



BASIC SHOULDER TAP PROGRAM

AMERICAN ATHLETIC INSTITUTE – ALCOHOL ENFORCMENT TRAINING DIVISION
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SHOULDER TAP PROGRAM

Underage Drinking

The consumption of alcohol by our youth has reached a critical mass level. Alcohol affects our families and communities and claims more lives than any other drug combined. It is the leading cause of traffic accidents, fatalities, crime, suicides, and contributes to the spread of sexually transmitted diseases and underachievement in school and athletics.

Communities across the United States have mobilized treatment, enforcement and education efforts to reduce the tragic consequences of underage drinking. Clearly, no single approach can solve the problem facing our community. Each effort must be implemented and enforced consistently and fairly. Research reflects that effective and regular shoulder taps will decrease sales to minors, decrease traffic accidents, decrease health problems and help build awareness to the dangers of 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, promote, and regulate alcohol.

This guide is designed for law enforcement officers and their partners for developing and implementing a shoulder tap program for establishments that sell or serve alcohol. Research indicates that while many alcohol establishments refuse sales to underage buyers, a number of establishments continue to sell to those under the age of 21.

In 2006 the Sober Truth on Preventing Underage Drinking (STOP) Act was passed by a unanimous vote in the Senate and House. This was one of many indications that underage drinking is a priority at national, state, and community levels. Even the Surgeon General stated in his "Call to Action", our children are our priority.

This guide includes step-by-step instructions on how to implement strategies to reduce liability as well as send a strong message that underage drinking is illegal, unhealthy, and unacceptable.

The NHTSA reported in 2001 that for the year of 2000, more than 8,900 drivers under the age of 21 were involved in fatal crashes while impaired by alcohol. The Pacific Institute of Research and Education (PIRE), reported in 2001 that youth alcohol use costs the nation over \$42 billion annually as a result of traffic crashes, violent crime, burns, drowning, suicide attempts, alcohol poisoning and alcohol abuse treatment costs.

The California Supreme Court in 1994 upheld the use of minors by local law enforcement. In some cities across the United States, almost one of every two stores failed to check identification and sold alcohol to the minor.

With the success of the Alcohol Compliance Checks, law enforcement should turn to the “Shoulder Tap” method of encouraging compliance by having underage persons stand outside of stores that sell alcoholic beverages and ask adults to buy from them. Nationwide, law enforcement only arrests about 14% of the adult offenders that provide alcohol to minors.

Program Description:

The Shoulder Tap Program is an enforcement program that uses underage persons to identify and apprehend people who furnish alcohol to minors outside of an off-premise outlet. People observed furnishing alcohol to underage minors is to be arrested (either cited or booked). Agencies that have used this method have had significant results.

(Note: If the community climate shows that arrests of these offenders could jeopardize your programs acceptability, you may choose to document the violations as an awareness tactic only.)

When conducting a Shoulder Tap Program, conducting a seven-week effort in which 18 to 20 year olds would be used in various locations throughout your jurisdiction. Arrests and percentage of alcohol sold should be recorded. In addition, the coordinator of such program would research those arrested by criminal history, warrants, probation or parole violations and public intoxication. Reports should also record which adults demanded extra money for their own personal profit vs. those who did not ask for money.

Identify Resources:

Determine the personnel, equipment and materials required. The Shoulder Tap Program can be a joint operation between local law enforcement agencies.

The ideal program is four two-day operations within a ten month period within a jurisdiction. Each operation requires an eight-hour shift, usually two officers in separate cars, plus one underage volunteer each. Based on your funding, shorter shifts could be done more often.

- Determine personnel resources required.
- Determine equipment/material resources required. The following equipment is suggested:
- Marked patrol vehicle
- Camera/film or video
- Unmarked vehicle
- Two way radios
- Radio transmitter (wire)
- Citations
- Recording device Evidence bags/labels
- Recorded buy money (optional)

Gain Program Support:

The Shoulder Tap Program needs strong support by local prosecutor if offenders are going to be charged / booked. Starting a program like this would be self-defeating if training and awareness are not addressed.

- Contact the County and City Attorney's office to discuss the benefits of the program
- Contact the presiding court judge, who will most likely preside over the misdemeanor criminal charges.
- Explain the purpose of the program and the minimum penalties for a conviction of furnishing to minors.
- Media campaigns as well as informing city/county council meetings are a good start.

Note: Court Judges in other jurisdictions have recommended that if the suspect demanded extra money from the underage minor as a condition of furnishing them with alcohol, the suspect should receive an actual jail sentence in addition to the fine and/or probation.

Identify Target Locations:

The Shoulder Tap Program has the best effect when used:

- In areas where local Law Enforcement has already conducted a successful program.
- In areas where minors have resorted to the Shoulder Tap method of obtaining alcohol rather than buying it.
- Explain benefits to local retailers to work near their store.

Select Minor Volunteer:

This selection process is extremely important. Although the law states the underage buyer may work as an agent for law enforcement and be exempt from criminal prosecution, considerations should be made:

- Anyone under the age of 21 could be used, however, since this program is different than alcohol compliance checks, you may choose youth that are 18 or younger (With parents/guardian permission).
- Must have a youthful appearance and have no facial hair and dress in appropriate teenage attire.
- Recruit youth that have a valid driver's license or personal ID card.
- Ensure the youth has not been convicted of a crime related to alcohol
- When conducting operations, try not to use youth that would typically use the particular business as a patron/customer.
- If using someone 20 years of age, only use them if they have more than six months to their 21st birthday.

In addition, the following criteria are suggested:

- The buyer should be willing to conduct undercover work (see confidential informant form example)
- The buyer should be willing to wear a radio transmitter and have their conversations recorded.
- The buyer should be comfortable in making a face-to-face identification of the violator after the furnishing/unlawful violation has occurred.
- The buyer should have the ability to prepare a written statement.
- The buyer must be willing to testify in any court proceedings resulting from the program.
- The buyer should be informed that being involved could result in media attention.
- The buyer should be willing to complete the confidential informant form and have process explained to the parent/guardian. Keep this in the youths file.

Training/Operation:

To help ensure prosecution and maintain safety certain operational planning should be followed. The underage buyer should also be instructed on possible situations they may encounter.

- The buyer should always be under the direct supervision of a law enforcement officer.
- Instruct the buyer to tell the truth about their age and that they cannot purchase alcohol themselves.
- It is not necessary for the underage buyer to inform the adult they solicit that they are underage. If the adult does ask the minor's age, the buyer should tell the truth. All the buyer is required to do is to request the adult buy them alcohol.
- If the adult does furnish the buyer with alcohol, the buyer should walk away to a pre-designated location. The adult should be allowed to move away from the minor before being detained. This gives added security for the buyer's protection.
- Allow the adult to leave the store and then stop them a couple of blocks away using either a marked or unmarked patrol unit.
- Detain the adult and advise them of the transaction and advised of their right to Miranda. Depending on the suspect's answer, further questions may be needed.
- When available, book the suspect who furnished to the buyer in to jail.
- This book and release process gives the public greater awareness

Reporting:

If a suspect is observed providing alcohol to a minor and an arrest is made, a report is needed. The report should contain the following information and exhibits:

- A detailed summary of the investigation and observation made by the arresting investigator or officer of the unlawful transaction violation.
- When possible, submit the audio recording of the suspects and minor's conversation.
- When possible, submit any video or photograph recording of the transaction.
- Account for evidence and expenditure

Evaluation:

A program's success can be measured quantitatively by the number of persons who unlawfully provide alcohol over those who did not on the first week versus the last week of the operation. Further quantitative measures include the number of arrests; the number of suspects booked versus released on misdemeanor notices to appear; and the ages of the arrested suspects.

- Track and record statistics
- Media Release of information

CONFIDENTIAL INFORMANT QUESTIONNAIRE

I, _____, the undersigned, understand that while I am cooperating with the assisting the Special Investigations/Alcohol Enforcement Team, I will be bound to the conditions included below. I further signify, by initialing each condition, that it has been fully explained to me and that I understand each condition in its entirety.

_____ I understand that cooperating with the AET does not give me the authority to violate any local, state or federal laws.

_____ I understand that, should I violate any local, state or federal law, I will receive no special treatment or consideration by virtue of assisting the AET.

_____ I understand that I am NOT a Law Enforcement Officer, and will not attempt to represent myself as one.

_____ I understand that I am not to effect any physical arrests for any violations of the law as part of my services to this agency.

_____ I understand that I am specifically NOT AUTHORIZED to carry or use any firearm, other weapon, or item of contraband.

_____ I understand that I am not to carry any documents or equipment that could represent Law Enforcement field, including firearms.

_____ I will not disclose to ANYONE that I am providing a service to this agency, except in answer to a subpoena in a Court of Law.

_____ I understand that I may never become involved in any activity that would constitute entrapment, which is "the inducement or encouragement" of an individual to engage in illegal activity in which he/she would otherwise not be disposed to engage.

_____ I understand that I may never use my sex, sexuality or sexual activity to induce or persuade an individual to sell or deliver a controlled substance, dangerous drug or any other substance purported to be the same.

_____ I understand that I am not to use my services with this agency to resolve personal matters.

_____ I understand that I am not to participate in any investigations of any criminal activity unless the investigation is being DIRECTLY SUPERVISED by an AET member. I agree to follow the instructions of the supervising AET member while assisting in such investigations.

_____ I am fully aware that I may have to testify in future court proceedings concerning investigations in which I might participate.

_____ I am agreeing to cooperate with the AET of my own free will and accord, and not as a result of any intimidation or threat.

_____ In agreeing to cooperate with the AET, I understand that NO Law Enforcement Officer may make any explicit or implicit promises or predictions regarding the likely disposition of any criminal proceedings that may be pending against me.

I CERTIFY THAT ALL OF THE ABOVE CONDITIONS HAVE BEEN EXPLAINED TO ME, AND THAT I FULLY UNDERSTAND AND WILL ADHERE TO THEM.

Confidential Informant

Date Time

Witnessed by: _____

Date Time

Location

I, _____ do hereby give my authorization and consent for the A.E.T. to provide me with and wear a wiring device to record my interaction with those I may come in contact with during an A.E.T. investigation.

I further give my authorization and consent to the A.E.T. to monitor and record all transmissions and/or conversations to which I am a party.

My authorization and consent is given freely and voluntarily without coercion, duress, threats or promises of any kind, for the purpose of obtaining evidence of criminal acts and/or conspiracies of criminal acts and covers the period of:

_____ to _____

Dated this _____ day of _____ 20__; Time _____

Confidential Informant

Witness

| | |
|--------------------------------|----------|
| Control/handler A.E.T. Member: | CI#: |
| Referral Agency: | Officer: |

CONFIDENTIAL CONTRIBUTOR INFORMATION

| | | | | | |
|-----------------|------|------------------|---------|-------|------|
| True Name: | | | | | |
| Race: | Sex: | HEIGHT: | WEIGHT: | HAIR: | EYE: |
| D.O.B. | SNN: | DRIVER'S LIC. #: | | | |
| PLACE OF BIRTH: | | | | | |

| | | | | |
|----------------|-----|----|--------|-------|
| FINGERPRINTED: | YES | NO | WHERE: | DATE: |
| PHOTOGRAPHED: | YES | NO | WHERE: | DATE: |

| | | |
|-------------------|----------------|------------|
| HOME ADDRESS: | HOME PHONE: | CELL: |
| OCCUPATION: | | |
| BUSINESS ADDRESS: | WORK PHONE: | |
| VEHICLE: | YEAR/MAKE: | MODEL: |
| | LICENSE PLATE: | REG. OWNER |
| | | |

| | |
|-------------------------------|--------------|
| IN CASE OF EMERGENCY CONTACT: | |
| _____ | |
| ADDRESS: | _____ |
| _____ | PHONE: _____ |
| RELATIONSHIP: | _____ |
| _____ | |



MINORS / BUYER / VOLUNTEER'S INFORMATION

First Name: _____
Last Name: _____
Date of Birth: _____

PARENT/GUARDIAN INFORMATION

First Name: _____
Last Name: _____
Address: _____
City: _____
State: _____
Zip: _____

EMERGENCY CONTACT INFORMATION

Contact Name: _____
Relationship: _____
Primary Number: _____
Alternate Number: _____

I am the parent/guardian of a minor child who will be volunteering for the (POLICE DEPARTMENT) on (MONTH/DAY/YEAR and TIME). I have given my permission for him/her to volunteer for (SHOULDER TAP OPERATIONS or ALCOHOL COMPLIANCE CHECKS). I am aware that I am wholly responsible for the minor child's health, safety and welfare at this event and hold harmless the organizers, sponsor, police department and volunteer participants of the event.

Parent/Guardian Signature: _____

Date: _____