

PROBLEM-SOLVING POLICING
Curbing Alcohol Sales to Minors

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There appears to be an increasing trend in today's youth to succumb to pressure from their peers, and other influences in society, to consume alcohol. This poses a major problem, not only for the minors involved, but also for society as a whole. Within the past year, a number of alcohol-related traffic deaths have stunned the Gresham community. In the most recent alcohol-related traffic fatality, a local high school graduate and basketball star lost her life. This not only affected her family, friends, and high school teachers and classmates, but the entire Gresham community as well. Besides the unfortunate loss of this young girl, many other innocent lives were put in danger the night this underage drinker was on the road.

While assigned to the patrol division for the Gresham Police Department, I encountered numerous juveniles, and other persons under 21 years of age, who had either consumed or possessed alcoholic liquors. I heard a variety of testimonies from minors who relayed to me the ease of purchasing alcoholic liquors from retailers. The minors indicated no identification was required to verify their age when making such purchases. As a police officer dedicated to public safety, I realized something needed to be done to decrease this dangerous trend among minors. After becoming a community policing officer, I created this problem-solving program in an effort to curb illegal sales of alcohol to minors. In doing so, I have taken aim at the retailers who are irresponsibly and illegally selling alcohol to our youth. I believe the police, with the help of the community, must take strong action against the retailers who continue to defy Oregon's laws, and illegally supply minors with alcohol. Under the direct supervision and support of Lieutenant Ray Kelsay, I created, developed and

carried out this project with the hopes that all people, but most specifically our youth and local retailers, would become aware of Oregon's laws, and would be held accountable to those laws.

As stated in Oregon Statute, Section 471.410, providing liquor to a person under 21 or to an intoxicated person has standards which prohibit selling, giving or otherwise making available any alcoholic liquor, other than by the person's parent or guardian. This law is a Class A misdemeanor. Upon the first violation and conviction, the fine is \$350.00. Upon the second violation and conviction, the fine is \$1,000. Upon a third or subsequent violation and conviction, a fine of \$1,000, and not less than 30 days of imprisonment will be imposed.

Most minors who violate the law and purchase alcoholic liquors, do not recognize the responsibility which one must demonstrate and maintain during consumption. Qrrthe pas)I have arrested minors for driving under the influence of intoxicants and for being in possession of alcohol. Many of the violators indicated they had either purchased the alcoholic beverages themselves, or another minor furnished them with the alcohol. While minors should be held accountable for their actions if they violate the law, the retailers who sell alcoholic liquors to A these minors must be held accountable as well. I have personally witnessed an employee at a local convenient store, located within the City of Gresham, sell alcoholic liquors to subjects who were later identified as minors. In this case, I made a traffic stop regarding these subjects and located a case of beer in the back seat along with the sales receipt from the suspected store. The subjects both produced an Oregon driver's license, which clearly indicated they were minors. These minors also told me they did not have, nor did they produce, any false identification when buying the beer. The minors insisted that I search them and their vehicle for any false identification to confirm their story. I searched both the

minors and their vehicle, but did not locate any additional identification. The minors stated that the clerk did not ask them for any proof of their age, which, in this case, were 17 and 19. I went back to the store that sold these minors the alcoholic liquors. The store clerk denied any wrong-doing, and said he had checked the subjects' identification. Because I was positioned a distance away from the store, I did not have a clear view of the check-out counter and thus could not verify the actions taken by the clerk. The store clerk did agree in the future to carefully inspect all identifications. The store clerk also agreed to notify the police if persons at the store were suspected of displaying false identification. At a later date, I went back to this particular convenient store and noticed subjects, who appeared to be young adults or minors, being checked for proof of their age. This demonstrated that retailers, knowing police may subject them with a compliancy, test, may be more likely to keep abreast of Oregon's liquor laws and comply with them.

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Strict enforcement against those who furnish alcoholic liquors to minors will not solve all the problems associated with minors obtaining and using alcoholic liquors, ^{however} the act of enforcement can reduce the number of retailers or other persons older than 21 years of age, who furnish alcoholic liquors to minors. Through enforcement aimed at retailers, the local business community is likely to become more responsible, and thus change their attitudes in regards to the seriousness of the laws. In addition, this kind of prevention method would teach minors about the consequences they will face if they continue to attempt to purchase alcoholic liquors. This will make both retailers and minors aware of the enforcement tactics used by law enforcement agencies, and will educate them on Oregon's liquor laws. In turn, this project can aid the law enforcement community by decreasing the number of calls to alcohol-related traffic fatalities.

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In the past, arrests were usually made during a traffic stop after the minor had purchased the alcohol and was caught with it either in their possession, or by their consumption. Unfortunately, this too often results in fatalities, as was the case in the story of the young high school graduate. This project is a first for the department in that it focuses on preventing the sale from occurring at all. It takes a proactive stance against underage drinking by going after the retailers responsible for supplying alcoholic liquors to the minors.

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To begin, a variety of information was collected, and extensive research done, before conducting this decoy operation. I researched and read several articles including "Alcohol - The Great American Drug," "Teens and Alcohol," "Why Communities Must Act," "Alcohol - Just Say No," and facts from the National Council on Alcoholism, Inc. (NCA). Also, provided within this packet is an article entitled, "Fatality Facts 1990," which was furnished by the Oregon Prevention Resource Center. This article describes the fatal statistics concerning the use of alcohol. (See Appendix 1).

The selection process used to determine which retailers would be targeted for this project began by obtaining a list of all licensed liquor holders from the City Licensing Office. With a large number of liquor license holders in Gresham, a variety of methods were used in determining which locations would be targeted. The majority of referrals came from police officers. Referrals from the Oregon Liquor Control Commission (OLCC) and the general public were taken into consideration as well. Random checks were also done.

With the support of the advisors of the Gresham Police Explorer program, I coordinated and trained selected Explorers to play the role of the buyer. The Explorers who participated were all under the age of 21, and carried with them legal identification which accurately displayed their ages. The rules to which the Explorers would be held accountable

were determined by Deputy District Attorney, Rodney Hopkinson. The Explorers signed an agreement indicating they understood their role and limitations regarding this project. They were told to dress how they normally would on any other day, and were not disguised with hats, beards, sunglasses, or any other disguise that might make them look older. A polaroid picture was taken of each Explorer before they entered the store to show how they looked at the time of the attempted purchase. With the help of the D.A.'s office, we were very careful to follow all laws when conducting this operation.

Once the legal aspects were handled, we narrowed down the specific retailers we would target. With summer here, and many minors being out of school, this was an excellent opportunity to conduct such a test. If any of the retailers violated Oregon law, and sold alcoholic liquors to minors, criminal citations would be issued, and a police report written.

In the first phase of this operation, 25 stores were targeted within a three-day time period. On Friday, June 30, 1995, between the hours of 10 a.m. and 1 p.m., 7 stores were solicited. Out of those, 4 stores complied with the law, while 3 stores were cited for selling alcohol to minors. On Saturday, July 1, 1995, between 6 p.m. and 10 p.m., 11 stores were targeted. Of these, 6 complied, and 5 were cited. Finally, on Monday, July 3, 1995, from 2 p.m. to 6 p.m., our Explorers attempted to buy alcohol from 7 stores; 3 complied with the law, and 4 were cited for illegal sales. At one store, the employee who sold the alcohol lost his job on the spot, as was their store policy.

In the final phase of the operation, which occurred on July 13, 1995, from 5 p.m. to 9 p.m., the local media became involved. The Explorers, this time wired with hidden cameras, made 9 attempts to purchase alcohol. Out of that number, only 3 stores sold illegally. Once the sale was made at each of these three stores, the media went in with their full-size cameras

and microphones and recorded the arrests that were made.

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This project was deemed a success in that the percentage of retailers who illegally sold alcohol to minors dropped from 48% to 33% within a period of just ten days.

At designated periods during the enforcement effort, a list of our results were sent to all liquor license holders within our city, indicating the number of those arrested and those who complied. The reports taken for violators were forwarded to the Oregon Liquor Control Commission for tracking purposes. By sending a copy to OLCC, the retailers may face additional fines or suspension of their license. After this initial phase, periodic and random checks will continue, thus continuing the effort of making retailers abide by Oregon law. Any additional monitoring of problem locations will be done through the Computer Automated Directory system.

In addition to the positive results of this event, and the immediate decrease in illegally sales, an added benefit of conducting such a project is the partnerships that are developed. Thanks to a variety of agencies this operation was a huge success. Through the efforts of Gresham Public Information Officer, Sergeant David Lerwick, a number of news agencies attended a press conference on the final night of the decoy operation. Representatives from all the major television news stations including the local affiliates of ABC, CBS, and NBC, as well as a local station, KPTV 12 attended, and reporters from The Oregonian, and The Gresham Outlook newspapers, were there as well. (See Appendix 2a and 2b). In addition, this story received coverage in Gresham Police Department's newsletter, "GPD Blues News." With the media playing an active role, a heightened awareness of Oregon's liquor laws was the result. The news stories assisted our efforts by helping bring this information to the public's attention, and by informing them of the current action made by police to hold

retailers and minors more accountable for their actions.

While the media is an excellent resource for publicizing this project, other agencies and department personnel helped contribute to the success of this effort as well. Community Policing Officer, Marv Madtson, and School Resource Officer, Jeff Hammons, assisted during the entire enforcement phase. Strong partnerships were formed between the Gresham Police Department and agencies such as the OLCC, the District Attorney's office, the Explorer program, local schools, Local retailers, and the community.

The main goal of any police effort is always to save lives. That is the main goal of this program as well. However, there are also some more specific goals: One of those is to educate the retailers of their responsibilities as a licensed liquor retailer. To do this, form letters were sent to those local businesses holding a current liquor license. This letter stated what the laws are regarding selling alcohol to minors, and spelled out for them what the consequences are as well. Additionally, the letter explained the health and safety issues associated with alcoholism and minors, and showed how this affects everyone in society, not just the minors. In addition, a point was made to send thank you letters out to those retailers who complied with the law during the operation. (See Appendix 3).

Another important goal is the task of educating the minors. Informing minors of health and safety issues relating to alcohol may have an effect on some who may stop to examine their own use of alcohol and begin to recognize signs of alcoholism in themselves or their peers. The department realizes that this alone will probably not deter many of our young people from consuming alcohol, and will continue to focus on enforcement as a means to control this illegal behavior. DARE officers will contribute to the education process by providing information to the schools about the dangers of alcohol use. In the upcoming

school year, they will speak to students about the laws and enforcement tactics used by Gresham Police when dealing with this problem, and make them aware of what the consequences will be if they try to buy alcohol as a minor.

Another goal is to build partnerships between the police and local area retailers.

Retailers can support and assist the police by not only complying with the laws relating to the sale of alcoholic liquors to minors, but also by reporting any attempted purchases as well.

While this event was considered successful by the Gresham Police Department as well as the local community, the main goal, again, is always to save lives and ensure public safety.

If the efforts of this problem-solving program saves just one life, the goal of this project was accomplished.

(good point!)