

Rules and Procedures

Rule 326A

March 20, 2007

Rule 326A - LIQUOR ENFORCEMENT OPERATIONS (“STINGS”)

Sec. 1 GENERAL CONSIDERATIONS: The Boston Police Department recognizes that underage drinking is a nationwide problem that negatively affects young people in particular and the community in general. Alcohol is the number one drug problem among our nation’s youth. Thousands of young people die each year from underage-drinking-related causes (alcohol-related traffic fatalities, homicides, suicides, and other unintentional injuries). The total cost attributable to the consequences of underage drinking is in the billions of dollars each year.

Sec. 2 PURPOSE: One of the ways the Boston Police Department can combat underage drinking is to educate the public through undercover liquor enforcement operations (“stings”) that target establishments providing alcohol to underage youth. The Boston Police Department must conduct all operations with that purpose in mind. Officers must not target specific licensed establishments and, whenever possible, must visit all licensed establishments in the community during the operation.

Sec. 3 PUBLIC NOTICE: Prior to the commencement of any liquor enforcement “sting”, the Boston Police Department must notify the general public through the print media. The officer in charge of the operation must coordinate with the department’s Office of Media Relations to arrange a “notice of intent” for publication in the local newspaper. This notice of intent need only occur once each year.

Sec. 4 UNDERAGE OPERATIVE REQUIREMENTS: Before using any underage individual for the purpose of conducting an undercover liquor enforcement operation, the officer in charge of the operation must ensure that the individual meets certain criteria. He/she shall document the completion of each of these criteria prior to commencing any operation. All underage undercover operatives must:

- Undergo a background check and be found to have no criminal record with any police department.
- Undergo training on the guidelines for conducting underage sting operations and be familiar with these guidelines.
- Be given a release form to sign prior to the operation and the release form must be signed by the underage operative and a Boston Police Officer.
- Be given a breathalyzer before and after each operation.
- Be asked prior to entering an establishment whether he/she is familiar with the establishment or has any prior knowledge of the establishment.
- Not be related to the officer(s) conducting the operation; and
- Not wear any clothing or insignia that indicates that he/she is affiliated with the Boston Police Department.

Sec. 5 UNDERAGE OPERATIVE FILE: The officer in charge of the operation shall ensure the completion of a file that shall contain:

- A photograph of the underage operative taken at the beginning of each operation;
- A breathalyzer result given prior to the operation and upon completion of each operation;
- A signed copy of the guidelines indicating that the underage operative has reviewed the guidelines; and
- A signed release form.

Sec. 6 UNDERAGE OPERATIVE CONDUCT: “Stings” must be conducted fairly and be absent of entrapment. The underage operative will attempt to purchase alcohol after entering the establishment, but he/she must:

- Be in plain view of a Boston police officer when entering and exiting an establishment involved in the sting operation.
 - Look his/her age, not lie about his/her age, and not alter his/her appearance to look older.
 - Not carry any forms of identification.
 - Only carry cash provided by the police department.
 - Not consume or appear to consume any alcoholic beverage.
 - Not engage in any action or conversation in an attempt to induce the sale.
 - Not wear any police clothing or paraphernalia.
 - Leave the establishment immediately if asked for identification.
 - Attempt to purchase the same product from all establishments.
- A. The underage operative will not be put into any unsafe situations and must be instructed to immediately exit the premises if he/she feels the need to do so. While the attempt to purchase the alcoholic beverage is being conducted, the Boston police officer supervising the “sting” will only enter the premises if an unusual situation requires it.
- B. If the underage operative is sold an alcoholic beverage at an “On Premises Establishment,” the underage operative will pay for the beverage and leave the establishment. The beverage will not be moved from the location in which it was served.
- C. If the underage operative is sold an alcoholic beverage at an “Off Premises Establishment,” the underage operative will pay for the beverage and carry it out of the establishment and hand it to the Boston police officer supervising the “sting.”
- D. Upon leaving each establishment, regardless of the outcome, the Boston police officer(s) and the underage operative shall complete a “Licensed Premise Inspection Notice” (Form 1891) which shall act as a “Sting Report” and describes:
- The incident at the licensed premises;
 - Whether an illegal sale was made; and

- Any evidence collected (Any evidence must also be tagged at this time).
- E. If a violation occurs (i.e. an illegal sale of alcohol is made to the underage operative), the Boston police officer supervising the “sting” shall complete a 1.1 Incident Report **in addition** to the “Licensed Premise Inspection Notice.” The 1.1 Incident Report “Key Situation” block shall read “Licensed Premises” and the remainder of the report shall be filled out appropriately.
- F. The Boston police supervisor(s) conducting the operation shall, at the end of the operation, on the same day or night:
- Notify each establishment that made an illegal sale, the results of the “sting” operation; and
 - Upon notifying the establishment of the illegal sale, have the underage operative attempt to identify the employee who made the sale and, if possible, determine his/her name.

Edward F. Davis
Police Commissioner