



COOPERATIVE OPERATIONS

Enforcement Division
Policy Number: LE 1.02.04

Effective Date: 2/1/08

POLICY

Texas Alcoholic Beverage Commission (TABC) will conduct operations in cooperation with permittees or licensees to assist the retailer and foster compliance with the Alcoholic Beverage Code, Commission Rules, and applicable laws.

The Enforcement Division generally conducts two standard forms of cooperative operations—Cops In Shops and Operation Fake Out. Certified peace officers (CPOs) may also conduct shoulder tap stings and other forms of cooperative operations on a licensed premises with the cooperation of the licensed entity.

PROCEDURES

a. Choosing Locations.

1. CPOs will attempt to carry out a cooperative operation at the request of a permittee or licensee as resources allow. The CPO may identify a location that might benefit from a cooperative operation and suggest the operation to the permittee or licensee. Locations that might benefit from a cooperative operation include, but are not limited to, those that have:
 - a large volume of customers under 21 years of age;
 - multiple complaints;
 - ongoing investigations; and
 - violation histories.
2. A CPO will notify the sergeant or supervisor when a permittee or licensee expresses a desire to participate in a cooperative operation. The sergeant or supervisor may choose to coordinate the operation or may delegate this duty to another CPO.
3. The sergeant or supervisor will assign a lead agent and other CPOs to the operation. A CPO will meet with a representative of the location, preferably the permit or license holder or the person in charge of operations. The CPO will describe the program to the representative and answer any questions.
4. If the representative would like to participate in a cooperative operation, the CPO will require the representative to read and complete the *Cooperative Operation Statement of Understanding*.
5. A CPO will explain the following to the representative:

- CPOs will be enforcing all laws at all times and any person who is found violating a law may be charged;
- all employees will act using their own judgment and not at the direction of a CPO;
- CPOs will not assist employees in performing duties related to the sale, service, or delivery of any items; and
- CPOs will never operate any type of cash register or accept money from anyone.

b. Planning the Operation.

1. The lead agent will coordinate the operations and make specific assignments regarding equipment use, CPOs' duties and will identify which CPOs will act in an open or undercover capacity.
2. Prior to commencement of the operation, a CPO will meet with a representative of the location, preferably the person in charge of operations, and ensure that the person understands the operation and wants to participate.
3. The CPO will request that the representative keep information regarding the operation as confidential as possible. Sharing information about cooperative operations with the public may disqualify the location from participation in the operation.

c. Conducting the Operation.

1. The undercover CPO will plan to pose as an employee or customer. An undercover CPO acting as an employee may wear employee attire, if provided by the establishment. The undercover CPO will carry an authorized firearm in a concealed position and any other equipment as directed by the lead agent.
2. The identification team will maintain a position that allows them to be close enough to respond quickly to the needs of the undercover CPO; to ensure his or her safety; and, if possible, to view the undercover CPO's activity.
3. During times when employees are not occupied with job duties, CPOs will consult with employees on detection methods of false identification and answer any questions that they may have.
4. 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.
5. The identification team will make contact with subjects as directed by the undercover CPO. If there are multiple subjects, or if the identification team cannot get to the subjects before they leave the premises, the undercover CPO may discontinue cover to assist the identification team in contacting the subjects.
6. A CPO who makes contact with a subject will identify himself or herself and explain the reason he or she is speaking with the individual.
7. 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.

8. CPOs may continue to observe the area for violations. Prior to leaving the location, a CPO on the identification team will locate a representative of the location, 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.

FORMS

Cooperative Operation Statement of Understanding
