample Media Advisory** (send/fax to all local media outlets 1-2 weeks before the media event)

LETTERHEAD

Date:

To:                   Name of Media Editor/News Director/Reporter  
                          Name of the media outlet (newspaper, TV station, etc)

From:                Contact Person's name  
                          Name of group  
                          Address of group  
                          Contact Person's phone #

**Event:                Local Kickoff: "Project Sticker Shock"**

Event Date:        Date of event

Event Time:        Give exact time

Event Location:   Give name and address of the event location

At this event, youth from (name of group) will join (names of other special guests) to kickoff this youth-led alcohol prevention activity.

I ask that you send a representative to cover this activity.

Thank you for your attention regarding this matter.

## Press Release Sample for December Event

Date

Place sticker here

(If you are sending the press release before your event, write “EMBARGOED UNTIL (date/time of the event)”. If you are sending it the day of the event, write “FOR IMMEDIATE RELEASE”)

Contact:        Name(s)  
                      Phone number(s)

### **Local Youth Kick Off Public Awareness Campaign “Project Sticker Shock” to Target Adults who Provide Alcohol to Youth**

(community) – (group name) members kicked off “Project Sticker Shock,” a youth-led initiative to change adult attitudes about selling and providing alcohol to minors at (location) on (date). This public awareness campaign will be taking place in stores statewide this month. The project is sponsored by the Maine Office of Substance Abuse to bring attention to the issue during Alcohol Awareness Week (First full week in December) and the holiday season.

Local youth from (group name) are part of a movement of youth statewide working with participating stores to spread “Sticker Shock” waves across Maine in an effort to reach adults who might be tempted to buy alcohol for youth under 21 who can’t buy it legally themselves. The florescent orange-and-black stickers stand out on the beer cases for all to see, and provide a strong reminder: “Providing Alcohol to Minors is Illegal! Fines are up to \$2,000 &/or up to one year in jail!”

“Adults need to set a better example for kids,” said \_\_\_\_\_, youth member. “When adults supply alcohol to youth it sends us a very mixed message. Underage drinking is not a teen problem, but a community problem. Adults, youth, law enforcement, and retail stores all need to be part of the solution.”

Project Sticker Shock is sponsored by the Maine Office of Substance Abuse and funded by a federal grant from the Office of Juvenile Justice and Delinquency Prevention. The Sticker Shock campaign was first introduced in Maine in February of 2001 by youth in the Fort Kent area who designed the stickers and posters that are now being used in this statewide campaign.

(Group name) recognized (Store hosting media event) for its desire to manage the sale of alcohol responsibly and wanted to showcase the business as a partner in this effort. Representatives from the media, law enforcement, state and local officials (name special guest speakers if relevant), and employees from (Store name) participated in the kickoff event by holding cases of beer while youth applied the stickers.

“A strong community message is sent when a business like (Store name) takes responsibility for speaking out against underage drinking,” said (Group name) coordinator (coordinator’s name).

Local police chief, (Name), offered a particularly timely message. “Allowing minors to consume alcohol in your home, or any place under your control, carries the same penalties under the law as furnishing, even if you don’t supply the alcohol” he reminded parents. “The holiday season is a particularly high-risk time of year, but we don’t want people to forget that providing alcohol to minors, or allowing them to drink in a place under your control, is against the law all year round.”

Youth leaders from (group name) and other local participating retail stores - (list stores here or “see attached list”) - are working together to create a safer, healthier lifestyle by combating the problem of underage drinking. Alcohol has been identified as the number one drug of choice among Maine youth, and according to local youth, one of the easiest substances to obtain. The Sticker Shock campaign hopes to cause adults to think twice before making it any easier for youth to access alcohol.

## Sample Talking Points/ Fact Sheet for Preparation for Media Interviews

### Points you might want to make:

- Alcohol is extremely easy for youth to get. Adults are supposed to be the responsible ones, but one of the most common ways youth get alcohol is to get someone over 21 to buy it for them.
- Adults send very mixed messages about the acceptability of alcohol use and underage drinking.
- Young people who drink should be held responsible for that decision. But it is adults who produce, advertise, promote, and model alcohol use. And it is adults who buy the overwhelming majority of all alcohol and who profit from the sale of alcohol. Holding young people solely responsible is not fair.
- Alcohol Awareness Week and the holiday season is a good time of year to heighten awareness of these problems, but the law is there all year round, and adults are supplying minors with alcohol all year round.
- As a parent, I don't want my son or daughter drinking, and I certainly don't want other parents providing alcohol to my son/daughter or allowing my son/daughter to drink in their house.
- Retail stores make a profit from selling alcohol. This project allows them to help prevent problems by trying to reach those adults who buy alcohol legally and give it to kids.
- The drinking age is 21 for a reason – alcohol is a factor in many preventable teenage deaths and injuries, in the majority of sexual assaults, unplanned sexual activity, and sexually transmitted diseases among youth. New research is also demonstrating the damage that alcohol does to the brains and bodies of young people that are still developing. Young people who begin drinking at age 21 or older are 4 times less likely to become alcohol dependent later in life than those who begin drinking at age 15 (for youth who begin drinking at age 15, more than 1 in 3 will become alcoholics at some point in their lives; for those who wait until age 17, the rate is 1 in 4, at age 19, the rate is almost 1 in 5, and for those who wait until age 21, the rate is 1 in 10). It's worth the wait.
- In Maine, the medical costs alone that result from alcohol-related injuries/deaths caused by underage drinking total more than \$18 million a year (study by the Pacific Institute for Research and Evaluation).
- Parents may not want to recognize when their own children are using alcohol. Although 20% of 8-12 grade students said they had binge (5 or more drinks on one occasion) in the past month, only 1% of high school parents thought that their teen had done so (source: Maine Parents Kit, 2003 – MYDAUS 2002 and phone survey).
- Maine law prohibits both furnishing alcohol to minors and allowing minors to drink in a place that is under your control (even if you don't provide the alcohol). Both offenses carry the same penalty. People can also be sued under the Maine Liquor Liability Act for damages caused by an intoxicated minor to whom they served alcohol. A law effective September 2001 made it possible for furnishers to be charged with a felony if someone dies or is seriously injured because of the actions of an intoxicated minor to whom they furnished alcohol.

*Note: For additional information on the Maine laws see "A Guide to Understanding Maine's Liquor and Liability Laws" (call the IRC at 1-800-499-0027 for a copy)*

### **Data from the 2004 Maine Youth Drug and Alcohol Use Survey - Office of Substance Abuse**

#### **Survey results for students in grades 6-12 (75,000+ students surveyed) demonstrated that:**

- Alcohol is the drug of choice for youth – more of the students surveyed said they had used alcohol in the past 30 days than any other drug, including cigarettes.
- The majority of youth said they don't drink. 58.4% of high school students surveyed had consumed no alcohol in the past 30 days.
- Binge drinking is not the norm. Twenty-three percent of high school students said they had had five or more drinks on one or more occasions during the past 2 weeks. However, almost 1 in 3 high school seniors said they had been binge drinking at least once in the past 2 weeks.
- Youth are not getting clear messages about alcohol use:
  - 17.7% of high school students said their parents, and 31.7% said adults in their neighborhood, think it is "not at all wrong" or "a little bit wrong" for a kid their age to drink alcohol
  - 79.8% of high school students surveyed said their family has clear rules about alcohol and other drugs, but only 37.6% said they would be caught by their parents if they drank alcohol without their permission. Less than 10.5% thought they would be caught by police.

# **Sticker Shock: Team Evaluation Form**

<p><b>Please return this form to:</b> <i>Becca Matusovich</i> <i>Office of Substance Abuse</i> <i>159 State House Station</i> <i>Augusta, ME 04333</i> <i>Ph: (207) 287-6415</i> <i>Fax: (207) 287-8910</i></p>	<p><b>Please return along with your store info forms and copies of any newspaper articles about your Sticker Shock efforts. Thanks!</b></p> <p><i>Group Name:</i> _____ <i>Contact Person:</i> _____ <i>Phone #:</i> _____</p>
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1. How many retail stores participated in your group's Sticker Shock project? \_\_\_\_\_
2. How many stickers and posters did you distribute (approximately)? \_\_\_\_\_ stickers \_\_\_\_\_ posters
3. Did any stores refuse to participate? \_\_\_\_\_ If so, how many? \_\_\_\_\_
4. What reasons did they give for not participating? \_\_\_\_\_  
\_\_\_\_\_
5. What media activities did you build into your plan? \_\_\_\_\_  
\_\_\_\_\_
6. Did any media coverage result? \_\_\_\_\_ If so, please describe (attach examples if possible):  
\_\_\_\_\_  
\_\_\_\_\_
7. How would you rate the overall success of your group's sticker shock project?  

1	2	3	4	5	6
<i>terrible – wouldn't do it again</i>		<i>okay – would do it again, but would make substantial changes</i>			<i>Great! Can't wait to do it again!</i>
8. What were some of the positive outcomes/results from your group's sticker shock project?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. What would you suggest doing differently next time?  
\_\_\_\_\_

# Sticker Shock: Merchant Evaluation Form

**To Participating Merchants:** Please fill this form out 1-2 weeks after your participation in the Sticker Shock Campaign. This will help us greatly in our evaluation of the Sticker Shock Campaign and our planning efforts for the next time. Thank you for your help!

**Please return this form to:**

***Becca Matusovich  
Office of Substance Abuse  
159 State House Station  
Augusta, ME 04333  
Ph: (207) 287-2595  
Fax: (207) 287-8910***

**Store:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Town & Zip:** \_\_\_\_\_

**Contact person:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

1. How would you rate the overall success of the Sticker Shock Campaign from your point of view?

1

2

3

4

5

6

*terrible – wouldn't  
do it again*

*okay – would do it again,  
but would make substantial changes*

*Great! Can't wait to  
do it again!*

2. Why did you choose to participate in the Sticker Shock Campaign?

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2. Did you receive any customer comments about the stickers or the signs? What feedback did you receive?

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3. What are some positive outcomes/results you have seen as a result of the sticker shock project?

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4. What would you suggest doing differently next time?

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5. Any other comments/feedback?

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# Sticker Shock Activity & Discussion Guide

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This guide was created to complement Sticker Shock planning and implementation by youth groups, classrooms, and organizations in Maine. It is meant to serve as starting point for adult facilitators (and peer discussion leaders, if applicable) to adapt to the needs of your group. Please feel free to change, add, or subtract discussion questions according to what works for you. The goal is to add a reflection piece to the Sticker Shock experience, so that it can become a more meaningful and integrated part of your work. If you have questions or suggestions, please contact Erica Schmitz, Portland Communities Mobilizing for Change on Alcohol: [cmca@mcd.org](mailto:cmca@mcd.org) or (207) 242-6673.

## 1. ICE-BREAKER - “WHO HERE...”

This game can be done by raising hands, going to different sides of the room, switching seats around the table... Ask, “Who here...”

- ...Saw at least one beer commercial on TV last night?
- ...Can think of at least four beer brands off the top of your head?
- ...Has ever watched a beer ad that was so funny you laughed out loud?
- ...Can recite the lines, or sing the song, from at least one beer commercial that you’ve seen recently?
- ...Believes that alcohol is NOT being marketed to kids your age?

## 2. ALCOHOL: WHAT’S THE BIG DEAL?

Overview of statistics from group facilitator. This can be done as a Q & A guessing game:

### What kills more American teens – alcohol or other illegal drugs?

- Alcohol kills 6.5 more youth than all other illegal drugs combined. It contributes to auto accidents, homicides, and suicides. (*Ninth Special Report to the U.S. Congress on Alcohol and Health from the Secretary of Health and Human Services*. June 1997)

### True or False: Alcohol has the same impact on someone who is 17 as on someone who is 21.

- FALSE. Young people who begin drinking before age 17 are more than twice as likely to develop alcohol dependence than those who begin drinking at age 21. Young people who begin drinking before age 15 are four times more likely to develop dependence. (1992 National Longitudinal Alcohol Epidemiological Survey. National Institute on Alcohol Abuse and Alcoholism.)

### What percentage of sexual assaults and date rapes of teens and college students are connected to alcohol?

- Alcohol is linked to as many as two-thirds (66%) of sexual assaults and date rapes of teens and college students. (*Youth and Alcohol: Dangerous and Deadly Consequences*, Office of Inspector General, U.S. Department of Health and Human Services, 1992.)

*True or False: If we changed the minimum drinking age back to 18 instead of 21, it would reduce problems with underage drinking.*

- FALSE. Since the minimum drinking age was changed to 21 in 1984, deaths from drinking and driving accidents have decreased by thousands, saving an estimated 20,000 lives in the past 20 years. ([www.madd.org](http://www.madd.org))

## 3. BRAINSTORM: CONFLICTING MESSAGES

The brainstorm can be conducted in large group and recorded on large newsprint, OR you can divide into smaller groups, with facilitator & recorder assigned to each. Before beginning, review ground

rules. These will depend on your individual program, but might include: 1) respect different opinions; 2) focus on the issue; and 3) no names! (For example, say “I know a teacher who...” or “This woman I know...” rather than gossip or point fingers at specific people)

- **What messages about alcohol are you getting...**
  - From advertising?
  - From TV shows (have group list a few of their top shows and primary alcohol messages they send – e.g. Real World, OC...)?
  - From other entertainment media – movies, music, magazines, etc?
  - From kids at school?
  - From older friends and siblings?
  - From parents?
  - From law enforcement?
  - From teachers and administration at school? From coaches?
  - From adults in your neighborhood?

*(Alternative question: First ask the group to list all their different sources of messages about alcohol, and then describe the messages they get from each.)*

- **If you were to choose the top 3, which of these sources of information would you say are the strongest, i.e. the ones that people your age are most likely to believe?**
- **...What about people over 21 that buy alcohol for minors?**
  - What messages are adults getting about what's normal and acceptable regarding youth and alcohol?
  - From where are they getting those messages?

#### **4.DISCUSSION: SHAPING THE MESSAGE**

If you divided into small groups, bring everyone back together. Review and summarize notes from the brainstorming session. Then discuss the following concepts:

- **What is a norm? What is a community norm?**

*Discuss the concept of “community norms,” i.e. what is generally considered to be normal, acceptable, or appropriate. Discuss the concept as it relates to alcohol. ...Who decides what is normal? ...How do people know what the “norm” really is?*

  - *(Note: many students, esp. middle school age, need lots of concrete examples before the concept of “norms” makes sense. You might want to start with a discussion of something concrete like clothing styles, and difference in cultural or social expectations of clothing for teenagers vs. adults, for boys vs. girls, for work vs. the weekend. Who decides what people are supposed to wear? Who decides what is in style, and what is out of style? If students say they aren't affected by it, do a survey around the room of how many are wearing jeans, or how many are wearing sneakers. ...The clothing style analogy can also help to show that norms CAN be changed, that something that is considered cool today CAN become out of fashion tomorrow).*



- **What's the difference between a *true* norm and a *perceived* norm?**  
Discuss the way in which true norms (what is actually going on) are sometimes different from the perceived norms (what people *believe* is going on). Discuss the way in which people might sometimes decide how to act based more on what they *think* is normal, rather than what the norm truly is.
- **What role does the media & advertising play in shaping community norms?**
- **What other kinds of things could cause people to perceive the norms to be more extreme than they really are?** (i.e. why might kids think that more people drink more frequently and more heavily than they really do?)
- **What role can we play in shaping community norms regarding underage drinking?** How can we *decrease* messages that promote underage drinking, and *increase* messages that discourage it? List ideas.

## **5. STICKER SHOCK: A MESSAGE TO ADULTS**

*Sticker Shock is a campaign to remind adults about the penalties associated with furnishing alcohol to minors. When youth are involved in implementing Sticker Shock, it sends an additional message: that youth don't want adults to buy them alcohol. Please refer to the enclosed STICKER SHOCK IMPLEMENTATION GUIDE from the Maine Office of Substance Abuse. Also please pay attention to the Guidelines outlined on the next page. Below are a few questions to get you started:*

- **WHO:** *What stores will you work with? What youth will participate in the stickering? What adults will participate? (Recommended ratio: 1 adult to every 2 youth. Because youth can't legally handle the alcohol, adults are necessary partners). ...If there are other groups in your community implementing Sticker Shock, how will you coordinate your efforts?*
- **WHEN:** *Arrange a time that works both for youth, adult volunteers, and the store manager/staff, and that allows you enough time to arrange for permission forms and transportation.*
- **Getting the word out:** *How will you let everyone know about the important work that you're doing? You can:*
  - *Invite the local media to cover your event by sending out a media advisory.*
  - *Take lots of pictures at the event! Send the pictures to the local press along with a press release describing your event. Put pictures up on your classroom's bulletin board or bulletin boards in the Town Hall, local library, or other local organizations that might like to promote the good work of your group.*
  - *Write articles or letters to the editor for your school newspaper, your local neighborhood paper, or your organization's newsletter.*
- **Thank you's and celebration:** *What will you do to thank the stores for participating? What will you do to thank volunteers who helped you implement the project? Sending a thank you letter signed by everyone in your group is a simple way to show thanks. Also, be sure to celebrate your own accomplishments! (pizza party, anyone?)*
- **Planning for next time:** *What went well? What could be improved for next time? If you wish, you can send your suggestions to the Maine Office of Substance Abuse at [osa.ircosa@maine.gov](mailto:osa.ircosa@maine.gov).*

## ⇒ **STICKER SHOCK GUIDELINES**

To ensure the success of this and future campaigns please follow the following guidelines from the Maine Office of Substance Abuse:

1. Stickers should be placed on multi-packs, not directly on bottles or cans.
2. Stickers should not cover brand names or bar codes.
3. Youth should be supervised by adults (chaperones and store staff) at all times in the store.
4. Ask the store staff if they have any specific requests, expectations, or restrictions about where/how stickers should be applied.
5. If packages must be moved to apply stickers, only adults over age 21 and/or store employees should handle the alcohol.
6. For youth groups implementing Project Sticker Shock, adult coordinators/teachers should ensure that youth under 18 have parental permission to participate in the project.

## **ADDITIONAL RESOURCES**

The following materials can be borrowed from the OSA Information and Resource Center. Call 1-800-499-0027 or visit [www.maineosa.org/irc](http://www.maineosa.org/irc).

- **Youth Voices on Maine PBS, 2003 (Program IV) and Discussion Guide**

*Young people ages 12 to 22 from the communities of Eastport, Jonesport, South Portland, and St. Joseph's College have produced public service announcements aimed at reaching their peers. Each group identified a message relating to alcohol use and what role social norms play in underage drinking in Maine's communities. They address issues such as misperceptions that alcohol is more popular than it is in reality, and the false belief that more youth drink than really do. In addition, these students helped create a half-hour documentary in which their peers and various professionals share opinions and observations about underage drinking and public misperceptions.*

- **"The Truth About Teen Alcohol Use 101"**

*This video uses the social norms approach to show high school students that most of their peers do not drink. An anonymous survey at Riverfront High School produces typical results: while teens assume others drink, actually most do not. Through interviews and group discussions, we learn how surprised and relieved students are to discover their own attitudes align with those of a majority of their peers, 70% who do not drink. This gives them the confidence to be themselves by dispelling the myth that "everybody is doing it." (2001, 25 min., Audience: 9-12)*

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*Communities Mobilizing for Change on Alcohol (CMCA) is a grassroots initiative to reduce youth access to alcohol by strengthening policy, enforcement, and community norms to send a clear message that underage drinking is unacceptable. Portland CMCA is a program of Medical Care Development, Inc. funded by the Maine Office of Substance Abuse. For more information, please contact Erica Schmitz at (207) 242-6673 or email [cmca@mcd.org](mailto:cmca@mcd.org).*

# Know the Law

# PROJECT STICKER SHOCK



Virginia Alcoholic Beverage Control (ABC)  
2901 Hermitage Road  
P.O. Box 27491  
Richmond, VA 23261  
[www.abc.virginia.gov](http://www.abc.virginia.gov)



**This sticker  
shock is not  
about buying  
a car. . . .**

Know the Law

# PREVENT

# UNDERAGE

© 2009 by the Virginia Department of ABC. All Rights Reserved.  
Virginia's Project Sticker Shock program is funded through a federal grant from the U.S. Office of Juvenile Justice and Delinquency Prevention.

## This sticker shock is not about buying a car. . . .

# PROJECT STICKER SHOCK

It's about buying alcohol and warning adults that it is illegal to purchase and provide it to underage persons. Youth participating in Project Sticker Shock visit participating stores and place stop sign stickers that display a warning message about the penalties for providing alcohol to anyone under 21 on beer cases, wine coolers and other alcohol products that might appeal to young drinkers. By participating in this project, youth throughout the state are taking a proactive stand against underage drinking and its related problems.

Project Sticker Shock is a community awareness campaign designed to educate those persons 21 years of age or older who might purchase alcohol and illegally provide it to minors. The project unites youth, convenience store owners, concerned parents and community members, prevention professionals and law enforcement in a partnership striving for a common goal. The impact of the program is increased by media coverage of this collaboration during program events. Signs displayed by participating retailers also help increase Sticker Shock awareness.

Groups participating in Project Sticker Shock usually range in size from five to 20 youth. Adult chaperones and store staff must accompany youth under 21. An ABC special agent or law enforcement officer must be present at all times when they are stickering packages.

### Sticker Shock History

The Education Section of the Virginia Department of Alcoholic Beverage Control (ABC) adapted the project in the summer of 2002. The program is modeled after the "Guide for Statewide Sticker Shock Project" developed by the Pennsylvania Liquor Control Board and "A Handbook for youth and community groups for implementation of Project Sticker Shock" developed by the Maine Office of Substance Abuse.

December 2002 was the first pilot test in the selected Virginia communities. Spring 2003 was the official statewide release for all of Virginia's communities to promote and support the Zero Tolerance for Underage Drinking message. The program has grown in participation and popularity ever since.

### The Law and Its Consequences

It is illegal for anyone under 21 to consume or possess any alcoholic beverage.

It is illegal for any person 21 or older to purchase or provide alcohol to anyone underage.

Upon conviction, violations of this section result in a Class 1 misdemeanor, punishable with fines up to \$2,500 and/or one year in jail and possible loss of a driver's license for up to one year.

**For more information or to participate in Project Sticker Shock, contact Virginia ABC's Education Section at 804-213-4688 or visit [www.abc.virginia.gov/education.html](http://www.abc.virginia.gov/education.html).**



# alcohol to minors.

## Project Sticker Shock's Purpose:

To reduce youth's access to alcohol through educating adult providers.

# Alcohol Counter-Advertising and the Media

## *A Review of Recent Research*

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*Counter-advertising commonly is used to balance the effects that alcohol advertising may have on alcohol consumption and alcohol-related problems. Such measures can take the form of print or broadcast advertisements (e.g., public service announcements [PSAs]) as well as product warning labels. The effectiveness of both types of counter-advertising is reviewed using the Elaboration Likelihood Model as a theoretical framework. For print and broadcast counter-advertisements, such factors as their emotional appeal and the credibility of the source, as well as audience factors, can influence their effectiveness. Further, brewer-sponsored counter-advertisements are evaluated and received differently than are the more conventional PSA counter-advertisements. For warning labels, both the content and design of the label influence their effectiveness, as do audience factors. The effectiveness of those labels is evaluated in terms of the extent to which they impact cognitive and affective processes as well as drinking behavior.* KEY WORDS: counter-advertising; alcohol or other drug (AOD) product advertising; AOD advertising impact; warning label; public service announcement; mass media prevention approach; behavioral change; survey of research

Widespread concern exists among policymakers and the public about the potential effects of alcohol advertising on alcohol consumption and problems, especially among children and adolescents. It is especially important to counter the potential effects of advertising on young people because these age groups may be more susceptible to those effects. Children are less able to discriminate between advertising and other media content and are less critical of commercial messages than are adults (Atkin 1995). Moreover, recent studies of children and adolescents (e.g., Casswell and Zhang 1998; Grube and Wallack 1994; Wyllie et al. 1998) have shown that attention to and liking of alcohol

advertising are related to (1) greater knowledge about alcohol slogans and beer brands, (2) more favorable beliefs about drinking, (3) increased intentions to drink as an adult, and (4) increased drinking. Similarly, it may be important to counter the potential effects of alcohol advertising on young adults, and especially college students, who frequently are at risk for heavy and problematic drinking (Wechsler et al. 2000).

A recent national survey indicates that 67 percent of adults in the United States support banning liquor advertisements on television and 61 percent favor banning beer and wine advertisements in this medium (Wagenaar et al. 2000). Similarly, public health advocates routinely call for the strict regulation or

even elimination of alcohol advertising, and initiatives at the community level frequently focus on reducing local alcohol advertising. In part, concerns about alcohol advertising result from its

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pervasiveness. In 1999, the alcoholic beverage industry spent \$1.24 billion on alcohol advertising (Center for Science in the Public Interest 2001). Most of these expenditures (\$796.3 million) were concentrated on television and radio commercials; among beverage types, beer advertising accounted for the majority of the spending (\$799.7 million). Consistent with these data, studies document that alcohol advertising, and particularly beer advertising, is a relatively frequent occurrence on television, especially in sports programming. For example, approximately two alcohol advertisements appear in each hour of major professional sports programming, compared with approximately one alcohol advertisement in every 4 hours of entertainment programming (Grube 1993, 1995; Madden and Grube 1994).

To address and counteract the pervasiveness of alcohol advertising, policymakers can take several approaches. In addition to the restrictions on alcohol advertising discussed above, counter-advertising—the presentation of factual information and persuasive messages through the media—is such an approach. It primarily takes two forms: (1) broadcast (e.g., television and radio), outdoor (e.g., billboard), and print counter-advertisements, and (2) product warning labels. This article reviews the effectiveness of these two general types of counter-advertising in changing drinking-related beliefs, intentions, and behaviors. First, however, it presents a useful model for understanding and assessing media persuasion effects and the relative endurance and direction of such effects—the Elaboration Likelihood Model (ELM) (Petty and Cacioppo 1986a,b; Petty and Priester 1994).

## THE ELABORATION LIKELIHOOD MODEL

The ELM distinguishes two routes through which counter-advertising may persuade target audiences to change their attitudes and behaviors—a central route and a peripheral route. The central route involves a high level of issue-relevant thinking. This means that message recipients are likely to carefully

attend to the content of the message; scrutinize and elaborate upon this content in light of their own knowledge; decide on the merits of its arguments; and consequently derive an overall evaluation, or attitude, toward that message. Through this effortful reasoning process, the recipients integrate the provided information into their own belief structures, which then may result in attitude change. In contrast, the peripheral route involves a less effortful reasoning process that does not rely on scrutinizing the content and merits of the message. Here, attitudes are formed based on relatively simple cues without issue-relevant thinking. For example, the very nature of a communicator being highly credible and/or attractive may be enough to automatically lead the message recipient to accept the recommendation without giving the provided arguments any serious thought.

The ELM posits that attitude change mediated through the more effortful central route will be longer lasting, more resistant, and more predictive of behavior than change mediated through the peripheral route. According to this model, the goal of prevention experts in designing effective counter-advertisements and warning labels therefore should be to induce change through the central route. The model also specifies that audience members must be both able and motivated to take the more lasting and effortful central route. In situations where the audience may only be moderately interested in a topic, factors that otherwise might act as peripheral cues (e.g., source credibility and source attractiveness) can also affect whether audience members engage in the more effortful central route. For example, college students, particularly fraternity members, who may be only moderately interested in messages about abstinence or responsible drinking might be more likely to deeply process a message delivered by a favorite athlete. Yet even central processing of a message does not guarantee that the message will result in attitude change in the intended direction. Once people process information through the central route, the effect of the message depends upon how each person responds to it.

For example, a heavy drinker could react defensively with his or her own set of biased thoughts to the provided counter-advertisement, doubting the merits of the information provided and becoming even more convinced of the legitimacy of his or her initial heavy drinking stance. In such a case, the persuasion attempt would thus backfire and further polarize an already pro-drinking attitude.

## EFFECTIVENESS OF BROADCAST AND PRINT COUNTER-ADVERTISING

Counter-advertisements that recommend responsible alcohol use generally are conveyed to the public through television, radio, outdoor, or print media. These messages can be either produced by government agencies or community action groups, or they can be industry-sponsored. The broadcast of counter-advertisements also can be either donated (e.g., public service announcements [PSAs]) or purchased (e.g., social marketing). The issue of drinking and driving has been a primary target of counter-advertising campaigns.

Following a rigorous analysis of the contents of drinking-and-driving PSAs, Slater (1999a) identified the most common strategy in such campaigns as the informational/testimonial approach, which provides basic facts or simply exhorts appropriate behavior. The information may be delivered as a testimonial by a celebrity or a person on the street, or in a more educational format as simple information to be learned. This approach does not employ strong elements of the other four common strategies identified by Slater (1999a). These other strategies are those that (1) model appropriate behavior (e.g., giving up car keys after drinking), (2) employ positive appeals (e.g., depicting enjoyable social situations without drinking), (3) evoke alcohol-related fear (e.g., of accidental death), and (4) evoke empathy (e.g., for victims of drunk drivers).

The most common informational/testimonial approach assumes that providing information will increase

audience knowledge and awareness of the drunk-driving issue and eventually impact the targeted behavior. When analyzed from the perspective of the ELM, however, such messages are not always designed in a way that optimizes their long-term effectiveness. For example, although informational/testimonial PSAs provide relevant information that people can integrate into their belief systems, these PSAs are not necessarily appealing in their design and therefore are less likely to interest and motivate people to process them more carefully through the central route.

Recently, Austin and colleagues (1999) compared the effectiveness of antidrinking PSAs to the alcohol advertisements that they were supposed to counter. In that study, college students rated both PSAs (e.g., “Friends don’t let friends drive drunk”) and alcohol advertisements (e.g., for Bud Lite) on dimensions related to whether they would attract interest and motivate people to process them. In general, the college students rated the PSAs as less enjoyable and appealing but also as more realistic, honest, and effective. The investigators also examined to what extent the frequency with which college students consumed alcohol influenced their ratings of the alcohol advertisements and PSAs. This analysis found that even though alcohol advertisements were generally rated as less effective than the PSAs, the more frequently college students reportedly consumed alcohol, the more favorably they responded to the alcohol advertisements. For example, more frequent drinkers rated the alcohol advertisements as more effective, identified with their portrayals more, and rated those portrayals as more desirable compared with others. More frequent drinkers also rated the PSAs as less effective than did other students. The investigators concluded that an overemphasis on logic-based realistic and honest appeals in conventional PSAs, at the expense of the more emotion-based appeal of alcohol advertisements, can compromise the PSAs’ effectiveness.

Future research still must determine, however, whether the appealing features of the alcohol advertisements translate,

over time, into a deep central processing of such advertisements with an enduring attitude and behavior change, or whether these features contribute only to peripheral-route processing. The influence of a person’s drinking level in this process should also be examined. Designers of alcohol counter-advertisements should then employ those advertising features that best promote central processing for heavy drinkers, light drinkers, and nondrinkers alike.

Another set of analyses of alcohol counter-advertising was conducted after a 1988 Surgeon General’s workshop on drunk driving called for mass communication campaigns directed at the prevention of alcohol-related traffic deaths. To examine the impact of such campaigns, Dejong and Atkin (1995) analyzed the contents of PSAs aired nationally between 1987 and 1992. This analysis identified two dominant types of PSAs in the campaign that correspond to classic peripheral factors of influence posited by the ELM:

- Celebrity endorsements with a “talking head” format (e.g., Magic Johnson stating that a designated driver is the most valued player)
- Emotional appeals attempting to evoke fear, anger, and empathy (e.g., PSAs by Mothers Against Drunk Driving [MADD] expressing both anger at drunk drivers and sympathy for their innocent victims).

The main objective of these PSAs was to encourage the adoption of more responsible drinking-related behaviors, such as using designated drivers and intervening to prevent alcohol-impaired people from driving. Indeed, after the campaign, Gallup surveys offered strong evidence of a sharp drop in the number of impaired drivers on the road (Dejong and Hingson 1998). In addition, a remarkable decline in the number of U.S. alcohol-related traffic deaths occurred between 1982 and 1996 (Dejong and Hingson 1998).

<sup>1</sup>Definitions of drinking severity (e.g., heavy drinking or moderate drinking) and drinking frequency (e.g., frequent drinker) vary among studies. Therefore, the terms are used in this article as they were in the original studies cited.

To some extent, these decreases might be attributable to the PSA campaign. Yet, as Dejong and Hingson (1998) warn, determining the unique contribution of any single initiative to such favorable outcomes is fraught with methodological difficulties. Several simultaneous legal and programmatic initiatives within the broader drunk-driving campaign (e.g., sobriety checkpoints, increased minimum legal drinking age, and responsible beverage service) as well as other shifts in regulations affecting risky driving behaviors (i.e., speeding laws) also contributed to the observed effects.

Accordingly, future research must determine whether, and by what processes, the classic celebrity endorsement and emotional-appeal PSAs uniquely contribute to attitude and behavior change. For example, celebrity endorsements could promote a shallower peripheral processing of a PSA, with a more temporary attitude and behavior change, simply because the messages of well-liked and credible celebrities may go unchallenged without ever motivating viewers to think deeply about the message content. Conversely, celebrities could promote a deeper central processing and more enduring attitude change by attracting the attention of those viewers who initially were only mildly interested and motivate those viewers enough to carefully process and accept their messages.

### *Brewery-Sponsored Counter-Advertisements*

Some counter-advertisements also have been sponsored by beer brewers, and researchers have compared the reactions, particularly of young viewers (i.e., ages 16–22 years) to these brewer-sponsored messages with more conventional PSA counter-advertisements (Atkin et al. 1992, 1994). The brewer-sponsored counter-advertisements studied were from Anheuser-Busch’s “Know when to say when” and Coors’ “Now, not now” campaigns, both of which were purportedly created to promote safe and responsible drinking. According to the researchers, their content reflects a hybrid of commercial, public relations,

and public service persuasion strategies. Thus, these brewer-sponsored counter-advertisements tend to be “soft sell” versions of traditional PSAs. In contrast, nonindustry PSAs (e.g., those sponsored by MADD or the Ad Council) tend to be straightforward fear appeals that have more explicit guidelines and are generally slower-paced and less entertaining.

Study participants rated the brewer-sponsored counter-advertisements as less informative, believable, on-target, and effective than the conventional PSAs. Furthermore, when asked to rank the motives for the brewer-sponsored counter-advertisements, the study participants rated the prevention of drunk driving only third, behind improvement of the company’s image and selling its beer. Thus, these young viewers received the brewer-sponsored PSAs with skepticism.

The young study participants also viewed the brewer-sponsored counter-advertisements as permitting liberal alcohol consumption, even in risky situations. This latter effect may result from the use of strategic ambiguity, which sends an unclear message about how much to limit one’s drinking (Atkin et al. 1994). This means that the messages sanction an acceptable level of drinking but leave it to the viewer to decide what that level is. For example, in the “Know when to say when” counter-advertisements, the “when” and how to “know when” are never defined. Even with less ambiguous messages (e.g., a NASCAR Budweiser driver stating “Please, don’t drink and drive”) or with messages directly modeling choosing a designated driver, other cues in the advertisements may create ambiguity or even serve as peripheral cues in promoting pro-drinking attitudes. Such cues may include Budweiser logos promoting beer sales or people at a party enjoying alcoholic beverages.

Another problem associated with brewery-sponsored counter-advertising is that by the very act of airing a communication that promotes restricted alcohol use, the alcohol industry seemingly argues against its own interest and paradoxically may increase its credibility and persuasive power through periph-

eral processing mechanisms (Petty and Cacioppo 1981). Indeed, despite the evidence for some skepticism toward brewer-sponsored PSAs, youth rated the beer industry as respectable, responsible, and caring after viewing the industry-sponsored counter-advertisements (Atkin et al. 1994). The researchers concluded that, taken together, these findings suggest an unfortunate effect of brewer-sponsored counter-advertisements when compared to more conventional PSAs—that despite their initial intent, for youth, the brewer-sponsored advertisements may justify drinking in risky situations and promote alcohol sales more generally (Atkin et al. 1994).

### *The Influence of Audience Factors*

Audience factors also can affect the extent to which counter-advertising leads to attitude and behavior change. For example, videotaped alcohol counter-advertisements are most effective when the communicator is of the same gender as the viewer, and they have a greater influence on lighter than on heavier drinkers (Bochner 1994).<sup>2</sup> Consistent with the previously discussed finding that heavy drinkers rated PSAs as less effective than did lighter drinkers (Austin et al. 1999), this latter observation suggests that heavier or problematic drinkers may be particularly resistant to counter-advertising (Dejong and Atkin 1995). For this reason, Isaac (1995) recommended that drunk-driving media campaigns not target at-risk drinkers but rather urge the intervention by friends who are more likely to be respected and be listened to by resistant drinkers.

Nonetheless, even young people with a “sensation-seeking” personality<sup>3</sup> who are prone to alcohol and other drug abuse can be directly influenced with properly designed counter-advertising. For example, such people are more likely to call a hot line mentioned in an anti-drug PSA when the PSA is high in sensation value (i.e., fast-paced, upbeat, and suspenseful). Conversely, young people with a less sensation-seeking personality are more responsive to PSAs with lower sensation value (Donohew et al. 1994).

The optimal design of counter-advertisements for changing problematic behavior also may depend upon what stage a person has reached in being able to recognize his or her own behavior as problematic (Slater 1999b). For example, people who do not yet recognize that their drinking and driving is problematic and have a limited motivation to think about the issue likely will ignore a purely logic-based message unless it has appealing features (e.g., is dramatic enough to attract attention or is communicated by a well-liked celebrity). For people who are already motivated to change, however, messages modeling the desired behaviors (e.g., how to tactfully refuse drinks at a party) could facilitate the translation of the drinkers’ intentions into the desired behaviors by providing specific information on how to enact those behaviors.

Taken together, the research on message, source, and audience factors indicates that part of the success of counter-advertising will depend on how these factors interact. Based on the ELM, which predicts that central route processing leads to more durable attitude and behavior change, it appears critical that counter-advertisements include strong logical arguments for audience members to integrate into their belief structures. Yet, for those audience members who are not motivated to attend to these messages, peripheral factors (e.g., appeal, celebrity endorsements, and sensational content) should be employed as well to maximize the likelihood that all audience members are attracted to and process the rich message content. Indeed, consistent with the ELM, Slater’s (1999b) analysis suggests that counter-

<sup>2</sup>The definitions associated with different levels of alcohol use varied across Bochner’s (1994) three studies. In study 1, participants were classified as heavy versus light/moderate drinkers, contrasting those who had a drink at least once or twice a week (heavy) to all other participants, including those who never drank (light/moderate). In both studies 2 and 3, participants were classified as moderate/heavy versus light drinkers, contrasting those who had a drink at least once or twice a month (moderate/heavy) to all other participants, including those who never drank (light).

<sup>3</sup>Sensation-seeking is characterized by a willingness to take risks for the sake of varied, novel, and intense experiences. It is also associated with alcohol and other drug use (Zuckerman 1994).



advertisements should employ both peripheral factors to ensure that the advertisements are appealing and motivate the audience to process them and strong logical information that can be integrated into belief systems to ensure a lasting change.

## EFFECTIVENESS OF WARNING LABELS

The second form of counter-advertising is alcoholic beverage warning labels and posters. Health warning label legislation was implemented in the United States in 1989. This legislation requires all alcoholic beverage containers to bear a government warning of the risks associated with consuming alcohol while pregnant, driving a car, or operating machinery. Similarly, since the 1980s several States have mandated the display of health warning posters at places where alcohol is sold.

Of primary importance in studying the effectiveness of warning labels is the most basic research question—do people even notice the labels? Several studies have explored message-design factors that influence whether the labels are noticed (for reviews, see Andrews 1995; MacKinnon 1995). In three separate experiments, Laughery and colleagues (1993) measured how quickly people could locate warning labels on alcoholic beverage containers. The investigators concluded that the typical alcohol warning labels are not particularly noticeable because they blend in with their backgrounds. Several factors, such as clutter on the labels themselves, their vertical placement on the container, and placement other than on the front of the container, make the warning less noticeable. Further, the use of pictorials, icons, and color improve the labels' noticeability. From the perspective of the ELM, these findings indicate that the first critical step in designing effective warning labels should be to ensure that audience members can notice and thus further process the labels.

Once a warning label is noticed, its content becomes of paramount importance. To identify the factors influencing the effectiveness of alcohol warning

labels, MacKinnon and colleagues (1994) systematically varied several features of warning labels, such as their length, the use of qualifier words (e.g., *may* cause cancer), and the specific risks mentioned (e.g., birth defects, health risks, or cancer). To determine whether certain bottle warning labels would be more successful in leading people to avoid those bottles, participants were asked to imagine that they were in a supermarket and had to choose between two different bottles. This test was repeated with several pairs of bottles, with bottles in each pair displaying one of the possible warning labels and a blank label. When participants chose the bottle with the blank label within each pair instead of the bottle with the experimental warning label, this signaled that the experimental warning label effectively led people to avoid or not choose the bottle on which it was displayed. For both college and high school students, the study had the following results:

- The specific risks mentioned on the label were more important in determining choices than was the label length.
- Bottles with labels containing qualifier words were avoided less than were bottles without such words.
- Whiskey bottles with warning labels were avoided more than were beer bottles with warning labels.
- Alternative warnings containing the words "poison" and "cancer" elicited more avoidance than did the currently used Surgeon General's alcohol warning label.

Together, these findings indicate that research participants under these experimental conditions noticed the content of the warning labels and processed that content at some minimal level. At the same time, the results point to a less thought-engaging and more peripheral process potentially underlying effective counter-advertising. That is, the alternative warning labels presumably worked by producing a visceral avoidance response. The mere association of a bottled prod-

uct with negative words (e.g., "poison") may have effectively generated an automatic repulsive avoidance of the product, consistent with classical conditioning<sup>4</sup> mechanisms. It would be of interest to determine in future research whether the obtained findings would also generalize to other young adults not in college as well as to older adults.

Whereas this experimental research examined the influence of the content of an alcohol warning label on its ability to evoke avoidance responses, later research has evaluated how deeply warning labels are being processed and whether they influence drinking behavior. Various studies document that the general public's awareness of warning labels and posters is high (Hilton 1993; International Center for Alcohol Policies [ICAP] 1997; Kaskutas and Greenfield 1997; MacKinnon 1995). A more recent study focused on 10th and 12th grade students' responses to warning labels during the first 5 years that those labels were required (MacKinnon et al. 2000). Despite the fact that it is illegal for adolescents to drink alcohol, experimentation with alcohol typically begins in adolescence, and many attitudes regarding alcohol use are established during this period. It is therefore instructive to study how this population processes these labels. This study found that the initial positive effects of the warning labels on adolescents' awareness of, exposure to, and recognition of these warnings were beginning to level off over the course of the study. Taken together, the accumulated evidence suggests that the warning labels are being noticed and their content is remembered. The findings are less clear, however, as to what people are learning or comprehending from these labels, how different people react to these labels, and whether people's behavior is affected as intended.

For example, evidence concerning how deeply the information content of the warning labels is processed and to what extent readers comprehend and

<sup>4</sup>Classical conditioning allows for an initially neutral stimulus (e.g., new consumer product) to eventually elicit a positive or negative response on its own after repeated associations with an already valued stimulus.

accept the risks communicated (e.g., pregnancy complications and drunk-driving risks) is mixed. Some researchers have argued that a “ceiling effect” exists—that warning labels are ineffective in teaching the general public anything new about the targeted drinking-related risks because the readers already know about these risks (Hilton 1993; ICAP 1997; MacKinnon 1995). Furthermore, the aforementioned study on warning label effects in adolescents found no beneficial change in terms of alcohol-related beliefs, consumption, or driving after drinking that was attributable to the labels (MacKinnon et al. 2000). Other studies also found evidence that alcohol warning labels do not affect drinking behavior (Andrews 1995; Hilton 1993; MacKinnon 1995).

Some more recent evidence suggests, however, that warning labels may have delayed behavioral effects. Specifically, Greenfield (1997) found that a person’s ability to recall the drinking-and-driving message on alcohol warning labels predicted the self-reported likelihood to limit both driving after drinking and drinking when planning on driving. Further, Hankin and colleagues (1993) documented that in a traditionally hard-to-reach population of pregnant, inner-city African American women, alcohol consumption among low-risk drinkers declined after the introduction of warning labels.

Experimental research that varies exposure to alcohol warnings to address the question of how these warnings affect people similarly has found mixed results for their effectiveness. MacKinnon’s (1995) review raises the potential for “overwarning” effects—that people become overly accustomed to warnings and, as a result, ignore them or, worse yet, react to them unfavorably. A study by Snyder and Blood (1992) found some evidence for such an effect. In that study, college student drinkers exposed to the Surgeon General’s alcohol warning in a printed alcohol advertisement perceived greater benefits from drinking than did college student drinkers exposed to the same advertisement without the warning. In addition, male drinkers exposed to the warning expressed greater intentions to drink than did those exposed

to the same advertisement without the warning. Other researchers failed to replicate these effects in two separate experiments, however, leading them to conclude that the earlier observed effect was based on inappropriate statistical comparisons and confounding factors (MacKinnon and Lapin 1998). Slater and Domenech (1995) also have pointed to the weak nature of the warning employed by Snyder and Blood (1992), which may have influenced the results.

From the perspective of the ELM, the effect of a warning message will depend upon how its audience reacts to it. For a warning to effectively counter an alcohol advertisement, it must receive favorable reactions and generate supportive thoughts. For example, Slater and Domenech (1995) demonstrated that repeated exposure to alcohol warnings that were embedded within beer advertisements elicits negative beliefs to counter-argue those advertisements and leads viewers to be less confident about the benefits of beer drinking. Further, Andrews (1995) indicated that one’s own conscious thoughts elicited in response to the warning labels (i.e., one’s cognitive responses) mediate approximately three-quarters of the effects that warning labels have on how favorably the labels are evaluated. Thus, self-generated thoughts in response to reading warning labels are important intermediate variables in determining whether the warning labels will be persuasive. Together, this research indicates that investigators and policymakers must understand how people cognitively react to alcohol warnings so as to design warnings that produce the intended antidrinking attitudes or at least erode the confidence of pro-drinking beliefs.

Several audience factors also predict the depth to which people process alcohol warning labels and whether they react favorably or unfavorably to them. For example, researchers found that the ability to recall container warning label messages is highest among younger respondents, heavier drinkers, and purchasers of alcohol (Kaskutas and Greenfield 1997). This finding suggests that the messages do indeed reach the target groups. Yet, although heavy drinkers are aware of drinking risks, they

also discount warning labels and perceive them less favorably and as less believable than do light drinkers (Andrews 1995; Andrews et al. 1991).

Similarly, in the study of pregnant, inner-city African American women, only the lighter drinkers who were less at risk of having children with alcohol-related birth defects heeded warning labels (Hankin et al. 1993). Finally, younger, pregnant, inner-city African American women were more aware of and more likely to believe the birth defects warning and limit their drinking than were their older peers, despite the fact that the risks for alcohol-related birth defects increase with age (Hankin 1996). These findings indicate that although the people most in need of adopting alcohol warnings are aware of and can recall the information in warning labels, these same people are least likely to accept the warnings.

Taken together, the research on the design and content of warning label factors as well as on audience factors indicates that the effectiveness of warning labels on drinking behavior depends on how these factors initially impact underlying cognitive and affective processes. First, design factors influence whether warning labels are even initially noticed. Second, the specific content of warning labels could influence the labels’ potential for evoking visceral avoidance responses. Third, audience factors predict differential memory for, processing of, and reactions to alcohol warning labels. These audience effects can then modify drinking behavior.

## CONCLUSION

To dilute the influence of alcohol advertising, broadcast and print counter-advertising and warning labels present factual information and persuasive messages to the public. Some evidence supports the effectiveness of these strategies, although the findings are mixed and typically qualified by message, source, and audience factors. To predict the conditions under which various counter-advertising approaches will work, researchers must understand the processes contributing to or limiting

their effectiveness. The ELM provides a useful framework for integrating the emerging findings and for predicting when counter-advertising and warning labels will lead to a more durable attitude change and ultimately affect the behaviors they target. ■

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[WWW.THATGUY.COM](http://WWW.THATGUY.COM)

# **CAMPAIGN TOOL KIT**

**FOR REDUCING EXCESSIVE DRINKING AT YOUR FACILITY**







## OVERVIEW

You have an opportunity to participate in an important service-wide initiative to help reduce excessive drinking among young enlisted personnel. The non-traditional campaign, called *That Guy*, has been tested at several military installations and is showing considerable promise. This Tool Kit is a blueprint to help you bring this campaign to your community.

The 2005 Department of Defense Survey of Health Related Behaviors revealed a rising rate of “binge” drinking among junior enlisted personnel in all Services. Additionally, the data in the survey indicated the problem was particularly evident among young enlisted males between the ages of 18 and 24. This trend toward heavy, or binge drinking, has the potential of adversely affecting the health and welfare of service members and their families and the combat readiness of the military as well. In response, in 2005, the Department of Defense’s TRICARE Management Activity (TMA) retained Fleishman-Hillard International Communications (FH) to create a multi-year, integrated communications campaign with goals to: 1) help reduce alcohol abuse among active duty military, and 2) raise awareness of the negative effects of excessive drinking among enlisted personnel ages 18 through 24.

*That Guy* is designed to respond to this problem through an innovative multimedia campaign that focuses on enlisted personnel, E1-E4, age 18 to 24. The theme, “Don’t be *That Guy*,” aims to increase social disapproval of excessive drinking by highlighting the resulting embarrassment and negative consequences that most resonate with young adults in general, and specifically with those serving in the military. The campaign has been tested at multiple installations since the launch of the campaign in 2006. Feedback from testing has been used to shape a campaign strategy and components that will be most effective. And it’s working.

Results from the 2008 DoD Survey of Health Related Behaviors show a decline in binge drinking among the target audience. This represents a statistically significant drop in binge drinking from the 2005 level. In 2005, 51 percent of the target audience admitted to binge drinking, and by 2008, that figure dropped to 46 percent. There was a statistically significant decline of 11 percent at installations\* that had implemented the *That Guy* campaign over those that had not.

The campaign includes a Web site, [www.ThatGuy.com](http://www.ThatGuy.com); print, radio, and TV advertising; and collateral material. Now, we need your help in launching the campaign at your installation.

\*Marines not included in this total because the control sample among Marines is too small to use for comparison with the treated sample (n=3).



## **THINGS TO CONSIDER:**

- *That Guy* is not an abstinence campaign and avoids the appearance of a public health lecture. Research shows that traditional health effects messages are not particularly effective in reducing excessive drinking among the young target audience. This campaign makes connections to consequences that are most relevant to them.
- The campaign is meant to create awareness about the consequences of drinking excessively, and is designed to complement, not replace, the other excellent alcohol and drug prevention programs that are already in place throughout the military. The *That Guy* campaign is a part of the DoD's comprehensive system to prevent excessive drinking among young service personnel.
- Audience research and focus group testing across military services has informed this fresh approach which mirrors pop culture and stimulates peer-to-peer communications to help influence attitudes and help change behaviors.
- A note of caution: One of the most important and consistent research findings was the audience's preference for communications they can experience, versus those imposed upon them or delivered as orders. Therefore, we recommend care and caution with where and how *That Guy* materials are promoted on your installation. For example, instead of using *That Guy* information within a PowerPoint briefing on safety or alcohol, we recommend that graphics, videos, and other resources be placed or promoted in publications and settings where service personnel can discover the *That Guy* campaign on their own, such as in restaurants at installations, ads in installation newspapers, and on personal Web sites. This Tool Kit contains many ideas for bringing this campaign to your installation while maintaining the peer-to-peer feel that will help it be most effective.

## **WE NEED YOUR SUPPORT**

Your participation is critical to the success of this effort. The campaign's testing showed that strong installation-level support generated increased awareness – a measure we hope and expect will lead to a greater reduction in dangerous drinking behavior. To best accomplish campaign goals, we plan to expand the number of installations by providing turn-key tools that minimize the time and financial investment required at the local level. Outlined here are the resources currently available for efficient and effective *That Guy* implementation. We hope you will consider joining this effort!

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## CAMPAIGN THEME

Research led to the development of the *That Guy* campaign, which uses a peer-to-peer approach and humor to deliver serious messages about the effects of excessive drinking, specifically, the everyday negative consequences of excessive drinking, such as embarrassment, social disapproval, or losing control. Enlisting a popular icon of out-of-control behaviors—*That Guy*—the campaign tapped into an existing understanding of the negative consequences of certain behaviors, tailored our effort to highlight those associated with excessive drinking, and the campaign theme, “Don’t Be *That Guy*” was born.

## WHY THAT GUY?

*That Guy* is a compelling device for the campaign because the concept of *That Guy* is real and understood by the target audience. This icon creates the opportunity to generate interest with humor that delivers a variety of cautionary tales and everyday consequences associated with excessive drinking.

The campaign encourages the target audience to reject binge drinking because it detracts from the things they care about: family, friends, dating, sex, money, and reputation. The campaign message is serious and sobering: “Be in Control—Don’t Be *That Guy*.”

### ***That Guy*** (‘[th]at ‘gI), n.

1. Anyone who, after drinking excessive amounts of alcohol, loses control of self or situation with humiliating or compromising results:
  - a. Used to suggest shameful or embarrassing behavior: What is ***That Guy*** thinking? or, No way am I hanging out with ***That Guy***.
  - b. Used to imply an unpleasant transformation/metamorphosis: Everything was great until my friend drank a few too many and turned into ***That Guy***.
  - c. Associated with negative – sometimes extreme – consequences: Sick, ***That Guy*** puked in my car! ***That Guy*** was loaded into the ambulance last night.
  - d. Used as a reference of mockery or to make fun of another’s condition: Get a load of ***That Guy***!
2. A negative example, often used to mock someone: Don’t be ***That Guy***.



# **BRINGING *THAT GUY* TO YOUR INSTALLATION**

This Tool Kit was created to help you deliver *That Guy* messages and materials to young servicemen and women at installations to help create social disapproval of excessive drinking and its negative consequences among the target audience: E1 through E4 service personnel, age 18 to 24. It has all the information you need to implement the *That Guy* campaign.

## **GETTING STARTED**

### **A STEP-BY-STEP GUIDE FOR PROMOTING *THAT GUY***

#### **Get to Know the Campaign.**

First, review all the material in this Tool Kit and visit the special POC online resource center at [www.ThatGuy.com/resources](http://www.ThatGuy.com/resources) to review the marketing calendar, style guide and various artwork, advertisements, and graphics available to download and use to create your own ads and promotional materials. Free materials that you can order are outlined in the Resource section of this Tool Kit.

#### **Visit the Web site.**

Spend time reviewing the Web site and all the various sections, including videos, descriptions of *That Guy* archetypes, facts about alcohol, and other humorous, yet informative, sections. Remember who the target audience is when you do review the site, since the material is created in a way to catch and keep their attention, while also providing messages about the negative consequences of drinking too much.

#### **Build Your *That Guy* Team.**

Identify additional people and departments at your installation to help promote and implement the campaign. Teams at test installations have included members from Public Affairs, Safety, MWR, Health Promotion, substance abuse prevention, and other groups.

#### **Brief Your Leadership and Team.**

If possible, schedule time to brief leadership at your installation. Many Commanders have welcomed the campaign and have helped ensure it is tasked to various departments to help implement it effectively. Also, be sure to schedule a meeting to brief others on the campaign and brainstorm ways to bring *That Guy* to your installation or ship. Focus on communications that are peer-to-peer in nature and not top-down mandates from the chain of command. At the meeting:

- Identify various communication channels (TV, radio, newspaper, events) to promote *That Guy* and distribute materials.
- Identify locations throughout the installation or community where materials (posters, coasters, etc.) can be placed and distributed.



- Assess availability of pro bono opportunities for advertising or funding for producing T-shirts or other materials.
- Identify potential partnerships that can be leveraged, including existing relationships with the Chamber of Commerce, local radio stations, television stations and newspapers, and local bars and restaurants, to increase awareness of the campaign.
- Identify responsible servicemen in the target audience, age group 18-24, who can act as peer-to-peer *That Guy* "ambassadors" to make recommendations and push the campaign out in a viral way to peers.
- Brainstorm additional ideas about how to engage the installation and target audience in the campaign.
- Develop a plan for *That Guy* outreach, including time lines, materials, venues, and responsibilities. Using the many available tools, implementation can begin right away.

## CAMPAIGN MATERIAL RESOURCE LIST

There are many *That Guy* promotional items to help you implement the campaign on your installation and in the community. Since quantities are limited, the DoD is also pleased to offer graphics and artwork to download and produce additional materials for your installation by visiting [www.ThatGuy.com/resources](http://www.ThatGuy.com/resources).

To request items to support outreach on your installation, please write to [info@ThatGuy.com](mailto:info@ThatGuy.com). When ordering, be sure to identify which materials you'd like to receive as well as the preferred quantity. We will also need your full name, rank or title, installation, complete military street address, and telephone number to fulfill your order.

Promotional items that are available to order or download include:



### POSTERS

**Are You *That Guy* Poster.** This 20" x 40" large poster is designed to point out the real time negative consequences of being *That Guy*. The descriptive labels include cutting commentary about undesirable characteristics of *That Guy*. Display the poster on open wall spaces or doors to encourage junior enlisted to answer the question: Are you *That Guy*?

**Top Ten Reasons Poster.** This large 24" x 36" poster highlights 10 reasons not to be *That Guy*. The poster includes images from the humorous and popular *That Guy* cartoon series to remind junior enlisted of the consequences of excessive drinking.







**See, Hear, Speak No Evil Poster.** This large 30" x 20" poster is based on mimicking the iconic "See No Evil, Hear No Evil, Speak No Evil" image using *That Guy*. Display this poster in prominent places to increase awareness and social disapproval of *That Guy*.

**Waking Up in Regrettable Places Poster.** This 17" x 22" poster displays "Reason #76 not to be *That Guy*: Waking up in regrettable places." The poster is a reminder that excessive drinking can lead to negative and embarrassing consequences.



**Drama Queen Archetype Poster.** This 17" x 22" full color poster features the Drama Queen and her obsessive, jealous, weepy behavior. This poster will encourage disapproval of *That Girl* and discourage servicewomen from becoming her.

**Photos of You on the Internet Poster.** This 17" x 22" design incorporates "comments" similar to those found on social networks like Facebook ([www.facebook.com](http://www.facebook.com)) as a highly relevant way to demonstrate specific consequences and embarrassment. The poster directs junior enlisted to visit [www.Busted.ThatGuy.com](http://www.Busted.ThatGuy.com) where they will be able to engage with *That Guy* content by submitting comments on photos and videos.



**Reality Mini-Poster Series.** These eight 8 1/2" x 11" posters showcase photos of real life situations that can occur after a night of excessive drinking. Edgy and realistic, these posters show embarrassing consequences of out of control drinking and visually drive home the message: Don't be *That Guy*.

**Evolution of *That Guy* Poster.**

This 22"x17" full-color poster repurposes popular [www.ThatGuy.com](http://www.ThatGuy.com) Web site content. Witness the different stages of *That Guy* and watch him reverse centuries of human progress as he continues to down drinks throughout the course of a single evening.







**That Guy Archetype Mini-Posters.** This series of eight 8.5" x 11" posters will encourage those who see them to learn how to spot and avoid different types of *That Guy*. Find out about the Drama Queen's obsessive, jealous, weepy behavior or why the Player Guy is always drunk, on the prowl, and quite possibly the worst wingman ever.

**Reason #409 NOT to be *That Guy* poster.** This 17"x22" full-color poster is set in a bar scene and is designed to be a reminder that excessive drinking can be socially embarrassing. Display this poster to remind junior enlisted of Reason #409 NOT to be *That Guy*: No One's Laughing with You.



**Cartoon Mini-Poster Series.** These eight 8" x 11" posters feature *That Guy* cartoons and highlight sticky situations that can result from excessive drinking. They offer a great way to extend the reach of the campaign.

## PSAs

**Video Public Service Announcements.** A five-spot series features "Tommy the Tequila Worm," a disapproving narrator who reveals how *That Guy* embarrasses himself again and again. Help highlight the negative consequences of being *That Guy* by airing attention-getting video PSAs in recreations centers, bars, clubs and restaurants, or through closed circuit television programming. The original video PSA is also available. The original PSA, titled "How You Remember It Happening," is a thirty-second spot that shows a humorous examination of a typical night in the life of *That Guy*.



**CD of Eight *That Guy* Radio Public Service Announcements.** Prerecorded "Don't Be *That Guy*" thirty-second radio spots are also available and may be aired through your installation's regular programming. Air all eight professionally produced radio spots that encourage those listening to do themselves a favor – Don't Be *That Guy*.

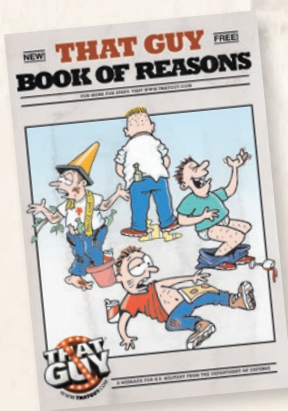
## GIVEAWAYS

***That Guy* Stickers.** This 4" round sticker includes the campaign logo and URL, encouraging junior enlisted to visit [www.ThatGuy.com](http://www.ThatGuy.com) to learn how to identify potential *That Guys*, calculate bar tabs, and listen to "You Might Be *That Guy* If..." jokes.

**Static Clings.** Featuring the *That Guy* logo on a circular, two-sided 4" static cling, this cool item can be placed on car windshields, mirrors (barracks, bathrooms), glass doors, windows, and anywhere you want to promote the message: Don't be *That Guy*.







**That Guy Cartoon Booklet.** All 24 cartoons are featured in this 28-page, 4" x 6" booklet. This is perfect for junior enlisted to share the cartoons with friends.

**You Might Be That Guy If...Playing Cards.**

This deck of playing cards provides several tell-tale signs that your buddy might be *That Guy* if...a shopping cart seemed like a good mode of

transportation, or he's lost another tooth opening a bottle. Also included is the definition of *That Guy*, reminding those who play that they might pay if they down excessive amounts of alcohol and lose control of self or situation...with embarrassing results.



**Reasons NOT to be That Guy Coasters.** This set of twenty double-sided, 4" round coasters contain the Don't Be *That Guy* logo, URL, and different reasons NOT to be *That Guy*. These coasters are designed to reach junior enlisted in bars, clubs, and restaurants—key settings for excessive drinking. To view all twenty coaster designs visit the resource page, [www.ThatGuy.com/resources](http://www.ThatGuy.com/resources).

**That Guy Key Chains.** The two sided 1.75" key chains include the campaign logo and serve as a keepsake to remind junior enlisted not to be *That Guy*.



**Download This! Visit [www.ThatGuy.com/resources](http://www.ThatGuy.com/resources)**

In addition to graphics for promotional items (T-shirts, hats, etc.), we've provided a series of downloads such as campaign logos, print advertisements (including shuttle bus and billboard ads), online banner advertisements, and banner artwork.

If you have any questions or want to place an order, email [info@ThatGuy.com](mailto:info@ThatGuy.com) today!



# MARKETING AT YOUR INSTALLATION

## IDEAS FOR DISTRIBUTING *THAT GUY* RESOURCES

**Go Where the Target Audience Goes.** Contact managers at local venues frequented by military men and women ages 18-24 (e.g., bars, restaurants, bowling alley, recreation centers) both on and off the installation for distribution of *That Guy* giveaways. Follow up with interested local venues with information about what items are available to see what works best for them to distribute or display.

**Tie-in with Existing Events and Activities.** Work with event organizers at your installation to incorporate *That Guy* materials and publicity in association with upcoming events such as concerts or sporting events. Distribute giveaways as attendees arrive at the event.

**Promote *That Guy* at Events.** Create signs to showcase at upcoming events that include the *That Guy* logo and Web site URL. If your event is a race or other type of sporting event, you can create T-shirts or hats using the *That Guy* logo and give them to the first 100-200 people who register. Or use the radio PSAs to broadcast over the loudspeaker at events.

**Devise a *That Guy* street team.** Identify a group of men and women in the target audience. Arm the team with *That Guy* promotional items such as posters or coasters. Send the street team to venues frequented by *That Guy* to disseminate materials to the target audience at the point of decision making on and off the installation, or around the ship.

## CREATING AWARENESS

### PLACE THE CAMPAIGN PSAS ON TV AND RADIO.

Use the radio and TV PSAs on command channels, or contact local radio stations to ask if the PSA Director will provide free air-time to promote an important message. Preview the video PSAs at <http://www.thatguy.com/video/ads.htm>. Communications outlets are required to provide free air time for community organizations. Ask them about their requirements to place radio PSAs.

- **Check with your team to leverage existing relationships with the stations.** For example, the public affairs office at your installation may have experience placing PSAs or have relationships with the public service director at local stations.
- **Radio spots are available in thirty-second formats.** Encourage local stations to use them. Ask participating stations to place banner ads and links to [www.ThatGuy.com](http://www.ThatGuy.com) from their Web site.
- **Promote *That Guy* online.** Download and use the banner ads on Web sites that will reach the target audience. The banner ads will link back to the *That Guy* Web site which is full of entertaining content that also promotes campaign messages.



- **Place Print and Outdoor Advertising.** Reach out to local newspapers (both on and off the installation) to find out if they'd be willing to run a print PSA or advertisement in their publication at no cost to you. The *That Guy* cartoon series can also be downloaded and placed in newspapers. Your public affairs office may be able to get you free space. If they won't donate space, inquire about ad costs associated with running a print ad. We recommend placing them in entertainment or sports sections where the target audience is most likely to flip to first.

## **EXPANDING THAT GUY PROMOTION**

If you have money to spend, you may also want to consider purchasing additional advertising around your community. Use design and graphic files necessary to place advertising on billboards, in bathrooms at local bars and restaurants, convenience stores, or shuttle buses. Our team can provide assistance with ad buys in your market. Artwork for these types of ads can be found at [www.ThatGuy.com/resources](http://www.ThatGuy.com/resources).

**THANKS  
IN ADVANCE  
ATTENTION FOR YOUR  
AND  
CONSIDERATION  
OF THIS IMPORTANT  
CAMPAIGN**



# **CAMPAIGN CONTACTS**

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# **APPENDIX A: FREQUENTLY ASKED QUESTIONS ABOUT THE *THAT GUY* CAMPAIGN**

## **What is the *That Guy* campaign?**

*That Guy* is a marketing campaign designed to reduce heavy drinking among military enlisted personnel age 18 to 24, pay grade E1–E4. A multi-media, multi-strategy campaign solidly based in research and social marketing, the campaign includes online and offline advertising and promotions, viral marketing, a Web site, Public Service Announcements, collateral materials, and special events.

## **Who is *That Guy*?**

The campaign defines *That Guy* as someone, male or female, who uses alcohol excessively and loses control of self or situation with humiliating or compromising results. *That Guy* applies to anyone who, because of excessive drinking, behaves in a manner that others do not want to emulate or be around. *That Guy* is a popular expression that describes someone who is exhibiting behavior or characteristics not to be emulated. The campaign has leveraged this existing phrase to deliver a message: Excessive drinking has serious consequences.

## **What is the objective of *That Guy*?**

The campaign's objective is to help change attitudes and behavior by using humor and peer-to-peer communications to point out the negative consequences of drinking too much alcohol. While not a joke, the campaign uses humor to show *That Guy* in a negative light — an approach that research shows connects with the target audience. The campaign aims to create social disapproval for excessive drinking making the target audience think "I don't want to be *That Guy*!"

## **How does the campaign work?**

The *That Guy* campaign is based on social marketing theory about behavior change and aims to raise awareness and, ultimately, change drinking behavior among the target audience. The campaign is based on research and employs various marketing and advertising tactics to deliver messages that resonate with 18-24 year olds. Campaign elements include online and offline advertising and promotions, viral marketing, a Web site ([www.ThatGuy.com](http://www.ThatGuy.com)), MySpace.com partnership, Public Service Announcements, collateral materials, special events, and a partnership with the Chris Farley Foundation. Installations are encouraged to adopt the campaign in their own communities and promote *That Guy* messages, disseminate materials, and help create opportunities for peer-to-peer activities.



### **Why is *That Guy* compelling?**

The *That Guy* campaign is different from other alcohol prevention programs because it uses humor and a peer-to-peer approach to reach 18-24 year olds. Because anyone, after drinking excessively, can become *That Guy*, this campaign theme creates an opportunity to tell thousands of cautionary tales in a way that everyone can relate to and demonstrates a wide variety of consequences associated with excessive drinking. The campaign resonates with the target audience and encourages them to reject binge drinking because it detracts from the things they care about: Family, friends, dating, sex, money, and reputation. The campaign message is serious and sobering: “Be in Control – Don’t Be *That Guy*.”

### **What strategy drives the campaign?**

*That Guy* employs a harm reduction strategy designed to reduce the negative consequences of alcohol use. It employs a range of approaches that promote the safe use of alcohol and identifies ways to reduce heavy drinking. The campaign’s goal is not abstinence and does not focus exclusively on negative health messages and/or long-term effects of drinking.

### **What evidence suggests that a harm reduction strategy will resonate with this audience?**

Binge and heavy drinking are chronic, persistent behaviors in the U.S. Military. Harm reduction is a strategy grounded in public health designed to reduce harms associated with persistent behaviors such as smoking and excessive drinking. Other examples include needle exchange programs to prevent the spread of HIV/AIDS or pharmacotherapy treatment such as methadone maintenance for heroin addiction. Harm reduction is pragmatic and focuses on specific behaviors. Evidence shows it does not increase drug use or negatively impact drug treatment.

### **What model are you using to design and execute the Campaign?**

Prochaska and DiClemente’s Transtheoretical Model/Stages of Change is the social marketing model that provides a basis for the campaign. This model is widely used in public health, particularly alcohol, tobacco, and other drugs initiatives. Behavior change is viewed along a continuum of pre-contemplation where the intervention is awareness messages; to contemplation (thinking about changing behavior); preparation (planning to change behavior and setting goals to do so); to action (taking specific steps to change behavior) to monitoring/sustaining (continued commitment and acting to change behavior).



## **APPENDIX B: *That Guy* Campaign Research and Evaluation**

The campaign is based on social marketing theories of behavior change and uses the Transtheoretical/Stages of Change Model to guide our efforts. Multiple levels of research formed the basis for the campaign strategy, including DoD behavioral survey results, an audit of existing alcohol programs in the military, a review of scientific and popular literature, and multiple focus tests with the target audience across all four services.

### **RESEARCH AND TARGET AUDIENCE FEEDBACK**

Multiple levels of research were conducted to develop the alcohol campaign.

#### **SECONDARY RESEARCH**

Extensive secondary research was conducted, involving further analyzing the DoD survey, reviewing scientific and popular literature and evaluating current alcohol abuse prevention programs in the military. This research supported three hypotheses: 1) enlisted males between the ages of 18 and 24 demonstrate the highest rates of binge drinking; 2) this audience is very web-savvy; and 3) facts, figures, or health messages don't resonate well with them.

#### **FOCUS GROUP TESTING**

Focus group testing was conducted to determine the types of relevant and persuasive messages, activities, and creative concepts the campaign should feature. The testing took place in 2006, 2007, and 2008 and involved discussion groups engaging junior enlisted across all branches of service (Army, Navy, Air Force, and Marine Corps).

#### **FOCUS GROUP KEY FINDINGS**

Focus groups confirmed that alcohol facts and traditional health messages are inconsequential, while short-term social consequences, such as loss of control or embarrassment among peers, are more likely to resonate among the target audience. In fact, a common theme emerged during the sessions: The participants appeared to have negative thoughts or feelings toward, and do not want to be like, the person who drinks to excess and loses control. Their need to distance themselves from this behavior emerged throughout the sessions. The research further suggested that this audience doesn't respond well to abstinence campaigns or programs that have the look and feel of military recruiting material. They prefer the use of humor to exemplify social disapproval of excessive drinking and peer-to-peer or viral communication rather than messages delivered from their Chain of Command.



It was clear that a theme connected to social disapproval would best resonate with this hard to reach audience. Testing revealed that nobody wanted to associate with or be *That Guy* — the person, who after drinking excessive amounts of alcohol, loses control of self or situation with humiliating results. The campaign theme was born around a cautionary warning: “Don’t Be *That Guy!*”

Once the theme was solidified, a creative platform was initiated and tested with the target audience. Since a campaign Web site was to be a cornerstone of the campaign, and had to resonate with the target audience, additional focus tests were conducted allowing the participants to engage with a prototype Web site, while also providing feedback on the logo, taglines, and communication strategy.

## **AWARENESS TESTING FINDINGS**

To secure buy-in from leadership and test the campaign messages, approach, and communication vehicles, *That Guy* was first introduced at four pilot installations in December 2006 with a combined marketing blitz in the community and support from the participating installations. A Web site, [www.ThatGuy.com](http://www.ThatGuy.com), Myspace.com partnership, and online advertising supplemented pilot market activities. At the conclusion of the market launches, another set of focus group testing was conducted to gauge awareness and recall of the campaign, evaluate efficacy of communication and advertising, and further identify which negative consequences would most deter excessive drinking among the target audience.

Results indicated a high level of awareness among the target population; that *That Guy* was relevant and real; and that communications vehicles were effectively delivering campaign messages. Participants said that this type of campaign may help service members be more cautious regarding what they do when they drink. They also claimed that the campaign makes the target audience think twice and that it gives the realization of “how bad your behavior is...[it makes you] think of all the times you’ve seen or done it yourself.” It also, “makes you think about how much you are drinking and at what level you are becoming *That Guy!*” In addition, once the campaign launched, more than half who were screened for these focus groups were aware of the *That Guy* campaign.

After the campaign rolled out in installations across the US and abroad, additional focus testing in late 2008 revealed that attitudes toward excessive drinking are beginning to make a statistically significant shift in a positive direction, showing support of the campaign’s messages. These findings were confirmed by the latest Status of Forces Survey. Not only does the research show that the campaign is successful in raising awareness of and changing attitudes toward the harms of excessive drinking, the research plays an integral role in continued growth of the campaign.



## **WEB SURVEY RESULTS**

To gain more insight, a Web site survey, featured on [www.ThatGuy.com](http://www.ThatGuy.com), collected additional feedback from military personnel. The data extracted from the survey in 2009 showed that 39 percent of respondents reported that after viewing the site and messages about the consequences of excessive drinking, they were likely to think twice about their actions so they don't become *That Guy*. The respondents also indicated that the campaign's strategy of using humor and entertainment to reach this audience works. Many reported visiting the site at a friend's recommendation, attesting to the viral nature of the campaign.









## **That Guy Campaign POC Checklist: A Step-by-Step Guide**

### ***How to get the That Guy campaign started...and keep it going!***

**That Guy Campaign Overview:** Created in 2005, *That Guy* is a research-based DoD/TRICARE behavior change campaign that employs a humorous approach and focuses on social disapproval to help reduce binge drinking among the junior enlisted across all branches of service. Follow this step-by-step guide to successfully launch and sustain the *That Guy* campaign at your installation. Before getting started, however, it is important to remember that *That Guy* has been formally researched with the 18-24-year-old junior enlisted population and it is critical that you adhere to the following *Top 5 Do's and Don'ts*:

	<b>DON'T</b>	<b>DO</b>
<b>1</b>	<b>Don't</b> use top-down messaging. Research shows that junior enlisted don't respond to senior authority actively communicating the "Don't be That Guy" message.	<b>Do</b> promote <i>That Guy</i> materials in a stealthy, viral manner so that junior enlisted can discover <i>That Guy</i> on their own and consider the messaging at their own pace and on their terms.
<b>2</b>	<b>Don't</b> use <i>That Guy</i> materials in substance abuse trainings/presentations, health clinics, safety stand downs or counseling sessions, including peer counseling. Research shows that the junior enlisted are not receptive to <i>That Guy</i> messages in these environments.	<b>Do</b> use <i>That Guy</i> materials in locations frequented by the junior enlisted population, including recreational areas such as fitness and bowling centers, bathroom urinals/stalls, installation bars/clubs, off-installation bars/clubs, barracks, Class VI, Shoppette, etc.
<b>3</b>	<b>Don't</b> create co-branded materials or signage using the <i>That Guy</i> logo. This logo may not appear alongside any other organizational logos, military or non-military. Research shows that the junior enlisted population prefers that the campaign have no visible military affiliation and prefers seeing <i>That Guy</i> as an independent campaign.	<b>Do</b> create your own unique <i>That Guy</i> materials and activities. You may use graphics and artwork found at <a href="http://www.ThatGuy.com/Resources">www.ThatGuy.com/Resources</a> to develop materials unique to your installation. However, the <i>That Guy</i> logo is trademarked and you must use one of the campaign's pre-qualified DoD vendors when creating your own materials using <i>That Guy</i> graphics/artwork. Email <a href="mailto:info@thatguy.com">info@thatguy.com</a> for vendor information.
<b>4</b>	<b>Don't</b> generate news or articles about <i>That Guy</i> for broadcast, print or online publication. As a viral campaign, overemphasizing the intention and origin of <i>That Guy</i> as a DoD-funded campaign undermines the self-discovery process of the junior enlisted audience.	<b>Do</b> feature <i>That Guy</i> in broadcast, print or online by using materials specifically created for these channels. These channel-specific materials are discussed later in this document and include broadcast PSAs, pre-written advice columns, cartoons, Web graphics and banners.
<b>5</b>	<b>Don't</b> assume that using <i>That Guy</i> materials at your installation for only several months constitutes effective and complete implementation of the campaign. Materials should be visible in many locations over an extended period of time.	<b>Do</b> order <i>That Guy</i> materials and sustain a constant presence for the campaign for at least one year on and around your installation. Behavior change campaigns require constant visibility and high awareness levels to be effective.



## 1. First things first. How to get started:

- BUILD A TEAM: Identify and recruit a *That Guy* implementation team among colleagues across installation organizations (public affairs, safety, Semper Fit, Single Marine Program, social media experts, substance abuse reps, facility managers, etc.)
- Review the “Getting Started” section at [www.thatguy.com/resources](http://www.thatguy.com/resources) including the Tool Kit, Marketing Calendar and Style Guide to quickly get up to speed on *That Guy*
- Check out the materials, artwork, logos, cartoons, graphics and ads available for download from the online resource center, [www.thatguy.com/resources](http://www.thatguy.com/resources)
- Order materials for your installation from the *That Guy* team by filling out the order form directly at [www.thatguy.com/resources](http://www.thatguy.com/resources)

## 2. Now get the word out! Ideas to keep *That Guy* going throughout the year:

### **Materials** (If nothing else, order or print these and get them out!)

- POSTERS: Hang in barracks, on bathroom stalls, in gyms, bowling centers (anywhere young enlisted live and hang out)
- BANNER: Hang a *That Guy* banner on the main gate, in the gym or other high-traffic areas (email [info@thatguy.com](mailto:info@thatguy.com) to special order)
- COASTERS: Distribute to bars on and off installation
- STATIC CLINGS: Stick to windows on the installation main gate security booth or in recreational centers; place on bar windows, on movie theater ticket windows, Class VI/Shoppette glass surfaces, etc.
- CARTOONS: Place cartoon booklets in event giveaway bags, rotate the monthly cartoons mini-posters on bathroom stalls/recreational centers. Use downloadable cartoons in the base paper

### **Installation Events and Activities**

- MATERIALS: Distribute *That Guy* materials and giveaways at sporting events, holiday parties and other relevant recreational activities
- SIGNAGE: Create *That Guy* signage, banners, etc., for use at events such as those above listed
- ANNOUNCEMENTS: Use the *That Guy* radio spots at the bowling center, on MCX or Shoppette intercoms, or broadcast *That Guy* messages on a loudspeaker at social/sporting events
- FITNESS EVENTS: Coordinate a *That Guy* themed 5K run or fitness challenge; offer *That Guy* materials (key chains, etc.) as incentives or prizes, or print your own *That Guy* themed T-shirts (using official vendor) for the winners or first 100 to sign up for the event
- COMEDY CONTEST: Create your own *That Guy* event, soliciting skits and stand-up routines focused on *That Guy* humor ; use *That Guy* graphics to create flyers and publicity materials; record the show and post applicable clips
- TIMELY EVENTS: Include materials in installation welcome bags and deployment packages; or hang new seasonal posters during 101 Critical Days of Summer



### **Community and Off Installation Environments**

- BARS/RESTAURANTS: Provide coasters, bathroom posters, table tents, etc.
- MOVIE THEATERS: Request pro bono video PSA placements and use the special 35mm film created specifically for theaters (email [info@thatguy.com](mailto:info@thatguy.com) to special order)
- CONVENIENCE STORES: Request placement of posters on walls, static clings for doors and windows, and table tents for placement on countertops
- OTHER BUSINESSES: Request distribution of *That Guy* posters and materials or placement of *That Guy* print, radio, or video PSAs at high traffic spots such as local fitness facilities, barber shops, tattoo parlors, malls or other places that are frequented by the young enlisted
- COMMUNITY EVENTS: Secure *That Guy* placement at community events—radio remotes at restaurants and bars, community street festivals frequented by young enlisted, etc.; provide emcee or D.J. with *That Guy* PSA scripts

### **Installation Web sites and Social Media**

- LOGO/LINK: Add *That Guy* logo/link to installation Web pages (e.g. MWR, main installation site, etc.)
- BANNER ADS: Add *That Guy* banner ads to installation Web pages (e.g. MWR, main installation site, etc.)
- CARTOONS: Add *That Guy* cartoons to installation Web pages and Facebook pages (e.g. MWR, main installation site, etc.)
- FACEBOOK (if applicable): Add *That Guy* as a "favorite page" on your installation's fan page, or share your own *That Guy*-focused status updates on your installation fan page
- COMPUTER TERMINALS: Set [www.thatguy.com](http://www.thatguy.com) as the home page and/or as a screen saver
- BUSTED BLOG: Feature a link to the *That Guy* blog ([www.busted.thatguy.com](http://www.busted.thatguy.com)) on installation Web pages and Facebook pages



### Installation Newspapers

- ADS: Coordinate pro bono *That Guy* ad placements
- CARTOONS: Secure space for the *That Guy* cartoons in newspapers; work with an editor to set up a recurring monthly *That Guy* placement featuring the monthly cartoon series by downloading at [www.thatguy.com](http://www.thatguy.com) (provide artwork to the publisher ahead of time)
- COMMENTARY: Download and run the *That Guy* [commentary](#)
- TOP 10 REASONS: Download and run the *Top 10 Reasons Not to be That Guy* [list](#)

### Installation Broadcast

- RADIO STATION: Air *That Guy* radio PSAs pro bono (talk to station program managers about airing the thirty-second spots)
- TV: Air *That Guy* video PSAs on relevant base channels or on monitors in recreational locations
- MOVIE THEATER: Air *That Guy* video PSA on movie screens pro bono (talk to theater managers about upcoming R-rated movies where the spot can be featured)
- IN-STORE PA SYSTEM: Ask to air *That Guy* radio PSAs in stores
- LOUD SPEAKER: Air *That Guy* radio PSAs on loud speaker at events

**Of course, don't stop here! Work with a team and remember:**

- **Get creative – develop your own materials and ideas**
- **Keep it fresh – rotate out materials and put up new items monthly**
- **Make it last – keep materials up throughout the year**

**Want an easy month-by-month plan for how to implement the campaign?** Check out the *That Guy* marketing calendar ([www.thatguy.com/resources](http://www.thatguy.com/resources)) with tips and ideas for keeping the campaign fresh month-to-month for an entire year!

## Top 10 Locations to Display Campaign Materials Monthly

*That Guy* requires a “surround sound” marketing approach to reach the junior enlisted where they live, work, and play. New *That Guy* materials should always be on display at the following Top 10 locations every single month to ensure your installation is achieving the maximum level of awareness. This Top 10 list was developed through direct feedback from the junior enlisted and POCs highly engaged with the *That Guy* campaign.

If nothing else, ensure that your installation features *That Guy* materials on a monthly basis at the following locations:

1. **Front gate** (e.g. hang a banner, put static clings on main gate windows)
2. **MCX. PX or BX** (e.g. put static clings on windows or doors, display posters, table tents in food courts)
3. **Class VI/Shoppette** (e.g. place cartoon booklets at check-out counter, put static clings or posters near areas where alcohol is sold)
4. **Restrooms & stalls frequented by young enlisted** (e.g. post cartoons flyers, display posters above urinals or on stall doors, static clings on mirrors)
5. **Barracks** (e.g. put playing cards and posters in common areas)
6. **Fitness & recreation centers** (e.g. hang banners, display static clings and posters)
7. **On installation bars & clubs** (e.g. use coasters, static clings and posters, place table tents on bar or table tops)
8. **Bowling center** (e.g. rotate the *That Guy* graphics on bowling score prompter screens, distribute coasters, display posters and table tents)
9. **Movie theater** (e.g. play 35mm video PSA before R-rated movies, place posters in bathrooms, print “*Don’t Be That Guy*” message on R-rated ticket stubs, put static clings on ticket windows)
10. **Off installation bars and clubs frequented by young enlisted** (e.g. distribute coasters, display table tents, put posters and cartoon flyers in bathrooms, playing cards on bar tops)

Still have questions? Contact us: [info@thatguy.com](mailto:info@thatguy.com)

## Chapter 11

# Media Literacy

*Media literacy is like the dog in “The Wizard of Oz” who pulls back the curtain to reveal the man behind the Wizard image.*

— Frank Baker, media literacy expert

Media literacy helps people ask questions about what they watch, see, hear, and read. It helps them critically assess how the mass media normalize, glamorize, and create role models for unhealthy lifestyles and behaviors, such as smoking. Media literacy involves examining the techniques, technologies, and institutions involved in media production; critically analyzing media messages; and recognizing the role that audiences play in attaching a meaning to those messages. The idea behind media literacy is that teaching people to recognize how a message tries to influence them will lessen the impact of that message. On a broader level, media literacy can be viewed as a form of protection or “inoculation” against unhealthy behaviors shown in the media.

This chapter gives an overview of media literacy and how it fits into a counter-marketing campaign. An extensive resources section at the end of this chapter lists media literacy curricula and other planning aids.

## *Media Literacy and Youth*

Although some media literacy efforts target adults, most focus on young people and teens—and with good reason. Consider the following data:

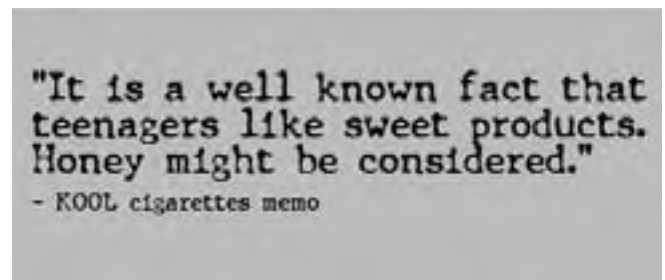
- Adolescents spend 24 hours per week watching television—twice as much time as they spend in school over the course of one year (Kaiser Family Foundation 1999; Strasburger et al. 2000).

## In This Chapter

- Media Literacy and Youth
- Essential Ingredients of Media Literacy
- How Media Literacy Complements Counter-Marketing
- Implementing a Media Literacy Program
- Evaluating Your Efforts
- Resources



- Thirty-seven percent of children ages 6 to 11 and 55.8 percent of teens ages 12 to 17 have TV sets in their bedrooms (Kaiser Family Foundation 1999; Strasburger et al. 2000).
- Eighty-two percent of adolescents use the Internet (Kaiser Family Foundation 1999; Strasburger et al. 2000).
- Adolescents listen to about 40 hours of popular music per week (Kaiser Family Foundation 1999; Strasburger et al. 2000).
- Studies show that many parents don't see their children's media habits as a cause for concern.
- A landmark study in the 1980s showed that as many young children recognized Joe Camel as they did Mickey Mouse (Fischer et al. 1991).
- Camel's market share among underage smokers rose from 0.5 percent to 32.8 percent after the Joe Camel campaign was introduced (DiFranza et al. 1991).



Youth love learning about media. Their culture and much of their identities are immersed in media. Teaching media literacy is an excellent way to attract their attention and to build their interest in health and smoking issues.

Couple these facts with the tobacco industry's advertising and marketing practices:

- In 2000, the industry spent \$9.57 billion to advertise and market tobacco products (Federal Trade Commission 2002).
- Although no cigarette advertising appears on TV and radio, tobacco images are pervasive. They appear in movies, on clothing, at sporting events, and in other places. One study from Dartmouth College and Dartmouth Medical School showed that smoking in movies is linked to adolescents trying their first cigarette (Sargent et al. 2001).

Consequently, media literacy has developed a large following among U.S. educators and health educators interested in youth. All 50 states have some requirement for media literacy in their education standards (see <http://www.med.sc.edu:1081/statelit.htm>). Furthermore, many tested curricula are available to teach about media literacy on tobacco and alcohol use.

Media literacy programs have shown some success. For example, research shows that media literacy programs addressing alcohol ads can help children become more informed; can diminish the perception that “everybody” is using alcohol; can encourage children to be more critical of the alcohol industry's advertising techniques; and can reduce intentions to use alcohol over the short term (Austin 1997; Slater 1996). The programs may even help to improve long-term cognitive resistance to

<i>What Media Literacy Can and Can't Do</i>	
<u><i>Can</i></u>	<u><i>Can't</i></u>
<ul style="list-style-type: none"> <li>▪ Help change attitudes</li> <li>▪ Teach people to recognize how messages are designed to influence them</li> <li>▪ Contribute to changing long-term behavior</li> </ul>	<ul style="list-style-type: none"> <li>▪ Change long-term behavior in the absence of other program elements</li> <li>▪ Replace classes or programs that explain tobacco's impact on health</li> </ul>

alcohol ads (Slater 1996). Qualitative research and the experiences of media literacy experts indicate that, if executed well, these programs can change people's knowledge, attitudes, and/or behaviors.

### *Essential Ingredients of Media Literacy*

Media literacy has four main concepts.

All media:

- Are constructed
- Have codes and conventions
- Convey value messages
- Have financial interests

Media literacy includes these activities:

- Critically analyzing media messages
- Evaluating the source of information
- Discussing issues of bias and credibility

- Raising awareness about how media techniques (such as the use of color, sound, editing, or symbolism) influence people's beliefs, attitudes, and behaviors
- Producing messages using different forms of media

### **Media literacy has four stages:**

1. The first stage is *becoming aware* of why it's important to manage the amount of time spent with TV, videos, electronic games, the Internet, films, and various print media.
2. The second stage is *learning specific skills* of critical viewing, such as analyzing and questioning what's in the "frame" (the perspective brought to the subject), how it's constructed, and what may have been left out.
3. The third stage is *exploring deeper issues* of who produces the media we experience and why. Questions to explore include: Who profits? Who loses? Who decides?

## *Key Questions in Analyzing Media Messages*

- What story is being told?
- From whose perspective is it presented?
- How is it captured?
- How is it edited?
- What type of music is used?
- Whose voice do we hear?
- What is the message?
- Who created the message and why are they sending it?
- Who is speaking?
- Whose viewpoint is not heard?
- Which lifestyles, values, and points of view are represented in the message?
- Who owns the medium?
- What is our role as spectators?

4. The fourth stage is *creating and producing one's own media messages* to counter the intended message. For example, a cigarette ad could be recast to reflect tobacco's effects on health; the ad could then be used against the industry. At this stage, the participant's role is that of an advocate.

### ***How Media Literacy Complements Counter-Marketing***

Media literacy programs can complement and reinforce a state's counter-marketing program. Educating people about advertisers' motives and about the techniques that advertisers use

to influence attitudes and behaviors helps people to analyze and to decipher tobacco industry marketing efforts and also increases the effectiveness of counter-marketing efforts.

Media literacy programs are easy to integrate with other counter-marketing components. For example, most media literacy programs include a module in which youth develop messages in response to industry marketing. This part of the program can be promoted through public relations and incorporated into grassroots efforts to educate the entire target audience about how the tobacco industry has tried to influence youth.

Although media literacy programs can be an effective component within any counter-marketing effort, they're most likely to be effective when the counter-marketing programs use an industry manipulation or repositioning strategy. (See Chapter 7: Advertising.) Florida's "truth" campaign used media literacy strategies to motivate young people to actively participate in tobacco control activities. In fact, many of Florida's original ads are believed to have helped the viewing audience become more media literate by exposing the role of ad agencies and marketing groups in creating positive images of tobacco.

Media literacy often leads to media advocacy efforts. In many cases, once youth are sensitized to deceptive marketing messages and practices, they're eager to work to counter those messages. At the community level, many community advocates use media literacy techniques to educate the public about the influence of tobacco ads in convenience stores and at sporting events.

Media literacy is also an effective tool for educating legislators and health policy decision makers. Because it's based on educational theories and addresses issues beyond tobacco control, media literacy can be viewed as a less charged critique of industry practices. It can be a useful way to educate policy makers about why the tobacco control movement needs effective policies for youth marketing, youth access, and clean indoor air.

It may be difficult to convey the direct impact a well-crafted media literacy program can have on youth. The best way to convince your state

tobacco control advocates of the power of media literacy is to invite them to attend a media literacy session or to conduct a session designed especially for them.

### *Implementing a Media Literacy Program*

Once you decide that media literacy supports your counter-marketing program's goals, you can begin your search for the right strategies and activities. Many media literacy programs and curricula are available; do some research to find the ones that will work best with your program. (See Programs and Resources section at the end of this chapter.) Here are the general steps for implementing your program:

- **Talk to other state tobacco control program staff about how media literacy fits into their counter-marketing programs.** Many states have used locally developed and tested programs and teaching tools. Ask them about their experiences with media literacy programs and experts.
- **Develop a strategy for media literacy in your counter-marketing plan.** Apply strategies that work with your target audiences. Media literacy is an obvious match for youth prevention programs. If your focus is on industry manipulation, you can use media literacy strategies with adults to deconstruct the tobacco industry's public relations ads and youth smoking prevention messages. Make sure that you have the resources, staff, and time to invest in media literacy as a program strategy. In addition, you'll



need to find one or more experts who can implement media literacy programs in your state. (See the Resources list at the end of this chapter.)

- **Learn about media literacy programs and resources.** The Centers for Disease Control and Prevention's Office on Smoking and Health, the American Academy of Pediatrics, the National Education Association's Health Information Network, and the Center for Substance Abuse Prevention jointly developed *MediaSharp: Analyzing Tobacco and Alcohol Messages*, a tool kit for educators, youth group leaders, pediatricians, and others who work with

youth ages 11 through 14. The kit includes worksheets, suggested activities, references and resources, and a video module to use across the learning modules. In addition, several Web sites offer information about media literacy organizations and resources for media literacy. Experts around the country also can help you design a state program. (See the Resources list at the end of this chapter.)

- **Track who is using the program and how it is working in different settings.** Once you've chosen a program and implemented it, be sure to evaluate your efforts. Evaluation will enable you to identify and correct any problems with the program.

Here are several tips from media literacy experts for launching your effort:

- **Include links to media literacy Web sites on your state tobacco control site.** These links will make media literacy tools readily available for teachers, health educators, and others who may be interested in working on tobacco control.
- **Visit state and local departments of education, health, or alcohol and other drug services.**
  - Learn about your state's education standards on media literacy.
  - Determine the department's interest in tobacco media literacy and find out who is addressing the issue.

- Make tobacco media literacy resources and materials available to the department.
  - Work with the department to create professional development opportunities in media literacy.
  - Provide access to teaching tools and resources, and offer to train teachers, health educators, or other staff.
  - Introduce media literacy programs and teaching tools at state and local health and education conferences.
  - Find state media literacy experts to speak to students, parents, or teachers or at teacher training programs.
  - Train people to present media literacy programs at schools and other youth gatherings.
- **Identify youth organizations, religious groups, community hospitals, pediatricians, and other community groups open to addressing the issue of media literacy with their members.** If your counter-marketing program addresses youth prevention, this can be an important addition to your media efforts.
    - Present information on media literacy to the organization leaders.
    - Determine whether they're interested in offering media literacy programs.
- Make resources and teaching tools available.
  - Offer to train staff from the organizations or offer to provide staff to conduct the programs for them.
  - Encourage organizations to publish or display artwork, ads, or other media literacy products developed by youth.
- **Approach local commercial and public television stations, education writers at newspapers, and cable stations with distance-learning access channels.**
    - Offer experts to talk about the concepts behind media literacy.
    - Showcase classes or organizations that are involving youth in media literacy programs.
    - Broadcast ads or other media messages developed by young people.
    - Develop a distance-learning program on media literacy for a cable channel.
    - Propose media literacy articles for newspapers with youth pages.
  - **Involve parents.** Help parents learn about media literacy programs so that they can reinforce and sustain media literacy at home. Inform them about school or community programs through parent resource groups such as the Parent Teacher Association.



## *Evaluating Your Efforts*

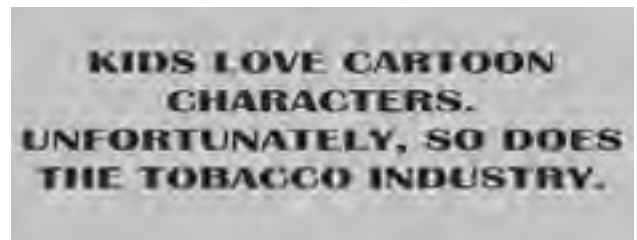
Evaluating your media literacy efforts will help you report to stakeholders and will give you valuable insights on improving your approach. Fine-tuning your approach using evaluation results can help you increase the public's ability to analyze tobacco advertising, its motivation to counter the tobacco industry's goals, and its involvement in the counter-marketing program. Some smokers may tell you that what they learn in media literacy justifies their addiction (i.e., they're victims of industry manipulation). If this happens, don't think that your program is having an adverse effect; instead, consider this argument a "teachable moment." You may need to present additional information to these individuals, including information on health effects and cessation services.

Evaluation will help you answer these types of questions:

- How is the funding for media literacy being used?
- Was your media literacy program implemented the way it was designed?
- Was the audience attentive and engaged throughout?
- Were there significant changes in the audience's awareness, attitudes, perceptions, intentions, and behaviors?
- How can you use the evaluation results to adjust your media literacy efforts and be more successful?

## **How To Evaluate Your Media Literacy Efforts**

You may want to review Chapter 5: Evaluating the Success of Your Counter-Marketing Program, which addresses evaluation in depth. Base your approach to evaluation on how the results will be used and by whom. Once you have determined how the evaluation results will be used, you can develop the most effective questions, plan a strategy for getting answers, and then provide the information to those who need it in a format that they can use. Involve the intended users and allow them to provide input from the start about the type(s) of information that they need from the evaluation.



To help manage the implementation of your media literacy efforts—and to respond to inquiries from your stakeholders—you must monitor and track your activities. As discussed in Chapter 5, you'll need to complete or obtain logs and other documentation tools regularly to track the activities linked to your plan's goals and objectives. For example, if one objective is to teach a certain number of targeted youth about specific content areas and skills within a given time frame, a log can allow you to document how many youth were reached, what

areas and skills were addressed during each session, and when the instruction took place.

Most importantly, you'll want to assess outcomes to determine the effectiveness of your media literacy efforts. This assessment involves measuring the impact on program participants, including changes in:

- Awareness of the role of the media
- Attitudes toward and perceptions of the tobacco industry, its advertising, and the harm both perpetuate
- Critical viewing skills
- Ability to develop their own counter-marketing messages
- Intentions to talk with others about what they have learned

If you conduct an outcome evaluation, use the strongest design possible. A pretest and posttest measurement that uses a comparison or a control group that didn't receive the media literacy education is preferable. A participant survey is one important way to measure outcomes. You may also want to review items from other surveys that evaluated the outcomes of similar programs and to involve one or more experts in the survey development and data analysis.

## Using Evaluation Results for Decision Making

The results of your outcome evaluation may show that some outcomes were achieved and others weren't. To understand these results, check your monitoring and tracking data to see whether your media literacy activities were implemented according to plan. If the activities and content linked to certain outcomes weren't taught appropriately or at all, you and your instructors will need to pay closer attention to program design and implementation.

If your monitoring and tracking data show that your activities were implemented as planned, it may be helpful to conduct interviews or focus groups with members of your target audience to understand why certain outcomes weren't achieved. If the focus group is designed and conducted effectively, these qualitative findings may help identify and correct problems with your media literacy efforts, such as low credibility of instructors, inappropriate learning techniques, program content that doesn't resonate with the audience, or lack of time to practice relevant skills. By evaluating your efforts regularly, you'll learn more about how to best engage your target audience, how to increase their knowledge, and how to motivate them to get involved in the tobacco counter-marketing program. Then you'll be able to make adjustments so that each round of media literacy efforts becomes more successful.

### *Points To Remember*

- Make sure that media literacy fits into your overall counter-marketing strategy.
- Learn about media literacy programs and resources. Talk to program staff from states conducting media literacy efforts.
- Identify which media literacy programs and resources match your audience and strategy.
- Determine which organizations can help you implement a media literacy program. Offer them tools and training.
- Track who is using the program and how it's working.

## *Resources*

### **Health Education**

Centers for Disease Control and Prevention. Guidelines for school health programs to prevent tobacco use and addiction. *Morbidity and Mortality Weekly Report Recommendation Report* 1994;43(RR-2):1–18.

Shelov S, Baron M, Beard L, Hogan M, et al. Children, adolescents and advertising. *Pediatrics* 1995;95:295–7.

U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Young People: A Report of the Surgeon General*. Atlanta, GA: USDHHS, Public Health Service, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 1994. Reprinted with corrections, July 1994.

### **Programs and Resources**

- MediaSharp is an interactive, multimedia program designed to help young people critically assess how the media normalize, glamorize, and create role models for unhealthy lifestyles and behaviors. It focuses on analyzing tobacco and alcohol messages delivered through entertainment, news, and marketing. The MediaSharp kit includes a video, a leader's guide, handouts, exercises, and an extensive list of media literacy resources; it can be ordered free from the Centers for Disease Control and Prevention/Office on Smoking and Health Web site (<http://www.cdc.gov/tobacco>).

- Smoke Screeners is an educational program that helps young people learn media literacy skills by improving their ability to critically analyze messages about tobacco use in movies and on television. The program includes a moderator’s guide and video, and it can be used in a classroom or in a youth group setting. Created as part of the youth initiative of the Massachusetts Department of Public Health’s antismoking campaign, this program is now a national effort. Smoke Screeners is free and can be ordered from the Centers for Disease Control and Prevention/Office on Smoking and Health Web site (<http://www.cdc.gov/tobacco>).
- The Center for Media Literacy (<http://www.medialit.org>) is the leading organization for media literacy in the United States. The center has an extensive catalogue of recommended books, videos, and curriculum resources.
- The Alliance for a Media Literate America (<http://www.nmec.org>) is a professional development collaboration that organizes and hosts the annual National Media Education Conference for teachers, administrators, and community leaders.
- South Carolina Educational Television’s Media Literacy Program Web site (<http://www.med.sc.edu/medialit>) provides numerous teaching tools for tobacco media literacy.
- The New Mexico Media Literacy Project (<http://www.aa.edu>), sponsored by the Albuquerque Academy, offers a wealth of information for teaching media literacy skills to youth.
- Hip Hop! Influence Within Youth Popular Culture: A Catalyst for Reaching America’s Youth with Substance Abuse Messages is a report by Dr. Thandi Hicks-Harper that can help readers to understand hip hop in a prevention context (<http://www.hiphop4kids.com>).

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## Videos

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Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention; Centers for Disease Control and Prevention, Office on Smoking and Health; American Academy of Pediatrics; National Education Association Health Information Network. *MediaSharp: Analyzing Tobacco and Alcohol Messages*. 1998. Available at: <http://www.cdc.gov/tobacco/mediashrp.htm>.



## Web Sites and Internet Resources

Alliance for a Media Literate America: <http://www.nmec.org>.

American Academy of Pediatrics, *Understanding the Impact of Media on Children and Teens*:  
<http://www.aap.org/family/mediainpact.htm>.

Center for Media Literacy: <http://www.medialit.org>.

*Countering the Influence of Alcohol and Tobacco Advertising*:  
<http://www.drugs.indiana.edu/prevention/advert.html>.

*Deconstructing Media Messages*: <http://www.etr.org/recapp/practice/youthskills200106.htm>.

Media Education Foundation: <http://www.mediaed.org/>

Media Literacy Clearinghouse: <http://www.med.sc.edu/medialit>.

Media Literacy for Prevention, Critical Thinking and Self-Esteem (Web site of media literacy expert Dr. Peter DeBenedittis): <http://www.medialiteracy.net>.

Media Literacy Review, Media Literacy Online Project, College of Education, University of Oregon:  
<http://interact.uoregon.edu/medialit/mlr/home/index.html>.

Media Literacy and Substance Abuse Virtual Library:  
<http://www.health.org/features/medlit/library.htm>.

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