

**Appendix A:
TABC Enforcement Policy and Procedures Manual
Definitions of Terms**

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| Action Plan | An action plan is the general enforcement operations plan created annually by a captain and submitted to enforcement headquarters in August. An action plan lists quantitative goals for the various enforcement operations including unique inspections, minor stings, and other operations and estimates the employee hours required to achieve those goals. |
| Agent | A certified peace officer commissioned by the TABC who works under the direct leadership of a sergeant. |
| Arrest | A person is arrested when he has been actually placed under restraint or taken into custody by an officer or person executing a warrant of arrest, or by an officer or person arresting without a warrant. Texas Code of Criminal Procedure § 15.22 (2006). |
| Assistant Chief of Enforcement | A certified peace officer commissioned by the TABC who serves at enforcement headquarters and acts under the supervision of the chief of enforcement. The assistant chief of enforcement supervises the activities of the two deputy assistant chiefs of enforcement. |
| Automated Complaint Record | A record created in the automated complaint tracking system to track complaints and all the activities related to them. |
| Captain | A certified peace officer commissioned by the TABC who supervises lieutenants, sergeants, agents, and other enforcement division employees located in his or her assigned region. Captains act under the supervision of the deputy assistant chief of enforcement. |
| Certified Peace Officer (CPO) | In this manual, this term refers to a certified peace officer commissioned by the TABC. |
| Chief of Enforcement | A certified peace officer commissioned by the TABC who serves at enforcement headquarters as the director of the enforcement division and a member of executive management. |
| Clearance Sheet | A form used by accounts examiners to ensure that an application packet is complete and to list any errors or problems with the application. |
| Complaint | A statement made to the TABC by any person alleging that a violation of state law has occurred. A complaint may be submitted by an external source, such as a citizen or another law enforcement agency, or from a TABC employee. The TABC will consider both types of submissions to be "complaints." |
| Complainant | A person who alerts the TABC to alleged violations of the Alcoholic Beverage Code and applicable state laws. A |

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| | complainant can be any person, including citizens, members of other law enforcement agencies, legislators, members of city and county government, and employees of the TABC. |
| Complaint Card / Complaint Information | A form used to record complaint information and as a tool for data entry. Sergeants and supervisors may provide agents with copies of complaint cards to assist them in their investigation and to use for recording data in the field. See Complaint Information, Form 4-64. |
| Complaint Investigation | A source investigation, licensing standards investigation, marketing practices investigation, or other investigation. This is the general term for an investigation conducted by the TABC since the agency conducts all investigations in response to complaints. |
| Complaint Log | A log maintained by each office listing current complaints. This log is intended to be a quick reference for CPOs. For an example complaint log, refer to Complaint Log, Form 4-32.1. |
| Confidential Informant | A person chosen by the TABC as an information resource because of the person's criminal record, reputation for involvement or association with individuals in the criminal underworld, or any other position that allows the person to be aware of and report on criminal activity. |
| Cops in Shops | This activity type refers to an undercover operation conducted in cooperation with a retailer of alcoholic beverages on the licensed premises. During the operation, an undercover CPO poses as a customer or employee of the permittee or licensee and observes the location for violations of the Alcoholic Beverage Code and related state laws. This operation especially seeks to enforce laws that prohibit minors from possessing, purchasing, or attempting to purchase alcoholic beverages. This term also includes activities that were formerly called "Cooperative On-Premise Stings" or "C.O.P.S." |
| Custodial Interrogation | Questioning initiated by law enforcement officers after a person is taken into custody or otherwise deprived of his or her freedom in any significant way, thus requiring that the person be advised of his or her constitutional rights. |
| Custodian | The adult with whom a child resides. |
| Detention Facility | A city jail, county jail, or other facility used to detain people who have been accused of a crime. |
| District | A division of a region created to facilitate the administration of agency activities. |
| Enforcement Headquarters | The chief of enforcement, assistant chief of enforcement, and deputy assistant chiefs of enforcement. |
| Exterior Surveillance | This activity type includes the outside observation of a |

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| | specific physical location by one or more peace officers over a prolonged period of time for the purpose of observing violation of the Alcoholic Beverage Code or other related state laws. Exterior surveillances can target either licensed or unlicensed locations. |
| Field Licensing Standards Investigator (FLSI) | A lieutenant, sergeant, or agent who works at a district or outpost office and conducts licensing standards investigations in addition to his or her normal duties. |
| Field Training Officer (FTO) | A certified peace officer chosen by a captain to train agent trainees. An FTO must have completed necessary training and have at least three years of experience as a peace officer commissioned by the TABC. |
| Field Training Supervisor (FTS) | A certified peace officer who supervises field training officers and agent trainees as they participate in the Field Training Program. |
| Firearms Coordinator | A regional captain. |
| Firearms Instructor | A CPO chosen by the regional captain who administers the firearms proficiency course. |
| Firearms Proficiency | Completion of the proficiency course designed by the firearms coordinator with 70% accuracy. |
| Full Open Inspection | A full open inspection may be a unique inspection or may be used as part of an operation or investigation. Open inspections follow the six-step procedure described in this manual. |
| Guardian | The person who, under court order, is the guardian of the person of a child or the public or private agency with whom a child has been placed by a court. |
| Headquarters Licensing Standards Investigator (HQLSI) | An investigator stationed at enforcement headquarters who primarily conducts licensing standards investigations and participates in other investigations as necessary. HQLSI's act under the supervision of a deputy chief of enforcement. |
| Identification Team | The CPO or CPOs that act in an "open" capacity during an undercover operation. The identification team makes contact with the permittee or licensee after a violation occurs to take the necessary action. |
| Illicit Beverage | An alcoholic beverage that fails to conform to any provision of the Alcoholic Beverage Code or is involved in any exchange that violates the Alcoholic Beverage Code. |
| Investigation | The TABC generally classifies investigations into four categories: source investigations, licensing standards investigations, marketing practices investigations, and other investigations. Because all investigations begin in response to a complaint, the four categories of investigations may all be referred to as "complaint investigations." |
| Lead Agent | The CPO who is designated by a sergeant or supervisor |

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| | to plan, coordinate and supervise an enforcement operation. |
| Licensed Premises | The grounds and all buildings, vehicles, and appurtenances pertaining to the grounds of a location for which an alcoholic beverage permit or license has been issued. This includes any adjacent premises if they are directly or indirectly under the control of the same person. Texas Alcoholic Beverage Code § 11.49 (2006). |
| Licensing Standards Investigation | An investigation of whether an applicant for an original or renewal permit or license, or a current license or permit holder, meets the requirements of that permit or license as stated in the Alcoholic Beverage Code and Commission Rules. Refer to Licensing Standards Investigations, § 1.01.03 of this manual, for related policies and procedures. |
| Lieutenant | A certified peace officer commissioned by the TABC who supervises sergeants, agents, and other enforcement division personnel, acting under the supervision of the Captain. |
| Liquor Law Education | Instruction in the Alcoholic Beverage Code and Commission Rules provided by the TABC to other law enforcement agencies upon request. |
| Manager's Awareness Program (MAP) | A two-hour educational program designed for owners and managers of establishments licensed to sell alcoholic beverages. MAP provides information and skills that help managers ensure that employees provide responsible alcohol service. Topics covered in the program include responsible management practices, defenses to administrative action (safe harbor, driver's license scanners), civil liability for a licensed establishment, minors, private clubs, intervention techniques, signs of intoxication, refusing sale, and checking employee certification for seller/server training. TABC personnel teach two versions of MAP—one for on-premises establishments and one for off-premises establishments. |
| Marketing Practices Investigations | An investigation of marketing or advertising violations, improper relationships between members of different tiers, and other marketing practices violations. |
| Master Priority List | A list of all locations currently classified as priority locations. |
| Miscellaneous Equipment | Cameras, portable breath tests, voice recorders, radios, and other equipment to be used during enforcement operations. |
| Minor | A person under 21 years of age. |
| Minor Pool | A list of minors that participate in minor sting operations on a regular basis. The list should show minor's basic information and the dates on which he or she is willing to participate. |
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| Minor Sting | An undercover operation in which CPOs instruct a minor to purchase, or attempt to purchase an alcoholic beverage from a permittee or licensee. |
| Notification Meeting | A meeting arranged by a lieutenant or his or her designee with a representative of a priority one or priority two location for the purpose of notifying the representative that the location has appeared on the priority list. |
| Oleoresin Capsicum (OC) Spray | An inflammatory agent that irritates the eyes to cause immediate closing of the eyes, tears, coughing, pain, and even temporary blindness. |
| Open Violation Check | A six-step inspection conducted in an open (not undercover) capacity at locations identified due to major regulatory or public safety concerns. Unlike the full open inspection, CPOs focus on public safety and/or major regulatory issues during an open violation check rather than the broad spectrum of administrative and criminal violations. |
| Operation Fake Out | An undercover operation conducted in cooperation with a permittee or licensee that sells alcoholic beverages for on or off-premises consumption. The agency uses this operation to enforce laws that prohibit minors from possessing a false or altered driver's license or personal identification certificate. |
| Operational Plan | An operational plan is a plan created to outline the details of a special event executed by enforcement division personnel. |
| Policies | Policies identify the desired result, outcome, or purpose of an activity or situation. They tell <i>what</i> should be accomplished whenever the specified activity or situation is encountered. If the reason for a particular result is not obvious, the policy should inform the affected persons what is desired and also <i>why</i> that result is preferred. |
| Priority List | A list of all the licensed premises on which a public safety violation has occurred during the previous 12 months. The TABC divides these locations into three groups – priority one, priority two, and priority three. The priority one section lists locations that are the highest priority for the agency. Priority two locations represent a slightly less priority than priority one locations. Priority three locations are of a lesser priority than priority one and two locations, but are a greater priority than locations not listed on the priority list. The priority list takes two forms—the master priority list and the priority locations needing inspection report. |
| Priority One Violations | Administrative violations that affect public safety. The commission of one of these violations will cause a location to be listed as priority one on the priority list. Priority one locations are generally visited once every two weeks. |

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| Priority Two Violations | Class A or B misdemeanors committed by the permittee or licensee and felonies committed by any person that affect public safety and are committed on a licensed premises. The commission of one of these violations will cause a location to be listed as priority two on the priority list. Priority two violations are generally visited once each month. |
| Priority Three Violations | Misdemeanors that affect public safety and are committed on a licensed premises usually by someone other than the permittee or licensee. The commission of one of these violations will cause a location to be listed as priority three on the priority list. Priority three locations are generally visited once each quarter. |
| Priority Location | A location permitted or licensed to sell alcoholic beverages that is on the priority list because of a history of public safety violations within the last 12 months. |
| Probable Cause | A reasonable belief that a person has committed a crime. To determine whether probable cause existed, courts ask whether the facts and circumstances within the officer's knowledge are sufficient to make a reasonable person believe that a suspect has committed, is committing, or is about to commit a crime. |
| Procedures | <p>Procedures tell how a policy should be accomplished. Procedures accompany a policy and tell how the desired result should be accomplished under normal circumstances.</p> <p>In some circumstances, the prescribed procedures will not effectively and efficiently accomplish the desired result. In these instances, the good judgment of personnel is essential. Personnel have the discretion to use alternative means to accomplish the specified policy result when required. Personnel should also have a reasonable explanation for resorting to procedures other than those specified. Such actions should be in harmony with the goals of the department and should not conflict with the accomplishment of other policies.</p> |
| Project SAVE (Stop Alcohol Violations Early) | An educational program designed to instruct employees of alcoholic beverage permit and license holders on alcoholic beverage laws and strategies to ensure legal service of alcoholic beverages. The TABC offers different versions of Project SAVE that target the specific concerns of school groups, different types of permit and license holders, and other concerned citizens. |
| Project SAVE (Stop Alcohol Violations Early), Retailer Version | An education program developed and provided by the TABC. The purpose of the program is to prevent illegal alcohol sales and use through public education and awareness. TABC provides training on the risks involved in the sale and service of alcoholic beverages to employees, agents, and servants of the permittee or licensee. |
| Public Safety Violations | Any violation that presents a risk to the public safety of |

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| | the people of Texas. The TABC recognizes violations involving minors, intoxication, drugs, breaches of the peace, and sales or consumption during prohibited hours as risks to public safety. If a CPO issues more than one violation on one occasion, this will only count as one violation for the purpose of the priority list. Such locations will be prioritized according to the highest priority citation issued on that occasion. |
| Region | Geographic areas into which the TABC has divided the state to facilitate the administration of agency activities. |
| Risk-Based Inspections | Inspections conducted by the TABC at locations on which one or more public safety administrative or criminal violations have occurred within the previous 12 months. The TABC inspects such locations to ensure that these locations have begun to comply with the law. Refer to Risk-Based Inspections, § 1.02.01 of this manual. |
| Search | Any intrusion into an area in which a person has a reasonable expectation of privacy. Courts will generally consider a person to have a reasonable expectation of privacy when the person acts as though he or she believes that the area is private and reasonable people would agree that the area is private. |
| Search Warrant | A written order, issued by a magistrate and directed to a peace officer, commanding him to search for any property or thing and to seize the same and bring it before such magistrate. Code of Criminal Procedure Art. 18.01 (2006). |
| Seizure | The act or instance of taking possession of a person or property by legal right or process. |
| Sergeant | A certified peace officer commissioned by the TABC who leads agent work groups. Sergeants act under the direct supervision of a lieutenant. |
| Seven Day Folder | A folder kept in the district office containing paper copies of all notices and citations completed during the previous seven days. The seven-day folder serves as a back up in case of computer failure. The supervising lieutenant is responsible for overseeing the seven day folder and ensuring that documents remain in the folder for only seven days. |
| Shattered Dreams | A two-day educational event that dramatizes community and peer responses to alcohol-related tragedies. |
| Source Investigation | An investigation conducted for the purpose of identifying the source of alcoholic beverages consumed by an individual, or individuals, involved in an incident that results in serious bodily injury, death, or a felonious assault; and determining whether the source of the alcohol violated the Alcoholic Beverage Code. See Alcoholic Beverage Code § 2.02. Refer to § 1.02.02, Source Investigations, for related policies and procedures. |

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| Supervisor | A lieutenant, captain, deputy assistant chief of enforcement, the assistant chief or enforcement, or the chief of enforcement. |
| Task Force Supervisor | The supervisor chosen from the TABC or other agency participating in a task force. |
| Unique Inspection | An inspection completed at a location that has not yet been inspected during the current fiscal year. An inspection that is conducted as part of a larger operation or investigation, such as a risk-based operation or a licensing standards investigation, will also be considered a unique inspection if the location has not yet been inspected during the current fiscal year. |
| Violation | A breach of administrative or criminal law. |
| Work Plan | A work plan schedules enforcement assignments to be completed by agents or other CPOs. Sergeants typically create work plans every two weeks. Work plans vary with regard to the amount of detail they contain. Most work plans assign CPOs to enforcement operations, such as minor stings and risk-based inspections; and some will define specific roles. |