

**DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
(916) 419-2500



November 3, 2011

**TO: SHERIFFS AND POLICE CHIEFS OF CALIFORNIA**

**FROM: PATRICK DEASY, DISTRICT ADMINISTRATOR, GRANT UNIT**

**SUBJECT: MINOR DECOY / SHOULDER TAP GRANT PROGRAM**

---

Beginning January 2012, the Department of Alcoholic Beverage Control (ABC), sponsored by the Governor's Office of Traffic Safety, through the National Highway Traffic Safety Administration, will be awarding grants of \$2,500 to \$10,000 to local law enforcement agencies to utilize both the Minor Decoy Program and the Shoulder Tap Program. The grant operation period will be February 1, 2012 through June 30, 2012.

The goal of the Minor Decoy Program is to reduce the number of licensees who sell alcoholic beverages to minors. The problems associated with underage alcohol consumption, including injuries and fatalities, are well documented.

The Minor Decoy Program is a significant and effective tool for law enforcement officials in combating sales of alcoholic beverages to persons under the age of 21 years. Local law enforcement agencies began using the program in the early 1980's and on April 4, 1994, the California Supreme Court issued a unanimous decision upholding the use of underage decoys by law enforcement officials.

As a result of the 1994 California Supreme Court decision, minor decoys used by local law enforcement agencies are immune from prosecution. Further, Section 25658(f) of the Business and Professions Code and Rule 141 of the California Code of Regulations were established to provide the legal requirements for law enforcement agencies when conducting a decoy operation. A Minor Decoy Fact Sheet is enclosed for your review.

The Shoulder Tap Program targets adults who furnish alcoholic beverages to minors. "Shoulder Tapping" refers to the practice used by minors to obtain alcohol from adult strangers near off-sale retail outlets. A youthful-appearing underage police operative approaches adults outside an alcohol outlet and requests that the adult purchase alcohol on the operative's behalf. The program targets locations where problems have been reported and uses the same general guidelines for the police operative's actions as in the

October 31, 2011

Minor Decoy Program compliance checks (e.g. no deception, false identification or attempts to look older).

Data collected from prior Shoulder Tap Programs reflected one-third of the adults arrested for purchasing alcohol for minors were on parole, probation, had outstanding warrants or extensive criminal histories. A Minor Decoy Shoulder Tap Program Fact Sheet is also enclosed for your review.

If your agency would like to be considered for this grant please submit all of the follow:

- A Letter of Interest
- Printout of your City/County Traffic Safety Ranking (depicting alcohol involved fatalities and injuries and had been drinking (HBD) drivers under 21) from the Office of Traffic Safety website ([www.ots.ca.gov](http://www.ots.ca.gov))
- Budget Estimate form

Send all of the above to:

Department of Alcoholic Beverage Control  
Attn: Patrick Deasy, District Administrator, Grant Unit  
3927 Lennane Drive, Suite #100  
Sacramento, CA 95834

The information needed for the letter of interest can be found on the ABC web site at [www.abc.ca.gov](http://www.abc.ca.gov). Click on “ABC Announces Mini Grants for Local Law Enforcement Agencies” located under Points of Interest on the home page. Then click on Grant Requirements in order to download the Adobe Acrobat PDF formatted forms to your computer for review and completion.

**All letters of interest must be received by 5:00 p.m. on December 5, 2011.**

A selection committee will review and evaluate all proposals using a point system and it is anticipated that selections will be made on or about January 1, 2012. The operational dates will be from February 1, 2012 through June 30, 2012. Selections will be based upon the applicant’s responses to the Grant Requirements and the ability to implement this grant based on the program and administrative requirements.

If you have any questions regarding the letter of interest, please call Diana Fouts-Guter at (916)928-9807.

Sincerely,



Patrick Deasy  
District Administrator, Grant Unit

**FACT SHEET: DECOY SHOULDER TAP****DECOY SHOULDER TAP PROGRAM****Introduction**

When the California Supreme Court ruled in 1994 that minor decoys could be used by law enforcement to check whether stores were selling alcohol to minors (persons under age 21), the violation rate was nearly 50 percent. In some cities, almost one out of every two stores failed to check a minor's age and sold them alcohol. In 1997 the violation rate had dropped to less than 10 percent in those cities that used the Minor Decoy Program on a regular basis. Minors then turned to the "shoulder tap" method of getting alcohol by standing outside of a liquor store or market and asking adults to buy them alcohol. A survey conducted by the Los Angeles Police Department indicated that as much as 46 percent of all minors who attempt to acquire alcohol use this method.

The Decoy Shoulder Tap Program is an enforcement program that ABC and local law enforcement agencies use to detect and deter shoulder tap activity. During the program, a minor decoy, under the direct supervision of law enforcement officers, solicits adults outside ABC licensed stores to buy the minor decoy alcohol.

Any person seen furnishing alcohol to the minor decoy is arrested (either cited or booked) for furnishing alcohol to a minor (a violation of Section 25658(a) Business and Professions Code).

**Goals**

1. To reduce underage consumption of alcohol and over consumption (binge drinking) by deterring adults through education and enforcement from furnishing to minors outside of stores.
2. To expand the involvement of all law enforcement agencies through training/technical assistance and printed material in enforcing underage drinking laws.
3. To increase public awareness through PSA, news media and printed material relating to adults who furnish alcohol to minors.
4. To provide printed materials to all law enforcement agencies for distribution within communities statewide.

**Program Components**

Program components include the following:

- **IDENTIFY LOCATIONS OF ACTIVITY.** Officers collect and review complaints and information provided by citizens, parents, school officials, patrol/campus police officers, community groups, and special event organizers who cater to high school age students. Officers review all data and evidence to help plan the program.
- **GAIN PROGRAM SUPPORT.** In addition to needing support from the community as described above, the program needs strong support by the local prosecutor. Therefore, law enforcement agencies are encouraged to discuss the benefits of the program with their city attorney or county district attorney.
- **COORDINATE THE INVESTIGATION.** The Decoy Shoulder Tap Program initially can be conducted as a joint operation between ABC and the local law enforcement agency. After the initial training by ABC, the program is normally used by the local law enforcement agency.
- **MEDIA INVOLVEMENT.** One of the most effective uses of the media is to publicize enforcement. Therefore, a press release announcing the program and its goals and objectives is issued to the local news media. Since many adults are not aware of the seriousness of the offense, the publicity of those arrested sends a strong message to those who may be inclined to assist a minor in getting alcohol.
- **DECOY SELECTION.** Selection of the minor decoy is critical. Desirable qualifications include being: under 20 years of age (and appearing that age); truthful; willing to work undercover and wear a radio transmitter; comfortable making a face-to-face identification of the suspect after the violation and to have their photograph taken with the suspect; able to prepare a written report; willing to testify in court; and willing to undergo media attention.

## **Evaluation**

The University of California, Berkeley, Institute for the Study of Social Change (ISSC) has evaluated the Decoy Shoulder Tap Project.

## **Contact Information**

Additional information may be obtained by contacting:

Alcoholic Beverage Control  
Decoy Shoulder Tap Program  
3927 Lennane Drive, Suite 100  
Sacramento, California 95834  
Phone (916) 928-9807; Fax (916) 419-2599

**FACT SHEET: DECOY PROGRAM**

## Minor Decoy Program

### Introduction

The mission of the Department of Alcoholic Beverage Control (ABC) is to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare, and economic well being of the people of the State.

According to the 9<sup>th</sup> Biennial California Student Survey 2001-02, alcohol remains the most popular substance used by students. The most visible consequences of underage drinking are car crashes. Teen drivers are responsible for a highly disproportionate number of collisions, injuries and deaths. In relation to the number of licensed drivers, young people under age 21 who have been drinking are involved in fatal crashes at twice the rate of adult drivers, according to the National Highway Traffic Safety Administration.

Alcohol is also a factor in many *homicides, suicides and other unintentional injuries* which, along with *car crashes*, are the *four leading causes of death of 15- to 20-year olds*. Studies show that heavy childhood and teen drinking can lead to mild brain damage and increases the likelihood of having alcohol problems throughout adult life. The annual social cost of underage drinking is estimated at \$53 billion.

Alcohol use by minors is influenced by a variety of factors, including availability of alcohol. Research has shown a link between *alcohol availability* and consumption.

Minor decoy programs have been used by local law enforcement in California since about 1987. They have been evaluated and found to be effective.<sup>1</sup> These operations, conducted by law enforcement and/or community groups, can markedly increase the percentage of licensees who comply with the minimum-purchase-age law. In the last five years alone, local law enforcement officers

have visited roughly 4,000-6,000 establishments per year in decoy operations.

Many licensees do not like the idea of decoy programs and refer to them as "sting operations." Despite this, decoy programs are legal and many agencies use them as an ongoing program. On April 7, 1994, the California Supreme Court issued a unanimous decision upholding the use of underage decoys by law enforcement officials.

By statute, minor decoys used by local law enforcement are immune from prosecution, and police agencies must notify licensees of program results. Rule 141, California Code of Regulation, sets forth further decoy program requirements.

### Goals

The goals of the Minor Decoy Program are to reduce the number of licensees who sell alcohol to minors and reduce youth access to alcohol.

### Program Components

Program components are in Rule 141, California Code of Regulations. The Department of Alcoholic Beverage Control will not file accusations without clear compliance with all requirements of Rule 141. That rule reads as follows:

**California Code of Regulations  
Title 4, Division 1  
Section 141. Minor Decoy Requirements**

(a) A law enforcement agency may only use a person under the age of 21 years to attempt to purchase alcoholic beverages to apprehend licensees, or employees or agents of licensees who sell alcoholic beverages to minors (persons under the age of 21) and to reduce sales of alcoholic beverages in a fashion that promotes fairness.

(b) The following minimum standards shall apply to actions filed pursuant to Business and Professions Code Section 25658 in which it is alleged that a minor decoy has purchased an alcoholic beverage:

<sup>1</sup> Increased enforcement—specifically compliance checks on retail alcohol outlets—typically cuts rates of sales to minors by at least half (Grube, 1997; Lewis et al., 1996; Preusser et al., 1994; Wagenaar et al., 2000)

(1) At the time of the operation, the decoy shall be less than 20 years of age;

(2) The decoy shall display the appearance which could generally be expected of a person under 21 years of age, under the actual circumstances presented to the seller of alcoholic beverages at the time of the alleged offense.

(3) A decoy shall either carry his or her own identification showing the decoy's correct date of birth or shall carry no identification; a decoy who carries identification shall present it upon request to any seller of alcoholic beverages;

(4) A decoy shall answer truthfully any questions about his or her age;

(5) Following any completed sale, but not later than the time a citation, if any, is issued, the peace officer directing the decoy shall make a reasonable attempt to enter the licensed premises and have the minor decoy who purchased alcoholic beverages make a face-to-face identification of the alleged seller of the alcoholic beverages.

(c) Failure to comply with this rule shall be a defense to any action brought pursuant to Business and Professions Code Section 25658.

minors is illegal. The goal is not to arrest as many people as possible, but to deter licensees from breaking the law in the first place.

In addition to criminal action against the seller, the licensee faces action by ABC. This could result in a fine, suspension, or revocation of the ABC license, depending on the circumstances.

## Contact Information

For more information contact your nearest ABC office:

Bakersfield . . . . .	(661) 395-2731
Eureka . . . . .	(707) 445-7229
Fresno . . . . .	(559) 225-6334
Lakewood . . . . .	(562) 982-1337
Los Angeles/Metro . . . . .	(213) 833-6043
Monrovia . . . . .	(626) 256-3241
Oakland . . . . .	(510) 622-4970
Palm Desert . . . . .	(760) 324-2027
Redding . . . . .	(530) 224-4830
Riverside . . . . .	(951) 782-4400
Sacramento . . . . .	(916) 419-1319
Salinas . . . . .	(831) 755-1990
San Diego . . . . .	(619) 525-4064
San Francisco . . . . .	(415) 356-6500
San Jose . . . . .	(408) 277-1200
San Luis Obispo . . . . .	(805) 543-7183
San Marcos . . . . .	(760) 471-4237
Santa Ana . . . . .	(714) 558-4101
Santa Rosa . . . . .	(707) 576-2165
Stockton . . . . .	(209) 948-7739
Van Nuys . . . . .	(818) 901-5017
Ventura . . . . .	(805) 289-0100

## Results and Impact

Results are measured quantitatively by comparing the number of licensees visited versus the number who sold to the decoy.

### Statewide Minor Decoy Activity Compliance Report 2002/03 through 2006/07

Fiscal Year	Visits by Local Law Enforcement	Violations (Sales to Decoys)	Violation Rate (%) who sold	Compliance Rate (% who did not sell)
02-03	4,262	860	20.18%	79.82%
03-04	4,301	886	20.60%	79.40%
04-05	6,267	1130	18.03%	81.97%
05-06	8,427	1338	15.88%	84.12%
06-07	6,194	984	15.89%	84.11%

Further quantitative measures include the number of citations issued. If a licensee or employee sells alcohol to the decoy, the seller may receive a citation. If convicted, the person may receive a fine of \$250 and/or 24-32 hours of community service.

Arrests focus the public's attention on the problem and send a warning that selling alcohol to