

 <b>DEPARTMENT OF PUBLIC SAFETY</b> <b>POLICIES &amp; PROCEDURES</b> 	<b>POLICY NUMBER</b> <b>OPR: 10</b>	
	<b>ORIGINAL 1<sup>ST</sup> ISSUE DATE:</b>  <b>12/16/1991</b>	<b>EFFECTIVE DATE:</b>  <b>03/22/2006</b>
<b>SUBJECT: COMPLIANCE OPERATIONS</b> (formerly entitled "Sting Operations")	<b>REVISION DATE:</b> <b>03/22/2006</b>	<b>REVISION #</b>  <b>R-2</b>

## 1.0 PURPOSE

The purpose of this policy is to establish a uniform and consistent manner in which minors are utilized in compliance operations to determine whether businesses are in compliance with state law as it relates to the selling, serving, or delivery of alcoholic beverages or tobacco products to minors.

## 2.0 APPLICABILITY

This policy is applicable to all Department of Public Safety commissioned personnel.

## 3.0 REFERENCES

None

## 4.0 DEFINITIONS

- A. **Minor** - Any individual who is eighteen to twenty years of age (for alcohol) and fourteen to seventeen years of age (for tobacco). (As used for this Policy)

## 5.0 PROCEDURE

### A. RESPONSIBILITIES OF AGENTS AND SUPERVISORS

1. Compliance operations in which minors are utilized to purchase or obtain alcoholic beverages or tobacco products are to be approved forty-eight hours in advance by the supervisor of the operation.
2. On a case by case basis, the forty-eight hour notification may be waived by the Director/Commander only.
3. The Supervisor shall notify the Deputy Director, Director/Commander or their designee, of the scheduled compliance operation and circumstances, prior to its commencement.
4. Minors chosen by agents to attempt the purchase of alcoholic beverages or tobacco products should appear to be their age. Minors should not have any facial hair such as a beard or moustache or wear excessive make up. Minors shall not wear any sunglasses or caps, during the operation.

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5. The agent shall ensure that the minor has not previously and independently purchased alcoholic beverages/tobacco product from any establishment to be approached, and shall educate the minor with regards to entrapment prohibitions as well as orientation of operational guidelines and constraints.
6. Minors shall not be utilized if they are younger than eighteen years of age for alcohol compliance operations.
  - a. Minors utilized for alcohol operations should not have reached their 20<sup>th</sup> birthday and their 17<sup>th</sup> birthday for tobacco operations.
7. No minors who are on probation or parole will be utilized. Minors that have any type of criminal history shall not be used.
8. A minor shall only carry one form of identification on their person at all times during the operation. Only their true governmental identification will be used.
9. Minors shall not carry any type of wallet or purse while conducting the operation. The minor shall be searched at the beginning and end of each operation to verify compliance. A female minor shall only be searched by a female agent.
10. The minor is not permitted to misrepresent his or her age or argue with the licensee or employees over a refused sale. Once the sale or service of alcoholic beverages or tobacco product is refused, the minor shall promptly depart the premises.
11. Precautions shall be taken to ensure the safety of the minor(s). This may consist of, but be not limited to, observation, audio monitoring, and utilization of cover agents.
12. If feasible, a video and/or audio recording should be made of each attempt to purchase alcoholic beverages/tobacco products.

### **B. Reporting Requirements**

1. Upon purchasing or obtaining any alcoholic beverage or tobacco product, the minor must immediately deliver any contraband/evidence to an agent/officer who is working the operation.
2. The minor shall personally identify to the agent/officer the seller or individual who delivered the contraband to the minor so that the information for a report can be obtained and any citations or arrests can be made.
3. The agent shall furnish information to the supervisor as soon as practical after the operation is completed.

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4. The supervisor shall notify the Deputy Director or Director/Commander of the same information as required in item B-3 of this policy and any additional information pertinent to the operation.

### 6.0 ATTACHMENTS

None.

### 7.0 APPROVAL

APPROVED BY: S/John Denko  
DPS Cabinet Secretary

DATE: 03/22/2006