

# Compliance Checks

## What are compliance checks and how do they work?

A compliance check is a tool to identify alcohol establishments that sell alcohol to underage youth. The practice of conducting compliance checks can be:

Mandated by a local ordinance that outlines standards for conducting the checks, people or agencies responsible for conducting the compliance checks, and penalties for establishments, servers and sellers who illegally sell or serve alcohol to underage youth. Voluntarily implemented by law enforcement or licensing authorities.

### Compliance checks can be used for two purposes:

**Enforcement** - to enforce state criminal statutes, local administrative ordinances or both.

**Educational** - to identify, warn and educate alcohol establishments that serve or sell alcohol to underage youth.

### Generally, compliance checks are implemented by the following procedures:

- Alcohol licensees are informed that compliance checks will occur at various times throughout the year and about potential penalties for selling alcohol to underage youth.
- While an enforcement agent (police officer or other authorized person) waits outside the premises, a person under age 21 attempts to purchase or order an alcoholic beverage.

### If the alcohol establishment sells alcohol to the young person, the enforcement agent issues a citation either to the seller/server or to the establishment:

- The police officer may charge the server or seller who sold the alcohol (when compliance checks are used to enforce state laws governing servers and sellers).
- The officer may issue an administrative citation, which is imposed upon the alcohol license holder rather than the individual server or seller (when compliance checks are used to enforce local administrative ordinances). Because administrative charges are easier, faster, and less expensive to prosecute, they can be the best option-and in some communities the only option-for penalizing alcohol establishments.

**Note :** When conducting compliance checks for the purpose of enforcing state or local laws, the young person attempting to purchase alcohol (the buyer) must be underage. If the buyer is not actually underage, no law would be violated when an establishment sells to the buyer.

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Source: Alcohol Epidemiology Program, University of Minnesota.

# COMMUNITY ACTION KITS Compliance Checks

## **Suggestions for Reporting Compliance Checks to the Public**

- Make sure you note those that were in compliance, not always the ones that were not.
- Use the letter to the editor in your local paper as a forum.
- Write Op-eds.
- Create a media event or photo-op. Provide certificates of appreciation to the alcohol retailers that were in compliance. Call the local press newspaper, radio, TV, etc.) to let them know that your group is doing this (time, place, etc.).
- Coordinate a press conference with a local politician, a law enforcement official and ABC enforcement to report your findings.

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Source: FACE – Resources, Training and Action on Alcohol Issues.