

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 223-P

REFERENCE STANDARDS:

SUBJECT: Liquor and Tobacco Compliance

POLICY: It will be the policy of the Hanover Park Police Department to uniformly enforce the Village Liquor and Tobacco Codes by conducting compliance check controlled buy operations on a continuous basis.

PURPOSE: To define the procedures used to check compliance of licensed establishments selling alcoholic beverages and tobacco products in Hanover Park. When compliance checks are conducted, every effort will be made to complete a check at all vendors licensed to sell the applicable product in Hanover Park.

I. DEFINITIONS

- A. Compliance Check – A supervised attempt by an underage youth to purchase either tobacco or alcohol at a vendor licensed to sell those products.
- B. Licensee – Holder of a license to sell alcoholic beverages or tobacco, or both.
- C. Observers – Civilians who are pre-approved by the Chief of Police to view the control buy operations.
- D. Official Identification – Picture identification issued by the State of Illinois in the form of a driver's license or state ID card.
- E. Youth Participant – A person under the legal age to purchase alcohol or tobacco products who assists the Police Department with the compliance check operation.
- F. Supervising Officer (SO) – An officer assigned to the compliance check operation to oversee the youth participant.

II. PRE-COMPLIANCE CHECK PROCEDURES

- A. The Day Shift Patrol Lieutenant will be responsible for establishing a twelve-month schedule for monitoring all liquor and tobacco licensees in the Village which are open to the public. The schedule shall be submitted to the Chief of Police for review prior to

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implementation. Licensees that limit sales to employees or members will not be checked on a regular basis. Operations will be conducted at least three times a year or as otherwise directed by the Chief of Police.

- B. Operations may also be conducted, with approval of the Chief of Police, in response to documented citizen complaints of underage purchases. The reasons for this special operation will be transmitted by the Day Shift Patrol Lieutenant to the Chief of Police via a "To-From" memorandum.
- C. The Day Shift Patrol Lieutenant will assist in obtaining the Youth Participant to be utilized during the compliance checks. Youth Participants will be between 18 and 19 years of age. All Youth Participants will be approved prior to the operation date by the Chief of Police or his/her designee.
 - 1. A copy of the Youth Participant's legal Illinois Identification Card or a legal Illinois driver's license shall be furnished to the SO prior to the operations.
 - 2. All Youth Participants should be of good character. They will have no record of liquor or tobacco-related violations, nor will they have made any prior attempts to unlawfully purchase these items.
 - 3. Youth Participants should have the appearance, demeanor and mannerisms appropriate to their age.
 - 4. Youth Participants will dress appropriately for their age group, and will not have facial hair, nor wear any type of heavy make-up or excessive jewelry.
 - 5. A photograph of the Youth Participant will be taken prior to the start of the compliance check.
 - 6. A background check will be conducted on each youth participant, including local records.
 - 7. Youth Participants will complete a Youth Participant Consent Form (Appendix A).
 - 8. A training session will be held prior to the compliance check, including advising the Youth Participant:
 - a. to go directly to the targeted merchandise then directly to the check-out, or directly to the point of service and place an order;
 - b. that at no time should he/she try to persuade the licensee/clerk/server to complete the sale or serve the product, and that he/she should only speak as necessary;
 - c. if a product is sold or served to him/her, he/she shall confirm the product appears to be tobacco/alcohol, however, not consume any of the product;

- d. that if asked about his/her age, he/she is to reply with his/her correct age and if he/she is asked for his/her identification, he/she is to present his/her legally issued identification;
 - e. if a transaction is completed, he/she should try to obtain a receipt; and
 - f. that the success of the operation and his/her continued participation in the program is not contingent upon making successful purchases.
- 9. The Youth Participant Guidelines (Appendix B) form will be reviewed with the Youth Participant by the SO.
- D. Advance notice and carrying out of Compliance Checks shall follow the time frames set forth in *235 ILCS 5.6-16.1*.

III. COMPLIANCE CHECK PROCEDURES

- A. The Youth Participant will carry only legally issued identification, either a legal Illinois Identification Card or a legal Illinois driver's license. If an adult observer, other than a Hanover Park police officer, is used, the adult observer will be instructed to dress in a casual manner and will make no effort to confuse the salesperson or otherwise influence a sale to the Youth Participant.
- B. At the beginning and/or end of an operation, the Youth Participant may be administered a PBT or other BAC test to verify they have not consumed alcoholic liquor.
- C. A Hanover Park police officer will drive the Youth Participant and the adult observer to each tobacco/alcohol vendor location to be checked. The Youth Participant will be accompanied into the location by either the adult observer or the police officer. If no adult observer is used, a police officer will be present within the business during the purchase attempt. The Youth Participant will attempt to make a purchase of either tobacco or alcohol. If the youth's age is questioned, they will provide their legal age and show valid identification.
- D. The Youth Participant will be courteous and polite at all time and will not argue or make any effort to influence the decision of the salesperson.
- E. At the completion of a sale or if refused, the Youth Participant will immediately leave the business and report to the police officer. The adult observer, if possible, will remain in the business for the purpose of correct identification of the person making the sale. If the police officer is present, he/she will advise the offender of the sale and issue the appropriate citation.
- F. The safety of the Youth Participant and the adult observer will not be compromised at any time.

IV. POST-COMPLIANCE CHECK PROCEDURES

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- A. Upon completion of a series of compliance checks, the Day Shift Patrol Lieutenant or his/her designee will forward a report of the outcome to the Chief of Police. The report will contain the name of each business checked, the result of the check, if a citation was issued when a sale was completed and the recommended follow up.
- B. When compliance with the local ordinance is gained and no sale is completed, a congratulatory letter will be sent to the business.
- C. When a sale is completed and a citation issued, the following steps will be taken:
 - 1. The Village Manager's Office will be notified by the Chief of Police via the Day Shift Patrol Lieutenant of the sale/delivery to a minor.
 - 2. A follow-up compliance check will be scheduled prior to a hearing with the Liquor/Tobacco Commissioner and the Village Manager's Office will be notified by the Chief of Police via the Day Shift Patrol Lieutenant of the re-test results.
- D. Youth Participants will be available for testimony at Liquor/Tobacco Commission hearings and local adjudication proceedings at the request of the Village Prosecutor. If possible, the same clothing will be worn for these proceedings as was worn during the compliance check.
- E. At the completion of each compliance check, regardless of the outcome, the Youth Participant and adult observer/police officer shall make notification to their supervisor(s) detailing the outcome of the inspection.

V. SUPERVISING OFFICER TRAINING

- A. Supervising Officers conducting alcohol and tobacco compliance checks shall attend the mandatory four-hour training pursuant to Public Act 92-0503, to include the scope of national and community issues, legal overview (statutes, case law, entrapment, and licensing), pre-investigation phase (youth selection, youth preparation, scheduling, and target issues), and investigation phase (policy, guidelines, techniques, investigative follow-up and administrative follow-up).
- B. Supervising Officers conducting alcohol and tobacco compliance checks may attend optional four-hour training to include community relations and educational programming, working with the media, strategies to reduce underage alcohol and tobacco use, coordination with state enforcement and service agencies, and program records and administration.