

2007
Youth Access to Alcohol
Compliance Report

Presented to the
Public Safety and Regulatory Services
Committee
July, 2008

Prepared by
Minneapolis Police
License Investigation Unit

INTRODUCTION

In February, 2007, License Investigations changed commanders; Lt. Steven Kincaid replaced Lt. Travis Glampe, becoming the fourth commander in less than two years. At the time of this transition, Lt. Glampe had been doing double duty as Commander and Liquor Inspector, since that position had not been filled subsequent to his promotion. The Liquor Inspector position remained open from July 2006 until June 2007. Also, during this period of transition, Lt. Kincaid retained supervisory responsibility for the Forgery/Fraud Unit in CID until, pursuant to Department reorganization, License Investigations was transferred from the Investigations Bureau to the Patrol Bureau in October, 2007. The last staffing change was the elimination (due to diminished gambling tax revenue) of Sgt. Carpenter's Gambling Inspector position. Until the Liquor Inspector position was filled in mid-June of 2007, this left Sgt. Warnberg to perform the Liquor and Gambling Inspector duties previously handled by three Sergeants.

HISTORY

2007 marked the tenth year of Youth Alcohol Compliance checks conducted by the License Investigation Division (now the License Investigation Unit) of the Minneapolis Police Department. Over this period of time License Investigations has conducted nearly 3100 compliance checks, with an overall success rate of 76%. The number of checks conducted annually has varied from one year to the next, with the low number of 137 checks in 1998, the first year (passing rate, 53%), to a high of 442 checks in 2002 (82% passing rate). During 2007, 229 compliance checks were conducted, with a passing rate of 76%. The graphics on the following pages break down these results by random checks, rechecks and complaints, by license type and ward, and provide a comparison of compliance rates by license types for the last six years.

YOUTH ALCOHOL COMPLIANCE GOALS

The primary goal of the Youth Alcohol Compliance program is to identify establishments licensed by the City of Minneapolis where underage persons are able to purchase alcoholic beverages. Having identified such businesses, we then undertake, in cooperation with License and Consumer Services, corrective measures designed to prevent recurring illegal sales. These corrective measures begin with the issuance of an administrative citation to the licensee and a follow-up letter offering suggestions of how illegal sales may be prevented. License Investigations also refers each case to the City Attorney for the issuance of a criminal complaint charging the seller with providing alcohol to a minor. We also attempt to identify and take appropriate enforcement action against unlicensed events/parties/activities where alcoholic beverages might be sold/provided/available to underage participants. Should these initial measures fail to curtail illegal alcohol sales, additional sanctions may be imposed (subject to ratification by Council), such as additional civil fines, conditions/restrictions on the conduct of the licensee's business, license suspensions and, ultimately, revocation of the business license.

With roughly 700 licensed establishments in the City of Minneapolis, it is not possible to conduct compliance checks at every establishment every year. Our first priority is to conduct re-checks (within 30-60 days) at those establishments that have failed compliance checks by selling alcohol to our underage shoppers. We attempt to conduct compliance checks at any newly licensed businesses within their first six months of operation, and to respond expeditiously to specific complaints of illegal sales. Beyond this, we conduct compliance checks throughout the year at a random sampling of licensed establishments that have not been checked within the last two years, oldest first.

UNDERAGE SHOPPERS

The Liquor Inspector maintains a roster of underage shoppers who are an essential component of the YAC effort. This roster is comprised of approximately 30-40 young adults (18-20 years of age), male and female, of various races and ethnicity. When we conduct a YAC detail, shoppers are instructed to answer truthfully if asked their age or date of birth, and to present their state-issued IDs if requested. They are permitted to dissemble only should they be asked if they are working for the police. Shoppers are directed to dress appropriately for the type of establishments which they will be visiting, but to make no effort to appear older than their true age.

CONDUCTING THE CHECK

Prior to each YAC detail, the MPD Liquor Inspector prepares a list of the licensees to be checked that day, based on the criteria mentioned above, but also taking into account the licensee's days/hours/volume of business and scheduling as many of the checks as possible in close physical proximity to one another to minimize unnecessary travel time/expense. Consideration must also be given to the availability of overtime funds for late-night details, as none of the revenue (\$38,200 in 2007) generated through administrative citations is returned to License Investigations. Most details are of approximately four hours duration, checking eight to ten businesses per detail. The detail generally consists of two sworn License Investigations staff and two underage shoppers.

At on-sale establishments, the shoppers will attempt to purchase a glass or bottle of beer or a glass of wine; at off-sale establishments, they will attempt to purchase a six-pack of beer or an inexpensive bottle of wine. The officers typically enter the establishment shortly after the shoppers and position themselves to observe and, if possible, overhear the attempted purchase. The shoppers will also attempt to secure a digital voice recording of the transaction.

In Violation: If the shoppers are successful in purchasing alcohol, they immediately turn over the alcohol to the officers and leave the business. The officers then secure an evidentiary sample of the alcohol and serve the manager with an administrative citation. The server/seller will be advised that the case will be referred to the Minneapolis City Attorney, requesting that the server/seller be charged with a gross misdemeanor under the appropriate Minnesota Statute and that the server/seller may expect to be notified by mail when charged criminally. If the manager is not present, officers will attempt to make

contact by phone and will leave a copy of the compliance report and administrative citation with the senior employee on duty. The compliance report will specify the nature of the violation and how many violations (if any) occurred during the preceding 24 months, thus establishing the basis for the amount of the administrative fine.

In Compliance: If the establishment asks for our shoppers' ID or otherwise determines their age and refuses the sale, the shoppers leave the establishment. Officers will identify themselves to the seller/manager and congratulate them on passing the compliance check and leave a copy of the compliance report. The Liquor Inspector will send a follow-up letter to the licensee reiterating our appreciation of their contribution to the prevention of youth access to alcohol.

LOOKING FORWARD

Regardless of the yardstick one uses - heightened awareness by liquor retailers and their employees of their responsibility to not sell to minors; increased use and acceptance of server training and performance incentives to insure compliance; use of ID scanners; cost/benefit to the City; or reduced probability of a retailer selling to a minor – the current Minneapolis youth access to alcohol compliance program and penalty matrix are a success.

The challenge for the City in 2008 is to keep the program successful – despite reduced staffing, while continuing to grow the communication and trust with both our industry and advocacy partners. With this goal in mind, staff has undertaken the following modifications for our 2008 Youth Alcohol Compliance program.

Current Compliance Check Program

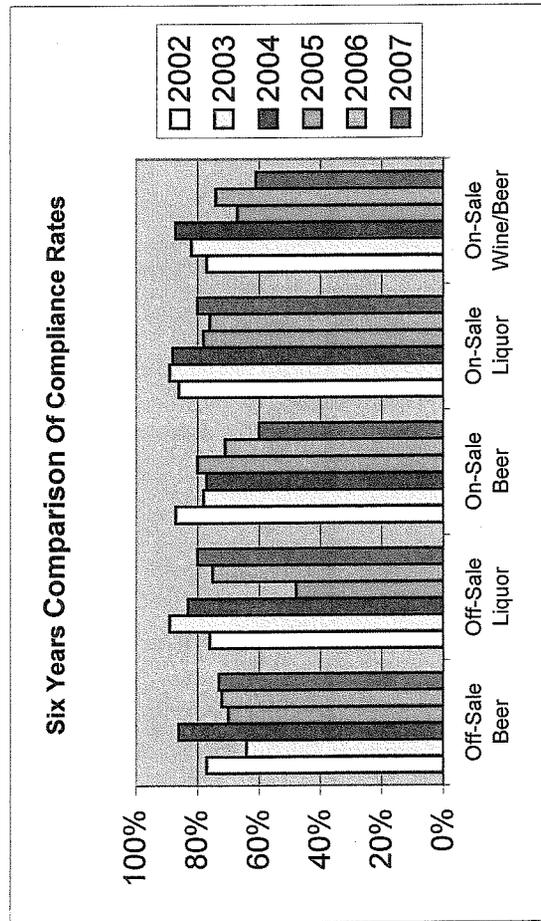
All Retailers are combined in a Single Group

- retailer is checked at least once every two years AND
- A random sample comprising 5% of retailers are checked in their off-year, leaving the possibility open to being shopped every year.

Any retailer that fails a compliance check will be re-checked at least twice in the next 24 months, with the initial re-check occurring within 30 to 60 days. If they pass the re-check, they would be flagged to be checked the following year and, if they continue to pass, every other year thereafter. If they fail, they would be re-checked a second time within 30 to 60 days. If they pass the second re-check, they would be flagged to be checked again the following year. Any retailer failing two or more compliance checks with a 24 month period will be called in for a License Settlement Conference in conjunction with License and Consumer Services, which will review their business practices and may, subject to Council approval, involve the imposition of conditions or restrictions on the operation of the business as well as additional monetary sanctions/cost recovery or, ultimately, license suspension or revocation.

Six Year Comparison: Businesses that refused to sell to minors (passed compliance checks)

	2002	2003	2004	2005	2006	2007
Off-Sale Beer	77%	64%	86%	70%	72%	73%
Off-Sale Liquor	76%	89%	83%	48%	75%	80%
On-Sale Beer	87%	78%	77%	80%	71%	60%
On-Sale Liquor	86%	89%	88%	78%	76%	80%
On-Sale Wine/Beer	77%	82%	87%	67%	74%	61%
All Off-Sale	77%	76%	85%	62%	90%	76%
All On-Sale	85%	87%	87%	75%	81%	75%
Over All Averages	81%	82%	86%	69%	83%	76%



2007 Compliance Checks by Ward & License Type

Ward	On Sale			On Sale			On Sale			Off Sale		
	Liquor	Pct	Wine	Pct	Beer	Pct	Liquor	Pct	Beer	Pct	Liquor	Pct
1	0	0%	2	3%	0	0%	0	0%	2	8%	0	0%
2	8	8%	7	10%	1	17%	3	15%	1	4%	0	0%
3	27	26%	11	15%	0	0%	2	10%	3	11%	0	0%
4	0	0%	2	3%	1	17%	3	15%	1	4%	0	0%
5	6	6%	6	8%	0	0%	2	10%	5	19%	0	0%
6	16	16%	6	8%	0	0%	0	0%	2	8%	0	0%
7	31	29%	7	10%	1	17%	3	15%	1	4%	0	0%
8	2	2%	7	10%	1	17%	0	0%	2	8%	0	0%
9	1	1%	7	10%	0	0%	2	10%	6	23%	0	0%
10	7	7%	2	3%	2	33%	1	5%	1	4%	0	0%
11	3	3%	8	11%	0	0%	2	10%	1	4%	0	0%
12	1	1%	7	10%	0	0%	1	5%	1	4%	0	0%
13	0	0%	1	1%	0	0%	1	5%	0	0%	0	0%
Totals	102	99%	73	102%	6	101%	20	100%	26	101%	0	0%

Total Licenses All Types 227

2007 Alcohol Compliance Random Checks

	Random Compliance Checks Done	Percent of all Compliance Checks	PASS	PERCENT PASS	FAIL	PERCENT FAIL
Off-Sale Beer	17	10%	11	65%	6	35%
Off-Sale Liquor	16	9%	12	75%	4	25%
On-Sale Beer	4	2%	4	100%	0	0%
On-Sale Liquor	80	47%	65	81%	15	19%
On-Sale Wine w/Beer	52	31%	32	62%	20	38%
Temporary Beer	0	0%	0	0%	0	0%
Total	169	100%	124	73%	45	27%
All Off-Sale	33	20%	23	70%	10	30%
All On-Sale	136	80%	101	74%	35	26%
All Temporary Beer	0	0%	0	0%	0	0%
Total*	169	100%	124	73%	45	27%
* Totals do not reflect establishments not open, no longer selling alcohol or in business						
2005 Random Results			73%		27%	

2007 Alcohol Compliance Re-Checks

	Alcohol Compliance Re-Checks Done	Percent of all Compliance Re-Checks	PASS	PERCENT PASS	FAIL	PERCENT FAIL
Off-Sale Beer	7	14%	7	100%	0	0%
Off-Sale Liquor	3	6%	3	100%	0	0%
On-Sale Liquor	21	41%	18	86%	3	14%
On-Sale Wine w/Beer	19	37%	17	89%	2	11%
On-Sale Beer	1	2%	0	0%	1	100%
Total	51	100%	45	88%	6	12%
All Off-Sale	10	20%	10	100%	0	0%
All On-Sale	41	80%	35	85%	6	15%
Totals*	51	100%	45	88%	6	12%
* Totals do not reflect establishments not open, no longer selling alcohol or in business						
2007 Re-check Results			88%		12%	

2007 Combined Random Checks, Rechecks and Checks on Complaint

	Compliance Checks Done	Percent of all Compliance Checks	PASS	PERCENT PASS	FAIL	PERCENT FAIL
Off-Sale Beer	24	11%	18	75%	6	25%
Off-Sale Liquor	19	9%	15	79%	4	21%
On-Sale Beer	5	2%	4	80%	1	20%
On-Sale Liquor	101	46%	83	82%	18	18%
On-Sale Wine w/Beer	71	32%	49	69%	22	31%
All Temporary Beer	0	0%	0	0%	0	0%
Total	220	100%	169	77%	51	23%
All Off-Sale	43	20%	33	77%	10	23%
All On-Sale	177	80%	136	77%	41	23%
All Temporary Beer	0	0%	0	0%	0	0%
Total*	220	100%	169	77%	51	23%
On-Complaint	9	100%	4	44%	5	56%
Total	229		173		56	
2007 Combined Results			76%		24%	

Minneapolis Police Department
 License Investigation Unit
 350 5th ST. S. Room 1A
 Minneapolis, MN 55415-1314
 (612) 673-3002

_____ Complaint
 _____ Compliance Check
 _____ Re-check

Youth Alcohol Compliance Check Report

S E L L E R I N F O	NAME First Middle Last						Date of Birth	
	Address Apt.#						Home Phone Number ()	
	City State Zip Code						Other Phone Number ()	
	Driver's License or Identification Number		State	Eye Color	Height	Weight	Gender	
B U S I N E S I N F O	Business Name						Business Phone Number ()	
	D. / B. / A.			Business Type				
	Business Address			City		State	Zip Code	
	Owner's Name		Manager's Name			Contact Phone Number ()		
I N C I D E N T	Off - Sale License ____ Liquor ____ Beer		On - Sale License ____ Liquor ____ Beer ____ Wine w/Beer		Asked for ID ____ YES ____ NO		Asked for Age ____ YES ____ NO	
	Case Control Number (CCN)		Date	Time in	Time out	Precinct Number	Ward	
	Officer's Name		Badge	Officer's Name		Badge	Squad	

A compliance check for the sale of alcoholic beverages to an underage person was conducted at the above location on the date and time indicated. The Licensee was found to be:

_____ IN COMPLIANCE— CONGRATULATIONS!! KEEP UP THE GOOD WORK

_____ NOT IN COMPLIANCE — Your business was in violation of the State of Minnesota Liquor Rules and Statutes, Chapter 340A.503 Subdivision 2, which relates to the sale, barter, furnishing or giving of alcoholic beverages to persons under the age of twenty-one (21) years.

Our records indicate that this is your _____ Violation within the past 24 months. An Administrative Citation will be issued to your business. Instructions for the payment of the fine are listed on the back of the administrative citation.

If our records indicate that this is a third or more violation within the past 24 months, you will be notified by mail of the date, time and location to appear before the City Council where actions against your license will be considered.

ADMINISTRATIVE CITATION

This citation charges you with a violation of Minneapolis City Code of Ordinances.
For information on how to respond to this citation, see the reverse side of this form.

City of Minneapolis
Police Department
350 South 5th Street, Room 1A, City Hall
Minneapolis, MN 55415-1319
(612) 673-3002

CCN # _____

Violator Information			
Name (last, first, middle)			
Street Address, City, State, ZipCode			
Drivers License Number			State
Date of Birth (mo/day/year)	Sex Male <input type="checkbox"/> Female <input type="checkbox"/>	Phone number	
Business/Organization Information (if applicable)			
Name of Business			
Address of Business			
Circle one: Owner/Licensee Property Owner Manager Other(explain)			
Violation Information			
Violation date	Violation time AM <input type="checkbox"/> PM <input type="checkbox"/>	Repeat Violation <input type="checkbox"/>	Continuing Violation <input type="checkbox"/>
Address of Violation			
Ordinance Number		Fine Amount	
Description			
Officer	Badge Number	Phone Number	
Comments			

Warning – Failure to respond to this citation within twenty (20) days will result in increased penalties and fees assessed.

Served: In Person By Mail Certified Mail

White – Department Copy
Pink – Violator's Copy

Canary – Officer's Copy
Goldenrod – Violator's Copy (to be returned with payment or request for appeal)