

Steps for Conducting Effective Compliance Checks: TOBACCO or ALCOHOL

*Prepared from documents by the
Pacific Institute for Research and Evaluation*

Sections in this Overview:

- Overview of the complete intervention timeline
- Recruiting and selecting youth for the checks
- Training youth for the checks
- Documenting youth volunteers
- Planning for compliance checks
- Procedures for compliance checks
- Documenting checks
- Follow-through
- Evaluation

Overview of the complete intervention timeline:

There are phases to a proper cycle of compliance checks:

- I. **Pre-Checks.** Development of community support and use of media advocacy to increase retailers' perceived likelihood they will be caught if they sell to an underage person
- II. **Checks.** Conducting the compliance checks using underage volunteers and law enforcement officers. Penalties (citations) issued for those who sell.
- III. **Post-Checks.** Merchant education offered in the community and media is used to advertise report findings from compliance checks.

Recruiting and selecting youth for the checks

1. RECRUITING: Suggestions for *places to recruit* youth include:

- Community and faith groups
- Youth groups such as MADD and SADD
- Family members and friends of officers (but not the officer going out with the youth on the checks)
- Department employees who are under 20 (or under 17 for tobacco)

- Criminal justice programs in local colleges and high schools (including Explorers and cadets)
 - Responders to advertisements in college and community newspapers
 - Underage volunteers from past compliance checks
 - TI teams
 - Venture Crews or Explorers from a Boy Scout troop
4. SELECTION: The following should be *factors in selection* of the youth to be involved in the compliance checks:
- Preferably, the youth *should not* be from the actual community where the checks are being done, so it is unlikely the youth and retailer will cross paths in the future.
 - However, they should look like they would likely be from that community (race/ethnicity, etc.)
 - They must be underage and look underage
 - Use age-testing to ensure they look underage. Procedure: Take the youth to a public place (mall, etc.) and ask 10 random adults to guess their age. The average guess should fall between 17.5 and 19.5 for alcohol checks and 14.5 and 16.5 for tobacco.
 - Use both male and female volunteers (when using a female volunteer, be sensitive about having another female on the trip)
 - Use volunteers in areas where they are not well known
 - Instruct volunteers not to dress in ways that make them appear older

Training youth for the checks

The following should be *key points of training* for the volunteers:

1. BEHAVIOR

- Act normally.
- Answer any questions truthfully.
- Provide his or her real ID if asked.
- Avoid any situation that seems dangerous.
- Do not attempt to buy if he or she knows anyone in the store, including the person behind the counter.

2. ATTITUDE

- It is important to remember that no one is trying to “trick” the salesperson.
- When referring to compliance checks, avoid the word “sting.” This word implies a “set up to catch” someone. The youth volunteers are simply “testing” store employees in a real world situation on whether they comply with the relevant laws.

Housekeeping items regarding youth volunteers

1. DOCUMENTATION: The following things about your volunteers should be documented prior to the checks:
 - Basic information (name, address, phone number, etc.)
 - Photograph of volunteer (taken day before checks or day of if you have a Polaroid)
 - Driving and criminal checks (Do not use anyone with a criminal record or anyone needing to serve community service hours for judicial purposes. Find “squeaky clean” kids).
 - Injury waivers/release of liability forms
 - Parental permission form (if under 18)
 - Agreement of understanding
 - Copy of driver’s license
 - Record of compliance checks conducted by volunteer (can help case against a retailer if you can say only 1 or 2 out of 50 sold to this young person)

2. OTHER CONSIDERATIONS:
 - *Compensation* for youth is acceptable. The preferred method is to pay by the hour or by the day rather than by each compliance check, and definitely *not* based on whether the sale was made.
 - *Insurance* (hiring the youth as part-time employees may simplify this)
 - *Availability* for court or administrative hearings (do not use somebody about to go off to college far away)
 - *Number* of volunteers to use each night (only one should enter each store)

Planning for Compliance Checks

LOCATIONS

- First, create a plan for where (*points of sale*) you will conduct the compliance checks. In a smaller area, you should conduct compliance checks at all possible outlets.
- If it is not manageable to reach all outlets, then consider:
 - Determining how many checks you can do and then randomly choose that many from all the options,
 - Working down a list and continuing where you left off last time,
 - Selecting certain types of outlets (convenience stores, etc.), or
 - Selecting locations based on prior complaints or previous violations.

OTHER CONSIDERATIONS. You will also need to consider:

- *Times of day and days of week* to conduct the checks (consider times when youth would likely try to purchase or times when complaints indicated sales were being made)
- *Schedules* should be arranged so that two law enforcement officers and the youth are available at the same time.
- *Frequency of checks*. Consult with your law enforcement on this factor. Higher frequency of the checks will help decrease likelihood of sales, but you want to avoid giving retailers the opportunity to claim they were being “picked on” in court. In a smaller area, consider at least 2 checks per outlet per year.

Procedures for compliance checks

1. ONSITE: The following are things to do when you actually conduct the compliance check:

- Park vehicles so as not to alert store employees of the check.
- Send one plain-clothes officer in just before the youth enters. The officer is to shop somewhat near the register when the youth attempts the purchase. Another officer should waiting in the car with the other volunteers.
- Send the youth in to purchase the alcohol or tobacco.
- Have the youth trained to answer all questions truthfully and provide a valid ID, if requested.
- Have the youth leave after the purchase attempt and join the officer in the car.
- One of the officers should tell the clerk that he or she did or did not sell to a minor. Show the clerk the picture of the minor who just attempted a purchase.
- If the clerk did not sell, the officer should congratulate and thank him.
- If the clerk did sell, the officer charges the person with “sale of beer/wine to a minor” (Section code 61-4-50), “sale of liquor to a minor” (Section code 61-6-4080) or “sale of tobacco to a minor” (Section code 16-17-500).
- Conduct a post-investigation interview while allowing the clerk to continue going about his/her business. Record comments as the clerk may admit he or she should have checked ID or make other useful comments for prosecution.
- Record all pertinent information upon return to the car.
- Take *another picture* of the youth if the sale was completed. Try to include what he or she bought and the store (or sign) in the background.

2. OTHER CONSIDERATIONS: Other things that should be planned out in advance are:

- What you will do if the clerk seizes the ID and refuses to return it
- What you will do if the clerk demands to see the youth (options are to refuse or pull the youth up to the front of the store in the car)
- What to do with the alcohol or tobacco products that were purchased

Documenting Checks

A form is to be completed to track each compliance check. A recommended form is available from DAODAS, the DAODAS Compliance Check Form. The key information to document after a compliance check includes:

- Store name (Obtain this information off the permit rather than the store sign, as they are often different)
- Address
- Date and time
- Results of the attempt
- Type of outlet
- Store signage
- Age, gender, and race of buyer
- Age, gender, and race of seller
- Item purchased
- Was ID requested?
- Was ID checked?
- Was a calendar or ID checking machine present and used?
- Was a photo of the volunteer taken as s/he appeared that night before and after the check?
- Amount of the fine, if a sale was made

Follow-through

1. If a sale is made, the compliance check will most likely result in a citation to the person making the sale. For alcohol sales, ideally, the next step would be to make administrative charges against the license holder. However, SLED is currently only processing administrative charges when they are involved in the check.
2. There is currently no corresponding administrative process for tobacco citations.
3. For any sales, staff should offer merchant education services to the store manager. You may wish to offer merchant education if even if a sale is not made.
4. Decide what your policy will be for any follow-up with outlets that do not sell.

Evaluation

The most accurate way to measure changes in the overall buy rate in a community is to conduct “pre-test compliance checks” before the actual intervention begins (this includes any use of media or

development of community support) and conduct “post-test compliance checks” after all the components have been completed.

The complication in doing these pre- and post-tests is that in order to separate the pre-test from the intervention, the merchants *should not know* they were checked.

However, many law enforcement agencies are hesitant to either:

- (1) Allow underage youth to purchase alcohol or tobacco (technically illegal) without their supervision, or
- (2) Be present to an illegal activity (merchant selling to a minor) and not cite the offender.

It is definitely not wise to attempt underage purchases without law enforcement because the youth volunteer could be charged for purchasing. In many cases, the best compromise is to conduct purchases with of-age people who look underage. This assumption can be confirmed by using age-testing as described above. In this situation, the sale is legal, and the focus is seeing whether the merchant asks for ID and studies the ID sufficiently to assume they would have confirmed whether the buyer is of legal age. In this type of study, however, it is not possible to see whether the merchant might sell to someone even if he or she checked the ID and knew the buyer was underage. Given the complications, this method is often still the best approach. It is often still sensible to inform law enforcement you will be conducting these checks, even though the purchases are completely legal.

The result of the check is recorded for data collection purposes, but not reported to law enforcement. The young adult volunteers should be accompanied by a non-law enforcement adult (waiting in the car). Young adult volunteers should follow the same procedures described in this document (being truthful, what to purchase, etc.).

When of-age people are used, the buy rate should always be 100% because they are of legal age and should be carrying proper ID. However, pre-test and post-test percentages can be calculated based on the number of times they are asked for an ID and another percentage based on how many times the ID is carefully studied (enough to conclude they were calculating age and matching the picture to the buyer). An improvement in these percentages indicates merchants are increasingly sensitive to checking for proper age and would likely correspond to their being less likely to sell to an underage person.

For even more details on conducting compliance checks, you can order the booklet called Guide to Conducting Alcohol Purchase Surveys for free. It is available from the following website: www.udetc.org (under publications).