

# MODEL GUIDELINES CONCERNING COMPLIANCE CHECKS FOR UNDERAGE ALCOHOL SALES



## **Colorado Department of Revenue Liquor & Tobacco Enforcement Division**

1881 Pierce St., Suite 108  
Lakewood, CO 80214  
(303) 205-2300  
Email: [dor\\_led@state.co.us](mailto:dor_led@state.co.us)  
Web: [www.colorado.gov/revenue/liquor](http://www.colorado.gov/revenue/liquor)

### **Colorado Springs Office**

2447 N. Union Blvd  
Colorado Springs, CO 80909  
Phone: 719-594-8702

### **Grand Junction Office**

222 S. 6th St., Ste 425  
Grand Junction, CO 81501  
Phone: 970-248-7133

### **Greeley Office**

2320 Reservoir Rd, Ste A  
Greeley, CO 80634  
Phone: 970-356-3992

## **OVERVIEW**

These model guidelines were initially drafted by a workgroup chaired by the Colorado Liquor Enforcement Division in 1997. They have been updated by the Colorado Liquor & Tobacco Enforcement Division in 2013 to reflect current practices and standards. These guidelines have been developed to assist local law enforcement and liquor licensing authorities with establishing an underage compliance program for their communities. Local authorities are encouraged to establish their own specific standards based upon these guidelines.

## **PURPOSE**

Compliance checks regarding alcohol sales to underage persons are an established, common, and widely-used method for law enforcement agencies to respond to community concerns regarding the sale of alcohol to minors. They are conducted to determine levels of compliance with State law and result in an increase in voluntary compliance. In order to address both the varying standards in communities and the desire for consistent application of enforcement, these guidelines offer general standards that should be applied by local law enforcement agencies and liquor licensing authorities.

## **GUIDELINES**

### **1. General**

A compliance check is a proactive enforcement approach to the problem of liquor sale-to-minor violations. A person under the age of 21 (referred to as a “minor” or “underage purchaser”) is enlisted to attempt to purchase alcohol beverages from a liquor licensee. A compliance check provides an investigative avenue for the detection and deterrence of liquor sales to underage persons. Such checks may be used:

- A. When a complaint has been lodged that a licensee is selling to persons under age 21 years.
- B. On a random basis to ascertain levels of compliance among licensees and to deter sales to minors generally.

### **2. Standards for Underage Operative**

The underage purchaser:

- A. Should be between the ages of 18 years and 20 years and six months, with age-appropriate appearance and no age enhancements.
- B. May have no criminal history or pending criminal charges, except for non-alcohol related traffic offenses or petty offenses.
- C. Should be photographed as (s)he appears on the date of operation.
- D. Must be willing and able to testify in a criminal or administrative hearing, including the ability to accurately recall details of the operation.
- E. Should be advised of, and agree to, all procedures prior to attempting to purchase.

- F. Should be asked if (s)he has purchased or been served alcohol in the target establishment in the past.
- G. May be compensated, but not based upon the number of successful purchases.

### **3. Identification**

- A. The underage purchaser may:
  - i. Carry and use his/her own valid identification.
  - ii. Carry no identification.
- B. The law enforcement agency should ascertain and verify prior to the operation that the underage purchaser has no other identification on his/her possession.
- C. The underage purchaser should have no other money in his/her possession other than money provided by the law enforcement agency.

### **4. General Procedures for Underage Purchaser**

- A. If identification is used, the underage purchaser should present valid ID upon request of the seller.
- B. If identification is used, the underage purchaser *may* lie about his/her age. This demonstrates whether the seller is relying upon the valid ID presented or a verbal representation of age.
- C. If identification is not used, the underage purchaser, if asked, should respond with a reasonable excuse, such as “I lost it,” or “I forgot it.”
- D. If refused purchase, the underage purchaser shall make no further attempt to convince the server or seller to provide alcohol. The underage purchaser may lie about his/her age if asked.
- E. If the licensee attempts to detain the purchaser, (s)he should not resist and should remain on premises until the law enforcement agency responds.
- F. The underage operative shall not be allowed to consume alcohol under any circumstances.
- G. The underage purchaser shall contact or signal the law enforcement agent immediately upon purchase of the alcohol.

### **5. General Procedures for Law Enforcement**

- A. Law enforcement personnel should be in position to visually or audibly monitor or control the underage purchaser during the operation.
- B. If possible, law enforcement should videotape or audiotape the operation.
- C. If the alcohol beverage purchased is in a closed container with a label that clearly identifies it as an alcoholic beverage, collection of evidence is not necessary. All open or unlabeled containers of alcohol beverages should be retrieved and maintained as evidence.

D. The minor operative must be the person attempting to make the purchase.

## **6. Notifications**

- A. The person who sold to or served the underage person should be notified on the same day, either immediately or at the end of the operation to avoid jeopardizing a continuing operation.
- B. A criminal summons issued to the seller/server should be served within three days.
- C. If administrative action is to be taken, the licensee should be notified within 14 days.
- D. Local law enforcement agencies are encouraged to enter compliance check results in the State of Colorado Underage Drinking Enforcement Website at <https://www.colorado.gov/apps/dor/mip/>. (Contact the Liquor & Tobacco Enforcement Division in Lakewood for access to add results.)

## **7. Suggested Penalties**

- A. The seller/server should be issued a criminal summons.
- B. The licensing authority should impose administrative sanctions in accordance with Colorado Liquor Regulation 47-604 (1 C.C.R. 203-2).

## **8. Compliance Rechecks**

- A. Though random compliance checks are conducted at varying intervals, it is recommended that licensed establishments that pass compliance checks not be subjected to rechecks at unreasonably short intervals.