Wisconsin Alcohol Policy Project

Alcohol Age Compliance Check

Wisconsin Alcohol Age Compliance Check Manual

Prepared By : The Wisconsin Alcohol Policy Project (WisAPP)

The Wisconsin Alcohol Policy Project (WisAPP) supports local elected leaders, public health professionals and others as they identify local alcohol-related issues and implement policies to address them.

Acknowledgements

Felice Borisy-Rudin, JD, PhD
Policy Analyst, Wisconsin Alcohol Policy Project (WisAPP); Assistant Professor, Pharmacology and Toxicology

Maureen Busalacchi
Director, Wisconsin Alcohol Policy Project (WisAPP)

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Guide to the Manual

How to Use This Manual

This manual is intended to serve as a practical resource for planning, developing, conducting, and using Alcohol Age Compliance Checks (AACC) to reduce and prevent sales and service of alcohol beverages by licensed retailers to people who are underage. Its goal is to provide law enforcement, prevention coalitions, public health professionals, and municipal and county officials with guidance on conducting compliance check efforts to prevent underage alcohol consumption in their communities. For the remainder of this manual, the term "compliance checks" refers to AACC (alcohol age compliance checks). Alcohol age compliance checks and tobacco compliance checks are governed by different laws, and this manual does not address tobacco regulation in any way.

How you use the manual will depend on your role in compliance checks. You may find some chapters that are more relevant to your needs than others. Reference the "Table of Contents" to move between sections or find tools in the Resource Toolbox. Compliance check protocols vary depending on local jurisdiction size, budgets, staff capacity, or law enforcement preferences. Specific protocols for checks are not outlined in statute so steps provided in this guide are best practices based on local experience.

Don't know where to start?
Whether you're just starting out or are looking to energize your compliance checks effort: this guide provides the rationale for compliance checks and the basics for how to implement them in support of a prevention strategy. There are also comprehensive summaries available in this guide explaining how compliance checks are allowed under state statute, as well as an overview of the Wisconsin alcohol licensing process.

Need to build community buy-in?
Strong relationships are necessary to develop support, build community buy-in and address equity considerations when implementing compliance checks. Whether it is with municipal leadership, law enforcement, public health, or others connected to your prevention coalition, these relationships will tell the story of why the community needs to care about reducing alcohol access to youth. Take a few moments to review the comprehensive section that explains how each partner plays an important role from pre-check through a possible enforcement action.

Looking for helpful tools, templates, & references?
This guide has that too! Check out the appendices which have a variety of forms and other tools that you can use as templates for your local compliance checks. References are also included at the end of each chapter, with clickable links when available, to further assist you.

Training and Technical Assistance

For additional questions or assistance, contact the ***Wisconsin Alcohol Policy Project (WisAPP)*** at wisapp@mcw.edu. For questions about the Wisconsin Alcohol Inspector, contact ***Ninjas for Health*** at info@ninjasforhealth.com.

Disclaimers

The information contained in this manual is specific to Wisconsin, is provided for informational purposes only, and should not be construed as legal advice. For specific legal questions or concerns, consult your local municipal or county attorneys.

Why Compliance Checks

Wisconsin has a serious alcohol problem

Excessive alcohol use is a significant threat to the health, safety, and prosperity of Wisconsin's residents. Every county in Wisconsin has high rates of excessive alcohol use. The impact of excessive alcohol use - whether binge drinking, heavy drinking, underage drinking, or drinking while pregnant - ripples throughout society and negatively impacts the economy.

By working together to bridge research with practice, we can understand and reduce the factors that contribute to excessive drinking.

Underage drinking is especially harmful

No parent wants to get a knock on their door notifying them that their child was hurt or killed in an alcohol-related incident, especially when it could have been prevented. This reality is far too common with alcohol-related illness and deaths on the rise. ***(1)***

Underage drinking is a persistent and serious public health challenge in Wisconsin, contributing to preventable deaths from motor vehicle crashes, violence, suicide, and alcohol poisoning. Alcohol is still the most commonly used drug among adolescents, affecting brain development with lifelong effects. Underage drinking is also frequently a contributing factor to sexual assault, school and social problems, decreased academic performance, and the increased risk of developing an alcohol use disorder.

Youth alcohol use can be a consequence of permissive social norms of excessive alcohol use among adults. Moving the needle on underage drinking in the community requires thoughtful planning, data sharing, and open communications, along with the use of evidence-based enforcement actions to ensure alcohol is kept out of the hands of our teens and young adults.

Compliance checks enforce existing laws

Our existing underage drinking laws too often go unenforced. Performing biannual alcohol age compliance checks (AACC) is a best practice strategy to enforce the law and reduce the availability of alcohol to young people. Compliance is one piece of a comprehensive strategy reducing the easy availability of alcohol in young people's lives by addressing within access in the retail environment.

Compliance checks occur when law enforcement employs an adult underage buyer (aged 18-20) to visit licensed retailers to assess whether they are complying with the law to not sell or serve minors. If the underage buyer completes an illegal alcohol purchase, law enforcement consequences range from forfeitures for the individual seller for first time violators to jail time and/or suspension of an operator's license for repeat offenders.

Compliance checks are not a 'sting'. Underage buyers are trained to be truthful when asked about their age and to show their actual IDs. Failures happen when the retailer either does not check the ID, or sells to the underage buyer despite seeing the ID. Our shared goal is for every alcohol retailer to check IDs and deny selling to minors – every time.

When applying for an alcohol license, retailers agree to follow laws and license requirements. Governments and law enforcement partners must assure these license requirements are being followed for the health of our community. Establishing a clear record of violations by the licensee and the licensee's employees can allow a municipality to hold the licensee accountable for poor management practices. Multiple violations can also be an opportunity for a municipality to work with the licensee prior to reaching the point of a licensing sanction, to create a safer alcohol environment, such as by requiring responsible beverage service training and creating a schedule for improvement. Multiple violations also can be a reason for suspension, revocation, or nonrenewal of a license when people in the business of selling alcohol are not taking their responsibilities seriously.

(1) Wisconsin Policy Forum *A Sobering Trend: Alcohol Deaths Up Sharply in Wisconsin (January 2022)*

Why should our community consider compliance checks?

They work!
When consistently performed (at least twice a year is recommended), compliance checks are an effective method to prevent illegal alcohol sales to underage people *(2)*. Regular compliance checks create a level of accountability for businesses that are licensed to sell alcohol. Additionally, conducting regular assessments empowers establishment employees to confidently refuse to sell to underage purchasers, recognizing that if they don't, they could lose their jobs in addition to receiving a citation.

They reduce risks by reducing access!
It's more than drinking and driving that communities should be concerned about, a lot of bad things can happen when those who haven't reached the legal age drink. Underage drinking can play a significant role in teen pregnancy, the spread of sexually transmitted disease, sexual assaults, gun violence, homicide, suicide, injuries, and the development of other substance use disorders.

They are easy to complete, with a little planning!
Compliance checks can become routine once organized. Establishing semi-annual checks takes work; but once organized, the operations are effective and can become relatively straight-forward.

They send a message that businesses selling to minors is not OK!
Well-publicized compliance checks send a strong message that providing alcohol to underage people is not acceptable. In addition to influencing behaviors of licensees, they can influence the attitudes of parents and others within the community, making underage drinking less acceptable and less normalized.

(2) RAND Corporation "Preventing Underage Drinking: Using Getting to Outcomes with the SAMHSA Strategic Prevention Framework to Achieve Results" (2007)

The Roadmap

CONDUCTING CHECKS FROM START TO FINISH

Wisconsin Alcohol Policy Project

Alcohol Age Compliance Check

PREPARATION

1. MEET WITH KEY STAKEHOLDERS

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PREPARATION

2. NOTIFY RETAILERS

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PREPARATION

3. ARRANGE UNDERAGE BUYERS

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PREPARATION

4. ARRANGE POLICE OFFICERS

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PRE-COMPLIANCE CHECK

5. SCHEDULE COMPLIANCE CHECKS

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DAY OF COMPLIANCE CHECKS

6. EQUIP YOUR TEAM

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POST COMPLIANCE CHECKS

7. FOLLOW UP ACTIVITIES

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Resource Toolbox

Overview

The Wisconsin Alcohol Policy Project (WisAPP) is your partner for best practice guidance and tools on alcohol prevention strategies and policy in Wisconsin. WisAPP provides training, tools, and technical assistance to our partners across the state as they work on alcohol related issues in their communities.

Our website is a "one-stop shop" for the latest information about the impacts of alcohol, public policies, licensing and permitting. The Tools & FAQ section links to tools training, and technical assistance resources on strategies to prevent excessive alcohol use.

Compliance Check Resource Toolbox

We've developed a specific Alcohol Age Compliance Check (AACC) Resource Toolbox designed to support implementation of compliance check strategies in your community. Community inspection teams across the state have shared practice-based examples of the tools and forms they've used successfully, which are incorporated here for your learning.

In this Compliance Check Resource Toolbox you will find:

1. **Wisconsin Statutes**
2. **Compliance Check Checklist**
    a. Establishing Your Program
    b. Pre-Check Checklist
    c. Day of Checklist
    d. Post-Check Follow-up
3. **Forms**
    a. Underage Buyer Consent Form
    b. Hold Harmless Release Form
    c. Buyer Emergency Contact Information
    d. Timesheets and Mileage Log
    e. Template Inspection Form
4. **Alcohol Inspector**
    a. Wisconsin Alcohol Inspector User Guide
5. **Letters**
    a. Law Enforcement Authorization Letter
    b. Notification Letter to Retailers
    c. Post-Check Letter to Municipalities
    d. Post-check Fail Letter to Retailers
    e. Post-check Pass Letter to Retailers
6. **Media Outreach**
    a. Media Release Template

Additional Training and Technical Assistance

If you have any additional training or technical assistance needs or questions about compliance check strategies, please email us at **mbusalacchi@mcw.edu** or **fborisyrudin@mcw.edu**.

We would love to learn about your community needs, strategies, and how we can best support your efforts.

Wisconsin's Underage Drinking Laws

Wisconsin state law sets the legal drinking age to 21 **(3)** and makes it illegal for anyone to sell, serve, or otherwise provide alcohol beverages to an underage person, unless that person **(4)** is physically accompanied and actively supervised by their parent, guardian, or spouse of legal drinking age. It is illegal to sell to underage persons, provide a place for undergage drinking or contribute to underage drinking. It is also illegal for an underage person to buy or attempt to buy, drink, or possess alcohol beverages **(5)**. Collectively, this is called the Minimum Legal Drinking Age (MLDA) law, which can be found section 125.07 of the Wisconsin Statutes.

The statewide MLDA law can be adopted **(6)** via ordinance by municipalities (cities, villages, or towns) and counties to have jurisdiction to issue MLDA citations and prosecute them at the local level. An MLDA ordinance adopted by a county only applies in those municipalities within the county that have not adopted or enacted their own MLDA ordinances.

There are many types of written laws. State laws include statutes and regulations. Local laws include ordinances and resolutions. By statute, Wisconsin has provided local municipalities (cities, villages, and towns) with the ability to enact ordinances regulating many aspects of alcohol sales and public use or possession, and to enforce those ordinances. When a person breaks a local law, the legal term used is that the person violated an ordinance. Ordinance violations can be handled as non-criminal, civil cases - which means they can be tried in a local municipal court if the municipality has one, or as a civil case in circuit court. Some Wisconsin municipalities have municipal courts, some share municipal courts with others, and some rely on their county circuit court for handling their ordinance violations. Check whether your municipality has a municipal court.

How can underage buyers conduct compliance checks?

An underage person is allowed to assist law enforcement with compliance checks. While Wisconsin law does not require these checks, it does protect **(7)** an underage person who is assisting law enforcement from being charged or cited for purchasing alcohol as part of the checks. The underage person must be employed by or assisting a law enforcement agency, requiring law enforcement be involved in any compliance checks done by a health department or prevention coalition. s and young adults.

(3) Wis. Stat. §125.02(8m)
(4) Wis. Stat. §125.07(1)(a)
(5) Wis. Stat. §125.07(4)
(6) Wis. Stat. §125.10(2)
(7) Wis. Stat. §125.07(4)(bg)
(8) Resource Toolbox: Template Law Enforcement Authorization Letter

Wisconsin Statute 125.07(1)(a)

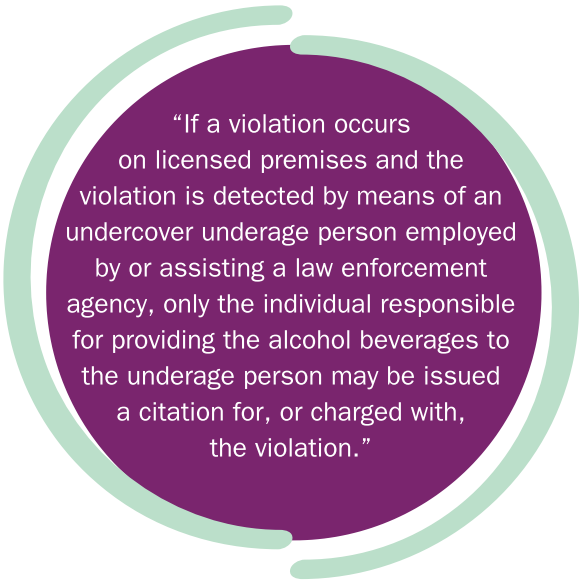
1. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

TIP: The law enforcement agency should provide the underage buyer with a signed letter to carry stating that the person is employed or assisting the law enforcement agency.

Who gets cited?

Only the individual who physically sold or served the alcohol beverage may be cited or charged. During a compliance check, citations or charges can only be issued to the person who was physically there that day (e.g., working the bar, serving the table, or working the cash register) and who sold to the underage person. While the person who sold could be the licensee in certain businesses, frequently the person who sold is an employee of the licensee (e.g., a bartender, waiter, server, or cashier). If an employee made the sale or served the underage person during a compliance check, the licensee cannot be cited or charged. During a compliance check, the licensee can only get cited or charged if the licensee was the actual individual to physically sell and provide the beverage to the underage person.



Wisconsin Statute §125.07(1)(b)6.c

EXAMPLE: *The underage buyer goes into a gas station and picks up a hard seltzer from the refrigerator section. When she checks out, the cashier does not ask to see an ID. The buyer takes the hard seltzer to the unmarked squad car and gives it to the plainclothes officer. The buyer describes the cashier to the officer. The officer calls in the incident to the local law enforcement agency, which sends out a uniformed officer in a marked squad car. The plainclothes officer and buyer leave. The uniformed officer issues a citation to the cashier who meets the buyer's description. The officer finds out that the cashier is an employee of the store. Only the cashier receives a citation. The owner of the gas station is NOT given a citation.*

If law enforcement investigates a licensed alcohol retailer without using an undercover underage person and discovers a violation of the MLDA Law, then the licensee may be cited or charged even if an employee is also cited or charged. Wisconsin Law only allows one penalty to be imposed per underage person served.

EXAMPLE: *Local law enforcement receives a tip that a popular bar has been serving high school students. Uniformed officers report to the bar and check IDs of everyone present. They discover an underage person drinking alcohol in the bar. They issue a citation to the underage person and issue a citation to the licensee. They also investigate and determine that the underage person bought his drinks from one bartender. They issue a citation to the bartender as well. When this matter comes to court, the judge sees that citations were issued to both the licensee and the bartender. The judge can either dismiss one of the citations or enter a guilty verdict on both citations, but can only order a penalty on one citation. Since this is the first violation for both the licensee and the bartender, the judge finds both guilty, but only orders a penalty for the bartender. Even though the licensee doesn't get penalized, the finding of guilt goes on his record. If he is found guilty of a second violation within 12 months, their license will be suspended.*

What are the penalties?

The following escalating penalty scheme applies to any individual (except for Class A or B licensees or permittees) who provides alcohol or a place to drink alcohol for an underage person. Depending on whether it is the person's first or subsequent violation, the penalty may include a forfeiture, fine, suspension, and/or jail time. First violations for people without business licenses or permits only carry a financial penalty. Financial penalties for non-criminal offenses (including ordinance violations) are called **forfeitures**. Financial penalties for criminal offenses are called **fines**.

(9) Wis. Stat. §125.07(1)(b)6.c, (10) Wis. Stat. §125.07(1)(b)6.b., (11) Wis. Stat. §125.07(1)(b)

Fines and jail time:

- First violation (with no previous violation in the past 30 months), they may be required to pay a forfeiture of up to $500.
- Second violation (within 30 months), they may be fined up to $500 and/or jailed for up to 30 days.
- Third violation (within 30 months), they may be fined up to $1,000 and/or jailed for up to 90 days.
- Fourth violation (within 30 months), they may be fined up to $10,000 and/or jailed for up to 9 months.

For individuals who provide underage persons with alcohol or a place to drink alcohol, the first offense is non-criminal, the second offense within 30 months may be charged as criminal.

License or permit suspensions:

- 3 days or less for a violation within 12 months after committing 1 previous violation
- 3-10 days for a violation within 12 months after committing 2 other violations
- 15-30 days for a violation within 12 months after committing 3 other violations.

The license suspension requirement for second violations within 12 months applies to any licenses or permits issued under Chapter 125, including bartenders, operators, and managers licenses. It also applies to Class A, B, or C alcohol retail business licenses and Class B alcohol retail permits in situations where the citation did not derive from a compliance check.

However, even when the investigation did not involve an alcohol age compliance check, there is an exception for licensees and permittees: no forfeiture or fine may be required of a person who has a Class A or B alcohol retail business license or permit, only a license suspension for repeat offenses within 12 months.

Understanding Wisconsin Alcohol Retail Licensing

Class A and B retail alcohol licensees form the core retailer lists for starting any alcohol age compliance check program. Alcohol licenses are a privilege and not a right. Understanding the process by which a retail alcohol license is awarded, suspended, or revocated highlights the most important policy levers for regulation of illegal sales. Chapter 125 of the Wisconsin Statutes[13] provides the state law for alcohol beverage sales.

A license is defined as the authorization granted by a municipality to sell alcohol. Licenses are granted to individuals such as the owner or agent of a business, but are specific to the place (premises) described in the application.

How can I find the alcohol licenses in my community?

Municipalities (cities, villages, and towns) have the power to grant alcohol beverage retail licenses; while the state has the power to issue permits. Information about alcohol retail licenses or permits can be obtained from three main sources: Municipal Clerks, the Wisconsin Department of Revenue (DOR), and the Wisconsin Alcohol Policy Project (WisAPP).

- **Municipal Clerk**: You can contact the clerk's office in any municipality to make a formal records request for a list of all licenses granted by that municipality. They submit this list annually to the DOR on July 1st.
- **Wisconsin Department of Revenue (DOR):** All municipal clerks submit their lists annually to the DOR on July 1st. You can contact a DOR agent for an Excel spreadsheet of annual license information. Additionally, you can download permit information at the DOR's website.
- **Wisconsin Alcohol Policy Project (WisAPP)**: You can contact WisAPP at wisapp@mcw.edu to request annual license information, who receives a statewide list from DOR in late summer.

What are the types of alcohol retail licenses & permits?

Wisconsin State law provides for the following classes of alcohol beverage retail licenses:

- Off-premises. Class A Licenses are for retail places that sell alcohol beverages for off-premises consumption only, such as liquor stores, grocery stores, big box stores, convenience stores, gas station / convenience stores, and pharmacies. There are two sub-classes (pay attention to the location of the quotation marks as they make a big difference in what can be sold!):
    - Beer. Class "A" Licenses authorize selling fermented malt beverages only, such as beer and many hard seltzers, at stores where the beverages are bought to be consumed elsewhere.
    - Liquor and Wine. "Class A" Licenses authorize selling intoxicating liquors, such as spirits and wine, at stores where the beverages are bought to be consumed elsewhere.
    - Cider only. "Class A" Cider Licenses authorize only the sale of hard cider, and not any other types of intoxicating liquors, at stores where the beverages are bought to be consumed elsewhere.
- On or off-premises. Class B Licenses are for places such as taverns, bars, restaurants, and a few stores that sell alcohol beverages at retail for on-premises consumption and may also sell for off-premises consumption. Regular and temporary licenses can be issued for each of the sub-classes:
    - Beer. Class "B" Licenses authorize the sale of fermented malt beverages, such as beer

[13] Wis. Stat.§125.07

and many hard seltzers, at places where they can be consumed on-premises, including taverns, bars, and restaurants. Fermented malt beverages may also be sold in sealed containers or sealed original packaging for consumption off-premises.

- Liquor and Wine. “Class B” Licenses authorize the sale of liquor and wine at places where they can be consumed on-premises, including taverns, bars, and restaurants. Liquor and wine may also be sold in sealed containers or in some municipalities in sealed original packaging for consumption off-premises. A licensee must have a Class “B” license in order to get a “Class B” license. “Class B” licenses are subject to state quotas. Some municipalities offer combination Class B licenses that include the privileges of both a Class “B” license and a “Class B” license.

- Wine only. “Class C” Licenses authorize the sale of wine by the glass or in the original opened bottle at a restaurant that makes less than 50% of its revenue from alcohol sales and that does not sell any intoxicating liquors other than wine.

The Wisconsin DOR provides an Excel spreadsheet of licensees using the following license codes. In this context, “off-sale” means sales for consumption off-premises, e.g., stores, and “on/off sales” mean sales for consumption on or off-premises, e.g. taverns, bars, and restaurants.

LICENSE CODES	
CODE	**DESCRIPTION**
AB	Class "A" beer (off-sale), (convenience/grocery stores)
AC	"Class A" liquor - cider only (off-sale), (convenience/grocery stores)
AL	"Class A" liquor (off-sale), (drug stores, wineries)
BB	Class "B" beer only (on/off sales) or in combination with "Class C" wine
BL	"Class B" liquor (on/off sale)
BW	Class "B" liquor - wine only (wineries only)
CW	"Class C" wine, (restaurants who qualify)

In addition, the DOR may issue certain alcohol beverage permits, including (but not limited to) the following:

- Class “B” Permits - for retail sales of fermented malt beverages (beer, some hard seltzer, etc.) by tribes, aquatic vessels, certain recreational facilities and sports clubs, and the state fair park.

- Brewer’s Permits - primarily for brewing and selling fermented malt beverages, and sales to wholesalers, but also for on and off-premises consumption. In other words, it allows people who are visiting the brewery to buy beer to drink there or take elsewhere.

- “Class B” Permits - for retail sales of intoxicating liquor, including wine, by tribes, aquatic vessels, certain public facilities, airports, certain sports clubs and racetracks, and the state fair park.

- Manufacturer and Rectifiers Permits - primarily for manufacture and bottling of liquor, and sales to wholesalers, but also allows sales to consumers of liquor that is manufactured or rectified on the premises, for consumption on or off-premises. In other words, it allows people who are visiting the distillery or rectifier to buy liquor to drink there or take elsewhere.

How are alcohol licensing decisions made?

The Wisconsin DOR has the power to issue permits[14] to applicants[15] who sell, wholesale, or ship alcohol. Wisconsin municipalities (cities, villages, and towns) have the power to grant or deny alcohol retail licenses within their municipality, and can impose additional requirements so long as they do not conflict with state alcohol law[16].

Applicants for alcohol retail licenses must apply using a DOR form[17]. Municipalities can require additional information as appendices to the application. The applicant must pay for publication of a notice of the application in the official paper[18].

The municipal body or the duly authorized committee of a city council hears the application and makes a decision whether to grant or deny the license application. There are many other steps that a community may take during this process to ensure informed decision-making, including inspections, safety reviews, and public hearings.

If the license is granted, the applicant must pay the required license fee for the license to be issued. License fees vary based on license type and municipality[19]. Each regular license is good for one year. Some municipalities also grant seasonal licenses for up to half a year and temporary licenses (for up to a few days). Municipalities may place conditions on all new licenses.

If the application is denied, the municipality must provide the reason in writing to the applicant. A license denial may be made for many reasons, including public health and safety, or simply because a quota has been exceeded.

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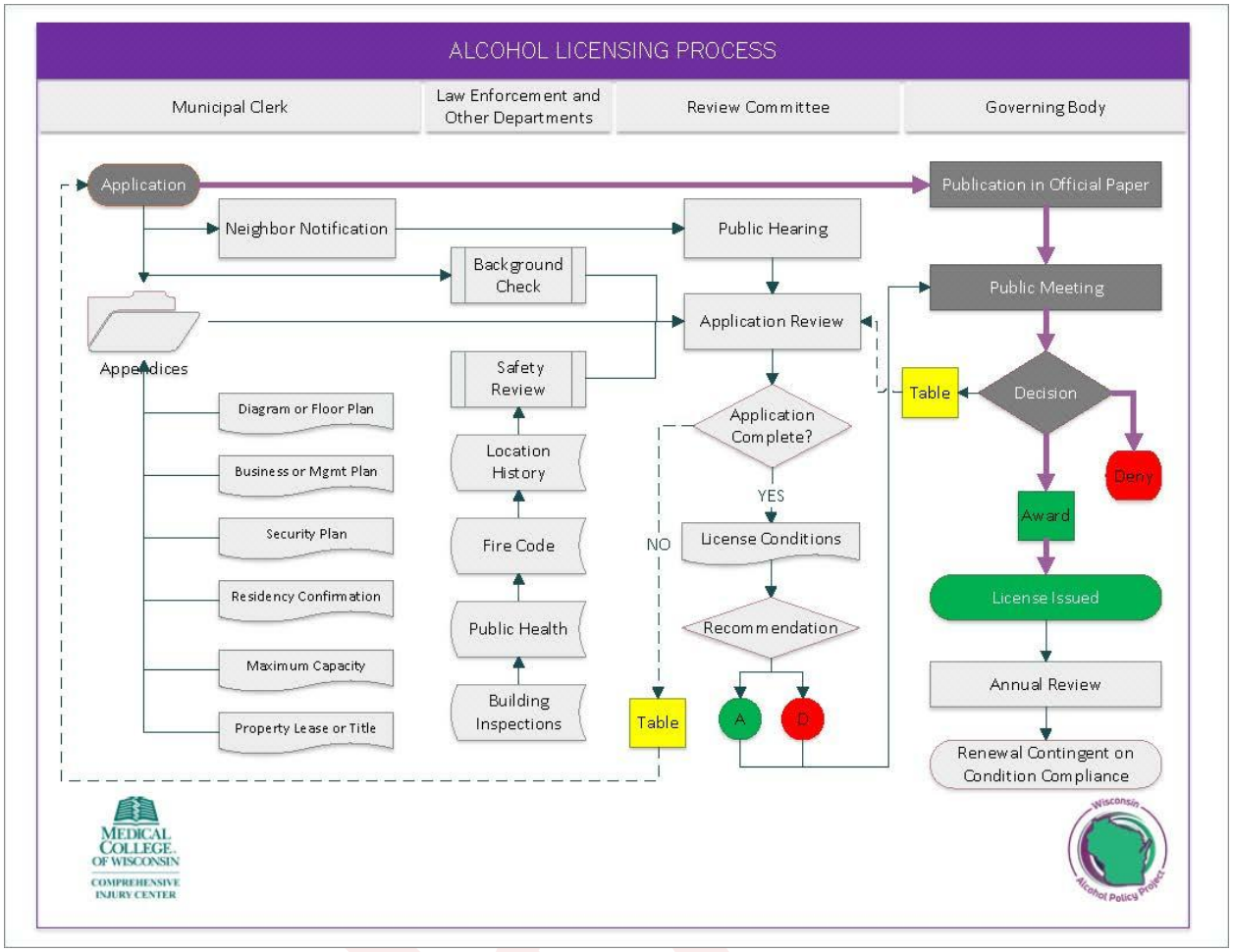
[14] Wisconsin Department of Revenue: Alcohol Beverage Permits
[15] Wisconsin Department of Revenue: Alcohol Beverage Permits Forms
[16] Wis. Stat. §125.10
[17] Wisconsin Department of Revenue: Retail Alcohol Beverage License Applications and Miscellaneous Forms
[18] Wis. Stat. §§125.04 & 125.12(3m)
[19] Wis. Stat §125.25(4), 125.26(4), 125.51(2)(d)1, 125.51(3)(e)(1)



How can alcohol licenses be suspended, revoked or not renewed?

There are two different ways that municipalities can take action against licensees. The first is to take them to court (either municipal or circuit) - for example, by issuing a citation against a licensee for violating the law. In some circumstances, the court may order a license suspension (such as, e.g., for the second time in 12 months that a business has served underage people who were not assisting a police investigation).

But there are situations when licensees cannot be cited - such as when an employee has sold to an underage buyer during an alcohol age compliance check. Many municipalities have ordinances that hold the licensee administratively responsible for actions of their employees. That means that while licensees can't be taken to court for their employee's sale to an underage person, an illegal sale gets marked in the licensee's file - and if more than one illegal sale happens within a year, the municipality can take an administrative action against the licensee.

Administrative action is an action taken by either a state or county agency or a local municipality's government. Licensing is an administrative action, because it is done by the municipal governing body.

Administrative action can be taken against alcohol retail licenses if they break the law or are sources of other trouble. Actions outlined by state law[20] or municipal ordinance can range from a brief suspension of

[20] Wis. Stat. §125.12

the license to an early revocation or nonrenewal of the license. Administrative suspensions and revocations are complaint driven while non-renewals can be initiated by the municipality without a formal written complaint.

EXAMPLE: Some municipalities use demerit point systems to provide a clear set of criteria for circumstances when a license will be suspended, revoked, or not renewed. Demerit points are useful to some municipalities because everyone knows when a hearing will be mandatory. But they can also be a problem if the floor for a hearing is set too high. For example, if 100 points are required for a suspension hearing, and a MLDA law violation (such as selling to an underage person) is set at only 25 points.

Causes for administrative suspension, revocation, or non-renewal can include[21]: violating the law or local rules related to alcohol sales, not meeting the qualifications for the license, running a "disorderly or riotous, indecent or improper" establishment, selling alcohol to known habitual drinkers, being convicted of drug-related offenses such as possessing or dealing drugs or allowing someone on the licensed premises to do. For some of these causes, a single incident may be sufficient cause for a suspension, revocation or nonrenewal (such as a single incident of dealing drugs). However, that is not the case for selling to underage persons. The Wisconsin Statutes carve out an exception that there must be at least 2 illegal sales to underage persons in 12 months to use them as the cause for a suspension, revocation, or non-renewal[22]. Also, those sales need to have been proven by a finding of guilt - in other words, the person who sold must either pay the ticket, plead guilty or no contest, or a judge must find that person guilty.

TIP: For either a municipality or the DOR to take administrative action against a licensee specifically for selling to underage persons, there must be at least 2 judgments of illegal sales by the licensee or one of the licensee's employees within 12 months.

License suspension, revocation, and non-renewal are useful tools to keep licensees in compliance with the law. Some municipalities may be reluctant to initiate nonrenewal, suspension, or revocation processes out of fear of drawn-out circuit court cases upon appeal. However, these are very effective tools for behavior change within a community. If retailers are aware that the municipality can and will take action against them for violations, they will be more likely to comply with the law. For many licensees, the cost of a suspension, revocation or non-renewal is sufficiently prohibitive that knowing it could happen is enough to motivate them to adequately train their employees on how to check IDs.

What process does a municipality use to suspend or revoke a license?

Administrative suspensions and revocations by the municipality follow a process described in the Wisconsin Statutes.[23] They are complaint driven. Any resident may start the process by filing a written complaint with their municipal clerk. The municipality then schedules a hearing before a committee or the governing body and notifies the licensee by serving a summons requiring the licensee to attend the hearing. At the hearing, both the licensee and the complainant have the opportunity to provide witnesses and evidence. The decision at the hearing must be made based on the evidence presented. If the hearing is before a committee of a city council, then the committee must produce a written report, including findings of fact, conclusions of law, and a recommendation, after which either party can object, and the governing body can decide whether to have arguments presented orally, in writing, or both. If the hearing is before the governing body, a written transcript of the hearing is provided to the licensee at his expense. In either case, if the complaint is found to be true, the governing body suspends or revokes the license and licensee is provided with notice of the suspension or revocation. The licensee may appeal the decision in circuit court.

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[21] Wis. Stat. §125.12(2)(ag)
[22] Wis. Stat. §125.12(1).
[23] Wis. Stat. §125.12

What process does a municipality use if it doesn’t want to renew a license?

Non-renewals may be initiated by the municipality or licensing committee on its own discretion, following a similar notification and evidentiary hearing process. They may be initiated simply by notifying the applicant prior to the time for the license renewal. While the notice is required to state the reasons for the non-renewal, there is no requirement for a complaint. The licensee may appeal the decision in circuit court.

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Getting Started

The first step for getting started is to create your compliance check team. Your team should consist of a variety of stakeholders, each of which has a different role.

Relationships are the foundation of any effort to reduce the impacts of underage alcohol use in our communities. Identifying key contacts in law enforcement, public health, prevention, policy makers, media partners, and other stakeholders can ensure that the 'right person' for community initiatives are involved at the 'right time.' These relationships may change over time due to promotions, turnovers, and job duty changes, but they are essential to build a foundation for continued partnerships in prevention. Going forward, we will use the term "team" to refer to any of these partners who are actively involved in the specific step being discussed.

Establishing Your Program Checklist

Assemble, establish commitment, and formalize collaboration among key stakeholders

- ☐ Invite Law Enforcement Agencies
- ☐ Invite Health Department(s)
- ☐ Invite Prevention Coalitions or stakeholders
- ☐ Review existing alcohol ordinances and enforcement
- ☐ Sign MOU

Make infrastructure decisions

- ☐ Roles and commitments
- ☐ Funding for staff, purchases, mileage, wages, law enforcement
- ☐ Decide on capacity for number and frequency of checks
- ☐ Consequences (citations)

Compile retailer list for checks

- ☐ Compile list of license holders
- ☐ Define license types to be checks
- ☐ Identify hot spots

Notify Retailers (recommended: 4-6 weeks before checks start)

- ☐ Compile training resources (i.e. ID checking) to share
- ☐ Send notification letters to all licensed establishments

Arrange underage buyers

- ☐ Establish incentives, stipends, or employment options
- ☐ Contact potential partners serving 18-20 young people
- ☐ Create a secure list to manage potential underage buyers
- ☐ Setup referral network
- ☐ Interview (check IDs) to screen potential buyers
- ☐ Conduct background checks
- ☐ Receive completed forms from all buyers

Arrange officers (plainclothes and uniformed)

- ☐ Determine available officers for each jurisdiction
- ☐ Identify shift times vs. overtime hours
- ☐ Do not use plainclothes officers in their own jurisdictions
- ☐ Ask law enforcement agencies to draft/sign compliance check authorization letter

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Contact municipal prosecutors and judges

- ☐ Educate proactively about the compliance check program's protocol and their role

Choose data collection goals and methods

- ☐ Sign up for Wisconsin Alcohol Inspector for data collection
- ☐ Setup accounts for any data entry
- ☐ Add all retailer and inspector data
- ☐ Identify any data fields you'd like to collect beyond the template form

How Relationships Support Compliance Checks

Effective compliance check programs coordinate multiple layers and moving parts to make efforts successful in achieving community goals. Building leadership and support for this evidence-based policy sends a strong message that illegal sales to underage people is not acceptable in your community. Publicity around doing compliance checks and the results can be helpful to discourage underage people from trying to obtain alcohol and to encourage retailers to have policies and procedures to prevent the sale of alcohol to those underage.

In order to get community buy-in, it's important to show how compliance checks can help prevent alcohol-related tragedies.

Community coalitions are strongest when they have committed membership from across diverse sectors and deep connections within your community. From getting the process started to conducting the actual checks, the connections you form within your community will make or break your prevention efforts. It's important to have several organizations involved including local coalitions, young adults, law enforcement, key decision makers, and public health at the core. As with any policy enforcement, there can be resistance from the retail industry, law enforcement, and community members to performing compliance checks. Building a proactive, community-wide collaboration across sectors can help your program address any resistance.

Who plays what roles?

Starting a compliance check project may arise out of a law enforcement office, a health department, a prevention coalition, or even come from a local government official or administrator. A strong coalition or collaboration between agencies and municipalities will provide the strongest foundation for compliance check efforts. Multiple perspectives will supplement the individual checks with the staff, resources, and follow-up necessary to achieve maximum impact across a jurisdiction.

Regardless of who envisioned or is leading the project, a law enforcement agency should always be supervising the underage buyers in order to wrap them in legal protection for their purchases. When working across a county, it helps to build relationships with all municipal departments and identify one officer from each agency to be your champion.

Health departments or prevention coalitions can help coordinate or magnify the prevention effects of the compliance check effort. Often a health department is willing to offer staff, community connections, data infrastructure, underage buyers, or even resources to support the effort.

Once you've established a collaborative team, set clear roles and expectations for team members. This can happen formally in a Memorandum of Understanding (MOU) detailing who will be doing which parts of the checks. There are common roles:

- Local Police Department. The only truly required participant in a compliance effort is a law enforcement agency. Often departments already see compliance checks as best practice, either

on recommendation of the Police Chief, or under direction from the administration. For municipalities with their own local police departments, it's best to have buy-in from the police chiefs, and to have some officers who can serve as undercover investigators and others who will be issuing citations or making arrests. If done as a multijurisdiction effort, officers can go undercover in other jurisdictions than their own.

- Sheriff. When coordinating collaboration across multiple municipalities, the Sheriff's Office can also be essential for ensuring a truly consistent, county-wide effort. The Sheriff's office may supply a plain-clothes deputy and unmarked car to help with checks in rural areas or with difficult retailers which may not be on the radar of other municipal departments.They also may assist with county wide data or media efforts to speak on behalf of the whole collaboration.
- Health Department. Municipal or county health departments are frequently motivated to lead or participate in compliance check efforts due to their prevention impact. They may help provide funding, coordinate collaborative meetings, or offer staff who are willing to send out notices before and after the checks. They often have existing expertise in media and data collection or analysis to supplement the checks with publicity.
- Prevention Coalition. A prevention coalition may already exist as a quick start to the collaboration necessary for a successful effort. Coalitions can apply for collaborative funding sources and usually coordinate resources or volunteers that can be used. They are often trusted leaders and messengers to the public and usually have experience and connections with policymakers to scale a compliance check effort.
- Underage Buyers. A strong set of underage buyers can make or break a compliance check program. These young adults will be conducting the checks and can often provide the necessary perspective about underage hot spots or trends to keep your checks relevant to the communities you serve.

Law Enforcement Partnerships

Law enforcement are key partners in enforcing existing alcohol policy. These partnerships can make communities more equipped to advocate for an enforceable, evidence-based alcohol policy, in addition to sharing the work of local prevention efforts.

Be sure to learn the structure of the law enforcement agencies in your county and have one-on-one meetings with those key leaders, which may vary based on your community. Generally key leadership would include the Sheriff or Chief Deputy, Police Chief or Deputy Chief, and those that are responsible for officer training. Most coalitions have a relationship with the school resource officer in their municipality, which could also be a good place to start. You may find some agencies are more interested in working with you than others. Start with those who are willing to partner with you and build from there. Link the benefits of law enforcement investment of time and resources in compliance checks with a reduction in alcohol related injuries and fatalities, especially on local roadways. It's important to note that it also sends an important message to parents and the community that underage drinking is not acceptable.

Coalitions need to collect and regularly update contact information for law enforcement agencies so that they can connect with the 'right person' for community initiatives (e.g., school resources for youth initiatives, traffic patrols for traffic safety, and detectives for sexual or domestic assaults). As promotions, turnovers, and job duties change, these relationships may change over time, but when managed effectively, they will remain the foundation of prevention partnerships over time.

Prosecutors and Judges

Some communities choose to alert the municipal prosecutor before beginning compliance checks. This is very helpful, and best done by the police chief or a municipal administrator or clerk. The briefing could contain the rationale and protocol of compliance checks and possible alternative sanctions. Because the prosecutor represents the police department, the level of details of the briefing should be up to the police chief.

Judges are a different matter. While it would be great if all judges understood the purpose of compliance checks, it is very important not to discuss any facts of any cases with the judges except when required during a hearing or trial. If you would like to provide educational material for your municipal court or circuit court, the best way is to contact the clerk of courts, who is the judge's gate-keeper. Any briefings of judges must be kept to the bare minimum - a high-level discussion of the overarching goals of compliance checks.

TIP: Avoiding discussing any specific facts including dates, locations, names of businesses, employees, or underage buyers who will be involved.

Educating legal partners to ensure citations are upheld

Timing is everything. It's okay to talk with judges about the general ideas behind compliance checks before the effort is begun. It is not okay to try to engage the judge outside of the courtroom once citations have been issued. There are three main effective ways a coalition or local health department can provide a prevention perspective and explain why compliance enforcement is important.

- **Outreach:** Before starting compliance checks, outreach to build cooperative relationships with key legal partners: elected officials, judges, and prosecutors.
    - Start from a position of agreement: that the municipality enforces its laws to make sure that everyone complies with the law.
    - Explain the purpose of compliance checks and provide some information about the health and safety risks associated with underage alcohol use.
    - Provide some numbers about underage and binge drinking in your community.
    - Explain how compliance checks are done, when citations will be issued, and how judgments of guilt will be used administratively down the line if any licensed establishments have repeated violations.
    - Ask for their cooperation in not dismissing citations when the evidence is sufficient for a finding of guilt. Suggest alternatives to monetary penalties - e.g., allowing people who take a responsible beverage server training course to receive a lower financial penalty.
- **Meetings:** Meet with the Police Chief, Sheriff, and/or local prosecutors to describe how you can provide an expert witness on the harms of alcohol use to underage youth and the consequences of youth access to alcohol. If you suspect some people might be serving who already have prior underage service violations, you may also want to talk with the DA's office prior to conducting compliance checks to give them a heads up and explain what you can offer.
- **Providing Witnesses:** At any trials that occur, if asked by the prosecutor, provide an expert witness on alcohol and its harms to underage people, and the consequences of youth access to alcohol.

How to Build Community Buy-In

It's important to not wait until it's time to schedule compliance checks to grow your community support. There are many opportunities throughout the year to work with your law enforcement, health care, treatment, public health, municipal leadership, and others who share your vision. Whether it is organizing community events, participating in coalition meetings, contributing to a media story, or doing a presentation on the latest trends impacting youth, continue to look for ways to foster relationships with prevention supporters so that trust and connections exist for the long-haul.

Below is a list of ways communities can successfully engage community members:

- Present information to civic, ethnic,and community groups about underage drinking and compliance checks and ask for support and volunteers
- Attend meetings with local officials and law enforcement to learn current policy and practices
- Develop communication materials for social media, newsletters, media, and community education
- Link evidence-based practices such as compliance checks to aid local diversity, equity, and inclusion efforts
- Request letters of support from key community groups and members
- Schedule a meeting with local media outlets - including editorial boards, news directors, or reporters
- Plan and implement community and legislative forums to discuss underage drinking
- Request meetings with the local officials - including municipal clerks, attorneys, policy makers, and judges - to understand local ordinances, policy processes, and law enforcement practices
- Engage with representatives from BIPOC/LGBTQ+ and other communities at higher risk for disparities to learn concerns with compliance checks and identify possible strategies to address them

Need Assistance? WisAPP prioritizes community collaborations and welcomes the opportunity to work with you! Call us for technical assistance, training, or to connect to other communities who may be experiencing similar situations to yours.

Don't Forget Local Decision Makers

Compliance check data is essential for evaluating the success of our existing alcohol policies and enforcement. Therefore the data should be shared for educational purposes with any decision makers as evidence based indicators of your local alcohol environment. Data should be used to inform decisions and action, including to address problem licensees, as well as celebrate responsible establishments.

It's smart to build proactive buy-in with any leaders who are involved in alcohol policy including deciding whether liquor licenses are approved or renewed. During the process of building compliance checks support, be clear on what the process is for approving and renewing alcohol licenses. Be sure to work with those governing bodies so that they understand what compliance checks are and their positive impact on the community and how they can use this data and information effectively. Having an understanding of the compliance checks process can help municipalities reach their goals for all licensees to be in compliance with the Minimum Age Drinking Law.

Equity Considerations

Experiences of bias, discrimination, and disparities within the criminal justice system[24] have caused strained relationships between law enforcement and specific individuals and populations within communities. These populations are represented among retailers and have created the conditions where law enforcement partners and strategies can be met with resistance or distrust as causes or contributors to harm rather than the solutions to safety.

"Enforcement actions taken in the name of public health can sometimes harm, discriminate against, or otherwise undermine the health of the very people whom the laws are meant to protect. In fact, enforcement that is carried out inequitably can create, maintain, or exacerbate health inequities." - Change Lab Solutions[25]

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[24] Center for American Progress: Unjust: How the Broken Criminal Justice System Fails LGBT People of Color (August 2016)
[25]ChangeLab Solutions: "Equitable Enforcement to Achieve Healthy Equity" (June 2020)

The goal of justice for all includes acknowledging the negative role that law enforcement and criminal justice have played in the lives of some members of our communities – and how systemic racism, sexism, homophobia, ableism, and classism can operate within law enforcement systems to perpetuate threats to core social determinants of health.

Individuals from BIPOC, LGBTQ+[26], disabled, and low-income communities are more likely to be victims[27] or witnesses of alcohol-related crimes, yet are often overrepresented in enforcement actions and incarceration. These disparities paired with historically poor relationships can create barriers to safety when engaging with law enforcement partners and systems.

Worries may include perceptions that law enforcement will profile or unfairly target members of communities or businesses with punitive actions, or that some may become vulnerable to investigations separate from alcohol compliance.

Considering equity with your compliance check methodology involves taking community concerns seriously, balancing power dynamics across your community partnerships, and regularly reviewing practices and outcomes for evidence of bias or inequity.

Tips for Operationalizing Health Equity

Here are are some tips for navigating public health and law enforcement partnerships within a broader health equity framework:

- **Involve and listen** to the experiences of public members of your community, especially those most affected by alcohol-related inequities
- **Recruit, hire and represent** communities affected within your staff, inspection teams, and stakeholder groups
- **Create and hold space** for questions and concerns of community members as valid and valuable to a shared outcome of health and safety, even when in conflict with your or law enforcement partners perspectives
- **Demonstrate your ability and willingness to balance power** to protect the safety of all when law enforcement are at the table
- **Understand the history** between law enforcement and LGBTQ+ and BIPOC communities to know how they may affect current perceptions, trust, or fear within your interventions.
- **Recognize the possibility for bias** and inequity in all systems including your own
- **Incorporate alternatives to criminal justice** and analyze equity impact of your procedures for opportunities to implement equitable techniques
- **Take accountability** when mistakes are made and recalibrate to maintain trust

Equitable Actions Within Compliance Check Efforts

Within your compliance check programs, steps you may take to analyze and address the equitable impact of your interventions may include:

- Inspect all retailers as a community canvas instead of targeting specific communities or neighborhoods by demographics
- Communicate the results of your inspections within the shared goal of community health and safety
- Design specific outreach materials for priority audiences where law enforcement concerns may be stronger (including translation where possible)
- Have open equity-related conversations and trainings with inspection teams and law enforcement partners including setting expectations for navigating conflicts

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[26] Urban Institute: "How criminal justice harms LGBTQ+ people" (June 30, 2020)
[27] US Department of Justice: "Identifying and Preventing Gender Bias in Law Enforcement" (2016)

- Collect, review, contextualize your data without blaming specific communities for their own health disparities
- Understand and provide support when poverty or other social conditions are operating to drive non-compliance
- Provide opportunities for communities to join alcohol prevention efforts for strengthening compliance outside of enforcement strategies

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Underage Buyers

Who are the underage buyers?

Underage buyers are an essential part of the team. They must be adults under the legal drinking age between the ages 18-20 at the time of the check. It's best to avoid buyers with an approaching 21st birthday to avoid any confusion. Underage buyers should look under 21 and dress as they normally would, similar to their government-issued ID. There should be no efforts to alter their appearance (like excessive makeup or facial hair) to appear older for the purposes of the check. Encourage them to dress casually. The community may use an age assessment panel as part of the recruitment process[28].

Buyers should not have any prior alcohol or drug-related violations or a criminal record, including but not limited to OWI, Absolute Sobriety or Chapter 125 violations, drug violations, or any obstructing an officer.

When hiring or selecting buyers, it is important for the Law Enforcement Agency to screen their criminal record, and to view and copy the ID that they will be using for the compliance checks. A copy of the ID will be needed if any cases go to court. However, a Driver's ID photo and a passport photo are considered protected information and should only be collected by the Law Enforcement Agency, as are the following:

1. A social security number.
2. An employer or taxpayer identification number.
3. A financial account number.
4. A driver license number.
5. A passport number.

TIP: Only the Law Enforcement Agency should make and store a copy of the buyer's ID.

They should be comfortable being in public places like bars and restaurants. Choose buyers who will not be recognized and are not regular customers of the establishments being checked or have families who frequent or own the establishments being checked.

Ensure that the buyers understand that they may have to appear in court to testify, and buyers are not planning to move away for at least a year, and are willing to be available for court appearances and to testify in court. Consider using a practical verbal exam as part of your selection criteria to test their ability to testify.

Sometimes it may be necessary to pay attention to racial, ethnic, or other demographic considerations in order to avoid placing a buyer in a situation where he or she would be more likely to be identified, out of place, or even harassed. Buyers should not be placed in a dangerous situation. But in case anything comes up, the buyer should be trained to walk away as soon as there is any sign of danger or discomfort. It may help to role play different buy situations as part of the training.

TIP: Recruit underage buyers from multiple municipalities so they can conduct checks in areas where they don't live or frequent.

TIP: You know your community best; if an establishment or municipality is known to be unwelcoming of different sexes, races, or ethnicities, be intentional to recruit and deploy buyer(s) to ensure their level of comfort and safety.

How are underage buyers compensated?

So long as the underage buyer will be working with a law enforcement agency, it doesn't matter which

[28] Alcohol Epidemiology Program. "Alcohol compliance checks: A procedures manual for enforcing alcohol age-of-sale laws". Minneapolis: University of Minnesota; originally published 2000, updated 2013.

agency sets up the contract. The law enforcement agency, or the health department or prevention coalition can contract with the underage buyer. There are several payment options:

- **Volunteers:** Many young adults are looking either for an internship as a requirement of a course (e.g. criminal justice students) or are looking for community service hours to beef up their resumes. Volunteers can be provided some form of compensation, including mileage reimbursement, scholarship, gift certificate, school credit, reference, and/or a tour of the local law enforcement agency.
- **Employees:** Either of the law enforcement agency (e.g. community service officer (CSO), or hired part-time for compliance checks), of the health department (e.g., full-time staff with a percent effort allocated to the compliance checks, part-time employee, paid intern) or coalition. Many advantages to this include insurance, availability, credibility, and reliability.
- **Independent contractors:** This allows the underage buyer to be paid for their time without becoming an employee.

How many underage buyers do we need?

It's best practice to utilize two or more underage buyers, but this is not always practical. This practice aids in the comfort-level of the buyers, allows alternating of establishments, and can help to avoid conflicts while in the process of conducting checks. Determine how many buyers you're able to afford or recruit, and whether they will be working together or separately.

There are various team styles that can conduct compliance checks including: multiple-buyer, buyer/companion, or single buyer. Deciding your style depends on budget, retail practices, and law enforcement preferences.

- Multiple-buyer approaches can work for large establishments or testing multiple employees at once. .
- Buyer/companion approaches can be safe and fun, especially when you have two friends (both aged 18-20) who want to work together. For bars and restaurants, it may feel more natural to be with someone else, and less likely for the buyer to receive unwelcome attention from other clientele. Also you can alternate who is the buyer.
- Single buyer approaches can be cost-effective and practical, but measures should be taken to ensure the buyer's safety. The single buyer should ride to the establishments in an unmarked car driven by either a law enforcement officer in plain clothes or a trained staff person.. For small stores, the officer or staff person should position the car where there is a line of sight to the cashier. If this is not possible, such as for large stores or for many bars and restaurants, the officer or staff person should enter the business a short time after the buyer, and find a location separate from the buyer, but from where the buyer and seller can be observed. The officer or staff person should not buy or drink any alcohol beverages. The officer or staff person should leave after the buyer leaves. To avoid confusion, the 21+ officer or staff person should never walk or stand with the underage buyer while in the establishment.

It is also recommended to have a reserve team list available in the event of circumstances outside of your control such as illness, schedule changes, or emergencies that can result in team members being unavailable.

Where do we recruit underage buyers?

Ideally, select underage buyers from outside the community being checked to reduce the likelihood they'll be recognized by servers, clerks, or patrons. Offer incentives (stipends, mileage reimbursements, references, and/or letters of recommendations) if they recruit a friend, which brings in more volunteers

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AND makes it more comfortable for recruits.

Additionally, underage buyers may already be employees or interns of a health department, coalition partner, or law enforcement agency, such as community service officers (CSO). They may be hired only for the compliance checks (such as paid interns) or can be student interns for credit (such criminal justice students), or even volunteers (such as Eagle Scouts). Underage buyers could also be people who have worked for the Wisconsin Wins tobacco compliance check program, so long as they are now aged 18 - 20 years. However, it is important not to use buyers at the same locations where they have recently done tobacco checks or surveys, to avoid recognition.

Tobacco check laws are different from alcohol laws, and have different procedural requirements, so if capacity and finances allow, alcohol age compliance checks should be run as separate and independent operations distinct from tobacco compliance checks. [29]

Building ongoing relationships with colleges or organizations serving young adults can ensure a sustained source of buyers as they age out of the program. Connect with local college Criminal Justice programs, volunteer coordinators, youth explorer programs, Boy/Girl Scouts, 4-H/FFA groups, community service officers from other jurisdictions, United Way 211, or your family and friends who have age-appropriate adult children.

Be clear about expectations, what the night could look like, how long the commitment is, and what to expect throughout the compliance check process.

Note: Take steps to ensure underage buyers are representative of the community they are checking and to intentionally recruit from diverse backgrounds, experiences, and likenesses.

How are underage buyers trained?

Underage buyers should always be trained on the compliance check protocols and expectations before they conduct checks. Buyer(s) must be informed and prepared for the expectations and potential challenges through a training and/or participant guide/handbook[30], and required paperwork[31]. The buyers must understand that while we are to treat each establishment fairly, and that the goal of the operation is to ensure that businesses with the privilege to sell alcohol are complying with the MLDA law. Because this is an undercover police operation, the buyers should be advised they should not answer any questions regarding their involvement in the operation. Likewise, they should not volunteer that information.

Communication for the team should be discussed prior to the operation. Some teams may use a group text or other chat program between the buyers, officers, supervisor, or dispatch. Any photos or messages taken on a personal device could make the device subject to open record laws, and text messages and emails can also be subpoenaed as evidence.

Inform underage buyers of their responsibilities, including:

- Dress as someone their age would normally dress.
- Bring their government issued driver's license or identification (a photo may be requested)
- Never try and fool the server into thinking they are over the age of 21. The buyer(s) must answer questions about their age truthfully. The identification needs to be one that servers in the community are familiar with and would be valid to use to purchase alcohol if the person was of the legal drinking age, such as a state ID or driver's license.

[29] Wis. Stat. §254.916
[30] SAFE in Juneau County: "Alcohol Compliance Checks Participant Handbook" (2023)
[31] Resource Toolbox: Template Paperwork

- Do not drink any of the alcohol beverages that are purchased.

Common “what ifs”:

- If served at a retail establishment, obtain the receipt (if practical).
- In some cases the buyer will leave with the beverage (stores) and some the buyer will leave it (bars). When purchasing alcohol at a store, the buyer is to turn the beverage over to the officer in the car.
- Under no circumstance will the underage buyer ever take a drink of the beverage.
- If the buyer is not served, be polite and exit the establishment.
- If the buyer is carded, the buyer provides legal identification (or if the team has decided that the buyer is not going to provide ID, the buyer states that they don’t have their ID with them).
- If the buyer is asked their age, the buyer states their correct age.
- If anyone gets agitated, upset, or argumentative, the buyer should immediately leave the establishment and allow law enforcement to handle the situation.
- If the buyer knows the server, the buyer should not attempt to purchase alcohol and should immediately leave the establishment.
- If the buyer is uncomfortable, the buyer is encouraged to leave the situation at any time.

Law enforcement officers and buyers should go over the inspection form before the operation. Underage buyers should be familiar with all of the questions on the form. The full completion of the form is necessary to assist law enforcement in issuing citations and warnings, and for data entry to track compliance.

Are buyers required to testify in court?

The underage buyer’s testimony is very important in making your case at the trial. When selecting buyers, make sure that they understand that they may be called upon to be a witness in court, that they could be required to testify in a deposition, that they could be required to testify in public before a judge or a jury, and that they could be questioned and cross-examined.

TIP: Select underage buyers who are comfortable speaking in public, self-confident, polite, and will be available for at least the next year to testify.

Preparing for your Checks

Pre-Check Checklist

Gather paperwork, tracking tools, and supplies

- ☐ Complete required buyer paperwork
  - ☐ Underage Buyer Consent Form
  - ☐ Hold Harmless Release Form
  - ☐ Emergency Contact information
  - ☐ Law Enforcement Agency makes copy of Buyer’s ID
- ☐ Log sheets (time and mileage)
- ☐ Printed online forms
  - ☐ Clipboard, pens, envelope for completed form

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- ☐ Inspector App Device (if applicable)
    - ☐ Tablet cell phone
    - ☐ Car charger
    - ☐ Wi-Fi hotspot backup
- ☐ Retailer incentives (if applicable)
    - ☐ Incentive tracking form

Secure payment method(s)

- ☐ Follow protocol to document use of petty cash
- ☐ Consideration of non-personal debit/credit card
- ☐ Note: Identify how transactions will be tracked, receipts may not be available

Train underage buyer(s)

- ☐ Introduce process, procedures, and scenarios
- ☐ Answer questions, concerns, and collect paperwork
- ☐ Note: Stress that their safety is your main concern, document non-checks accordingly

Develop route or area to be completed on day of checks

- ☐ Determine who is responsible for this - officers or staff coordinating the checks
- ☐ Verify the route covers a variety of establishments and takes into account factors such as hours of operation
- ☐ Note: If the route is determined electronically, consider bringing a printed map and/or establishment list.

Confirm team members participation

- ☐ Underage buyer(s) based on location, number, and availability for checks
- ☐ Officer(s) based on location, number, and availability for checks
- ☐ Other adults and/or supervisors that will be present (if applicable)
- ☐ Note: It is not recommended to transport non-team members to ensure validity of checks

How are compliance checks funded?

Compliance checks aren't cheap, but are a very cost effective strategy to prevent or reduce costly alcohol-related issues. The largest cost is personnel time, including the law enforcement officers, the health department or coalition staff, and the underage buyer(s) or companions. Frequently, law enforcement officers do checks in addition to their regular shifts, requiring overtime pay. Additionally, common direct costs include purchasing the alcohol, mileage, printing, stationary supplies and postage, and possibly gift card incentives if the underage buyers aren't paid directly.

Possible funding sources for compliance check efforts can be specific project grants, existing agency budgets (municipal, county, law enforcement, or health department), or raising alcohol license fees to cover costs of compliance checks.

How do we decide who is checked?

Whenever possible, you should check all licensed establishments in a municipality at least twice per year in order to accurately survey your community's alcohol environment and provide law enforcement the opportunity to follow-up with enforcement actions for illegal sales.

Where capacity or funds are limited, you can conduct a series of random checks while still keeping all businesses aware that checks are happening for passive enforcement. When only a few businesses are

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selected randomly for compliance checks, so few retailers are checked that even frequent sellers rarely qualify for enforcement actions.

Some communities combine random checks with targeted enforcement to be able to do a second check in a year at places that failed a previous compliance check, or where there have been other alcohol law violations. This can be helpful for enforcing compliance, but care should be taken not to target any businesses because of racial, ethnic, national, religious, sexual, gender, or disability characteristics or identities of the owner, manager, agent, employees or clientele.

How do we decide the route?

Review the list of establishments to be checked to determine the route. Considerations when establishing a route include the number of licensed premises in your area versus the number of checks you would like to complete, the number of nights you are scheduling, the capacity of teams, hours of operation and driving distance between locations.

You will need to review each location's days and hours of operation. Be mindful of those that close earlier in the evening or open later in the evening. This information is most often up to date in their social media accounts such as Facebook. After considering the hours of operation, review the geographic layout of your area in comparison to each location. If possible, choose a route that helps minimize travel time but does not rely on checking locations that are side by side one shortly after the other or on checking businesses under the same ownership or manager in the same night. This will assist in avoiding the inevitable “telephone tree” or people stepping outside their businesses and shouting down the block that compliance checks are happening. It may be helpful to to do a similar route on different nights to randomize checks. However, even if it is necessary to check all businesses in one block on a single night - the goal to establish that compliance is expected and being checked still will be met.

When do we conduct the checks?

Some communities recommend weeknights as best for completing checks. There are several reasons for this. One, they are usually easier for underage buyers’ and law enforcement schedules. Two, they avoid antagonizing restaurants and taverns by avoiding their busiest times. Three, spreading your checks should be spread out over a two week period with one to two nights per week can avoid the “telephone tree” of scheduling all checks in one day. However, that said, there may be times when it is essential to choose weekends or weekdays, for any of the following reasons, and many others: 1) law enforcement has been made aware that bars are letting underage people in to drink on certain nights; 2) a temporary license or festival only happens on the weekend; 3) young people have been seen frequenting certain stores during the daytime, perhaps while truant.

In general, it is a good policy to set your dates in advance, avoiding holidays, events, or major rushes. Where possible, take time to review the environment in your community and the establishments, knowing if they have anything special planned. While it may generally be easier to pick times that the establishment is not busy, there are also advantages to doing checks at busy times, such as seeing whether they are complying with the law even when harried. This is a decision that your team needs to make in consideration with knowledge about your community. Pick several dates to schedule the checks based on designated law enforcement lead’s availability for all dates; narrow down those dates based on availability of plainclothes and/or uniformed officers and then work to find underage buyers to fill the dates.

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How do we create our list of retailers to check?

Start by compiling a full list of licensed retailers from municipal clerks and state DOR permit lists (See "**Understanding Wisconsin Alcohol Retail Licensing**"). Keep these lists updated annually and you can cross check this data with local knowledge of businesses that are closed or keep odd hours to keep your retailer list updated.

Decide which license types (Class A, B, or C) and which business types (Convenience, grocery, pharmacy, big box store, bars, restaurants, movie theaters, opera houses, sports facilities, etc.) you have the capacity to check. Also consider whether you'll be checking state permittees (breweries, fairgrounds, racetracks, universities, etc). Prioritize where needed.

TIP: The license holder or agent named on the application may have a different mailing address than the physical establishment.

Can we check retailers rumored to allow underage drinking?

Always use local knowledge to help prioritize your strategies and root your checks within the larger context of your alcohol environment and prevention efforts. It may be necessary to intentionally check businesses who have previously failed compliance checks, are rumored to be underage access points, or are new license holders.

Be careful of rumors or complaints that may have ulterior motives. Compliance checks should never be used as a pretense for targeting or taking action against a business due to demographics like race, religion, gender, nationality, ethnicity, or sexuality of either the licensee or the clientele. Municipalities should not be using compliance checks as reasons to enter or enforce other issues. These bad practices can degrade the integrity and community trust in prevention efforts.

How many officers are needed?

There are various arrangements that depend on law enforcement preference, number and speed of checks, and budget for officer overtime.

Sometimes checks are performed with two law enforcement officers: one in plainclothes to drive the underage buyer and observe the purchases, and a second in uniform who will come in later to issue a citation or charges if there was a sale. This can make evidentiary issues more straight-forward, allow for clear communication, and also allows a break in time between the purchase and enforcement, allowing more compliance checks to be made before a phone tree starts.

If only one officer is available, a coalition volunteer or staff person can assist with driving the underage person and observing purchases, leaving the officer available to issue the citation or charges if there was a sale. Alternatively, the same officer that transports the buyer can issue the citation or charges which can slow down the speed of the checks.

> EXAMPLE: "For our smaller city jurisdictions, we use a plainclothes officer from outside the jurisdiction in the establishment as a witness. The uniformed officer (on duty in jurisdiction) can stay close and visit to give any citations, paperwork and perform follow up. This avoids additional wages. For our larger expanses, we usually need a uniformed officer who is assigned only to the detail and handles all citations and paperwork. This may need to be an extra officer for the route and scheduling well in advance may eliminate overtime wages."

TIP: For small law enforcement departments, it is best to use a plainclothes officer from another law enforcement jurisdiction, to avoid being identified during the compliance checks.

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How many staff are needed?

In addition to the underage buyer(s) and law enforcement officer(s), additional staff or volunteers can be helpful in assisting with the compliance checks. Some checks involve staff, drivers, or companions who are 21 or older. Often coalition or health department staff accompany the checks to coordinate routes, help collect data/forms, or handle cash and purchased products.

TIP: Avoid having a companion over the age of 21 accompany the underage buyer while purchasing. Since Wisconsin law allows a child to drink with his or her parent, guardian, or spouse of legal drinking age, it is best to avoid creating the appearance of a family unit.

Staff, drivers, or companions who are 21 or older should enter and exit the business separately from the buyer, and stay in a separate location from which they can observe the purchase. If using a 21+ observer or companion, best practice is to not allow that person to drink the alcohol beverage that is purchased. The 21+ companion or observer should also walk away after purchase.

How does a team communicate during a check?

Decide on a communication plan. Communication for the team should be discussed prior to the operation. Some teams create group text for communication between the buyers, officers, and supervisor. Dispatch could also be added to the chat group.

Remember that any photos or messages stored on a personal device might make the device itself subject to open record laws. For that reason, you might prefer to have all texting and note-taking done on police or agency-issued devices. The Wisconsin Alcohol Inspector allows uploads of evidentiary photos and notes about the check.

Do we let retailers know we're coming?

It's best practice to heavily promote the existence of a compliance check program regularly, including seasonal rounds of checks where appropriate. This can be done directly to retailers through mail, associations, in person training, or the media. Notifying retailers about checks can increase transparency and trust while also boosting passive enforcement. The goal is for retailers to conduct extra training or maintain hyper vigilance 24/7 due to the existence of potential checks, making the publicity a crucial element of the program.

One common practice is to notify all establishments via US mail of a round of upcoming checks approximately 4-6 weeks before teams are deployed. This practice is not required by law for alcohol age compliance checks, but is useful because it helps to establish trust with the retailer that the intent is not to catch them, but that they are not selling. The notice should not provide the dates or times of the checks, only a rough period of time (e.g. "this spring", "in March", or "we will be starting monthly checks in June"). A round of mail can also help you refine your retailer list and prevent the perception that certain businesses are being singled out.

Because notice is not required by law, some teams decide to conduct the checks undercover and do not notify retailers in advance.

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During the Checks

Day-of Checklist

Ensure proper documentation

- ☐ Check that you have all youth forms completed
  - ☐ Underage Buyer Consent Form
  - ☐ Hold Harmless Release Form
  - ☐ Emergency Contact information
  - ☐ Law Enforcement has copy of Buyer's ID
- ☐ Check that each underage buyer has government issued ID

Prepare underage buyers

- ☐ Take and date a photo of the underage buyers at the time of check
- ☐ Conduct a primary breath test (PBT) of buyer(s) with officer(s)

Conduct Team Prep Meeting

- ☐ Share team expectations and concerns
- ☐ Establish communication approach for the team
- ☐ Discuss contingency plans
- ☐ Review inspection forms and data to be gathered by buyers
- ☐ If necessary, role play scenarios that may be encountered

Conduct Checks

- ☐ Distribute cash to buyer
- ☐ Buyer(s) enter retailer and makes purchase attempt
- ☐ Plainclothes officer enters retailer (if applicable)
- ☐ Buyer(s) and officer witness server's sale or refusal
- ☐ Buyer does not consume alcohol and exists
- ☐ Uniformed officer(s) are notified of sale to execute enforcement actions - either issuing citations or filing charges with the district attorney's office
- ☐ Complete inspection form including all data from check
- ☐ Move on to next location

Post Check/Wrap Up

- ☐ Conduct a secondary PBT of buyer(s) with officer(s)
- ☐ Collect and document remaining cash
- ☐ Collect and document purchased item(s)
- ☐ Request feedback from team on improvements
- ☐ Compile and review all inspection forms
- ☐ Document any enforcement actions (warnings and/or citations)
- ☐ Complete team time and mileage logs

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Note: If you are preparing any of these items ahead of time, confirm them on the day of checks.

How do we start our checks?

Arrange for a meeting time for all buyers, plainclothes officers and participating staff or volunteers to meet at a law enforcement agency office about 30 minutes prior to starting the evening's route. This allows for the team members to meet, go over any training or updates, and complete the checklist: complete last minute forms (consent), take buyer photos, and gather buy money. Also plan that the team meets back at this location at the end of the night.

TIP: Take a photo of the buyer on each date that compliance checks are being run.

What happens during the check itself?

The basic check includes the following steps:

1. Plainclothes officer and underage buyer(s) drive to the retailer in unmarked car
2. Underage buyer(s) enter the business
3. If appropriate or necessary, plainclothes officer and/or participating staff or volunteer enters the business separately
4. Underage buyer(s) attempt to purchase alcohol beverage
5. Cashier/bartender/waiter/server is supposed to ask for ID.
    a. If they do, the buyer presents their own legal ID. Then the cashier/bartender/waiter/server is supposed to check the ID. If they check the ID properly, and refuse sale, the buyer leaves.
    b. If they don't ask for the ID, or they glance at the ID but don't check it properly, or don't care, and ring up the transaction or serve the drink, the buyer pays for and accepts the purchase.
        i. If a store, or alcohol-to-go from a restaurant or bar, the buyer brings the purchase and receipt out to the vehicle.
        ii. If the purchase was a drink intended to be consumed on-premises (e.g., in a restaurant, tavern, or bar), the buyer pays for the alcohol, accepts the receipt if offered, and exits to the vehicle, leaving the drink untouched on the bar or table.
    c. If they ask for the buyer's age, the buyer answers truthfully.
    d. If they tell the buyer to leave, the buyer leaves without any confrontation.
6. The officer can take pictures or video surreptitiously, or simply observe and record observations once back in the car. The officer leaves shortly after the underage buyer leaves.
7. If a purchase was made, the plainclothes officer contacts uniformed law enforcement to proceed with enforcement.
8. If it is a first offense in 30 months for the cashier/bartender/waiter/server the uniformed officer can issue a citation. If it is a second offense in 30 months, law enforcement may arrest the cashier/bartender/waiter/server.

What is purchased?

There are many options for which products are purchased during checks, and what works best in one community or with one buyer might not work as well in another. Options include beer, hard seltzer, a ready-to-drink cocktail, or wine. Several factors may influence what type of alcohol is purchased including:

- **Cost:** Some alcohol beverages are much cheaper than others. Six-packs or a bottle of wine cost

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more than single cans of beer, but might be more normal to purchase at a grocery store. But in a convenience or liquor store with a refrigerator section and lots of single cans, a single can might be considered normal. In a bar or restaurant, whatever is cheapest might make the most sense.

- **Trends:** Consider what is normally purchased at the establishment by young people. To avoid suspicion, it's best to stay within the normal pattern of what would be purchased at the business - for example, beer is usually a safe bet, but not at a wine bar. While generalizations don't always apply, consider that a young woman might more commonly order a hard seltzer or wine, while a man may buy a beer. Also, now that cocktails-to-go are also available from many Class B premises, one consideration for your team might be whether the buyer should be purchasing for in store consumption or drinks to go. This decision should be made based on the local situation.

Compliance checks are frequently done with cash, which most retailers still accept. It is worth discussing whether you want to issue debit cards or credit cards to the buyers for the purchases, which can generate electronic receipts and be easier tracked.

TIP: Using small bills or purchasing a snack along with an alcoholic beverage can make for a more realistic purchase attempt.

Do we need to keep the alcohol as evidence?

The product can be saved for evidence, discarded, or returned for a refund at the time of citation. Whether to save or not generally depends on the law enforcement agency's preference. For Class B premises, the safest practice is usually that the drink is left on the table or bar when the underage buyer walks away.

Saving the evidence is not necessary in Wisconsin, since the testimony of the witnesses (buyer, staff person, plainclothes officer) is usually sufficient to establish what was purchased. In addition, receipts usually show a description of what was purchased.

Law enforcement agencies usually decide whether or not they want to save the alcohol containers for evidence. The testimony of multiple witnesses (underage buyer, plainclothes officer, community staff) is usually sufficient in Wisconsin to establish that an alcohol beverage had been sold to an underage person. The officer can discard the alcohol and save the container in an evidence locker, discard the alcohol and discard the container, or return the alcohol for a refund at the time that the citation is issued or arrest is made.

Do underage buyers show their IDs?

Yes, we recommend that every buyer should have a valid government-issued ID with them at all times. They should be instructed to show their ID if asked and to tell the truth about their age if asked. Illegal sales still happen after a clerk checks an ID and can help you identify training needs. Some communities prefer to have the law enforcement officer hold on to the buyer's ID. In that case, the buyer should be instructed to just state that they do not have their ID with them, and answer truthfully about their age.

Our goal is for all alcohol retailers to follow their license requirements and not sell illegally to minors. We do not exist to entice or create illegal sales, but rather monitor the retail access points and environment for compliance. Therefore, ensure your check protocols mimic actual experience in your community as much as possible.

TIP: Use the words compliance checks instead of polarizing words such as 'sting', 'decoy' or 'undercover' and educate your partners and media to do the same.

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What are the consequences of an illegal sale?

Only the individual who sold or served the alcohol to the underage person can receive the citation or be charged with a crime.[32] If a sale occurs, the person who sold should be cited or charged. Before beginning the compliance checks, a conversation should be held with the law enforcement agency and the municipal prosecutor to determine whether plea agreements will be offered allowing the person to pay a reduced forfeiture if he or she takes a responsible beverage service training. Discuss the importance of not dismissing the citation - because a finding of guilt is necessary to establish a pattern against the business for administrative purposes.

Because of high staff turnover rates, warnings are not useful. The turnover rate in the convenience store industry was 150% in 2021[33], and the turnover rate in the restaurant industry is 75%.[34] That means that in one year, most employees will have turned over.

Some municipalities will hold licensees vicariously responsible for underage sales by their employees by either assigning demerit points for the incident and/or putting information into the licensee's file. If there are 2 or more sales to underage people in 12 months at a licensed business, then the municipality may take administrative action against the licensee, such as a hearing for a license suspension or nonrenewal of the license.Some municipalities choose to require responsible beverage service training of all the employees in a business that repeatedly fails compliance checks. If a health department or prevention coalition is involved, it may choose to publish results of the compliance checks.

How do we ensure safety and protect against harassment?

Teach the buyers to be non-confrontational and simply to walk away if they are challenged or threatened. Buyers should not be convincing retailers to make a sale or defending their presence as part of compliance effort. This follow-up can be handled by law enforcement or a staff person if required.

If a retailer seizes the identification cards, underage buyers should not argue, should walk out, and should let officers request the return of the ID card. This risk is one reason to emphasize the need to have an undercover law enforcement officer driving the underage buyer.

Buyers should be trained to be respectful of public spaces, including the licensed establishments and to follow direction from the staff and officers to guarantee safety. They should notify the staff or officer immediately if a situation becomes uncomfortable or unsafe. There should be no negative consequences for a buyer stopping a check at any time for any reason.

What data should be collected around a sale?

Local teams including their law enforcement should decide in advance what data should be collected and how. Some teams use paper forms and enter the data entry back at the office. Some teams use tablets or phones to submit data in real-time into the Wisconsin Alcohol Inspector or other online form. Often the officers are collecting additional information in parallel that they need to pursue enforcement actions.

Underage buyers should pay careful attention to remember details about the clerk who sold the product, including identifying a name tag if possible. Important details include body build, gender, age, skin color, hair color, clothing worn, and name. This is important at all times, but essential for protocols where the law enforcement officer is not able to see the seller, or when there are multiple employees.

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[32] Wis. Stat. §125.07(1)(b)6c

[33] Fuels Market News "U.S. Convenience Store Sales, Performance at Pre-Pandemic Levels" (April 13, 2022)

[34] 7Shifts: "What's the True Cost of Employee Turnover to the Restaurant Industry" (December 27, 2019)

How do we use the Wisconsin Alcohol Inspector?

The Wisconsin Alcohol Inspector is a free statewide tool offered by WisAPP to manage local retail compliance check data from the field and calculate county and statewide youth access rates. Teams can use this to manage their licensed retailer lists, coordinate adult/youth /officer lists, hold their compliance check data, and conduct follow-up letters. More information is available in the Wisconsin Alcohol Inspector User Guide.[35]

What if a business is closed?

Document non-inspections just like completed compliance checks for data purposes, including the reason the check was not completed. You can decide whether to revisit the establishment later in the round or on a different date. If the business is permanently closed, you can continue to try as long as they are licensed or remove them from your list.

TIP: Sometimes bartenders will say they are closed as a way of rejecting an underage sale. Use your discretion upon revisiting in these cases.

How do we avoid the "telephone tree"?

During a round of compliance checks, one establishment may activate a "telephone tree" to alert other business owners of your presence. There are a number of things that can be done to help prevent this from occurring.

- Spread out the locations. Follow a route to save time, but do not attempt to buy from all establishments in one small area.
- Avoid attempting to purchase from businesses owned by the same company or person.
    - If you do need to do this, wait until you are clear from the businesses before having a uniform officer make contact with the server.
- Do not transmit the operation over a non-encrypted radio channel. This will avoid people with a police scanner or a police scanner phone app from tipping off establishments.

If you find out a "telephone tree" has been activated, you may have to alter your plan for the evening. This could include switching to different types of establishments, switching to a different geographic area, or ending the operation for the night.

Can we record the transaction?

While not required or common, law enforcement can decide if it's helpful to capture photo, video, or audio as evidence of the transaction. This can be done with a body camera, backpack camera, body wire or tape recorder to record the transaction. This can increase safety and create evidence to support the buyer's testimony.

Using Your Compliance Check Results

You've completed your compliance checks, but now what? Research is clear that compliance checks work not only by enforcing the law, but by shaping community-wide awareness, awareness, and norms toward alcohol and the dangers of underage drinking. A strong prevention norm in your community is achieved when every person plays a role in preventing underage drinking regardless of their sector.

[35] Resource Toolbox: Wisconsin Alcohol Inspector User Guide

It is common for first compliance checks rounds to produce high illegal sales rates due to lack of previous enforcement or penalties. With adequate enforcement and community wide education, these results should decrease with your persistence to conduct follow-up rounds of inspections. A multi-year effort can be an achievable short-term success story of your community coalition and tangibly demonstrate the impact of prevention.

Post-Check Follow Up Check-List

Analyze compliance check data

- ☐ Add all data to Wisconsin Alcohol Inspector
- ☐ Determine list of sales and the sales rates for the round
- ☐ Create a results summary for dissemination
- ☐ Break down results by county and municipalities if applicable

Follow-up with law enforcement to learn the outcomes of any law enforcement actions

- ☐ Determine how many citations were issued and to whom, and how many charges were referred to the district attorney's office
- ☐ Follow-up to learn how many citations or charges are paid, defaulted, or contested
- ☐ Track contested cases, and keep underage buyers aware of cases where they may be needed to testify as witnesses
- ☐ Create a list of final status of contested cases

Send individual follow-up letters to each establishment

- ☐ Send Fail letters (with consequences if applicable)
- ☐ Send Pass Letters (with incentive if applicable)
- ☐ Follow-up with failed businesses to offer resources or training

Notify collaborators of results

- ☐ Send results summary to law enforcement, health department, municipal partners
- ☐ Communicate results to your coalition

Conduct community outreach

- ☐ Write media release with results
- ☐ Pitch to media outlets (TV, radio, print)
- ☐ Outreach to retail associations with any relevant trends or issues
- ☐ Create social media graphics (if applicable)
- ☐ Communicate results to key local and state policymakers

Following your checks, your collaboration should devote significant time to analyzing and sharing the results as indicators of the status and importance of alcohol policy. By incorporating effective community education with the implementation of compliance checks, communities can significantly and simultaneously raise community awareness among youth, parents, schools, retailers, and the general public about the impacts that underage alcohol access can have on a community, and more importantly the potential solutions that can be adopted to address it.

Be aware that you may have two levels of results - the number of failures that your team observed - and then the number of times that someone was found guilty as a result of the compliance checks, and what their penalties were. Sometimes a citation or charges will be contested. The last section of this manual will discuss how to handle a contested citation.

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Tell The Story

Using data to tell compelling stories can help open eyes to an issue we may not have understood to be a problem, and lay the groundwork for policy change can help lead that process. There are times when an event (like a young person dying in an alcohol-related accident) will first spark a community conversation, but it is the data that will justify changing something for the entire community.

TIP: Combine stories with your illegal sales data! Compliance check experiences are tangible enough to help the public understand the real problem of underage access to alcohol in your community.

By intentionally using a mix of data and stories (from law enforcement, public health, and coalitions) communities gain the full picture to move sound alcohol policy and practices forward to reduce the burden of underage drinking. Alcohol-age compliance checks are a great example of how collecting data can be used to guide alcohol prevention and can tell a local, timely story about the risk factors youth experience in accessing alcohol in your community.

Below you will find specific examples and strategies to utilize your compliance checks results to engage the following audiences:

1. Conducting Community Outreach
2. Maximizing Media Relationships
3. Educating and Engaging Key Leadership

Outreach to Build Community Support

Use the results of your compliance checks to educate and build support for your community coalition and community-wide prevention strategy. Examples of using compliance checks results to support community-building can include:

- Presenting your compliance checks results at community coalition meetings
- Recruiting businesses and community partners to support prevention coalition efforts
- Conducting outreach to key stakeholders, including:
    - Educating retail associations about the compliance checks process, data, and efforts
    - Educating law enforcement partners about the need for compliance checking
    - Educating parent groups about the importance of limiting retail access
    - Educating schools about the relationship between youth access to alcohol and retail proximity to schools
- Recruiting underage buyers and volunteers to support compliance checks efforts
- Identifying problem areas and establishments to provide additional outreach
- Securing community resources to sustain a consistent compliance checks process

Amplify Results in the Media

Media coverage is critical to shaping social norms about illegal underage access to alcohol. Effective use of the media can amplify and reinforce prevention efforts in your community and change negative beliefs that ignore or accept underage drinking and illegal sales. Media can also help to raise community awareness to increase understanding and support for the implementation of compliance checks. Local reporters (TV, radio, print) have a responsibility to cover issues affecting their communities. Our goal as public health advocates is for health issues to be featured prominently, including those that aren't emergencies. This means we must work to shape our messages for the media and build relationships with media outlets to ensure our issues are covered positively. Below are some examples of strategies you can take to ensure the narrative that you want shared is clear, consistent, and accurate.

A. Meet with local editorial boards, reporters, bloggers, and other communication professionals to build trust, share purpose, and engage them in your local prevention efforts
B. Provide accurate and reliable information, including key talking points and takeaways from your compliance checks

C. Encourage community partners and key leadership to submit letters to the editor or opinion pieces to local media outlets highlighting results and raising awareness on compliance checks as an evidence-based prevention strategy
D. Engage with local media through online media sources (Facebook, comments, etc) which help to inform counter-arguments, clear up misinformation, or shape future communication strategies
E. Consider paid media placements or advertising to ensure that the message and information you feel is important is covered in a way that the coalition intended

Educate Key Decision Makers of Results

Advocacy is an important role for community coalitions and volunteers. By providing accurate information and reliable data, leaders in prevention can illustrate the need for resources to support strategies that work, policies that change behavior, and information that helps the general public to understand why they should care about reducing the impact of underage drinking. Most of the time when the word advocacy is used it is in the context of working with those that are elected into a position of power at a local, state, or federal level.

These policymakers are responsible for making decisions affecting alcohol policy in communities across Wisconsin and beyond. It is important to make yourself a credible resource for your elected officials and key leadership who can speak to the impacts that alcohol has on their constituents, as well as the potential solutions that can help educate them on how best to address this issue locally and statewide.

Advocacy examples may include:
A. Hosting an informal legislative meeting to share information about your coalition, your activities, and the data from their constituents
B. Invite incumbent and challengers for office to participate in a community forum on health which will allow you to ask their stance on issues that are important to your efforts
C. Sign them up to receive your newsletters and/or invite them to attend your events to keep them informed of what is happening in their communities

When does advocacy become lobbying? Generally, once a bill, policy, or other legislative action is named or it is implied that you are asking them to take a position one way or another, that is lobbying. If you are concerned that your planned communication or event may cross that line, consult your local legal representative for feedback.

Handling a Contested Citation

This section is a high-level overview of the Wisconsin Court System. In this section, you will learn: how the Wisconsin Court System works; what happens after a person gets a citation from a compliance check; the role of the buyer's testimony in an evidentiary hearing; what happens if someone appeals; and ways you can educate the courts and municipal attorneys and when.

Understanding the Wisconsin Court System

Wisconsin's Court System consists of four types of court: Municipal Courts, Circuit Courts, Court of Appeals, and the Supreme Court.

- **Municipal Courts**[36] hear and rule on ordinance violations only. They do not hear criminal cases, and they do not have juries. Municipalities (cities, villages, and towns) have the authority to

[36] https://www.wicourts.gov/courts/municipal/index.htm

establish municipal courts[37]. Some have their own municipal court, some share one with other municipalities, and some do not have a municipal court. If a municipality does not have its own or a shared municipal court, all its ordinance violations must be heard in circuit court. Circuit court judgments are more expensive for defendants and the municipality has to pay the circuit court a fee for each citation that is heard in circuit court instead of municipal court. About half of all people who come in contact with a Wisconsin Court do so through a municipal court. First offense compliance check violations can be heard in municipal court. Appeals of municipal court decisions are heard in circuit court.

- **Circuit Courts[38]** are Wisconsin's state trial courts and courts of record based in each County. They can hold hearings and trials on all Wisconsin civil and criminal matters, they can have 6 and 12 person jury trials, and they can grant injunctions requiring people to take or stop certain actions. They can hear ordinance violations for municipalities that don't have municipal courts and they can hear ordinance violations on appeal from municipal court decisions.
- The **Court of Appeals[39]** is Wisconsin's intermediate appellate court. It hears appeals from the circuit courts, usually of final judgments and orders. The Court of Appeals has hearings, but does not hold trials. Its main purpose is to correct errors that happened in circuit court.
- The **Wisconsin Supreme Court[40]** is Wisconsin's highest court. It has seven justices and it hears appeals from all Wisconsin Courts, but it only hears a small number of cases a year and gets to decide which cases to take. The usual process[41] is for a case to have been decided by the Court of Appeals before being heard by the Supreme Court, but any party may ask the Supreme Court to bypass the Court of Appeals, or even in a situation of statewide significance ask the Supreme Court to hear it as an original action.

Citations from Compliance Checks

After a person has been observed serving or selling alcohol to the underage buyer, law enforcement can issue a citation to that person or initiate criminal procedure[42]. If it is the server/seller's second offense in 30 months, law enforcement can send the charges to the Office of the District Attorney (DA) and ask the DA to file a criminal complaint. In general, it is only the DA of the County where the crime occurred who files criminal charges.[43] If the DA declines to file a criminal complaint, law enforcement may be able to issue a citation instead. However, a second 1st offense citation, instead of a second offense citation, while perhaps better than nothing, fails to meet the intention of the legislature to have an escalating set of penalties for repeat offenders. It is not within the scope of this manual to go into detail about how criminal charges are handled.

A person who has received a citation for the ordinance violation of serving or selling alcohol to an underage person has several options of how to respond. In court, this person is referred to as the defendant. There are usually two parties in a court action. In the case of a municipal ordinance violation, the parties are the defendant and the municipality. The municipality is represented by the municipal prosecutor. The options available to a defendant on a citation for a municipal ordinance violation are as follows:

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[37] https://www.wicourts.gov/courts/resources/docs/muni.pdf
[38] https://www.wicourts.gov/courts/circuit/index.htm
[39] https://www.wicourts.gov/courts/appeals/index.htm
[40] https://www.wicourts.gov/courts/supreme/about.htm
[41] https://www.wicourts.gov/courts/resources/docs/casesc.pdf
[42] Legislative Reference Bureau: "Criminal Procedure: The Basics" (Jan 2011)
[43] Wis. Stat. §968.02(1)

1. **Pay citation** - once the citation is paid, the defendant is usually found guilty and the payment is accepted. However, the court has an obligation to review the case, and can dismiss the case (requiring a refund to be made) if the court decides that the citation was issued in error (which could happen if the court reviews the police record and decides there was not enough evidence to find the person guilty).
2. **Appear** before the court, either in writing, in person, by telephone, or virtually. At initial appearances, the defendant must choose between the following options:
    1. **Plead guilty** - then the judge will render judgment and if the judge finds the defendant guilty, pass a sentence, which may include ordering a financial penalty, such as a payment of a forfeiture and costs, or may include other components such as education or community service. Under some circumstances, the judge may either dismiss the citation or amend the citation to a different violation.
    2. **Plead no contest** - then the judge will render judgment and if the judge finds the defendant guilty, pass a sentence, which may include ordering a financial penalty, such as a payment of a forfeiture and costs, or may include other components such as education or community service. Under some circumstances, the judge may either dismiss the citation or amend the citation to a different violation.
    3. **Plead not guilty** - then the court will schedule a pre-trial conference with the municipality's attorney, a.k.a. the municipal prosecutor. At the pre-trial conference, the parties might reach a plea agreement. It might be for:
        i. Lower payment
        ii. Required education, such as responsible beverage service (RBS) training
        iii. Community service
        iv. Restorative justice
        v. Amend citation to a different violation
        vi. Dismiss citation

        If the defendant does not plead guilty or no contest, if parties don't agree on an outcome, or if the judge does not approve of the agreement, a trial will be scheduled.
    4. **Request a continuance** - this is a request for more time, essentially a delay of play. In that case the judge gives a date that the defendant will need to appear again, and the same options as above will apply. Most people are allowed at least one continuance for any reason, if they ask. Additional continuances require good reasons, and whether to grant them is at the judge's discretion.
    5. **Default - Fail to Appear** - If the defendant fails to appear in court and fails to pay, then usually the judge will find the defendant guilty by default and issue a judgment and order a penalty.
    6. **Trial.** When the parties cannot agree on the outcome, the defendant is entitled to a trial. For most municipal ordinance violations, that trial will be a bench trial before a municipal judge. For some it will be a bench trial before a circuit court judge.[44]

        In municipal court, the parties don't have any right to discovery (a process by which one side can learn what evidence the other side is planning to use), but they are allowed to

[44] There is an exception for Operating While Under the Influence (OWI), Operating with a Prohibited Alcohol Concentration (PAC), or Operating with a Restricted Substance (ORS), that allows the defendant to request direct removal from municipal court to circuit court for a 6-person jury trial. That exception only applies in extremely limited circumstances and does not apply to compliance checks.

make a motion for discovery upon a showing of cause for that discovery.[45] In civil cases in circuit court, parties frequently engage in the process of discovery, which may include depositions - where each side can question the other's witnesses and make a written record prior to trial. For some trials, buyers may have to participate in discovery as witnesses.

The parties may also submit motions to the court, along with briefs in support of their motions or in response to the other party's motions. The court can hold a hearing and decide on those motions either before or at the time of the trial.

For a civil ordinance violation, the municipality has to prove the case by evidence that is clear, satisfactory and convincing to a degree of reasonable certainty.[46] At trial, each party is given an opportunity to present witnesses and evidence and to question the other party's witnesses and evidence. Each party will also be given an opportunity to make a statement - either an opening statement or a closing statement or both. The buyer is going to be a very important witness for any case that goes to trial.

After both parties have presented their evidence and made their closing statements, the judge will render a judgment and either dismiss the case or find the defendant guilty and render a judgment and pass a sentence. Sometimes the judge will ask for additional steps before rendering judgment, such as requiring written briefs from both parties, or taking time to consider the evidence and rendering the judgment in writing.

Appealing a citation

The appeal process at each level of court is defined by statute and requires a written notice of appeal and payment of fees within the statutorily determined timeframe. The losing party in a municipal court case can appeal the matter to the county's circuit court. Usually the options in an appeal to circuit court are either an appeal on the record, a new trial without a jury, or a new trial with a 6-person jury. The losing party in a circuit court case can appeal the matter to the Court of Appeals. The losing party in a Court of Appeals decision can appeal the matter to the Wisconsin Supreme Court.

DRAFT

[45] Wis. Stat. §800.07

[46] Wis. Stat. §800.08(3) For municipal ordinance violations, the municipality has the burden of proof and "The standard of proof for conviction of any person charged with violation of any municipal ordinance shall be evidence that is clear, is satisfactory, and convinces the judge to a reasonable certainty."

Compliance Check Checklist

Establishing Your Program Checklist

Assemble, establish commitment, and formalize collaboration among key stakeholders

- ☐ Invite Law Enforcement Agencies
- ☐ Invite Health Department(s)
- ☐ Invite Prevention Coalitions or stakeholders
- ☐ Review existing alcohol ordinances and enforcement
- ☐ Sign MOU

Make infrastructure decisions

- ☐ Roles and commitments
- ☐ Funding for staff, purchases, mileage, wages, law enforcement
- ☐ Decide on capacity for number and frequency of checks
- ☐ Consequences (citations)

Compile retailer list for checks

- ☐ Compile list of license holders
- ☐ Define license types to be checks
- ☐ Identify hot spots

Notify Retailers (recommended: 4-6 weeks before checks start)

- ☐ Compile training resources (i.e. ID checking) to share
- ☐ Send notification letters to all licensed establishments

Arrange underage buyers

- ☐ Establish incentives, stipends, or employment options
- ☐ Contact potential partners serving 18-20 young people
- ☐ Create a secure list to manage potential underage buyers
- ☐ Setup referral network
- ☐ Interview (check IDs) to screen potential buyers
- ☐ Conduct background checks
- ☐ Receive completed forms from all buyers

Arrange officers (plainclothes and uniformed)

- ☐ Determine available officers for each jurisdiction
- ☐ Identify shift times vs. overtime hours
- ☐ Do not use plainclothes officers in their own jurisdictions
- ☐ Ask law enforcement agencies to draft/sign compliance check authorization letter

Contact municipal prosecutors and judges

- ☐ Educate proactively about the compliance check program's protocol and their role

Choose data collection goals and methods

- ☐ Sign up for Wisconsin Alcohol Inspector for data collection
- ☐ Setup accounts for any data entry
- ☐ Add all retailer and inspector data
- ☐ Identify any data fields you'd like to collect beyond the template form

Pre-Check Checklist

Gather paperwork, tracking tools, and supplies

- ☐ Complete required buyer paperwork
  - ☐ Underage Buyer Consent Form
  - ☐ Hold Harmless Release Form
  - ☐ Emergency Contact information
  - ☐ Law Enforcement Agency makes copy of Buyer's ID
- ☐ Log sheets (time and mileage)
- ☐ Printed online forms
  - ☐ Clipboard, pens, envelope for completed form
- ☐ Inspector App Device (if applicable)
  - ☐ Tablet cell phone
  - ☐ Car charger
  - ☐ Wi-Fi hotspot backup
- ☐ Retailer incentives (if applicable)
  - ☐ Incentive tracking form

Secure payment method(s)

- ☐ Follow protocol to document use of petty cash
- ☐ Consideration of non-personal debit/credit card
- ☐ Note: Identify how transactions will be tracked, receipts may not be available

Train underage buyer(s)

- ☐ Introduce process, procedures, and scenarios
- ☐ Answer questions, concerns, and collect paperwork
- ☐ Note: Stress that their safety is your main concern, document non-checks accordingly

Develop route or area to be completed on day of checks

- ☐ Determine who is responsible for this - officers or staff coordinating the checks
- ☐ Verify the route covers a variety of establishments and takes into account factors such as hours of operation
- ☐ Note: If the route is determined electronically, consider bringing a printed map and/or establishment list.

Confirm team members participation

- ☐ Underage buyer(s) based on location, number, and availability for checks
- ☐ Officer(s) based on location, number, and availability for checks
- ☐ Other adults and/or supervisors that will be present (if applicable)
- ☐ Note: It is not recommended to transport non-team members to ensure validity of checks

Day-of Checklist

Ensure proper documentation

- ☐ Check that you have all youth forms completed

- ☐ Underage Buyer Consent Form
- ☐ Hold Harmless Release Form
- ☐ Emergency Contact information
- ☐ Law Enforcement has copy of Buyer's ID
- ☐ Check that each underage buyer has government issued ID

Prepare underage buyers

- ☐ Take and date a photo of the underage buyers at the time of check
- ☐ Conduct a primary breath test (PBT) of buyer(s) with officer(s)

Conduct Team Prep Meeting

- ☐ Share team expectations and concerns
- ☐ Establish communication approach for the team
- ☐ Discuss contingency plans
- ☐ Review inspection forms and data to be gathered by buyers
- ☐ If necessary, role play scenarios that may be encountered

Conduct Checks

- ☐ Distribute cash to buyer
- ☐ Buyer(s) enter retailer and makes purchase attempt
- ☐ Plainclothes officer enters retailer (if applicable)
- ☐ Buyer(s) and officer witness server's sale or refusal
- ☐ Buyer does not consume alcohol and exists
- ☐ Uniformed officer(s) are notified of sale to execute enforcement actions - either issuing citations or filing charges with the district attorney's office
- ☐ Complete inspection form including all data from check
- ☐ Move on to next location

Post Check/Wrap Up

- ☐ Conduct a secondary PBT of buyer(s) with officer(s)
- ☐ Collect and document remaining cash
- ☐ Collect and document purchased item(s)
- ☐ Request feedback from team on improvements
- ☐ Compile and review all inspection forms
- ☐ Document any enforcement actions (warnings and/or citations)
- ☐ Complete team time and mileage logs

Post-Check Follow Up Check-List

Analyze compliance check data

- ☐ Add all data to Wisconsin Alcohol Inspector
- ☐ Determine list of sales and the sales rates for the round
- ☐ Create a results summary for dissemination
- ☐ Break down results by county and municipalities if applicable

Follow-up with law enforcement to learn the outcomes of any law enforcement actions

- ☐ Determine how many citations were issued and to whom, and how many charges were referred to the district attorney's office
- ☐ Follow-up to learn how many citations or charges are paid, defaulted, or contested
- ☐ Track contested cases, and keep underage buyers aware of cases where they may be needed to testify as witnesses
- ☐ Create a list of final status of contested cases

Send individual follow-up letters to each establishment

- ☐ Send Fail letters (with consequences if applicable)
- ☐ Send Pass Letters (with incentive if applicable)
- ☐ Follow-up with failed businesses to offer resources or training

Notify collaborators of results

- ☐ Send results summary to law enforcement, health department, municipal partners
- ☐ Communicate results to your coalition

Conduct community outreach

- ☐ Write media release with results
- ☐ Pitch to media outlets (TV, radio, print)
- ☐ Outreach to retail associations with any relevant trends or issues
- ☐ Create social media graphics (if applicable)
- ☐ Communicate results to key local and state policymakers

Disclaimer: This "Underage Buyer Consent Form" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header.

Underage Buyer Consent Form

Name _____ Date of Birth _____

Participant Instructions: Carefully read the content 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 agree to assist the Law Enforcement Agency with alcohol age compliance checks on the following dates:
_____

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 alcohol sales violations unless I am under the direct supervision of a law enforcement officer.

I understand that specific information about the 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 compliance checks. I understand that if I violate any laws that I may be responsible for those violations.

I agree to relinquish all alcohol products purchased as the result of these compliance checks and to return any change and all unused money to an officer participating in the checks. I understand and agree not to consume any of the alcohol that I purchase during the compliance checks.

I understand that the objective of compliance checks is to test compliance with the law. A successful compliance check is one where the seller 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. I will not coerce the clerk, wait staff, or bartender into selling alcohol to me.

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

In the event of an emergency, a law enforcement officer should contact:
1. Name _____ Relationship _____
Address _____
Email _____
Telephone number _____ ____
2. Name _____ Relationship _____
Address _____
Email _____
Telephone number _____

I have participated in training and I agree to adhere to the protocol explained in that training.
Buyer's Name (print) _____
Buyer's Signature _____Date_____
Witness Name (print) _____
Witness Signature _____Date_____

Disclaimer: This "Emergency Contact Form" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header.

Emergency Contact Form

Underage Buyer _____

In the event of an emergency, a law enforcement officer should contact:
1. Name _____ Relationship _____
Address _____
Email _____
Telephone number _____

2. Name _____ Relationship _____
Address _____
Email _____
Telephone number _____

Disclaimer: This "Hold Harmless Release Form" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header.

Hold Harmless Release Form

The undersigned, hereby indemnifies and holds harmless _____ and it's servants, agents, and employees, specifically including any and all law enforcement officers or personnel involved with the supervision and control of _____, from claims of any kind whatsoever or of any nature for injury to the person or damage to the property of, his/her spouse, siblings, children or heirs. This indemnity and hold harmless agreement shall be considered a complete and total waiver of any and all liability on the part of _____ its servants, agents, or employees, and particularly the police officers engaged in the supervision and control as set forth herein above.

Date: _____

Signed: _____

Inspection Form

Underage Buyer
Underage Observer
Plainclothes Officer
Uniformed Officer
Staff or Volunteer (21+)
Retailer
License Type
Date/Time
Municipality
Inspected YES NO

Sold YES NO

If NO:
Non-inspection reason

If YES:
Product Type
Product Brand
Product Quantity
Sale By
Product Location
Seller/Server Name
Seller/Server Apparent Gender (Male / Female / Non-binary)
Seller/Server Age
Seller/Server Role (Bartender / Waiter / Server / Cashier / Other)
Seller/Server Visual Description

ID Checked YES NO
No Sale Sign YES NO

Citation Given YES NO UNKNOWN
Clerk Citation Amount

Additional Information

Disclaimer: This "Media Release" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header.

For Immediate Release: Today's Date
Contact: Contact Name, Contact Phone

Local Retailers Caught Selling Alcohol Illegally to Minors

(**Municipality or County, Wisconsin) –** The Coalition/Health Department Name in partnership with Law Enforcement Agency conducted a round of compliance checks on Date at licensed alcohol retailers across Municipality or County. Of Y checks completed, X retailers sold illegally to underage buyers.

[Add compliance data including any insights or trends]

Wisconsin law prohibits the sale of alcohol to anyone under the age of 21. Selling illegally to minors can result in up to a $500 financial forfeiture for first offenders, with increasing fines and jail time or alcohol license suspension for repeat offenders.

"We applaud so many of our retailers who take their responsibility seriously and refuse illegal sales to minors." said Law Enforcement Contact Name. "By enforcing our local alcohol laws, we're keeping our community and kids safe."

The goal of the compliance check program is to encourage compliance with state and local alcohol laws. Research shows that conducting compliance checks at least twice per year over the course of multiple years can reduce illegal sales to young people. Retailers can use free and easy education available through the Department of Revenue to train their employees to check IDs and not sell to minors.

"We need everyone's help to confront the negative impacts of alcohol in our community." said Health Department Contact Name. "Responsible retailers who join us in preventing underage drinking are making our neighborhoods healthier places to grow up."

Wisconsin's underage drinking rates are higher than the national average. Alcohol consumption results in preventable deaths including motor vehicle crashes, violence, suicide, and alcohol poisoning. [Insert local data.]

"Alcohol is a serious safety and public health issue requiring strong policy and enforcement.," said Coalition Partner Contact Name. "Beyond compliance with existing law, we also need to [Insert Community Next Step]"

For more information about compliance checks, contact Coalition Name, Contact Phone

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Disclaimer: This "Municipality Results Letter" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header. The audience for this letter is any municipal officer including mayor, president, councilor, alter trustee, committee chair, executive, administrator, or clerk.

Municipal Officer

Municipal Address

Today's Date

Dear Municipal Officer:

On Inspected Date a collaboration between Organization Names conducted a round of alcohol age compliance checks to monitor compliance with retail alcohol sales laws in our county. We issued notification letters advising retailers that compliance checks would soon be occurring and encouraging them to review alcohol sales law compliance with their employees, including proper reading of age identification.

During these compliance checks, underage buyers under the supervision of law enforcement personnel attempted to purchase alcoholic beverages at license holders in your municipality. Below is a comprehensive summary of the results: Compliance Data

Both locally and nationally, underage drinking is a serious problem. Working together, we can prevent the sale and distribution of alcoholic beverages to underage youth and help avoid the problems that come with underage drinking. Multiple studies over decades show a decline in drinking and driving crashes for drivers under 21 when regular compliance checks are conducted at least twice a year. Underage drinking in Wisconsin can also lead to substantial harm from serious and fatal injuries, violent crime, property crime, and sexual assaults.

Alcohol licenses are a privilege with very specific responsibilities attached for both liquor license holders and the municipal officials who grant the licenses. We ask that you review and consider the above alcohol age compliance check data during your annual liquor license renewal process.

If you would like to discuss the data, the compliance protocol, or how we can partner to reduce underage drinking, please be in contact.

Sincerely,

Signature

Coalition Name

This "Retailer Fail Letter" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header.

Retailer Name
Retailer Address

Today's Date

Dear Retailer Name:

On Inspected Date at Inspected Time, an inspection team led by the Law Enforcement Agency visited your site for an alcohol age compliance check. Our underage buyer, aged Youth Purchaser Age, entered your establishment and attempted to purchase an alcoholic beverage.

Regrettably, one of your employees served alcohol to our underage buyer. As a reminder, Wisconsin State Law permits up to a $500 financial forfeiture for the clerk, server, or retailer for first time sales of alcohol to youth or adults under 21 who are not accompanied by their parent, guardian, or spouse of legal drinking age, with increasing fines and jail time or alcohol license suspension for repeat offenders. You may wish to take further steps to make sure your employees do not sell alcohol illegally to underage individuals.

Reducing the number of illegal alcohol sales has a number of benefits for Wisconsin. Multiple studies over decades show a decline in drinking and driving crashes for drivers under 21 when regular compliance checks are conducted at least twice a year. (Babor, T., *Alcohol, No Ordinary Commodity*, Third Edition, 2023) Underage drinking in Wisconsin can also lead to substantial harm from serious and fatal injuries, violent crime, property crime, and sexual assaults.

Thank you for being a community leader and following the Wisconsin State Law.

Sincerely,

Signature

Coalition Name

Disclaimer: This "Law Enforcement Authorization Letter" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header.

To Whom It May Concern,

This letter is to inform you that the holder, Buyer's Name, is assisting the Law Enforcement Agency to conduct alcohol age compliance checks in Municipality or County. This project is authorized by Wisconsin Statute State 125.07(4). The individual presenting this letter is authorized to attempt to purchase alcohol as an underage buyer as part of an effort to determine compliance and therefore Wisconsin Statute 125.07(4)(bg) temporarily exempts them from underage purchase and possession laws.

If you have any questions regarding the compliance check program, please contact Contact Information.

Thank you for your cooperation.

Sincerely,

Signature

Police Chief or Sheriff

Law Enforcement Agency

This "Retailer Notification Letter" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header.

Retailer Name

Retailer Address

Today's Date

Dear Retailer Name:

The Law Enforcement Agency plans to continue to conduct alcohol age compliance checks to enforce alcohol sales laws in Municipality / County. We believe helping your establishment avoid alcohol law violations, such as selling alcohol to underage people, will help avoid the problems caused by underage drinking. It is less expensive and easier to prevent underage access to alcohol than to investigate motor vehicle crashes, fights, and other crimes that underage drinking can cause. Communities that have reduced the availability of alcohol to underage individuals have experienced fewer crashes and crimes.

Underage buyers will enter your business over the next Date Range to attempt to buy alcoholic beverages. Law enforcement officers will be working with these individuals during these checks. Staff who sell alcohol to underage buyers may receive citations for the first offense and those with more than one offense within 30 months may be referred to the district attorney's office for criminal prosecution. Businesses where sales to underage buyers occur more than once in 12 months may be referred to the licensing authority for administrative action.

Reports on compliance check operations are public and the identity of businesses checked and the outcome of each check can be obtained and published by the news media. We want your staff to refuse alcohol sales to our underage buyers. To help, we can offer the following tools to help ensure that your staff know the law:

- The Department of Transportation offers a guide to Wisconsin driver licenses and identification (ID) cards, that can be found at https://wisconsindot.gov/Pages/dmv/license-drvs/how-to-apply/mailed.aspx
- Copies of the Valid ID book (photo examples of proper IDs) can be obtained from most alcohol distributors or from commercial vendors including the Driver's License Guide Company (1-800-227-8827, https://www.driverslicenseguide.com)
- The Department of Revenue has information about Wisconsin's Minimum Legal Drinking Age Law for Retailers, available at Underage Alcohol Questions and Underage Persons - Alcohol Beverage Laws Fact Sheet, and keeps a list of certified Responsible Beverage Server training courses, available at https://www.revenue.wi.gov/Pages/Training/alcSellerServer.aspx

Selling alcohol is a privilege that requires compliance with specific responsibilities in our community. We only ask that you fulfill those responsibilities. This is our request for cooperation in a necessary effort by our community to reduce the availability of alcohol to our youth.

If you would like further information about Wisconsin law or how you can help prevent underage drinking, please contact us at Contact Information.

Sincerely,

Signature

Law Enforcement Agency

Disclaimer: This "Retailer Pass Letter" Template is only intended as an example and not as legal advice. Before using any form, consult with your attorney as to the specific wording for your agency. Modify sections to personalize and add your own logo or header.

Retailer Name
Retailer Address

Today's Date

Dear Retailer Name:

On Inspected Date at Inspected Time, an inspection team led by the Law Enforcement Agency visited your site for an alcohol age compliance check. Our underage buyer, aged Youth Purchaser Age, entered your establishment and attempted to purchase an alcoholic beverage.

Congratulations! We are very pleased to report that your employee did not sell alcohol to our underage participants. By being a positive influence and not selling alcohol to individuals under 21, you and your staff contribute to the health and well-being of our state and community.

Reducing the number of illegal alcohol sales has a number of benefits for Wisconsin. Multiple studies over decades show a decline in drinking and driving crashes for drivers under 21 when regular compliance checks are conducted at least twice a year. (Babor, T., *Alcohol, No Ordinary Commodity*, Third Edition, 2023) Underage drinking in Wisconsin can also lead to substantial harm from serious and fatal injuries, violent crime, property crime, and sexual assaults.

Thank you for being a community leader and following the Wisconsin State Law.

Sincerely,

Signature

Coalition Name