



# MINOR & SHOULDER TAP STINGS

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Enforcement Division  
Policy Number: LE 1.02.03

## POLICY STATEMENT

The Texas Alcoholic Beverage Commission (TABC) will use minor stings and shoulder tap stings to identify locations and people that sell or provide alcoholic beverages to minors.

The Enforcement Division will recruit minors to participate in minor and shoulder tap stings. CPOs and minors participating in a minor or shoulder tap sting will not make any untrue verbal statements. With the exception of concealing their relationship with the TABC, minors will not deceive, trick, or entice a permittee, licensee, or other person to sell or provide them with an alcoholic beverage.

Additionally, the TABC will make every effort to recruit minors to participate in minor stings who are not residents of or frequent visitors to the operation area in order to avoid a situation in which a permittee, licensee or other person recognizes a minor as a friend, acquaintance, or previous customer.

Above all other interests, CPOs will ensure the safety of minors participating in minor and shoulder tap stings.

## POLICY PURPOSE

The purpose of this policy is to provide a general guide to the execution of minor and shoulder tap stings.

## PROCEDURES

### a. Recruiting Minors.

1. The CPO must choose minors who:
  - are 18 years of age or younger;
  - appear youthful and have no facial hair;
  - are willing to dress in typical teenage attire consistent with minors in the area; and
  - according to information provided on the *Minor Information Sheet*, have not been convicted of a crime related to alcoholic beverages.
2. If possible, CPOs will locate male or female minors who are not residents of, or frequent visitors to, the operation area. CPOs may establish a "minor pool" to simplify the recruiting process.
3. CPOs will preferably recruit minors who have a valid driver's license or identification card issued by the Department of Public Safety (DPS). CPOs must recruit minors who have a valid driver's license or personal identification card if required by the local prosecutor.

4. CPOs will obtain approval from the captain before recruiting a minor who does not live with his or her parents, custodians or guardians.

**b. Communicating with the Local Prosecutor.**

The supervisor will periodically communicate with the local prosecutor to outline the general procedures of minor and shoulder tap sting operations and discuss any additional guidelines that the local prosecutor wishes to add to the general procedures.

**c. Holding a Parent/Guardian Meeting.**

1. CPOs will arrange a meeting with the parents or guardians of potential minor participants. If possible, the minors should be present as well.
2. CPOs will explain the minor or shoulder tap sting procedures.
3. CPOs will explain that participation in a minor sting may require the minor to be out late and that parents will be notified immediately if a minor will be out later than expected.
4. CPOs will explain the *Parent Authorization* required before a minor may participate in the operation. The *Parent Authorization* form must be signed by the minor and a parent, guardian, or custodian.
5. CPOs will require the minors to complete the *Minor Information Sheet*.
6. CPOs will file the *Parent Authorization* and the *Minor Information Sheet* in a file created for each minor.
7. If the minor is available for further participation, his or her file may be added to the minor pool for use in future stings. A CPO should also note in the minor's file the times at which he or she is available to participate in minor or shoulder tap stings.

**d. Planning the Operation.**

1. A sergeant or supervisor may assign CPOs to carry out minor or shoulder tap sting operations as part of a work plan or as needed.
2. A sergeant or supervisor will choose a lead agent for each operation.
3. The lead agent identifies potential locations, assesses each location to determine whether to include it in the operation, and presents the potential locations to his or her sergeant or supervisor for approval 48 hours prior to the planned operation. The sergeant or supervisor approves, rejects, or modifies the selection of locations.
4. The lead agent determines the route to be traveled. When determining the route the lead agent should consider population, traffic, and geographic area.
5. The lead agent will coordinate the operations and make specific assignments regarding CPO participation and equipment use.
6. The lead agent provides all participating CPOs with the list of locations and the route.

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**e. Preparing the Minor.**

1. The sergeant or supervisor will approve or reject the selected minor. If the sergeant or supervisor approves the minor, he or she will sign the *Minor Information Sheet* to indicate approval.
2. The undercover CPO will set up a meeting with the minor at some time prior to the operation. The CPO will use this time to become familiar with the minor, explain the operation and the specific duties expected of the minor, and answer any questions. The undercover CPO will also explain to the minor what actions to take should a safety concern arise. The undercover CPO will direct the minor to react promptly to any command given by the undercover CPO.
3. A CPO will take a photograph of the minor on each day of the operation, dressed in the manner in which he or she will enter or has entered the location. The CPO attaches the photograph to the case reports and other documents as necessary and files a copy of the photograph in the minor's file.
4. A CPO will ensure that the minor carries valid identification (if any), money provided by CPO, and other items authorized by the CPO.
5. A CPO will describe to the minor the type and amount of alcoholic beverages he or she should purchase. The CPO may also instruct the minor to purchase other items if necessary for the minor to maintain cover.
6. The minor will be transported to and from an agreed upon meeting place by two TABC employees.

**f. Conducting Minor Sting Operations.**

1. The lead agent obtains undercover funds to be used for the minor's purchase(s) and ensures that all necessary equipment is available for the operation. See *Purchase of Evidence*, § 3.00.00 of this manual.
2. If video and/or audio recording equipment is being used, the minor will state his or her name and age, the date, the location he or she is about to enter, and that he or she will attempt to purchase an alcoholic beverage.
3. The minor will enter the location and attempt to purchase an alcoholic beverage.
4. The undercover CPO will stay close enough to the minor at all times to ensure the minor's safety. The undercover CPO will also attempt to be close enough to observe the minor's transaction.
5. If the undercover CPO observes a violation, he or she will describe the subject, including his or her physical appearance and clothing, to the identification team.
6. The undercover CPO will discontinue cover if necessary to ensure the safety of the minor or to assist the identification team if exigent circumstances exist.
7. The identification team will enter the establishment and locate the person whom the undercover CPO has observed committing a violation. The undercover CPO will ensure that the identification team makes contact with the appropriate person. No CPO will claim an inspection during the operation unless they are physically present at the licensed location.

8. A CPO on the identification team will identify himself or herself and explain the reason he or she is speaking with the individual.
9. The CPO will escort the individual to a safe location in order to minimize any disruption to the location, to effectively interview the individual, and to determine what action to take.
10. A CPO on the identification team will locate a representative of the establishment, preferably the permit or license holder or the person in charge of operations. The CPO will explain any action that has been taken or will be taken. The CPO will offer to answer any questions that the representative may have.
11. The identification team will note:
  - the location;
  - the time of sale;
  - the item or items purchased;
  - the price of the purchase; and
  - whether identification was requested and shown.
12. The identification team will determine whether the permittee or licensee meets the requirements for a defense under:
  - Alcoholic Beverage Code § 109.61 (related to driver's license or identification certificate scanners); or
  - Commission Rule § 50.10 (related to seller training).
13. The sergeant or supervisor will periodically conduct ride-along reviews of operations involving minors in order to ensure operations are in compliance with policy guidelines.
14. The sergeant or supervisor will ensure that letters are written to representatives of the locations that were visited during a minor sting operation, but refused to sell to the minor. The letters should notify the permittee or licensee that a minor sting was conducted at their establishment and should applaud them for complying with the law by refusing to sell to a minor.

**g. Conducting Shoulder Tap Sting Operations.**

1. The lead agent will obtain cash to be used for the minor's purchase(s) and will ensure that all necessary equipment is available. The minor will be given a minimal amount of money necessary to make the transaction.
2. If video and/or audio recording equipment is being used, the minor will state his or her name and age, and that he or she intends to approach an individual and ask the individual to purchase an alcoholic beverage on his or her behalf.
3. The minor will:

- approach an individual as directed by a CPO;
  - identify himself or herself as a person under 21 years of age; and
  - ask the individual to buy or provide him or her with an alcoholic beverage.
4. An undercover CPO and/or the identification team will observe the minor and will remain close enough to the minor at all times to ensure the minor's safety.
  5. If the individual agrees to provide the minor with an alcoholic beverage, a CPO will make contact with the subject after the transaction. The CPO will take the appropriate action.
  6. The identification team will note:
    - the location;
    - the time of transaction;
    - the type and amount of alcoholic beverage provided;
    - the amount of money the minor gave the subject.

#### **h. Submitting Reports.**

1. If possible, the lead agent will ensure that any photos or videos are uploaded to the agency computer system.
2. The lead agent will ensure that the following documents are completed:
  - *Purchase of Evidence Expenditure Report*;
  - *Purchased as Evidence*;
  - *Minor's Statement*; and
  - and any other necessary forms or case reports.
3. The lead agent will make a file for each location in which the minor completed a purchase, or will delegate this task to another CPO and ensure its completion. The file must contain all documents related to the purchase.
4. The lead agent will ensure that all evidence is properly marked and submitted to the property officer in the district where the sting operation was conducted. Refer to *Purchase of Evidence*, § 3.00.00 of this manual.
5. CPOs will submit *Offense Reports* and any related forms, reports, photographs, documents or other evidence as required by the local prosecutor.

## **FORMS AND RELATED DOCUMENTS**

*Parent Authorization*  
*Minor Information Sheet*

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*Cash Advance Log, Form 4-34*

*Purchase of Evidence Expenditure Report, Form 4-6*

*Purchased as Evidence, Form 4.3*

*Minor's Statement*

*Purchase of Evidence Policy, Policy LE 3.00.00*

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## **REVISION HISTORY**

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**08-04-09:** A "Policy Purpose" section was added and the purpose statement was moved from the Policy Statement section to the purpose section.

In the "Communicating with the Local Prosecutor" section, the supervisor is solely responsible with meeting with the local prosecutor and can longer designate someone to perform this function.

The policy was changed in the "Planning the Operation" section to state that the CPO will submit the proposed sting locations to his or her supervisor for approval 48 hours prior to the operation.

In the "Preparing the Minor" section, the sergeant or supervisor, not "his or her designees," approves or rejects the minor. Also in this section, the policy requirement of having two TABC employees transport the minor was added.

In the "Conducting Minor Sting Operations" section, it is now policy that no CPO will claim an inspection during the operation unless present at the licensed location. Also the sergeant is now required to conduct periodic, ride-along reviews of sting operations.

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