



## Decoy Training for Alcohol Compliance Checks and Shoulder Tap Operations

### What Is a Decoy?

A decoy is an underage individual who acts under the direction of law enforcement in the purchase of alcohol during alcohol compliance checks, alcohol shoulder tap operations, or other controlled purchase operations.

### Why Use Decoys?

Alcohol compliance checks are conducted by law enforcement and involve the use of decoys to test retailers' compliance with state laws and/or local ordinances that regulate the sale of alcohol. Alcohol compliance checks are a prevention strategy to reduce retail alcohol sales to minors.

Shoulder tap operations use decoys to approach an adult entering an alcohol retail establishment and ask the adult to purchase alcohol for them. Shoulder tap operations focus on deterring adults from providing alcohol to those who are underage.

Limiting the supply of alcohol that is accessible to underage youth is an important tool in preventing underage drinking. The most effective law enforcement strategies for detecting and deterring adults who provide or sell alcohol to underage youth require the use of underage individuals as buyers.

### Why is Decoy Training Important?

Alcohol compliance checks and shoulder tap operations involve an element of risk to both the youth decoy(s) and the law enforcement officer(s). Consequently, it is imperative to provide adequate training and to identify steps to safeguard those involved in the operations. Decoy training allows youth volunteers to know the full extent of what is expected of them, what their responsibilities are throughout the operations, and to learn about what documentation and follow-up is required.

All volunteers should be fully informed of the nature of their role within the alcohol compliance checks and shoulder tap operations and be willing and able to fulfill all functions required of them.

### Using a Checklist

During training, decoys should be provided with clear guidance on exactly how to attempt the sale. The use of role-plays and practice scenarios is a great way to build the decoy's confidence and reduce nervousness. Setting the stage and putting all the players through the steps of an alcohol compliance check or shoulder tap operation will ensure everyone is on the same page before beginning the enforcement activity. A checklist or list of "do's" and "don'ts" can help prepare volunteers for enforcement activities. For example, volunteers should be advised not to loiter in the establishment, but to go directly to the established product they are

purchasing. Also, it's important for decoys to avoid any unnecessary conversation with the clerk or patrons in the establishment. Decoys should answer any questions posed by the clerk truthfully and not make up any information. Decoys should be instructed to leave the premises immediately if they recognize the clerk or a patron. The more prepared the decoy is, and the more information they have up-front about the protocols and expectations during enforcement activities, the more efficiently operations will go.

### **Multiple Buyers**

Having two decoys work together, whether they enter each site together or alternate purchase attempts at sites, can be beneficial. Multiple buyers can support each other and may seem more natural to a retailer's employees. Also, employing different buyers at each site may offset the effects of phone trees where businesses call other establishments to warn them that compliance checks or shoulder tap operations are being conducted. Whether one or more decoys are employed, it is best to not have an underage buyer partner with a plain clothes officer to avoid charges of entrapment. Entrapment is a legal term that describes what happens when someone is tricked into committing a crime. If the buyer is with an adult, it may appear to the seller as if the buyer is purchasing with a parent. Additionally, if two decoys are used at one retail establishment, only one should be instructed to make the purchase attempt.

### **Buyer Age**

When conducting alcohol compliance checks and shoulder tap operations, the buyer must be underage. Ideally the buyer should be 18 or 19 years of age. If the buyer is not actually underage, no law would have been violated when an establishment sells to the buyer. The appearance of the buyer should present a reasonable test of the server/seller – not so young as to obviously be under 21, but also not appear to be the age of 21 to objective observers. Additionally, buyers should not be too close to the age of 21 to ensure they are still a minor when, and if, they must provide testimony.

Law enforcement should conduct an age verification assessment prior to using a youth volunteer as a decoy. An age verification assessment will obtain an objective assessment of

the age of each volunteer from a sample of adults. Random adults, from diverse backgrounds, can be polled to estimate the age of the volunteer. The volunteer is present, in-person, so the adults can observe the volunteer and offer their best estimate to the volunteer's age. After the age verification assessment, volunteers whose age-appearance is estimated between 18 and 20 years of age should be accepted into the program as decoys, while those who test too young or appear to be over the age of 21 should not be accepted into the program.

If a volunteer has a consistently high buy rate it is recommended the volunteer not be used for further alcohol compliance checks or shoulder tap operations. It is important to ensure that a decoy's appearance or demeanor is not consistently causing the retail employees to believe he/she is over 21.

### **Buyer Appearance**

Appearance of the volunteer is a major consideration in defending the investigation against charges of trickery or entrapment. The decoys should look and act their actual age and should not alter/enhance their appearance through cosmetics, hairstyles, or clothing they would not normally wear. Males should not have facial hair and females should not wear heavy makeup. Ball caps and sunglasses, which may hide portions of the face or disguise the decoy, should not be worn. The decoy should blend into the community where they will be attempting to purchase alcohol. Males and females should both be used in the operations.

Decoy recognition can be an issue within smaller communities or in rural communities. Youth from neighboring communities are often used as decoys to avoid recognition during an enforcement activity. Law enforcement from different communities and counties can work together to share decoys so enforcement activities can be completed, and the decoys are not put in tenuous situations within their own communities.

### **Buyer Character**

Decoys should be of good character. A background check should be completed on the decoy to confirm they do not have a criminal record. It is important to avoid any perception the decoys are compelled to entice sales in return for lesser sanctions or personal benefit. This pitfall can

lead to issues in court and result in the dismissal of enforcement activities.

### **Written Statements**

Decoys will be required to complete a form or write a statement which documents each alcohol compliance check or shoulder tap operation in which they were involved. Documentation should be completed by the decoy immediately following the enforcement activity to capture the information while it is still fresh in their memory. Documentation is particularly important when a sale is made and will include information such as; who sold to the decoy, dates and times, circumstances, etc. The documentation becomes part of the official case report and may be critical during subsequent administrative or criminal proceedings.

### **Court Testimony**

Decoys must be available and willing to attend any subsequent court proceedings and/or administrative hearings that result from their involvement in the enforcement activities, if needed.

### **Compensation**

Decoys can either be unpaid-volunteer positions, or decoys can be compensated for their time invested in training, enforcement activities, and follow-up. If the decoy will be compensated, the compensation or stipend should be a set amount for each hour the decoy is used, and they should not be compensated for the actual results of the enforcement activities.

### **Protocols to Establish**

Before implementing alcohol compliance checks and shoulder tap operations it is important to establish decoy-related protocols to safeguard the success of your enforcement activities. Some decisions that need to be made ahead of time includes:

- Will decoys be paid for enforcement activities? If the decoys will be compensated, where will the funds come from and what will be the set amount paid to decoys?
- Will decoys use their own IDs or conduct alcohol compliance checks without an ID? If decoys will not be using their IDs, it is recommended the decoy turn their ID over to the supervising officer during enforcement activities.

- Will a preliminary breath test be required before the decoy begins the enforcement activity? If the decoy will be required to submit to a breath test, notify the decoy of this requirement during the application process.
- What alcohol product will the decoy attempt to purchase during operations? Alcohol products that are typically consumed by underage youth should be identified. Also, identifying the specific product up front will allow the decoy to attempt the purchase or make the request without hesitation.
- Will alcohol that is purchased during alcohol compliance checks and shoulder tap operations need to be preserved as evidence or can they be discarded after the enforcement activities?
- What protocol should a decoy follow if they feel unsafe during an enforcement activity?

### **Documentation Required**

A file should be established on each decoy that verifies that he/she meets the established criteria.

The file should contain:

- Photographs of the decoy at the start of each detail
- Copy of driver's license, state-issued ID card, or birth certificate
- Background check results
- Acknowledgement form signed by the decoy
- Parental consent form, if the decoy is under the age of 18
- Age verification assessment results
- Record of details conducted and pass/fail rates
- Breath test results (if required)

### **Resources**

[Illinois Law Enforcement Training and Standards Boards](#)

[Alcohol Epidemiology Program at the University of Minnesota](#)

[The Wisconsin Alcohol Policy Project at the University of Wisconsin](#)