



**U.S. Department of Justice**  
Office of Justice Programs  
*Office of Juvenile Justice and Delinquency Prevention*

**S T R A T E G I E S F O R**

# REDUCING THIRD-PARTY TRANSACTIONS OF ALCOHOL

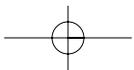
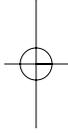
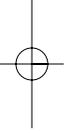
**T O U N D E R A G E Y O U T H**

Prepared by

Pacific Institute

FOR RESEARCH AND EVALUATION

In support of the  
**OJJDP *Enforcing the  
Underage Drinking Laws Program***



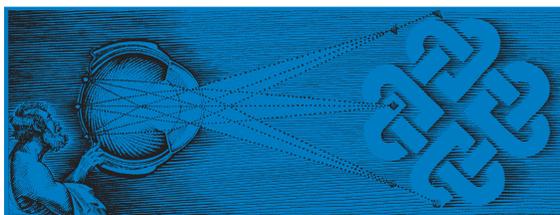


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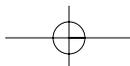
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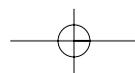
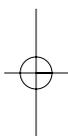
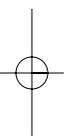
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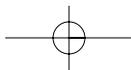
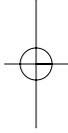
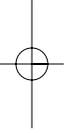
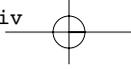
## Acknowledgements

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The opinions expressed here are those of the authors and do not necessarily reflect the official position or policy of the U. S. Department of Justice.



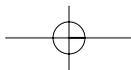
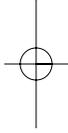
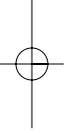
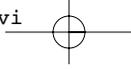
## *About This Guide*

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This document examines youth access to alcohol through third-party sales. It provides an understanding of what constitutes a third-party sale, how and where these transactions happen, and enforcement strategies to deter and reduce the availability of alcohol to underage drinkers through adult providers.

State and local enforcement agencies, policy makers, and concerned citizens can use this guide to

- gain an understanding of the issues related to underage drinking and third-party transactions
- motivate policy makers, communities, and law enforcement to place greater emphasis on underage drinking and third-party sales
- identify barriers to addressing third-party transactions in their communities
- learn about strategies to overcome these barriers.



## Introduction

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Many people dismiss underage drinking as a normal “rite of passage” in adolescence. However, it is important to remember that alcohol is one of the most common contributors to injury, death, and criminal behavior among youth (Institute of Medicine and National Research Council, 2003). Underage alcohol use can also have immediate and potentially tragic consequences as well as long-range harmful consequences, such as increased risk for chronic alcohol addiction (U.S. Department of Health and Human Services, 2000). Enforcement activities to limit youth access to alcohol are critical to reducing underage drinking and its often tragic consequences.

The enforcement of laws regulating the commercial availability of alcohol to youth is critical, yet it is only one step in the process of reducing underage drinking. To make further headway on this issue, youth access to alcohol through social sources must also be addressed. In many states that are increasing the enforcement of illegal vendor sales, youth are turning increasingly to other adults to obtain alcohol. Research shows that youth have no difficulty obtaining alcohol through parents, relatives, older friends, and strangers who buy for them as a favor or for a fee (Harrison, Fulkerson, and Park 2000; Preusser, Ferguson, Williams, and Farmer, 1997; Wagenaar et al., 1993, 1995). Youth report that their most common sources of alcohol are people over the age of 21 (Wagenaar et al., 1996). Therefore, enforcement related to these third-party transactions clearly needs to be a high priority.

There is no doubt that underage alcohol use is an extremely serious problem. However, it is also a problem that we know how to address. Strategies that limit access to alcohol by youth are some of the most powerful and well-documented approaches to reducing underage drinking and related problems. Although reducing youth’s

social access to alcohol is often a grayer area than restricting commercial availability, there are laws, statutes, ordinances, and other enforcement strategies that can be used to address third-party sales. This guide will provide an overview of related issues, enforcement techniques, and community examples that can serve as valuable resources in deterring and reducing third-party sales in your area. It will also discuss barriers to enforcement and some possible approaches to overcoming them.

# *An Overview of Third-party Sales*

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## **What Is a Third-party Sale?**

A third-party sale occurs when an adult buys alcohol for an underage youth from a commercial establishment for his or her underage consumption. In some cases, the adult will ask for or accept a fee and/or a portion of the alcohol in exchange for making the purchase. The amount of alcohol obtained by underage drinkers from these transactions can range from one drink in a bar to a keg of beer.

## **How Much Do These Transactions Contribute to Underage Drinking?**

Where youth obtain alcohol probably varies considerably from place to place. In one study, youth report that adults over 21 years old are their most common sources of alcohol (Wagenaar et al, 1996). For drinkers 18 to 20 years old, 68 percent stated that they obtained alcohol from someone over 21 years old on their last drinking occasion. By comparison, only 14 percent in this same age group got their alcohol most recently from a commercial outlet (Wagenaar et al, 1996). Clearly, it is important to regulate the commercial availability of alcohol to youth under the age of 21. However, youth themselves indicate that their access through social sources also contributes significantly to underage drinking. Therefore, effective approaches to reducing underage drinking must include enforcement activities to address third-party transactions.

## **Who Purchases Alcohol for Underage Youth?**

Parents, older siblings, other relatives, friends, and strangers over 21 years old are frequent purchasers of alcohol for underage drinkers. When strangers are involved in a third-party sale, the practice is often called “shoulder tapping.” In “shoulder tapping,” youth will wait outside off-sale retail outlets, approach adults who are about to enter, literally tap them on the shoulder, and ask the adults to purchase alcohol for them. The underage drinker may offer the adult a fee or a portion of the purchased alcohol in

exchange for making the buy. “Shoulder taps” attract some adults, including street alcoholics.

## *Enforcement of Laws and Ordinances Related to Third-party Sales*

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As enforcement officers, the laws and ordinances on the books in your jurisdiction are your primary tools for addressing issues that occur in your communities. Statutes are clearly the basis for enforcement efforts to reduce underage drinking. With regard to third-party transactions of alcohol to youth, the tools provided to you in your area may be a blend of statutes that directly and indirectly deal with the issue.

### **Laws and Ordinances That Directly Address Third-party Sales**

All states and local jurisdictions have laws and ordinances that restrict underage youth’s ability to obtain alcohol. Depending upon the language of these statutes, many may include provisions that directly address third-party sales. Other states and communities have complemented their basic laws regarding underage drinking with specific laws and ordinances constructed with the reduction of third-party sales in mind.

#### **State statutes**

All states restrict the ability of people under the age of 21 to obtain alcohol through noncommercial sources. Therefore, your state’s statute on the issue can often be the foundation for your efforts to address third-party transactions. However, it is important that you are familiar with any exceptions provided in your state law. Most statutes include some exceptions, particularly for parents, spouses, and guardians. These exceptions may be limited to private residences or may extend to bars and restaurants. Many states have created ambiguity in their statutes by prohibiting any noncommercial furnishing of alcohol to

youth, but allowing those under 21 years old to possess alcohol in private residences or under the direction of an adult parent, spouse, or guardian. Other exceptions may involve medicinal and religious uses of alcohol. Being aware of these exceptions can help your department tailor efforts to address third-party transactions.

### Keg registration laws

Wagenaar et al. (1993) report that beer kegs are a popular source of alcohol for teens. Youth usually obtain kegs through third-party transactions from older friends. Historically, police and other enforcement agencies have had difficulty tracing the original purchasers of kegs and thus the direct providers of alcohol to underage drinkers. Keg registration laws require retailers to attach a tag, sticker, or engraving with an identification number to the keg. When a keg is purchased, the retailer requires a refundable deposit (Pratt et al., 1997, recommend a \$50 minimum) and records the buyer's name, address, telephone number, and driver's license or other identification information. If police or other

enforcement officers confiscate a keg from underage drinkers, they can easily trace the purchaser who provided the keg to the youth and impose appropriate sanctions. Because of-age friends and relatives are often the purchasers, keg registration laws are valuable tools for addressing familiar third-party exchanges.

Twenty-two states, the District of Columbia, and many local jurisdictions now have keg registration laws (MADD, 2002). Therefore, the

#### States\* with Keg Registration Laws

California	Nebraska
Connecticut	New Hampshire
Georgia	New Mexico
Idaho	New York
Indiana	North Dakota
Kansas	Ohio
Louisiana	Oregon
Maryland	Rhode Island
Massachusetts	Vermont
Minnesota	Virginia
Missouri	Washington

\*The District of Columbia also has a keg registration law.

(MADD, 2002)

ability to address this type of third-party exchange of alcohol between adults and youth under the age of 21 has improved in many communities.

### **“Attempt to” laws**

In all but fourteen states (MADD, 2002), laws prohibit a person under 21 years of age from attempting to purchase alcoholic beverages. Generally, these laws do not make a distinction between retail and nonretail sources. Therefore, these laws could provide a tool for addressing youth alcohol purchases via “shoulder taps.” In Florida, the state’s law prohibits a person who is not yet 21 years old from “attempting to purchase,” misrepresenting his age or the age of another to obtain alcoholic beverages, as well as prohibiting possession of the alcohol once a purchase has been made. Therefore, many aspects related to a third-party transaction are encompassed in the Florida law.

As mentioned previously, it is important that you are aware of any exceptions provided by your state’s law regarding underage drinking. Additionally, it is also critical to know the context and the history of your state’s “attempt to” law in order to know its utility in addressing third-party sales. For example, the “attempt to” clause may be contained in a larger provision in the law that singularly addresses retail vendors; a court may have also ruled specifically that the provision did not apply to nonretail events.

### **Retailers’ responsibility laws**

Most states make retailers responsible for activity in the immediate vicinity of their establishments. If retailers witness a “shoulder tapping” incident or if “shoulder tapping” occurs repeatedly in close proximity but not in direct view, they have a responsibility to take steps to curtail the activity, including reporting it to law enforcement. Retailers should refuse any sale when a reasonable person in their positions would conclude that the adult is purchasing the alcohol on behalf of an underage person. Therefore, this responsi-

bility offers enforcement officers leverage in gaining retailers' cooperation in reducing third-party transactions.

### Adult responsibility laws

Laws vary from state to state regarding the terms (if any) for parents providing alcohol to their own children. However, social host laws allow people to be held criminally and/or civilly liable for providing alcohol to underage youth who are not their own children. Generally, these laws allow people to bring civil suits against adults who provide alcohol to other underage youth or knowingly allow underage drinking in their home. Some states, such as Florida, make it a misdemeanor for an adult to knowingly allow alcohol to be consumed by someone under the age of 21 in a residence (see box on page 5). Again, each state varies in the laws' language and provisions. Informing parents of these laws and the potential civil consequences in your state may deter them from providing alcohol to underage drinkers.

#### Florida House Party Law

The State of Florida has a statute that addresses adult responsibility for house parties involving youth and the underage consumption of alcohol. This type of law can assist law enforcement to address not only youth parties, but also third-party transactions of alcohol from adults to underage drinkers. The Florida law is as follows:

"No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at said residence and where the adult fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Any person who violates any of the provisions . . . is guilty of a misdemeanor of the second degree . . ."

*FL Law 856.015*



## **Other Laws and Ordinances to Indirectly Address Third-party Transactions**

In addition to or in the absence of strong statutes regarding the transfer of alcohol to youth, the enforcement of other laws and ordinances on the books in your area can assist efforts to deter and address third-party sales. These laws are often called “quality of life” ordinances and exist in all communities.

### **Loitering**

Ordinances prohibiting loitering are not likely to contain specific language about underage drinking or access to alcohol. However, these laws can be effective as part of a comprehensive plan to address third-party sales. Loitering ordinances allow enforcement officers to disperse people, both adults and youth, who linger outside of retail establishments, street corners, and other public places. Depending upon your community’s “hot spots” for third-party sales, this enforcement activity may reduce the opportunities for underage drinkers to connect with willing adult purchasers.

### **Curfews for youth**

Many localities have ordinances that limit the hours that youth under 18 years of age can be on the streets. These curfews generally range from 10:00 p.m. to midnight. The enforcement or even the heightened awareness of these ordinances may reduce opportunities for underage drinkers to approach potential adult purchasers. However, it is again imperative that you are aware of any exceptions provided by your area’s law (e.g., curfew exceptions for youth traveling to and from employment). The effectiveness of your area’s curfew laws in reducing third-party sales may also be limited if the hours of restriction do not overlap with the operating hours of your community’s retail alcohol outlets.

## At a glance: Laws and ordinances related to third-party transactions

### Laws and ordinances that directly address third-party sales

#### State statutes

All states restrict the ability of those under 21 years of age to obtain alcohol through noncommercial sources. Most statutes include some exceptions, particularly for parents, spouses, and guardians.

#### Keg registration laws

Keg registration laws require retailers to attach a tag, sticker, or engraving with an identification number to the keg and to record identification information about the purchaser when the keg is sold. This tracking process allows law enforcement to trace the keg's adult purchaser and impose appropriate sanctions.

#### "Attempt to" laws

These laws prohibit a person under 21 years of age from attempting to purchase alcohol, providing a tool for law enforcement to address youth "shoulder tapping" adults to buy alcohol for them.

#### Adult responsibility laws

These statutes allow adults to be held criminally and/or civilly liable for providing and/or allowing alcohol to be consumed by underage youth in the adults' residence or a residence over which the adults have control.

#### Retailers' responsibility laws

Most states make retailers responsible for activity in the immediate vicinity of their establishments.

### Laws and ordinances that indirectly address third-party sales

#### Loitering

Ordinances prohibiting loitering allow law enforcement to disperse people, both adults and youth, who linger outside of retail establishments and other public places.

#### Curfews for youth

The enforcement or heightened awareness of these ordinances limiting the hours during which youth can be on the streets may reduce opportunities for underage drinkers to approach adult buyers.

#### Open containers of alcohol

Laws that prohibit open containers of alcohol in public can help enforcement officers to address third-party sales by offering proof of intent to consume by the person under 21 years of age.

#### Official closing hours and prohibiting alcohol in parks and other public areas

Enforcement of closing hours and alcohol prohibitions in public parks, beaches, and other regulated public sites may discourage youth and their adult alcohol providers from conducting transactions in these possible "hot spots."

#### Nuisance abatement

In many jurisdictions, nuisance abatement laws address the illegal sales of alcohol.

**See pages 2–10 of this guide for more complete explanations and examples of these statutes and their use in reducing third-party transactions of alcohol to young people under 21 years of age.**

## **Open containers of alcohol**

Your jurisdiction likely has laws in place that prohibit anyone, adults or youth, from having open containers of alcohol in public. These ordinances can often help officers address third-party sales, particularly in areas that do not prohibit the handling of alcohol by underage youth. For example, some state laws do not prohibit those under the age of 21 from entering retail alcohol outlets or from carrying containers of alcohol out of a store while accompanied by an adult who is at least 21 years of age. These states may require proof of intent to consume before either the youth or the adult purchaser can be cited. An open container in the possession of an underage drinker may provide the evidence needed to address a third-party transaction.

## **Official closing hours of parks and other public areas**

Public facilities such as parks and beaches may be “hot spots” for third-party sales in some communities. Therefore, limiting access to these locations may help to prevent third-party sales from occurring. Ordinances that may be useful are rules governing the hours of operation of public parks and beaches. Most community or state-maintained areas have closing hours, after which the public is prohibited from being on premises. Enforcement of closing hours may discourage youth and their adult alcohol providers from conducting their transactions in these locations.

## **Nuisance abatement**

Nuisance abatement combines civil remedies and innovative problem solving with traditional policing and criminal prosecution to address chronic problems that are eroding an area’s quality of life (CT Office of State Attorney, 1998). Issues addressed by these laws may include criminal activities such as prostitution and drug dealing, as well as health code violations. Nuisance abatement laws in many jurisdictions also address illegal sales of alcohol. These statutes are generally used to address alcohol violations that occur in combination with other issues on a property. Therefore, nuisance abatement may not be an

effective way to singularly address third-party sales. However, these laws may be effective in shutting down third-party transactions in areas that have a chronic history of these and other violations. Nuisance abatement laws often apply to private property as well as public and commercial property. These laws can help enforcement officers stop older siblings and other of-age relatives from providing alcohol to young people at residences with a combination of issues in violation of these statutes. Effective use of nuisance abatement laws involves cooperation among prosecutors, local state's attorneys, police departments, municipal agencies, and neighborhood groups to create strategies to clean up nuisance properties. Working with these members of your community will help you to best understand where problems are happening, the details of your area's nuisance abatement laws, and how these statutes may be most effective in reducing third-party sales.

## *Enforcement Strategies To Address Third-party Sales Through Strangers*

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While statutes that both directly and indirectly address third-party sales are helpful, reducing this social availability of alcohol to youth requires coordination and planning on the part of departments and their communities. The following section offers approaches for both assessing the scope of the third-party sales issue in your area and for addressing these transactions of alcohol to underage drinkers. These enforcement strategies are probably most effective in addressing “shoulder taps” or transaction of alcohol to youth from adult strangers.

### **Tips about Third-party Sales**

Third-party transactions of alcohol from adults over 21 years of age to youth occur in every community. Parking lots and other areas in front of off-sale retail outlets are common locations for third-party sales. Other potential locations include dead end streets, public

parks, street corners, vacant lots, beaches, fields, and private residences. Tips of additional information can both confirm your instincts about and enhance your knowledge of where the “hot spots” in your area are and how third-party sales tend to happen. Information from those living and working in your area may be particularly important in addressing third-party transactions from older relatives to underage drinkers, as these often occur less publicly than “shoulder taps.” Tips can come from a variety of sources:

- *Police officers working directly with youth.* Youth officers, community police, and School Resource Officers (police whose “beat” is a school building) see young people on a daily basis and hear about their lives both in and out of school. Therefore, these officers will often know or be told where it is easy for youth to find adults to buy alcohol for them.
- *Community members.* While underage drinking remains a low enforcement priority in the minds of many citizens, a growing number of community members understand the risks and consequences associated with youth and alcohol. Therefore, talking with citizens in your area may offer you new information about how often third-party sales occur, where they happen, and who is involved. Several police departments and liquor control agencies report that parents’ groups, community agencies, and local sponsors of nonalcoholic events for youth are frequently helpful in providing tips regarding these transactions.
- *Youths.* Whether youth chose to drink or not, they are acutely aware of the activity of their peers. This makes them an important resource in addressing third-party sales, as they are likely to know how, where, and from whom underage drinkers are getting alcohol. If approached as part of the solution and in a way that builds their trust with you, youth can provide important information about this important community issue.
- *Formal means of encouraging and receiving tips.* Many tips come to departments and their officers informally. However, some communities have established “tip lines” as strategies to reduce underage drinking. These phone lines encourage anyone in the

community who is aware of alcohol sales to people under the age of 21 (third-party or otherwise) to pass this information along to enforcement agencies. These “tip lines” may be through the police department, liquor control agency, or a community agency/organization working closely with enforcement efforts in the area.

## Surveillance

Surveillance is another strategy for assessing where and when third-party transactions happen in your area. This observation within your jurisdiction can take a variety of forms and levels of intensity. If your department and community are still trying to determine where third-party sales occur, surveillance activity may involve asking officers on their routine patrol to be on the lookout for these transactions. While many third-party sales occur in open areas such as store parking lots or street corners, other exchanges happen in remote, hidden areas of the community, such as dead end streets, woods, and vacant lots. Therefore, it is important for patrol officers to include these areas in their rounds.

If you already have a sense of the “hot spots” in your area, you can conduct more specific surveillance in order to interrupt third-party transactions as they occur. Officers placed at or near locations popular for “shoulder taps” can watch for an exchange to start and address both parties as the transaction occurs. Some enforcement agencies use officers in “plain clothes” during surveillance in order to blend into the scene and not raise the suspicions of the adult purchaser or the youth.

## “Shoulder Tap” Enforcement Programs

“Shoulder tap” enforcement programs are similar to compliance check programs except that they target the underage drinkers and/or the non-commercial supplier of alcohol to youth instead of the vendor. Police departments or liquor control agencies carry out these programs, working closely with the community, youth, and local media to ensure their effectiveness. An example of a “shoulder tap” enforcement effort that focuses on stopping the underage purchasers is run by the Montgomery (MD) County Police

## Conducting “shoulder tap” enforcement programs using underage decoys

Some enforcement agencies have established procedures for “shoulder tap” enforcement programs using underage decoys. While each department’s guidelines must conform to local and state laws, a summary of the California ABC Department’s procedures is offered as an example.

### Implementation

The California ABC Department finds that its Decoy Shoulder Tap Program is most effective in areas where compliance checks have already been conducted and where most licensed premises were found in compliance. Additionally, the department uses this program when it has specific information or complaints that underage youth have changed their method of gaining alcohol from attempting to purchase directly from retailers to requesting that adults purchase and furnish them with alcohol. The department obtains this information from a variety of sources, including parents, youth officers, patrol officers, and members of community groups.

### Preparation

The department contacts the local District Attorney’s Office to ensure that they are willing to prosecute any misdemeanor violations found during the “shoulder tap” enforcement program. It is also recommended that the Municipal Court Judge most likely to preside over criminal charges be contacted and given an overview of the program and its purpose. To educate the public and gain support of these efforts, the department sends a formal press release to all local news media to announce the “shoulder tap” enforcement program. The department uses this media contact to emphasize that the goal of the program is not necessarily to make arrests, but to inform the public about the problems related to furnishing alcohol to underage youth and the legal consequences for doing so.

The selection of the underage decoys is clearly a critical part of the department’s preparation.

Requirements for the underage operatives include

- the decoy should be under the age of 20 at the time of the operation, preferably under 19 years old
- the decoy should have the appearance of a person his or her age

Department. Montgomery County police officers dress in “plain clothes” and stand in parking lots of retail establishments. The officers then wait to see if youth ask them to purchase alcohol. Often, the officers will wear clothes that allow them to blend in with a

- the decoy should be willing to wear a radio transmitter and to have his or her conversations recorded
- the decoy must be willing to testify in any criminal and administrative proceedings resulting from the operation.

As an additional preparatory step with the underage operatives, the Minneapolis Police Department photographs the decoys immediately before conducting the operations; this procedure offers proof that no attempts were made to make youth look older than their actual ages.

The California ABC Department instructs the underage volunteers to always tell the truth about their age and the fact that they cannot purchase alcohol for themselves.

### Investigation and operation

The underage decoys are equipped with a radio transmitter and placed under the *direct* supervision of a law enforcement officer. If the approached adult does furnish alcohol to the decoy, the youth walks to a pre-designated location. To provide added security to the youth, the adult is allowed to move away from the decoy before being detained by the enforcement officers. The detained adult is then Mirandized and asked to give a verbal statement. Enforcement officers ask the adult why he or she provided alcohol to the young person and how old he or she thinks the decoy is. The suspect is then booked into the jail whenever justified; the California ABC Department, working with local law enforcement, uses the state's "misdemeanor non-release" provisions whenever possible.

This abbreviated account of the California ABC Department's procedures may offer your department a blueprint if you plan to operate a "shoulder tap" enforcement program. **However, it is important that you check your state and local statutes to ensure that the use of underage operatives is permitted and that other laws governing the distribution of alcohol to those under the age of 21 will support this strategy.**

(California ABC Department, n. d.)

neighborhood's street alcoholics, who are frequently "shoulder tapped" by underage drinkers.

Other "shoulder tap" enforcement programs use underage "decoys" to approach adults outside an alcohol outlet and request that the

adult purchase alcohol on the decoy's behalf. *Not all states permit the use of underage operatives in the enforcement of alcohol statutes; check with prosecutors in your area if you are considering this type of "shoulder tap" enforcement program.* The California Alcohol Beverage Control Department, Montgomery County (MD) Police Department, and the Minneapolis (MN) Police Department are examples of enforcement entities that use this strategy to address third-party transactions. These departments have established procedures for "shoulder tap" enforcement programs (see box on pages 12–13), including guidelines for the decoy's actions that are similar to those used in compliance checks (e.g., no deception, false identification, or attempts to look older). The departments also take precautions to safeguard the underage decoys by training them prior to the operations, equipping them with radio transmitters during the attempts, and placing them under the direct supervision of a law enforcement officer. Attempts to complete these enforcement activities are broken off immediately if there is any sign of danger (e.g., the adult asking the decoy to get into a car, the transaction moves out the direct view of the back-up teams). In conducting these enforcement activities, the California ABC Department discovered an added benefit to these operations. During one year of the "shoulder tap" enforcement program, 37 percent of the adults cited for purchasing alcohol for youth were either on parole, probation, or had outstanding arrest warrants. Therefore, their efforts to reduce underage drinking also resulted in other enforcement benefits in the state.

## *Strategies To Reduce Familiar Third-party Transactions*

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While strangers providing alcohol to youth contribute to underage access, parents, older siblings, other relatives, and friends are also a significant source of alcohol for underage drinkers. Because most of

these transactions happen in private residences or other less open locations, it is often difficult to address them. However, this section offers strategies for increasing community awareness and support for reducing social availability of alcohol to youth.

### Working with the Community

Many of the laws, ordinances, and enforcement strategies used to address third-party sales are most effective in “shoulder tap” exchanges in which the adult provider is a stranger to the young person. It is more difficult to intervene when the providers are friends or family over the age of 21. These exchanges are likely to take place in private homes—not the parking lots of retail establishments or other public locations that are more easily monitored

In Oregon, a statewide coalition teamed with the local news media to raise awareness about third-party transactions of alcohol to underage drinkers. The Oregon Coalition to Reduce Underage Drinking (OCRUD) joined KPTV-Channel 12 to develop, produce, and air a public service announcement on this issue. The segment highlighted the state’s laws, related penalties, and presented a dramatization of how “shoulder taps” often occur between youth and adults. Youth members of OCRUD volunteered many hours of their time to be the “stars” of the video clip. KPTV-Channel 12 provided the crew, equipment, and direction of the public service announcement for a minimal fee—a rate generously reduced from its usual production costs. The announcement ran on the station throughout the month of April 1999 at a variety of times, including coveted prime time slots. By joining forces, OCRUD and KPTV-Channel got the word out about laws and enforcement efforts regarding third-party transactions.

and accessed. Community awareness of the dangers of underage drinking *and* the legal consequences for adults providing alcohol to youth is critical to reducing these familiar transactions. The California ABC Department works with local media and PTAs to inform both the community at large and, in particular, parents and older siblings about the laws against providing alcohol to those under 21, enforcement efforts, the penalties for furnishing alcohol to youth, and the dangers associated with underage drinking. The Oregon Coalition to Reduce Underage Drinking created and ran a public service announcement about third-party transactions as a way to inform the public

about the issue (see text box on page 15). These awareness efforts, combined with the consistent enforcement of the laws and penalties, can establish community norms regarding underage drinking and adults providing alcohol to youth. If community members choose not to buy alcohol for youth and to address those who do, inroads can be made to reducing the social availability of alcohol to underage drinkers. In addition to changes in their individual choices, community members who understand underage drinking issues and are committed to keeping youth safe and healthy can be powerful voices to advocate for increased enforcement activities, changes to existing laws and ordinances, and the creation of ordinances to reduce third-party sales.

## *Barriers to Reducing Third-party Sales to Underage Youth*

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While a number of enforcement agencies report successful efforts to address youth access to alcohol from adult providers, barriers still exist toward further reducing these third-party transactions. Enforcement officers, department administrators, and others working on this issue identify the following barriers:

### **Lack of Resources**

All enforcement agencies have budget and personnel limitations that affect their enforcement activities. Strategies to address third-party transactions require significant resources; selecting and recruiting decoys, surveillance activities, and fielding tips of information are all time and staff intensive, and also translate into financial costs for the department and the community. Additionally, departments must be prepared with adequate staff to respond to the outcomes of tips and surveillance activities. Grants have been awarded to many communities to fund efforts to enforce underage drinking laws,

including those related to third-party transactions. Unfortunately if funding ends, often the department's efforts do as well.

### **Laws and Ordinances**

The absence of specific laws and statutes can obviously present barriers to enforcement. Existing statutes may also contain clauses, conditions, or case precedents that can limit departments' abilities to address third-party transactions. The extent to which laws and ordinances are barriers to addressing third-party sales depends upon the statutes in your area. However, some difficulties emerge consistently for enforcement agencies working on this issue:

- In some areas, it is not illegal for those under 21 years of age to be in a retail establishment or to handle alcohol. Therefore, enforcement may be faced with the additional burden of proving intent to consume in order to address a transaction.
- Some states may not have "attempt to purchase" laws. In the absence of this statute, enforcement officers must wait until the transaction is completed to take action, rather than responding earlier when the underage youth approaches an adult with the request to purchase alcohol.
- Laws and ordinances regarding private residences and parental provision of alcohol to youth may make it difficult for enforcement to curtail familiar purchases of alcohol for underage drinkers.

### **Perception of "Shoulder Tap" Enforcement Programs**

While a number of agencies have successfully addressed third-party sales through "shoulder tap" enforcement programs, other departments struggle both within themselves and within their communities about the use of these operations. Some departments are confronted with community concerns about the safety of underage decoys during the attempts. Other agencies struggle with the time, staff, and financial resources required to carry out the programs. In some areas, prosecutors, retailers, and officers themselves believe that the decoy's action of approaching an adult with the request to purchase alcohol on his or her behalf borders on or constitutes entrapment.

However, other prosecutors and officers feel that by training underage operatives not to offer adults extra money for the purchase, to be honest about their ages, and to state up front that they cannot buy for themselves avoids entrapping the adult providers.

## *Overcoming Barriers*

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Addressing third-party transactions may reduce underage drinking by limiting what youth tell us is a significant source of alcohol for them—adults. Given that underage use of alcohol can have immediate and long-range harmful and potentially tragic consequences, your enforcement activities in this arena may be one of the most important and lifesaving activities of an enforcement agency. It is worthwhile to try to overcome the barriers to enforcement. The following are some of the key approaches.

### **Command Emphasis**

All departments have financial and staff limitations and must set priorities. To the extent that management leaders put an emphasis on addressing third-party sales of alcohol to youth, line officers in the agency will strenuously pursue those who buy and furnish alcohol to youth and the underage drinkers making the purchase requests. Vigorous enforcement requires that superiors encourage officers to actively address “shoulder taps” and adults providing alcohol to underage drinkers, that the enforcement of underage drinking laws is part of performance measurement, and that management take a proactive rather than reactive approach to the issue.

### **Changes to Statutes and Ordinances**

If laws do not exist or are not able to sufficiently assist enforcement agencies in addressing a significant source of alcohol for underage drinkers, advocacy for new or changed statutes is needed. This is not a challenge for law enforcement alone. In many states and communities, coalitions to reduce underage drinking exist at both the state and

## Working together to improve underage drinking laws

In many states, law enforcement agencies are joining local and statewide coalitions in efforts to change existing laws and to establish new statutes and ordinances. The Connecticut Coalition to Stop Underage Drinking, for example, brought together its members from community agencies, law enforcement, elected offices, schools, public health, MADD, youth groups, and retail merchants to educate lawmakers and the general public about the benefits of keg registration law. Efforts included a youth rally at the state capital, letters to the editors of local papers, and members meeting with their elected representatives. Its work required endurance and persistence; a bill for keg registration did not pass in 1997. However in 1998, the Connecticut Legislature did pass the keg registration bill into law. This victory was a tremendous return on the investment of time and effort by Coalition members. Additionally, Connecticut law enforcement agencies now have an additional tool for addressing third-party transactions of alcohol to underage youth.

local levels. These groups are composed of community agency staff, state and local elected officials, the faith community, youth, law enforcement, retailers, and others concerned about alcohol use among young people. In many areas, coalitions are successfully advocating for new laws and changes (either administrative or legislative) to existing statutes to more effectively reduce youth access to alcohol and to increase enforcement related to underage drinking. Your department's participation in these groups can help create support for statutes or ordinances that allow for more effective enforcement of third-party transactions.

## Working With Prosecutors

Successful “shoulder tap” enforcement programs report that working with local prosecutors and judges was key in launching these operations. Prosecutors will often have specific requirements that they want met during the enforcement activities that are not always evident when reading the law. Additionally, the prosecuting authorities agreeing to prosecute misdemeanor violations resulting from “shoulder tap” enforcement efforts will likely have an impact on both your department's willingness to perform these operations and the seriousness with which the community views adults providing alcohol to underage drinkers.

## Community Support

In the long run, enforcement agencies can only enforce to the level that the community will support. Enforcement must reflect the attitudes and values of the community. If the community tolerates or even condones adults providing alcohol to underage drinkers, it is very difficult for enforcement agencies to invest the resources needed to enforce laws related to third-party transactions and to get the kind of follow-through that fosters vigorous enforcement. Communities who truly want to protect their youth need to provide support and incentives to law enforcement agencies to address third-party transactions. Law enforcement agencies can work with community leaders through local coalitions and partnerships to build working relationships and joint strategies for reducing the social availability of alcohol to youth.

## Working With the Media

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In any enforcement effort, it is important to make full use of the power of the news media to generate support and amplify effectiveness. We often think of media coverage as something that happens *to* us. However, it is possible to generate and attract positive media attention and to include the news media as valuable resources for your enforcement efforts. (Note: For more information on working with the media, see *Strategic Media Advocacy for Enforcement of Underage Drinking Laws*, prepared by Pacific Institute for Research and Evaluation for OJJDP. See the “Resources” section at the end of this document for information on obtaining this publication.)

### Using Media to Deter Third-party Transactions

One of the most important and effective uses of the news media is to publicize enforcement efforts so that both potential adult providers and underage youth who may be tempted to break the law will be deterred by their fears of being caught. Deterring people from offending in the first place is a benefit to any law enforcement

program. This is certainly the case for programs targeting third-party transactions of alcohol to young people under the age of 21. Deterrence is strongest when people believe that they are likely to be apprehended and that there will be consequences for their actions. Therefore, the effects of third-party sales enforcement efforts can be amplified if the activities are well publicized. In addition to highlighting the fact that statutes are enforced, the news media can inform the public about the laws, the penalties associated both with providing alcohol to those under 21, *and* with underage youth attempting to buy through “shoulder taps.” Working proactively with the media can ensure that coverage of your efforts and the issue of third-party transactions is positive, thorough, and accurate.

Media outreach is an integral part of the California ABC Department’s “shoulder tap” enforcement programs. This work with the local media gets factual information out to the general public about the state laws and local ordinances related to the transfer of alcohol to youth and the related penalties.

Enforcement agencies can also invite reporters to accompany them to enforcement events, such as “shoulder tap” enforcement operations. Agency leadership and line officers can give interviews emphasizing the importance of enforcement and how seriously the agency takes providing alcohol to underage drinkers. After the enforcement operation is completed, the results can be announced and plans for future enforcement activities publicized.

### **Using Media To Create and Demonstrate Community Support**

As mentioned earlier, enforcement does not occur in isolation. Enforcement agencies can only enforce to the level that the community will support. At the same time, the enforcement of laws can influence community attitudes and norms. The knowledge that enforcement agencies are working to uncover third-party transactions of alcohol to youth, enforce related statutes, and that arrests may occur helps to reinforce the community’s sense that underage drinking and providing alcohol to youth are socially unacceptable. Working with the news media can help you to spread this message in your area.

Working with the media *prior* to your enforcement activities can also be effective in generating community support and positive public relations for your efforts to curtail third-party transactions. Manuel R. Espinoza, chief deputy director of the California ABC Department, says that his department does not launch a “shoulder tap” enforcement program in a community without first conducting a local media “blitz” to inform the public of the laws, the related penalties, and how and when the enforcement activities will take place. This “heads up” may deter people from breaking the law, but it also creates a level of trust among retailers, community members, and enforcement agencies. This sense of good will may not have occurred if the community felt surprised or “ambushed” by these enforcement efforts. This proactive work with the media can help ensure that your efforts are viewed positively and are supported by the community.

Community leaders and citizen groups can show their concern about underage drinking and adults providing alcohol to youth by working with the media. Joint news conferences with these organizations and enforcement agencies can demonstrate shared goals and values about enforcement related to these issues. Involving youth in these media events can show that young people are also supportive of enforcement efforts.

## Conclusion

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Enforcement activities to reduce third-party transactions of alcohol to youth are critical to reducing underage drinking. However, these efforts cannot occur in isolation. Enforcement of laws and statutes related to third-party sales must be accompanied by continuing efforts to reduce the commercial availability, other social/public availability, and the possession of alcohol by underage youth. Using comprehensive, environmental approaches to reduce underage drinking can shift community norms and expectations. This is a worthy goal that builds community collaboration and provides

participants with a sense of lasting accomplishment, both in the process and the outcomes. The stakes are enormous: the health and safety of our young people.

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# Resources

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## Web Sites

### **The Century Council**

*<http://www.centurycouncil.org>*

### **FACE: Truth and Clarity About Alcohol**

*<http://faceproject.org>*

### **Join Together**

*<http://www.jointogether.org>*

### **Mothers Against Drunk Driving (MADD)**

*<http://www.madd.org>*

### **Reducing Underage Drinking through Coalitions**

*<http://epihub.epi.umn.edu/alcohol/coalition/>*

## Coalitions with Web sites

### **Connecticut Coalition to Stop Underage Drinking**

*[http://www.drugsdontwork.org/ctcoal\\_home.html](http://www.drugsdontwork.org/ctcoal_home.html)*

### **Georgia Alcohol Policy Partnership (GAPP)**

*<http://www.macad.org/gapp>*

### **Indiana Coalition to Reduce Underage Drinking (ICRUD)**

*<http://www.prevention.indiana.edu/underage/wel.htm>*

**The Minnesota Join Together Coalition to Reduce Underage Alcohol Use**

*<http://www.miph.org/mjt>*

**Missouri's Youth/Adult Alliance Against Underage Drinking (MYAA)**

*<http://www.myaa.org>*

**National Capital Coalition to Prevent Underage Drinking (NCCPUD)**

*<http://www.nccpud.com>*

**The North Carolina Initiative to Reduce Underage Drinking**

*<http://www.rudpartners.org>*

**The Oregon Coalition to Reduce Underage Drinking (OCRUD)**

*<http://www.ocrud.org>*

**Pennsylvanians Against Underage Drinking (PAUD)**

*<http://www.lcb.state.pa.us/edu/community-paud.asp>*

**Texans Standing Tall**

*<http://www.texansstandingtall.com>*

## *Other Enforcement Operations Guides in This Series*

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These documents also support the OJJDP Enforcing Underage Drinking Laws Program and complement the training series:

### Overview and Framework Publications

Comparison of Drinking Rates and Problems: European Countries and the United States

Environmental Strategies to Prevent Alcohol Problems on College Campuses

Guide to Evaluating Prevention Effectiveness

Guide to Responsible Alcohol Sales: Off Premise Clerk, Licensee, and Manager Training

Guide to Zero Tolerance and Graduated Licensing: Two Strategies that Work

Preventing Sales of Alcohol to Minors: What You Should Know About Merchant Education Programs

Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices

Strategies to Reduce Underage Alcohol Use: Typology and Brief Overview

Strategies to Reduce Underage Alcohol Use: Typology and Brief Overview (Spanish)

### Operational Guides for Law Enforcement

Law Enforcement and Higher Education: Finding Common Ground to Address Underage Drinking on Campus

Guide for Enforcing Impaired Driving Laws for Youth

Law Enforcement Guide to False Identification

Networking for Success

Practical Guide to Preventing and Dispersing Underage Drinking Parties

Reducing Alcohol Sales to Underage Purchasers: A Practical Guide to Compliance Investigations

Success in Youth Alcohol Enforcement

Measuring and Monitoring Guides

Guide to Conducting Alcohol Purchase Surveys

Guide to Conducting Youth Surveys

Tips for Soliciting Cohesive Enforcement Program Plans: Writing Effective RFPs for the Sub-granting Process

Other Supporting Publications

Costs of Underage Drinking

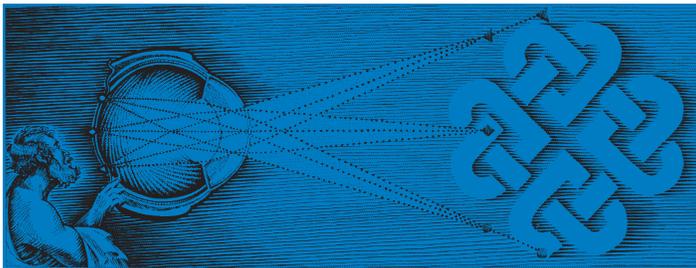
Drinking in America: Myths, Realities, and Prevention Policy

How to Use Local Regulatory and Land Use Powers to Prevent Underage Drinking

Indian Country Law Enforcement and the Challenges of Enforcing Underage Drinking Laws

Strategic Media Advocacy for Enforcement of Underage Drinking Laws

These publications were prepared by the Pacific Institute for Research and Evaluation in support of the Office of Juvenile Justice and Delinquency Prevention's Enforcing the Underage Drinking Laws Program. They are available on-line at <http://www.udetc.org>.



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