

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

Model Policy and Guidelines
for
Alcohol and Tobacco Compliance Checks
by
Law Enforcement Officers



Illinois Public Act 92-0503

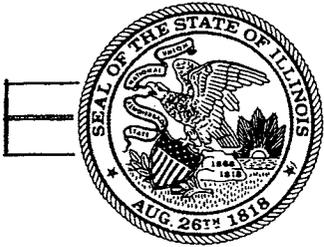
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Thomas J. Jurkanin, Ph.D.
Executive Director

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Illinois Law Enforcement Training and Standards Board

STATE OF ILLINOIS

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EXECUTIVE SUMMARY

Dear Law Enforcement Professional:

The issue of underage youth gaining access to alcohol and tobacco products has gained national attention. Tragedies have played out across the country in the form of violent crime, traffic fatalities, suicides and the effects of addiction on families. Serious health problems have been identified as a result of early use of alcohol and tobacco.

This publication is designed to assist you and your agency in meeting the mandates of Public Act 92-0503 (The Act) by providing Model Policy and Guidelines for Alcohol and Tobacco Compliance Checks by Law Enforcement Officers. Sample operational orders, checklists, forms and departmental policy are attached for your review.

The Act also mandates that supervisory officers conducting compliance checks meet a minimum training standard. The attached four hour training curriculum was developed to meet the training requirement. Recognizing the importance of working with the community and business retailers, an additional four hour optional course will be offered for those agencies wishing to develop community programming. The Board certified mandatory and optional training will be available through the ASSIST Program's Mobile Training Units.

The Act allows the Illinois Law Enforcement Training and Standards Board to grant a waiver of training for personnel from agencies with policy and procedures in force, and who have received previous in-service training meeting the standard. Waiver applications will be available through the Board's website at www.ptb.state.il.us or the Board office.

The Model Policy and Guidelines and related materials were developed with the assistance of the Advisory Committee for implementation of Public Act 92-0503. On behalf of the Board, I thank the committee for their assistance and expertise.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Jurkanin".

Thomas J. Jurkanin, Ph.D.
Executive Director



**MODEL POLICY AND GUIDELINES
FOR
ALCOHOL AND TOBACCO
COMPLIANCE CHECKS**



ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

Model Policy and Guidelines for Alcohol and Tobacco Compliance Checks by Local Law Enforcement Officers

PREFACE

On December 19, 2001, Governor George H. Ryan signed House Bill 3162 into law as Public Act 92-0503. The Act creates enhancements to the Liquor Control Act of 1934 and further directs the Illinois Law Enforcement Training and Standards Board (Board) to develop a model policy and guidelines for the operation of alcohol and tobacco compliance checks by local law enforcement officers. The Board is further mandated to require supervising (law enforcement) officers of compliance checks to meet a minimum training standard, as determined by the Board.

INTRODUCTION

On February 19, 2002, the Board's Executive Director Thomas J. Jurkanin, Ph.D. convened the initial meeting in Springfield of an advisory committee of stakeholders comprising law enforcement officials, fraternal and professional associations of municipal and county government employees, the liquor industry, business representatives and state agencies. The committee (see Attachment A) was charged with the task of recommending to the Board the adoption of the specific model policy, guidelines, and training in fulfillment of the legislative mandate.

PRINCIPLES

The committee reviewed the charge and expressed a commitment to the following principles leading to accomplishment of strategic goals in developing the model policy, guidelines and training:

- (1) The Policy and Guidelines will be designed not to abridge local community standards, wherever practical.
- (2) The desired result is statewide uniformity and consistency in enforcement of alcohol.

II-B

and tobacco statutes.

- (3) Statewide "voluntary compliance" with alcohol and tobacco laws is desirable through enforcement, administrative review and positive reinforcement.
- (4) Basic policy and guidelines will be articulated. Suggested enhancements will be recommended for local option.
- (5) Training will be designed to meet the minimum standard (see Attachment B) through a delivery medium accessible to local law enforcement agencies statewide. Enhanced training in associated topics and community outreach will be made available to agencies desiring such training. (See Attachment C.)
- (6) Agent/decoy should not be compensated or rewarded for the actual results of compliance checks.

POLICY

The effect of underage drinking on youth and society is well documented. Local news media report the tragedies of crash fatalities, suicides, violent crime, alcohol poisoning and effects on families of alcohol addictions arising out of underage drinking. Alcohol is cited by the U.S. Department of Health and Human Services as one of most common contributors to injury, death and criminal behavior among youth.

National recognition has been given to the role of local law enforcement in preventing and reducing underage access to, and consumption of alcohol. Federal and State initiatives cannot be effective without local support and enforcement.

The effects of tobacco and tobacco products use by youth is also well documented. Local and national news media report on the health risks associated with tobacco use. Early use has a greater impact on health long term.

In Illinois, recognition has been given to the role of local law enforcement in preventing and reducing underage access to, and use of, tobacco and tobacco products. Federal and State initiatives cannot be effective without local support and enforcement.

The Model Guidelines are designed to assist local law enforcement in the administration of a fair, effective compliance program that meets evidentiary and legal standards. The various jurisdictions across the state will approach compliance enforcement according to established processes of arrest, notice citations and/or bail acceptance. In jurisdictions where state statutes are utilized the guidelines should be reconciled with the county state's attorney. Where a local ordinance is used the city or village corporation counsel should be consulted. The local liquor control

commissioner, normally the city mayor or village president, is instrumental in local policy development and is mandated under the Public Act to establish policy and standards for alcohol and tobacco compliance operations.

Additional resources can be provided to local law enforcement by the Illinois Liquor Control Commission in terms of programmatic and operational support. The Illinois State Police operate an active Alcohol Countermeasure Enforcement (ACE) program in cooperation with local law enforcement. These programs include merchant communications providing feedback on illegal purchases and positive reinforcement on denied purchase attempts. (See Attachment D.)

The Guidelines recognize the importance of a community outreach program consistent with local standards and resources. Recognition of the "voluntary compliance" philosophy has benefit for the local community in terms of building relationships with merchants, reducing opportunities for under age consumption and permitting the compliance program to run on a "maintenance" schedule, thereby allowing law enforcement resources to be diverted to other public safety activities.

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DEFINITIONS

- A. **MODEL POLICY AND GUIDELINES:** Conduct and protocol directed to alcohol and tobacco compliance operations developed for local law enforcement by the Illinois Law Enforcement Training and Standards Board pursuant to Public Act 92-0503. The Guidelines are advisory and not mandated for adoption by local law enforcement.
- B. **MINIMUM TRAINING STANDARD:** The Public Act requirement that supervising (law enforcement) officers conducting alcohol and tobacco compliance checks meet a training standard determined by the Board.
- C. **SUPERVISING OFFICERS:** Law enforcement officers, regardless of rank, who exercise authority and oversight for alcohol and tobacco compliance checks pursuant to the Act.
- D. **INVESTIGATING OFFICERS:** Law enforcement officers who are involved in the investigation, arrests, evidence handling, and/or reporting pursuant to alcohol and tobacco compliance check operations.
- E. **AGENT/DECOY:** An underage individual who acts under the direction of law enforcement personnel in the purchase of alcohol or tobacco during compliance checks or controlled purchase operations.
- F. **WRITTEN EVIDENCE OF IDENTITY:** A photo identification card issued by the State of Illinois or recognized governmental entity in the form of a driver's license or state identification card.
- G. **OBSERVERS:** Law enforcement officers or civilians who are engaged as witnesses to alcohol and/or tobacco compliance checks.
- H. **ADMINISTRATIVE CHARGES:** The filing of police reports with the appropriate local authority requesting administrative action against retail merchants selling alcohol or tobacco products.

MODEL GUIDELINES**I. OPERATIONAL PROCEDURES****A. Program Considerations**

Consideration should be given to:

1). The alcohol/tobacco compliance check should be treated as an overall program with a systematic approach with the ultimate goal being visitation of ill licensed premises on an annualized schedule that ensures random visitations during quarterly periods of activity. News releases should describe the purpose and process of the program along with statistical information on outcomes.

Consideration should be given to:

2). Unscheduled operations should be initiated based upon a review of police reports and/or citizen complaints. Summary reports should articulate the basis of unscheduled operations.

Consideration should be given to:

3). Legal advice should be sought from the state's attorney and/or the local legal counsel with respect to the conduct and pattern of local compliance checks, evidence handling, arrests, agent/decoy criteria and reporting.

Consideration should be given to:

4). The use of pre-operational and operational checklists are recommended. (See Attachment E.)

Commentary:

The frequency of compliance checks is usually a local determination based upon law enforcement resources, number of licensees and community standards. Federal standards usually determine frequency, sampling, etc., for tobacco compliance checks, however, these Guidelines are drawn to create uniformity and fairness as an approach to ensuring compliance with the statutes.

B. Utilization of Agent/Decoy

- 1). Agent/decoy should be of good character. An independent background check should verify the official birth record, lack of criminal history and acceptable driving record.
- 2). The recommended age of the agent/decoy is at least one year less than legal age to purchase for tobacco enforcement and 18 to 20 years of age for alcohol enforcement. Parental Consent Forms should be utilized for those less than 18 years of age. Additionally, a "Participant Acknowledgment Form" should

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be utilized for those more than 18 years of age. (See Attachment D and G.)

- 3) Many institute a policy such as this to avoid the perception of entrapment: The agent/decoy should portray their youth by dressing in a manner appropriate to their age group. Participants shall not alter their appearance.
- 4). Photographs should be taken to establish physical appearance of agent/decoy, independent of witness testimony. It is recommended that photographs of the agent/decoy should be taken prior to the compliance check. Photographs should be processed and secured for evidence. The agent/decoy should be searched and allowed to carry only a valid state-identification issued by the Office of the Secretary of State or no identification. Under no circumstances shall fraudulent or fictitious identification cards be used by the agent/decoy. It is recommended that the agent/decoy should make the commitment to be available for hearing or court proceedings and, if possible, wear the same clothing as on the date of the compliance check.
- 5). Agent/decoy should receive orientation training on entrapment issues and be admonished to limit conversation during the check. If asked age, the agent/decoy will respond truthfully. The agent/decoy will limit conversation so as not to persuade or pressure a sale.
- 6). Many institute a policy such as this to avoid the perception of entrapment: Consumption of alcohol or tobacco or tobacco products, as the case may be, by agent/decoy is prohibited during alcohol/tobacco compliance checks.
- 7). The authorizing agency shall provide the agent/decoy with the funds that are to be utilized in the compliance checks.

C. Site Operations

- 1). Compliance checks are not recommended during peak hours of licensee operations, although checks during such hours of operation are not prohibited.
- 2). The agent/decoy should enter the licensee premises alone and proceed directly to the targeted merchandise. If the transaction is completed, a receipt should be obtained, if possible, and subsequently turned over to investigating officers.
- 3). The agent/decoy should not intentionally appear to be in the company of adults, covert law enforcement officers or compliance observers when on the licensee premises.
- 4). Compliance observers/covert officers should position themselves inside a

licensed premise, when practical, in order to observe the transaction, always entering alone. In the alternative the observer should be positioned in an area outside that provides the ability to observe the transaction.

- 5) In restaurants and bars the drink served the agent/decoy should be smelled for alcohol content and verified by the observing officer. The decoy must not drink the alcohol. The evidence handling of the alcohol should be in consultation with the local prosecutor with respect to proper containment, marking, sealing, transporting and securing. Generally accepted evidence procedures dictate that small amounts of the alcohol may be transferred to a suitable container for evidentiary purposes.

II. ENFORCEMENT ACTIONS

A. Arrests

- 1). Investigating officers making an arrest should ensure a positive identification of the vendor/server making the illegal sale and, as soon as practical, issue the notice of violation. In this manner the identity of the vendor can be assured. Local practice will dictate if a "Notice to Appear" (see Attachment G) or other citation processes are used. The supervising or investigating officer will identify him or herself and explain the nature of the violation to the on-site manager of the licensed establishment.

B. Reporting

- 1). All compliance checks should be the basis of written survey reports and/or police reports. The survey reports provide a statistical basis for departmental reporting of compliance activity to the community. Police reports are necessary to describe the original basis for the compliance survey, the actions of the agent/decoy, the investigating officer reports, witness reports and supervisory officer reporting. (See Attachment D.)

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III. COMMUNITY AND MERCHANT RELATIONSHIPS

A. Communications

- 1) Communication with the community and with retail merchants is important in order to achieve the goals of compliance testing. The media may be utilized through the initiation of Public Service Announcements (PSA) and news releases which announce the initiation of the program.
- 2). The use of written communications with the retail merchants is encouraged. The letters can be of a congratulatory nature on a denied sale or notice of a violation due to a completed sale to the underage agent/decoy.
- 3). It is recommended that media releases of compliance, as well as, non-compliance be published. (See Attachment D.)

Commentary:

Local practice will determine how the agent/decoy is recruited, if volunteering or paid, for their time devoted to the compliance checks. The issue of conducting combination (alcohol and tobacco) compliance checks should be carefully considered due to the disparity of the legal age for each commodity. Consider that grant funds are available for communities engaging in compliance checking. Additionally, the issue of selection of retail establishments to be checked (uniform verses random) should be approached with care in order to ensure a fair and equitable approach to achieving the strategic goals of the program.

REFERENCES

- Wagenaar , Alexander C., Ph.D. (2000) Alcohol Compliance Checks, Alcohol Epidemiology Program, University of Minnesota.
- Pacific Institute, (2000), Reducing Alcohol Sales to Underage Purchasers, under a grant from the U. S. Department of Justice.
- Woodridge Police Department, (1995), General Orders for Liquor and Tobacco Enforcement.
- Moses, Michael A., ESQ., (1998) Report on Guidelines for the Conducting of Undercover Operations as to the Sale of Alcoholic Beverages to Minors and Proposals for Model Legislation in Illinois.
- Illinois State Police, (2001), Alcohol Countermeasure Enforcement (ACE) Procedures for Covert Operations
- Illinois Law Enforcement Training and Standards Board, (2002) Deliberations of the Advisory Committee on Implementation of Public Act 92-0503 Alcohol and Tobacco Compliance Checks.



ATTACHMENTS



**ADVISORY COMMITTEE
MEMBERS**

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Coordinator



CURRICULUM SUMMARIES

Attachments B and C

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD**Mandatory Training****Supervisory Officers Conducting Alcohol and Tobacco Compliance Checks
Four Hour Curriculum Summary**

Public Act 92-0503 mandates supervising officers conducting alcohol and tobacco compliance checks meet a minimum training standard as determined by the Board. The following four-hour curriculum was designed to fulfill the mandates of the Act. Additional Board certified training is available for officers desiring optional training in community-based programming or achievement of status as an Alcohol Enforcement Officer.

Training Summary

- . Scope of National and Community Issues
- . Legal Overview
 - Statutory Law/Case Law
 - Entrapment Defenses
 - Licensing Issues
- . Pre-Investigation Phase
 - Decoy/agent Selection and Preparation
 - Scheduling and Targeting Issues
- . Investigation Phase
 - Model Policy, Guidelines and Investigative Techniques
 - Investigative and Administrative Follow up
- . Student Examination
 - Multiple choice exam utilizing class materials

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD**Optional Training****Supervisory Officers Conducting Alcohol and Tobacco Compliance Checks
Four Hour Curriculum Summary**

This curriculum summary is designed to compliment the mandatory four-hour training for supervisory officers conducting alcohol and tobacco compliance checks. The optional training is directed to community-based programming and can be delivered in conjunction with the mandatory course over an eight-hour period.

Training Summary

- . Community Relations and Educational Programming
- . Working with the Media
 - Prevention Programming
 - Reporting Activity
- . Strategies to Reduce Underage Alcohol and Tobacco Use
 - Party Prevention and Controlled Dispersal
 - Enforcing Impaired Driving Law for Youth
 - Operation Straight I.D.
- . Coordination with State Enforcement and Services Agencies -Grant Programming
- . Program Records and Administration
- . Student Examination
 - Multiple choice exam utilizing class materials



SAMPLE PROGRAM

“ACE”

(ALCOHOL COUNTERMEASURES ENFORCEMENT)

Attachment D

**ALCOHOL COUNTERMEASURE ENFORCEMENT (ACE)
Additional Procedures for Covert Operations**

SELECTION OF MINOR PARTICIPANTS

1. Only "youthful appearing" persons who are 18 or 19 years of age should be used to purchase alcohol. The minor participant should not have any facial hair, i.e., beard or mustache or use any disguises.
2. No person under the age of 18 should be used as a participant.
3. Persons who are 20 years of age should not be used due to their proximity to the legal age.
4. Ensure the minor participants will be available for court for at least six months after the operation.
5. A background check will be conducted on each minor. The District/Zone will complete a NCIC and Indices check on the minor participant and check the city and county police records.
6. Ensure the Consent Statement is signed by the minor participant's parent or legal guardian.

OPERATIONAL PROCEDURES

7. Plans for covert surveys should be approved by the appropriate state's attorney prior to implementation.
8. A photograph should be taken of the participant on each night of the operation showing his/her appearance and dress. This photograph should be available for court, along with an officer who either took the picture or observed the picture being taken.
9. Before the operation begins, an officer should check the minor participant to ensure that he/she possesses only valid identification. A photocopy of the I.D. should be made and attached to the report for later possible presentation in court.
10. The ACE Minor Participant Acknowledgment form and Consent Statement should be signed and kept on file at the work site before the participant becomes involved in any operation.
11. The covert officers will always conduct observation inside the establishment when the minor is attempting to purchase alcohol.

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12. The police officers, or other persons of legal age, should not be in close proximity of the participant, thus justifying the vendor's presumption that the participant is in the company of the older person.
13. The officer and participant should each immediately record details of each survey on an Underage Alcohol Survey Report. These documents should be kept with the post copy of the field report or investigative report.
14. Officers should confront the vendor or agent making the illegal sale on the same night, after all planned surveys have been completed. At that time, the name of the clerk, licensee information, etc., can be obtained. Officers have the option to issue a notice to appear.
15. At the beginning and end of the operation, the minor participant should be administered a PBT or intoxilyzer test to verify the minor has not consumed alcoholic liquor.

EVIDENCE

16. The evidence purchased by the participant should be marked, transported and secured at the headquarters by the designated officer.

REPORTS

17. Officers should be prepared to testify on the nature and background of the operation including who was involved, why the operation was conducted, why certain establishments were chosen, the number of establishments surveyed, and the number of reports forwarded to the State's Attorney arising out of the overall operation.
18. Make the reports as detailed as possible since results of the survey will be forwarded to the appropriate State's Attorney, who requires as much information as possible to render a decision concerning prosecution.

COVERT CHECKLIST INSTRUCTIONS:

Documented Problem

Documentation of the problem must be based on the identification of at least one of the following traffic safety problems: minors' involvement with alcohol, such as serious and/or frequent traffic crashes within certain locales, identification of establishments serving alcohol to minors through traffic crash investigations and alcohol-related arrests and documented complaints from the public, i.e., letters, telephone calls, newspaper articles. Other methods for selecting the establishments to survey may be used such as: surveying all the establishments in a selected township, surveying establishments which have not been previously surveyed, or checking the establishments which have not been surveyed in the last 12 months, etc.

Minor Participant and Covert Plans Approved by State's Attorney

This responsibility lies with the District/Investigations Commander or designee.

Plan submitted to the Grant Compliance Unit

Covert surveys - The boundaries of the area surveyed must match prior established governmental divisions, i.e., ALL liquor establishments in a selected area (county, city, township, city district/precinct, etc.) The area(s) chosen must also correspond with the documented problem.

Notification/Location Approved by the Grant Compliance Unit.

All ACE covert details must be pre-approved by the Grant Compliance Unit.

Detail Briefing Held

See separate document outlining briefing instructions.

ALCOHOL COUNTERMEASURE ENFORCEMENT (ACE) Covert Detail Briefing Instructions

1. Emphasize that no enforcement will occur, except when necessary due to unforeseen circumstances. Officers do have the option of issuing a notice to appear.
2. Emphasize precautions must be taken to preserve the covert nature of the survey.
3. Review Covert Operational Procedures and instructions on Minor Participant Acknowledgment with the officers and the minor participant.
4. Advise officers to use their own discretion in handling uncooperative vendors/agents when confronting them during follow-up to obtain information needed for field or investigative reports.
5. The following specifics are suggested for completion of surveys:
 - a. Whenever feasible, the officers should drive only one vehicle, transporting the minor participant to the survey locations. Attempts should be made to minimize the transportation of package liquor by the minor participant.
 - b. In situations requiring a minor to drive a separate vehicle, e.g., drive up windows, limited parking in view of survey location employees, officers should always keep the minor's vehicle in sight.
 - c. Both officers should enter the establishment first.
 - d. The minor participant should enter alone shortly thereafter.
 - e. The minor attempts to purchase alcohol as the officers browse/observe from a distance.
 - f. The minor exits, with or without a purchase, and either enters the officer's vehicle or drives his/her own vehicle to the nearest feasible meeting place, whichever applies to the situation.
 - g. Both officers leave, with or without purchasing anything, and proceed to meet the participant in their vehicle or at the nearest feasible location.
 - h. The officers join the minor participant to write notes and to transfer and mark evidence. They then proceed to the next establishment.

CONSENT STATEMENT

Your son or daughter has expressed an interest in working covert details under the direction of the Illinois State Police. Such details would involve the identifying of retail liquor establishments engaged in the illegal sale of alcohol beverages to minors. His or her participation on such details will require entering retail liquor establishments for the purpose of purchasing alcoholic beverages.

Participation in this type of investigation may also require your son or daughter to testify later in a court of law. During the detail's entirety, your son or daughter will be under close surveillance at all times by Illinois State Police personnel. A list of guidelines applicable to individuals selected for such a detail is attached.

A parent or guardian's written consent is required before a minor may participate in this type of investigation.

I hereby give my written consent for _____
to participate in the above mentioned detail, which I understand will be under the direct supervision of the Illinois State Police.

Signature of parent of legal guardian

Date

**SUPERVISOR CHECKLIST
COVERT ACE DETAILS**

1. Photograph the minor participant the night of each detail and retain for court purposes. No disguises should be used.
2. Photocopy each minor participant's drivers license and retain for court purposes. Check the minor's drivers license to ensure he/she possesses only valid identification.
3. At the beginning and end of each detail, each minor participant will be administered a PBT or breath test to verify no alcoholic beverage was consumed by the minor.
4. Each item on the Covert Detail Briefing Instructions must be covered at the briefing.
5. At the completion of the surveys in the area, establishments where a sale was made will be revisited and appropriate documentation obtained. It is the officer's option to issue a Notice to Appear.
6. All expenditures of Official Advanced Funds (OAF) will be documented on an ISP 4-2 and ISP monthly statement of OAF (ISP 4-33).
7. The detail is to be made up of two or three officer teams with at least one minor per team.
8. The detail will use the three digit designator E96 except the detail supervisor will use E98. If needed, the officer writing the report(s) on an establishment(s) selling alcohol to the minor participant can earn additional hireback (Code E95). This is limited to one hour per establishment that sold alcohol to the minor.
9. Ensure an ACE covert activity form, ACE Covert Detail Information form, and establishment survey form is completed for each team.

COVERT ACE
COORDINATOR CHECK LIST

1. Problem Documentation - check one or more and provide some information or examples.

Minor involvement with alcohol, such as serious and/or frequent traffic crashes within certain locales.

Identification of establishments serving alcohol to minors through traffic crash investigation and alcohol-related arrests.

Documented complaints from the public, i.e., letters, telephone calls, newspaper articles.

Other method (e.g., surveying all establishments in selected township, etc.)

Completed Date

2. Complete Plan of Action Form _____

3. Identify volunteer minor participants _____

- A. At least 1 per team of 2 or 3 officers
- B. Backup minors recommended in case primary fails to show the night of the detail.
- C. Youthful looking between 18 and 19 years of age.
- D. Agrees to be available for court.

4. Complete Minor Participant Acknowledgment form (one per minor). _____

Completed

Date

- 5. Complete consent statement and obtain the minor participant's parent or legal guardian's signature. _____
- 6. Submit Plan of Action and minor participant information to State's Attorney. _____
- 7. Obtain State's Attorney's approval and submit a request for approval to conduct the detail to Grant Compliance Unit. _____
- 8. Complete background check on minor participant. _____
-
-
- City and County Police Records Check Approved _____
- 9. Receive notification from Grant Compliance Unit the ACE Covert detail is approved. _____
- 10. Schedule officers in accordance with the Distribution of Scheduled Overtime of the RC-164 Collective Bargaining Agreement. _____
 - A. Two or three officer teams; utilize a minimum of one minor participant per team.
 - B. Officers can be either patrol or investigations.
 - C. Determine if a PBT device or evidentiary breath test machine will be utilized. One of the detail officers should be a certified operator.

Operator's Name: _____

PBT

Breath Test Machine

Location _____

- D. One officer will be responsible for obtaining and documenting the expenditures of Official Advanced Funds (OAF) in accordance with OPS-44.

Officer's Name: _____
- 11. Provide Covert Detail Briefing Instructions and Supervisor Checklist to the detail supervisor. _____

ALCOHOL COUNTERMEASURE ENFORCEMENT (ACE)

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UNDERAGE ALCOHOL SURVEY

OFFICER NOTES DURING DETAIL OPERATION

NAME OF BUSINESS: _____

LOCATION: _____

TYPE OF SERVICE: GAS STATION LIQUOR STORE QUICK MART GROCERY STORE OTHER

TYPE OF PATRONS: _____

MISCELLANEOUS INFORMATION: _____

NAME OF BUYER: _____ DATE OF BIRTH: _____

COLOR OF HAIR: BLACK BROWN BALD BLONDE RED GRAY HEIGHT: _____ WEIGHT: _____

COLOR OF EYES: BLUE BROWN HAZEL GRAY

DESCRIBE ATTIRE: _____

OBSERVER'S NAME: _____ I.D.: _____

DATE AND TIME OF ENTRY: _____

TYPE AND BRAND OF PURCHASE REQUESTED: _____

WAS I.D. REQUESTED? YES NO TYPE OF I.D.: STATE ID DRIVERS LICENSE OTHER

WAS PURCHASE ACCOMPLISHED? YES NO PRICE: \$ _____

DESCRIPTION OF EMPLOYEE: _____

NAME: _____

COLOR OF HAIR: BLACK BROWN BALD BLONDE RED GRAY

COLOR OF EYES: BLUE BROWN HAZEL GRAY LENGTH OF HAIR: LONG MEDIUM SHORT

CLOTHING DESCRIPTION: _____

OTHER IDENTIFIERS: _____

OTHER COMMENTS: _____

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Illinois State Police

ACE MINOR PARTICIPANT ACKNOWLEDGMENT

Name of Participant

Date of Birth

Social Security Number

Address

Telephone Number

INSTRUCTIONS

1. Do not consume any alcoholic liquor.
2. Possess only valid identification.
3. If you are asked for identification, show it.
4. If the clerk asks your age after you have shown your ID point to the ID and say, "It's right there," or state your actual age.
5. If the clerk does not ask for your ID but merely asks how old you are, either hand the clerk your ID and say, "It's right there," or state your actual age.
6. Do not argue or barter for the beverage, such as, "Can't you let me take this one?" Once you have been refused service, the transaction is complete.
7. After exiting an establishment with the alcoholic beverage, the participant will transfer the purchased evidence to the designated covert officer, following procedures established to ensure both proper handling of evidence and confidentiality of the detail.
8. Immediately record all details of each transaction.
9. In no way does your participation in this operation vest in you any authority to perform the duties of a police officer under the laws of the State of Illinois.
10. Your signature on this document verifies you are participating in this operation of your own free will and you are not participating in this operation as a result of any threat made against you, or others.

I have read and understand the above instructions.

Signature of Participant

Date

ACE COVERT SUMMARY FORM
FOR COVERT ALCOHOL COUNTERMEASURES ENFORCEMENT SURVEYS

Detail conducted on: _____ Zone/Office _____ District # _____ or _____

E-96 E-98 E-95 E-99

- 1. Number of Officers
2. Total Hours Expended
3. Total Mileage
4. Number of Establishments Surveyed
Gas Stations (GS)
Liquor Stores (LS)
Quick Marts (QM)
Grocery Stores (GR)
Other (OT)
5. County/Counties Surveyed
Number of Establishments Selling to Minors
7. City/Cities where Establishments Sold and Number per City

Comments:

Coordinator _____ (Signature) Date _____

AN ACE COVERT ACTIVITY FORM AND AN ALCOHOL ESTABLISHMENT SURVEY FORM MUST BE COMPLETED FOR EACH TEAM AND ATTACHED TO THIS FORM. Forms MUST be received in the Grant Compliance Unit by the following dates:

Overtime Worked: 1st - 8th, 9th - 15th, 16th - 23rd, 24th - 30th/31st
Received By: * 10th, 17th, 25th, 2nd business day

* If the due date is on a weekend, the forms are due the next business day.

D-12

ACE COVERT ACTIVITY FORM

District _____
 Zone/Office _____

Date Covert Detail _____
 Team # _____

404E

List officers working together as one team below: (E-96 Covert Detail/E-98 Supervisor) Complete separate form for additional teams.

Patrol ID	Officer Name	ID #	Time		Total Hours	Miles
			Beginning	Ending		
E-96						
E-96						
E-96						
Total - E-96						
E-98						
Total - E-98						
TOTALS					* The driver enters number of miles. Passengers enter zero (0) mileage.	

Minor participant(s): Male Female Both (Circle one)

Report TOTAL ACTIVITY for team listed above. Listing activity for each county separately.

County Type	# Surveyed	# Selling to Minor	Estimated hours expended in each county
Gas Station	_____	_____	_____
Liquor Store	_____	_____	_____
Quick Mart	_____	_____	_____
Grocery Store	_____	_____	_____
Other	_____	_____	_____
TOTAL	_____	_____	_____

County Type	# Surveyed	# Selling to Minor	Estimated hours expended in each county
Gas Station	_____	_____	_____
Liquor Store	_____	_____	_____
Quick Mart	_____	_____	_____
Grocery Store	_____	_____	_____
Other	_____	_____	_____
TOTAL	_____	_____	_____

Patrol ID: E-95 Report writing: (A maximum of one hour for each establishment serving the minor)

Date	Officer Name	ID #	Time		Total Hours	County	Case Numbers or Field Report Numbers
			Beginning	Ending			

TOTAL - E-95

PATROL ID: E-99 Administrative Time (For district or investigations Hireback Coordinator only) District/Zone HQ _____
 County: _____

Date	Officer Name	ID #	Time		Total Hours	Covert Detail Date	Hours Scheduled
			Beginning	Ending			

Comments: _____

Command Officer _____
 Signature, ID

_____ Date (Revised 03/06)

Survey Date: _____

Total # ISP Officers on Tr _____

District: _____

ACE funded detail: Yes No

Total Hours Worked (Team): _____

Zone/Office: _____

County: _____

(Complete separate form for each county)

Name of local police agencies and number of officers each agency assigned: _____

Each Team MUST complete an Alcohol Establishment Survey form and attach it to the Team's ACE Covert Activity Form

#	Name and address of establishment	Type:	Sold	Offender (Required for sale to minor)	Liquor Licensee (Required for sale to minor)	
	_____		Yes <input type="checkbox"/>	Name: _____	Name: _____	
	_____	<input type="checkbox"/> GS	No <input type="checkbox"/>	Address: _____	Address: _____	
	_____	<input type="checkbox"/> LS	Check ID: _____	_____	_____	
	_____	<input type="checkbox"/> QM	Y / N	Sex/DOB _____	_____	
	License #: _____	<input type="checkbox"/> GR	Time checked: _____	Forwarded	Enforcement Section	Document Number
	Repeat Visit: Y / N Previous Sale to Minor: Y / N	<input type="checkbox"/> OT		Yes No		
#	Name and address of establishment	Type:	Sold	Offender (Required for sale to minor)	Liquor Licensee (Required for sale to minor)	
	_____		Yes <input type="checkbox"/>	Name: _____	Name: _____	
	_____	<input type="checkbox"/> GS	No <input type="checkbox"/>	Address: _____	Address: _____	
	_____	<input type="checkbox"/> LS	Check ID: _____	_____	_____	
	_____	<input type="checkbox"/> QM	Y / N	Sex/DOB _____	_____	
	License #: _____	<input type="checkbox"/> GR	Time checked: _____	Forwarded	Enforcement Section	Document Number
	Repeat Visit: Y / N Previous Sale to Minor: Y / N	<input type="checkbox"/> OT		Yes No		
#	Name and address of establishment	Type:	Sold	Offender (Required for sale to minor)	Liquor Licensee (Required for sale to minor)	
	_____		Yes <input type="checkbox"/>	Name: _____	Name: _____	
	_____	<input type="checkbox"/> GS	No <input type="checkbox"/>	Address: _____	Address: _____	
	_____	<input type="checkbox"/> LS	Check ID: _____	_____	_____	
	_____	<input type="checkbox"/> QM	Y / N	Sex/DOB _____	_____	
	License #: _____	<input type="checkbox"/> GR	Time checked: _____	Forwarded	Enforcement Section	Document Number
	Repeat Visit: Y / N Previous Sale to Minor: Y / N	<input type="checkbox"/> OT		Yes No		

* GS=Gas Station, LS=Liquor Store, QM=Quick Mart, GR=Grocery Store, OT=Other

If gas is sold by the convenience store or establishment being surveyed, record as a gas station. If gas is not sold by the establishment, record as quick mart, grocery store, liquor store, or other.

If a citation is issued list enforcement section and document number in area provided. If information is only forwarded to state/local authorities circle yes or no

(Date of Letter)

Address block

Dear _____:

One of the primary goals of the Illinois State Police is “to reduce alcohol-related injuries and fatalities resulting from motor vehicle crashes.” Since Illinois has a zero tolerance law which prohibits drivers under 21 from drinking, the Illinois State Police conducts Alcohol Countermeasure Enforcement (ACE) patrols which target the young driver as part of our comprehensive alcohol deterrence program. One of these activities is the monitoring of sales of alcohol to minors.

On (date), the Illinois State Police conducted a covert ACE patrol. During this patrol, an underage minor entered your business to attempt purchase of an alcoholic beverage. The minor was denied purchase by your employee.

I want to commend you and your employees for taking the appropriate measures to properly ensure that the individuals you serve are of legal age. I encourage your continued support in combating underage drinking, which is a leading cause of motor vehicle crashes, injuries, and fatalities involving persons under age 21.

Let me also take this opportunity to encourage you and your employees to also enforce the law prohibiting distributing or furnishing any tobacco product to any minor under 18 years of age. By working together, we can continue to safeguard the lives of our young people and reduce needless injuries and deaths in Illinois.

Respectfully,

(Captain, Lieutenant, etc.) _____
District __ Commander



OPERATIONAL CHECKLIST

Attachment E

Appendix C • Operation Checklist

The following is a step-by-step checklist for compliance checks operations.

Operation Plan/Checklist

1. Determine type of compliance check
2. Review existing ordinances
3. Revise ordinances (*optional*)
4. Make decisions regarding:
 - a. Type of alcohol to purchase
 - b. One vs. two officers
 - c. One vs. multiple buyers
 - d. Viewing the buyer(s)
 - e. Buyer compensation (paid Vs. volunteer)
 - f. Immediate vs. delayed post-buy attempt contact
5. Select sites to be checked
6. Review plan with the Prosecuting Attorney and the city council/licensing authority
7. Notify businesses
8. Notify Community
9. Hire and train buyers
 - a. Advertise/recruit buyer applicants
 - b. Recruit and schedule age assessment panel members (*optional*)
 - i. *Hold age assessment panel*
 - ii. Select-and hire buyers based on results of assessment panel
 - c. Train buyers
10. Logistics
 - a. Prepare site packets
 - b. Plan routes -establish target lists with specified criteria (random, region, etc.)
 - c. Schedule buyers and officer(s)
 - d. Obtain and document cash for purchases
11. Implement the compliance check according to protocol
12. Complete reports and refer to appropriate authority for criminal or administrative charges
13. Send letters Of congratulations/thanks to businesses/sellers who did not sell
14. Issue press releases



PARTICIPANT and PARENTAL CONSENT FORMS

Attachment F

(Also found in ACE Program, Attachment D and General Order, Attachment G)

Sample Youth Participant Consent Form

F-1

Name _____

Date of Birth _____

Date of Birth documentation: (require youth buyer to produce and attach copy of some legal proof of age)
birth certificate _____ passport _____ driver's license _____

Instructions: Carefully read each line below. Please ask questions about anything you do not completely understand. Your signature indicates that you understand and are willing to abide by all the terms of this agreement.

I understand that the purpose of the compliance check operation is to assess the compliance with age-of-sale laws by attempting to purchase alcohol.

I understand and agree that I am not to pursue or participate in any operation relating to alleged alcohol sales violations unless I am under the direct supervision of a law enforcement officer or licensing inspection official.

I understand that specific information about the unannounced compliance checks is confidential and agree that I will not discuss plans, dates, times, outcomes, or details of specific inspections, including but not limited to retail locations, retail staff making sales to underage buyers; nor the identity or description of law enforcement personnel working in plain clothes, unless directed by officials of the law enforcement agency or pursuant to legal proceedings.

I agree not to violate any laws or commit any crimes while participating in unannounced compliance checks.

I understand that if I violate any laws, except the one I am granted immunity from, that I may be responsible for those violations.

I agree to relinquish all alcohol products purchased as the result of these compliance checks, any change and all unused money to the adult supervisor.

I understand that the objective of compliance checks is to test compliance-a successful compliance check is one where the seller/provider refuses to provide alcohol, acting in compliance with the law. The goal of a buyer is to assist law enforcement in conducting a fair test; The buyer must not coerce the clerk, waitperson, or bartender into selling.

I agree to be completely truthful when reporting what happened during each compliance check.

I have participated in training provided by (Enter name of law enforcement agency) and I agree to adhere to the protocol explained in that training.

Youth's Name(print) _____ Youth Signature _____

Date _____

Witness _____

Date _____

Sample Parental Consent Form

Date

Dear Parent,

Youth consumption of alcohol is a serious problem in our society. Enclosed is a summary of evidence on health and public safety problems associated with underage drinking. Limiting the supply of alcohol that is accessible by underage youth is one important tool in a comprehensive program of deterring underage drinking. Youth who are of age, friends, and relatives-so-called social providers-are one source of alcohol for underage youth. Licensed liquor stores, convenience stores, bars and restaurants are another source. The experience of law enforcement around the country and University research suggest that in communities without active enforcement programs, youth are served alcohol without ID at approximately fifty percent or more of licensed establishments. The most effective police strategies for detecting and deterring irresponsible adults who provide or sell alcohol to underage youth require the use of underage people as buyers.

Your child has expressed an interest in serving as a youthful buyer and we seek your consent for their participation. In compliance checks and shoulder-tap operations the youthful buyer will make an attempt to purchase alcohol from a commercial or social provider. If alcohol is provided illegally, law enforcement action is taken against the seller, or provider and, when appropriate, administrative action is taken against the liquor licensee.

Youth serving as buyers are under constant supervision throughout these operations. While most cases do not involve public trials or hearings, it is possible that the youth buyer may need to appear as a witness at some future date.

Youth buyers generally find the experience of working with law enforcement exciting and educational. Serving as a youth buyer is a public service that many youth have found beneficial when listed on college or employment applications. Serving as a youth buyer is particularly appropriate for anyone contemplating a career in law, law enforcement, or public health.

Your signature on this form indicates your consent for your son or daughter to serve as a youth buyer for law enforcement operations directed at alcohol age-of-sale laws. Participation as a youth buyer is voluntary. Your son or daughter has the right to withdraw at any time. Please sign and return this form.

I hereby give my consent for my son/daughter, _____, to serve as a youth buyer for the (Enter name of your law enforcement agency)

Signature of Parent or Guardian

Date

Yours' in Safety,

Chief or Sheriff



**SAMPLE
DEPARTMENTAL GENERAL ORDER**

Attachment G

WOODRIDGE POLICE DEPARTMENT

G-1

GENERAL ORDER	<i>Date Issued:</i> August 13, 2002	<i>Effective Date:</i> August 13, 2002	<i>General Order Number:</i> 2002 - 03
<i>Authority:</i> Chief of Police	<i>Manual Code Number:</i> P - 14		
<i>Subject:</i> Liquor and Tobacco Enforcement	<i>Rescinds:</i> G. O. 95-16	<i>Accreditation Standards:</i>	<i>No. Pages:</i> 6 (plus attachments)

I. PURPOSE:

The purpose of this general order is to define procedures for routinely monitoring licensed establishments that sell alcoholic beverages and tobacco products.

II. POLICY:

It is the policy of the Woodridge Police Department to uniformly enforce the Village Liquor and Tobacco Codes by conducting controlled buy operations on a continuous basis.

III. DEFINITIONS:

- A. LICENSEE: Holder of a license to sell alcoholic beverages, tobacco, or both.
- B. OBSERVERS: Civilians that are pre-approved by the Chief of Police to view the control buy operations.
- C. OFFICIAL IDENTIFICATION: Picture identification issued by the State of Illinois in the form of a driver's license or state ID card.
- D. SUPERVISING OFFICER (SO): An officer assigned to the controlled buy operation to oversee the special agent. This will usually be the Tactical Sergeant or his designee.
- E. SPECIAL AGENT: A volunteer under the legal age to purchase alcohol or tobacco products who assists the Police Department with the controlled buy operations.

IV. PROCEDURE:

A. Pre-operation Activities

- 1. The Tactical Sergeant will be responsible for establishing a twelve (12) month schedule for monitoring all liquor and tobacco licensees in the Village, which are open to the public. He/She shall submit the schedule to the Chief of Police for review prior to implementation. Licensees that limit sales to employees or members will not be checked on a regular basis. (e.g. Sam's Club or VSA) Operations

will be conducted at least four (4) times a year or as otherwise directed by the Chief of Police.

2. Not more than one week prior to a scheduled operation, the Tactical Sergeant will notify the Chief of Police. The Chief will provide the Tactical Sergeant with a current list of licensees from the Village Clerk.
3. Prior to scheduled liquor license compliance checks, the Chief of Police or his designee will send via first class U.S. Mail, to all liquor licensees official notification that the police department will be conducting compliance checks within 60 calendar days.
4. Operations may also be conducted, with the approval of the Chief of Police in response to documented citizen complaints of underage purchases. The Tactical Sergeant shall explain the reasons for this special operation in writing to the Chief of Police.
5. The Tactical Sergeant will assist in obtaining the special agent to be utilized for the operations. Special agents will be approved prior to the operation date by the Chief of Police or his designee.
 - a. A photocopy of the special agent's current State Driver's License or State I.D. card shall be furnished to the SO and photocopied prior to the operation.
 - b. Tobacco special agents will be from 15 to 17 years of age. Liquor special agents will be from 18 to 20 years of age.
 - c. All Special Agents 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 liquor or tobacco products.
 - d. Special Agents should have the appearance, demeanor and mannerisms appropriate to their age.
 - e. Special Agents will dress appropriate for their age group to include current fashion trends.
 - f. Special Agents under the age of 18 will have a parent complete a Parental Consent Form (attachment A) prior to the operation.
 - g. Special Agents over the age of 18 will complete a Special Agent Consent Form (attachment B)
 - h. Special Agents will be available for testimony at all hearings and field court proceedings at the request of the Village

Prosecutor. If possible, the same clothing will be worn for these proceedings as worn during the operation.

- i. A briefing will be held prior to the operation by the Tactical Sergeant or the SO.
- j. The SO will approve the special agent's appearance, and will photograph the special agent. The special agent's appearance will not deviate from that point.
- k. The SO will verify that the special agent has proper official identification showing his true date of birth. This will be the only identification carried or presented throughout the course of the operation.
- l. The special agent will be instructed/advised:
 - to go directly to the targeted merchandise and then directly to the check-out;
 - that at no time should he/she try and persuade the licensee/clerk to complete the sale, and that he/she should speak only as necessary;
 - 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 previously approved identification;
 - if a transaction is completed, he/she should try to obtain a receipt; and
 - that the success of the operation and/or his/her continued performance as a special agent is not contingent upon making successful purchases.
- m. The operation will not be conducted during extremely busy times (e.g. rush hours) at the licensee's locations, and the SO will also have the authority to terminate the operation at any time for safety reasons.

B. Operational Instructions

1. Tobacco Dealers – The SO will station himself either inside the store or at a point from which he can observe the sale. He should not appear to be with the special agent. The special agent will enter the establishment alone. The special agent shall ask the licensee or representative for the specified item or, if accessible, pick up the specified item and attempt to make the purchase. In the event of a

Tobacco Vending Machine is in place, the special agent will attempt to make the purchase from the machine.

2. Package Liquor Stores - The SO shall station himself either inside the establishment or at a point from which he can view any transaction between the special agent and any representative of the establishment. He should not appear to be with the special agent. The special agent will enter the store alone, pick up a specified item, and attempt to make the purchase.
3. Restaurants – If practical, the SO shall station himself outside the establishment where he can view any transactions between the special agent and the licensee or any representative of the establishment. If this cannot be accomplished, the SO will enter the restaurant along with the special agent. The SO will order a non-alcoholic beverage, while the special agent orders an alcoholic beverage. Food will not be ordered.
4. Bars – The special agent will enter alone and order for himself/herself. The SO will station himself either inside the bar or in an area from which he can observe any transaction. The SO should not appear to be accompanying the special agent.

C. Completed Transactions

1. Tobacco Dealers

- a. If the transaction occurs, the agent will exit the establishment and immediately turn the purchased item over to the SO, along with any receipts.
- b. The special agent should be able to identify the seller.
- c. The SO will re-enter the establishment and identify himself and ask to see the on-duty manager, explain the circumstances, and answer any questions pertaining to the transaction. The SO will honor a request to view the special agent on scene.
- d. The SO will then issue a citation for unlawful delivery of tobacco to a minor to the clerk/seller.
- e. The tobacco items will be preserved per the procedures governing evidence preservation.

2. Package Liquor Dealers
 - a. If the transaction occurs, the agent will exit the store and immediately turn the purchased item over to the SO along with any receipts.
 - b. The special agent should be able to identify the seller.
 - c. The SO will re-enter the establishment and identify himself and ask to see the on-duty manager, and explain the circumstances as well as answer any questions pertaining to the transaction. The SO will honor a request to view the special agent on scene.
 - d. The SO will issue a citation for the unlawful delivery/sale of alcohol to a minor to the clerk/seller.
 - e. The alcoholic beverage, will be preserved per the procedures governing evidence preservation.
3. Restaurants and Bars
 - a. When served, the special agent will not consume any alcoholic beverage.
 - b. If the drink appears to be alcoholic, the special agent shall signal the SO. The SO will verify the alcoholic content.
 - c. The special agent should be able to identify the seller.
 - d. The SO will identify himself and ask to see the on-duty manager. The SO will explain the circumstances, with the agent present, and answer any questions pertaining to the transaction.
 - e. The SO will issue a citation for unlawful delivery of alcohol to a minor to the seller/clerk.
 - f. If possible, a small amount of the beverage will be preserved for procedures governing evidence preservation.
4. The SO is responsible for crime reports. A Uniform Crime Report (UCR) and Operation Enforcement Report (attachment C) will be completed on all violations.
5. The SO will verify that current licenses and other required notices are displayed at all establishments checked.

D. Reporting

1. Prior to the end of shift, the Tactical Sergeant or the SO will prepare an informational memorandum to the Chief of Police on the operation. It will indicate all licensees checked, regardless of whether or not a violation occurred. If any licensees are not checked, this memorandum should include the reasons why.
2. The Tactical Sergeant shall submit copies of all completed reports within twenty-four (24) hours to the Chief of Police.
3. Copies of all reports will be forwarded to the Village Prosecutor, Village Attorney, Village Clerk, and Liquor/Tobacco Control Commissioner by the Chief's Office.

E. Observers

1. From time to time, special observers will be permitted to observe control buy operations. Observers are not to interfere with any police action.
2. Observers are not to identify themselves or speak with the agent until the operation at that particular site is completed. Observers will not enter a store, stand next to, or sit with an agent.
3. Observers are not to interview store clerks or other employees of the licensee without specific permission from the manager on duty. Photographs or video recordings showing the store's name, address or logo will not be taken or edited out before any public use.
4. Observers requesting information concerning police department procedures or operations, including the one described in this general order, will be directed to the Chief of Police.

V. CONFLICTING ORDERS:

All previous orders and procedures in conflict with this general order are, to the extent of such conflict, hereby rescinded.



**Parental Consent Form
Release and Hold Harmless Agreement**

I, _____, Parent of _____ do hereby give permission for my son/daughter to participate in a Woodridge Police controlled buy operation. I understand that my son/daughter, acting as a special agent of the Department will be attempting to purchase items which normally cannot be legally sold to minors.

In consideration of the foregoing, the undersigned, on behalf of my son/daughter, hereby releases and holds the Village of Woodridge, its Police Department, and its officers and/or employees, harmless from any and all liability, causes of action, suits, injuries, damages or demands of whatsoever nature arising out of the operation of the Village of Woodridge Police Department. In addition, the undersigned intends, by executing this release and hold harmless, to waive all claims the undersigned and/or my son/daughter has or may in the future have whatsoever against the Village of Woodridge, its Police Department, its officers and/or employees.

I understand my son/daughter may be requested to appear before the Village of Woodridge Liquor/Tobacco Commission and/or the 18th Judicial Circuit Court of DuPage County. I will cooperate in making my son/daughter available for those appearances.

Signature of parent/guardian

date



**Special Agent Consent Form
Release and Hold Harmless Agreement**

I, _____, am voluntarily agreeing to assist the Woodridge Police controlled buy operation. I am doing this freely and not part of any plea agreement or in lieu of any other legal action.

In consideration of the foregoing, the undersigned hereby releases and holds the Village of Woodridge, its Police Department, and its officers and/or employees, harmless from any and all liability, causes of action, suits, injuries, damages or demands of whatsoever nature arising out of the operation of the Village of Woodridge Police Department. In addition, the undersigned intends, by executing this release and hold harmless, to waive all claims the undersigned has or may in the future have whatsoever against the Village of Woodridge, its Police Department, its officers and/or employees.

I understand that my participation in this controlled buy operation does not endow me with any police powers, and I will not take enforcement action of any kind, including but not limited to arrest, search, seizure of property, or use of force; unless directed to do so and in the immediate aid of a Woodridge police officer.

I understand I be requested to appear in administrative proceedings before the Village of Woodridge Liquor/Tobacco Commission and/or the 18th Judicial Circuit Court of DuPage County and I will comply with all such requests to appear.

Signature of parent/guardian

date



**ILLINOIS
PUBLIC ACT
92-0503**

Attachment H

1	AN ACT in relation to alcoholic liquor.	49
2.	Be it enacted by the People of the State of Illinois,	53
3	represented in the General Assembly:	54
4	Section 5. The Liquor Control Act of 1934 is amended by	57
5	changing Sections 6-16 and 6-16.1 as follows:	58
6	(235 ILCS 5/6-16) (from Ch. 43, par. 131)	61
7	Sec. 6-15. Prohibited sales and possession.	63
8	(a) (i) No licensee nor any officer, associate, member,	65
9	representative, agent, or employee of such, licensee shall	66
10	sell, give, or deliver alcoholic liquor to any person under	67
11	the, age of 21 years or to an intoxicated person except as	68
12	provided in Section 6-16.1. (ii) No express company, common	69
13	carrier, or contract carrier that carries or transports	70
14	alcoholic liquor for delivery within this State shall	72
15	knowingly give or knowingly deliver to a residential	
16	any shipping container clearly labeled as containing	73
17	alcoholic liquor and labeled as requiring signature of an	74
18	adult of at least 21 years of age to any person in this state	75
19	under the age of 21 years. An express company, common	76
20	carrier, or contract carrier that carries or transports such	77
21	alcoholic liquor for delivery within this State shall obtain	78
22	a signature acknowledging receipt of the alcoholic liquor by	79
23	an adult who is at least 21 years of age. (iii) No person,	83
24	after purchasing or otherwise obtaining alcoholic liquor,	
25	shall sell, give, or deliver such Alcoholic liquor another	84
26	person under the age of 21 years, except in the performance	85
27	of a religious ceremony or service. Any person who violates	86
28	the provisions of item (i), (ii); or (iii) of this paragraph	87
29	of this subsection (a.) is guilty of a Class A misdemeanor and	
30	the person's sentence shall include, but shall not be limited	88
31	to a fine of not less than \$500.	89

1	If a licensee or officer, associate, member,	91
2	representative, agent, or employee of the licensee, or a	92
3	representative, agent, or employee of an express company,	93
4	common carrier, or contract carrier that carries or	
5	transports alcoholic liquor for delivery within this State,	95
6	is prosecuted under this paragraph of this subsection (a) for	97
7	selling, giving, or delivering alcoholic liquor to a person	
8	under the age of 21 years, the person under 21 years of age	98
9	who attempted to buy or receive the alcoholic liquor may be	99
10	prosecuted pursuant to Section 6-20 of this Act, unless the	100
11	person under 21 years of age was acting under the authority	
12	of a law enforcement agency, the Illinois Liquor Control	101
13	Commission, or a local liquor control commissioner pursuant	102
14	to a plain or action to investigate, patrol, or conduct any	103
15	similar enforcement action.	
16	For the purpose of preventing the violation of this	105
17	Section, any licensee, or his agent or employee, or a	106
18	representative, agent, or employee of an express company,	107
19	common carrier, or contract carrier that carries or	
20	transports alcoholic liquor for delivery within this State,	109
21	<u>shall</u> may refuse to sell, deliver, or serve alcoholic	110
22	beverages to any person who is unable to produce adequate	111
23	written evidence of identity and of the fact that he or she	112
24	is over the age of 21 years, <u>if requested by the licensee,</u>	113
25	<u>agent, employee, or representative.</u>	
26	Adequate written evidence of age and identity of the	115
27	person is a document issued by a federal, state, county, or	116
28	municipal government, or subdivision or agency thereof,	117
29	including, but not limited to, a motor vehicle operation's	118
30	license, a registration certificate issued under the Federal	119
31	Selective Service Act, or an identification card issued to a	
32	member of the Armed Forces. Proof that the	120
33	defendant-licensee, or his employee or agent, or the	121
34	representative, agent, or employee of the express company,	122

1 common carrier, or contract carrier that carries or
2 transports alcoholic liquor for delivery within this State 123
3 demanded, was shown and reasonably relied upon such written 125
4 evidence in any transaction forbidden by this Section is an
5 affirmative defense in any criminal prosecution therefore or 126
6 to any proceedings for the suspension or revocation of any 127
7 license based thereon. It shall not, however, be an 128
8 affirmative defense if the agent or employee accepted the 129
9 written evidence knowing it to be false or fraudulent. If a 130
10 false or fraudulent Illinois driver's license or Illinois
11 identification card is presented by a person less than 21 131
12 years of age to a licensee or the licensee's agent or 132
13 employee for the purpose of ordering, purchasing, attempting 133
14 to purchase, or otherwise obtaining or attempting to obtain 134
15 the serving of any alcoholic beverage, the law enforcement
16 officer or agency investigating the incident shall, upon the 135
17 conviction of the person who presented the fraudulent license
18 or identification, make a report of the matter to the 137
19 Secretary of State on a form provided by the Secretary of 138
20 State.

21 However, no agent or employee of the licensee shall be 140
22 disciplined or discharged for selling or furnishing liquor to 141
23 a person under 21 years of age if the agent or employee 142
24 demanded and was shown, before furnishing liquor to a person 143
25 under 21 years of age, adequate written evidence of age and 144
26 identity of the person issued by a federal, state, county or
27 municipal government, or subdivision or agency thereof 145
28 including but not limited to a motor vehicle operator's 146
29 license, a registration certificate issued under the Federal 147
30 Selective Service Act, or an identification card issued to a
31 member of the Armed Forces. This paragraph, however, shall 148
32 not apply if the agent or employee accepted the written 149
33 evidence knowing it to be false or fraudulent. 150
34 Any person who sells, gives, or furnishes to any person 152

1	under the age of 21 years any false or fraudulent written,	153
2	printed, or photostatic evidence of the age and identity of	154
3	such person or who sells, gives or furnishes to any person	155
4	under the age of 21 years evidence of age and identification	
5	of any other person is guilty of a Class A misdemeanor and	156
6	the person's sentence shall include, but shall not be limited	157
7	to, a fine of not less than \$500.	
8	Any person under the age of 21 years who presents or	159
9	offers to any licensee, his agent or employee, any written,	160
10	printed or photostatic evidence of age and identity that is	161
11	false, fraudulent, or not actually his or her own for the	
12	purpose of ordering, purchasing, attempting to purchase or	162
13	otherwise procuring or attempting to procure, the serving of	163
14	any alcoholic beverage, who falsely states in writing that he	164
15	or she is at least 21 years of age when receiving alcoholic	165
16	liquor from a representative, agent, or employee of an	
17	express company, common carrier, or contract carrier, or who	167
18	has in his or her possession any false or fraudulent written,	168
19	printed, or photostatic evidence of age and identity, is	169
20	guilty of a Class A misdemeanor and the person's sentence	170
21	shall include, but shall not be limited to, the following: a	171
22	fine of not less than \$500 and at least 25 hours of community	
23	service. If possible, any community service shall be	172
24	performed for an alcohol abuse prevention program.	173
25	Any person under the age of 21 years who has any	175
26	alcoholic beverage hi his or her possession on any street or	176
27	highway or in any public place or in any place open to the	177
28	public is guilty of a Class A misdemeanor. This Section does	
29	not apply to possession by a person under the age of 21 years	178
30	making a delivery of an alcoholic beverage in pursuance of	179
31	the order of his or her parent or in pursuance of his or her	180
32	employment.	
33	(a-1) It is unlawful for any parent or guardian to	182
34	permit his or her residence to be used by an invitee of the	183

1	parent's or the guardian's ward; if the invitee is	184
2	under the age of 21, in a manner that constitutes a violation	185
3	of this Section. A parent or guardian is deemed to have	
4	permitted his or her residence to be used in violation of	186
5	this Section if he or she knowingly authorized, enables, or	187
6	permits such use to occur by failing to control access to	188
7	either the residence or the alcoholic liquor maintained in	
8	the residence. Any person who violates this subsection (a-1)	189
9	is guilty of a Class A misdemeanor and the person's sentence	190
10	shall include, but shall not be limited to, a fine of not	191
11	less than \$500. Nothing in this subsection (a-1) shall be	192
12	constructed to prohibit the giving of alcoholic liquor to a	
13	person under the age of 21 years in the performance of a	193
14	religious ceremony or service.	
15	(b) Except as otherwise provided in this Section whoever	195
16	violates this Section shall, in addition to other penalties	196
17	provided for in this Act, be guilty of a Class A misdemeanor.	197
18	(c) Any person shall be guilty of a Class A misdemeanor	199
19	where he or she knowingly permits a gathering at a residence	200
20	which he or she occupies of two or more persons where any one	201
21	or more of the persons is under 21 years of age and the	203
22	following factors also apply:	
23	(1) the person occupying the residence knows that	205
24	any such person under the age of 21 is in possession of	206
25	or is consuming any alcoholic beverage; and	207
26	(2) the possession or consumption of the alcohol by	209
27	the person under 21 is not otherwise permitted by this	211
28	Act; and	
29	(3) the person occupying the residence knows that	213
30	the person under the age of 21 leaves the residence in an	214
31	intoxicated condition.	
32	For the purposes of this subsection (c) where the	216
33	residence has an owner and a tenant or lessee, there is a	217
34	rebuttable presumption that the residence is occupied only by	218

Since the enactment of PA92-0503, all of §6-16(c) (lines 199 through 219), was declared unconstitutional in *People v. Law*, 782 N.E.2d 247 (Ill. 2002).

1 the tenant or lessee.

2 (d) Any person who rents a hotel or motel room from the 220

3 proprietor or agent thereof for the purpose of or with the 221

4 knowledge that such room shall be used for the consumption of 222

5 alcoholic liquor by persons under the age of 21 years shall 223

6 be guilty of a Class A misdemeanor.

7 (Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97; 225

8 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739; eff. 226

9 8-13-98.)

10 (235 ILCS 5/6-16.1) 229

11 Sec. 6-16.1. Enforcement actions. 231

12 (a) A licensee or an officer, associate, member, 234

13 representative, agent, or employee of a licensee may sell,

14 give, or deliver alcoholic liquor to a person under the age 235

15 of 21 years or authorize the sale, gift, or delivery of 236

16 alcoholic liquor to a person under the age of 21 years 237

17 pursuant to a plan or action to investigate, patrol, or

18 otherwise conduct a "sting operation" or enforcement action 238

19 against a person employed by the licensee or on any licensed 239

20 premises if the licensee or officer, associate, member; 240

21 representative, agent, or employee of the licensee provides

22 written notice, at least 14 days before the "sting operation" 241

23 or enforcement action, unless governing body of the 242

24 municipality or county having jurisdiction sets a shorter 243

25 period by ordinance, to the law enforcement agency having

26 jurisdiction, the local liquor control commissioner, or both. 244

27 Notice provided under this Section shall be valid for a 245

28 "sting operation" or enforcement action conducted within 60 246

29 days of the provision of that notice, unless the governing

30 body of the municipality or county having jurisdiction sets a 247

31 shorter period by ordinance. 248

32 (b) A local liquor control commission or unit of local 250

33 government that conducts alcohol and tobacco compliance 251

