

FACT SHEET: DECOY PROGRAM

Minor Decoy Program

Introduction

The mission of the Department of Alcoholic Beverage Control (ABC) is to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare, and economic well being of the people of the State.

According to the 9th Biennial California Student Survey 2001-02, alcohol remains the most popular substance used by students. The most visible consequences of underage drinking are car crashes. Teen drivers are responsible for a highly disproportionate number of collisions, injuries and deaths. In relation to the number of licensed drivers, young people under age 21 who have been drinking are involved in fatal crashes at twice the rate of adult drivers, according to the National Highway Traffic Safety Administration.

Alcohol is also a factor in many *homicides, suicides and other unintentional injuries* which, along with *car crashes*, are the *four leading causes of death of 15- to 20-year olds*. Studies show that heavy childhood and teen drinking can lead to mild brain damage and increases the likelihood of having alcohol problems throughout adult life. The annual social cost of underage drinking is estimated at \$53 billion.

Alcohol use by minors is influenced by a variety of factors, including availability of alcohol. Research has shown a link between *alcohol availability* and consumption.

Minor decoy programs have been used by local law enforcement in California since about 1987. They have been evaluated and found to be effective.¹ These operations, conducted by law enforcement and/or community groups, can markedly increase the percentage of licensees who comply with the minimum-purchase-age law. In the last five years alone, local law enforcement officers

have visited roughly 4,000-6,000 establishments per year in decoy operations.

Many licensees do not like the idea of decoy programs and refer to them as "sting operations." Despite this, decoy programs are legal and many agencies use them as an ongoing program. On April 7, 1994, the California Supreme Court issued a unanimous decision upholding the use of underage decoys by law enforcement officials.

By statute, minor decoys used by local law enforcement are immune from prosecution, and police agencies must notify licensees of program results. Rule 141, California Code of Regulation, sets forth further decoy program requirements.

Goals

The goals of the Minor Decoy Program are to reduce the number of licensees who sell alcohol to minors and reduce youth access to alcohol.

Program Components

Program components are in Rule 141, California Code of Regulations. The Department of Alcoholic Beverage Control will not file accusations without clear compliance with all requirements of Rule 141. That rule reads as follows:

**California Code of Regulations
Title 4, Division 1
Section 141. Minor Decoy Requirements**

(a) A law enforcement agency may only use a person under the age of 21 years to attempt to purchase alcoholic beverages to apprehend licensees, or employees or agents of licensees who sell alcoholic beverages to minors (persons under the age of 21) and to reduce sales of alcoholic beverages in a fashion that promotes fairness.

(b) The following minimum standards shall apply to actions filed pursuant to Business and Professions Code Section 25658 in which it is alleged that a minor decoy has purchased an alcoholic beverage:

¹ Increased enforcement—specifically compliance checks on retail alcohol outlets—typically cuts rates of sales to minors by at least half (Grube, 1997; Lewis et al., 1996; Preusser et al., 1994; Wagenaar et al., 2000)

(1) At the time of the operation, the decoy shall be less than 20 years of age;

(2) The decoy shall display the appearance which could generally be expected of a person under 21 years of age, under the actual circumstances presented to the seller of alcoholic beverages at the time of the alleged offense.

(3) A decoy shall either carry his or her own identification showing the decoy's correct date of birth or shall carry no identification; a decoy who carries identification shall present it upon request to any seller of alcoholic beverages;

(4) A decoy shall answer truthfully any questions about his or her age;

(5) Following any completed sale, but not later than the time a citation, if any, is issued, the peace officer directing the decoy shall make a reasonable attempt to enter the licensed premises and have the minor decoy who purchased alcoholic beverages make a face-to-face identification of the alleged seller of the alcoholic beverages.

(c) Failure to comply with this rule shall be a defense to any action brought pursuant to Business and Professions Code Section 25658.

minors is illegal. The goal is not to arrest as many people as possible, but to deter licensees from breaking the law in the first place.

In addition to criminal action against the seller, the licensee faces action by ABC. This could result in a fine, suspension, or revocation of the ABC license, depending on the circumstances.

Contact Information

For more information contact your nearest ABC office:

Bakersfield	(661) 395-2731
Eureka	(707) 445-7229
Fresno	(559) 225-6334
Lakewood	(562) 982-1337
Los Angeles/Metro	(213) 833-6043
Monrovia	(626) 256-3241
Oakland	(510) 622-4970
Palm Desert	(760) 324-2027
Redding	(530) 224-4830
Riverside	(951) 782-4400
Sacramento	(916) 419-1319
Salinas	(831) 755-1990
San Diego	(619) 525-4064
San Francisco	(415) 356-6500
San Jose	(408) 277-1200
San Luis Obispo	(805) 543-7183
San Marcos	(760) 471-4237
Santa Ana	(714) 558-4101
Santa Rosa	(707) 576-2165
Stockton	(209) 948-7739
Van Nuys	(818) 901-5017
Ventura	(805) 289-0100

Results and Impact

Results are measured quantitatively by comparing the number of licensees visited versus the number who sold to the decoy.

Statewide Minor Decoy Activity Compliance Report 2002/03 through 2006/07

Fiscal Year	Visits by Local Law Enforcement	Violations (Sales to Decoys)	Violation Rate (%) who sold	Compliance Rate (% who did not sell)
02-03	4,262	860	20.18%	79.82%
03-04	4,301	886	20.60%	79.40%
04-05	6,267	1130	18.03%	81.97%
05-06	8,427	1338	15.88%	84.12%
06-07	6,194	984	15.89%	84.11%

Further quantitative measures include the number of citations issued. If a licensee or employee sells alcohol to the decoy, the seller may receive a citation. If convicted, the person may receive a fine of \$250 and/or 24-32 hours of community service.

Arrests focus the public's attention on the problem and send a warning that selling alcohol to