



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
OPR:10	
EFFECTIVE DATE: 10/05/2015	ORIGINAL ISSUED ON: 12/16/1991
REVISION NO: 4	

SUBJECT: COMPLIANCE OPERATIONS

1.0 PURPOSE

The purpose of this policy is to establish a uniform and consistent manner in which minors are utilized in operations to determine whether businesses are in compliance with state law as it relates to the selling, serving, or delivery of alcoholic beverages or tobacco products to minors.

2.0 POLICY

It is the policy of the Department of Public Safety to conduct operations to ensure businesses comply with state laws prohibiting the sale of alcoholic beverages or tobacco to minors.

3.0 APPLICABILITY

This policy is applicable to all Department of Public Safety commissioned personnel.

4.0 REFERENCES

- A. §60-3A-1 to §60-7B-13, Liquor Control Act, NMSA 1978**
- B. §30-49-1 to §30-49-12, Tobacco Products, NMSA 1978**

5.0 DEFINITIONS

A. Minor –

- 1. For the purposes of this policy, for alcohol operations, "minor" means a person under twenty-one (21) years of age. No minor under eighteen (18) years of age will be used for alcohol operations.
- 2. For the purposes of this policy, for tobacco operations, "minor" means an individual who is less than eighteen (18) years of age. No minor under fifteen (15) years of age will be used for tobacco operations.

6.0 PROCEDURE

A. Responsibilities of Agents and Supervisors

- 1. An Impact Operations Plan will be completed on all compliance operations. Refer to *OPR: 35 Impact Operations* for procedures on the completion and approval of the operations plan.
- 2. Compliance operations in which minors are utilized to purchase or obtain alcoholic beverages or tobacco products are to be approved forty-eight (48) hours in advance of the operation by the director/commander or his/her designee. On a case-by-case basis, the forty-eight (48) hour notification may be waived by the director/commander only.

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3. All minors chosen to participate in an operation will be required to complete *Att. A Protected Source Record*. The parents or guardians of all minors under eighteen (18) years of age are also required to complete *Att. B Parent Consent Form*.
4. All minors chosen to attempt to purchase Alcohol or Tobacco will be approved by the director/commander or his/her designee, prior to participating in any operations.
5. Minors chosen by agents to attempt the purchase of alcoholic beverages or tobacco products should appear to be their age. Minors should not have any facial hair, such as a beard or moustache, or wear excessive make up. Minors will not wear any sunglasses or caps during the operation.
6. The agent will ensure that the minor has not previously and independently purchased alcoholic beverages/tobacco products from any establishment to be approached, and will educate the minor with regards to entrapment prohibitions as well as orientation of operational guidelines and constraints.
7. Minors will not be utilized for alcohol compliance operations if they are younger than eighteen (18) years of age.
8. Minors will not be utilized for tobacco compliance operations if they are younger than fifteen (15) years of age.
9. No minors who are on probation or parole will be utilized. Minors that have any type of criminal history will not be used.
10. A minor will only carry one form of identification on their person at all times during the operation. Only their true governmental identification will be used.
11. Minors will not carry any type of wallet or purse while conducting the operation. The minor will be searched at the beginning and end of each operation to verify compliance. A female minor will only be searched by a female agent.
12. The minor is not permitted to misrepresent his/her age or argue with the licensee or employees over a refused sale. Once the sale or service of alcoholic beverages or tobacco product is refused, the minor will promptly depart the premises.
13. Precautions will be taken to ensure the safety of the minor(s). This may consist of, but not limited to: observation; audio monitoring; and utilization of cover agents.
14. If feasible, a video and/or audio recording should be made of each attempt to purchase alcoholic beverages/tobacco products.

B. Reporting Requirements

1. Upon purchasing or obtaining any alcoholic beverage or tobacco product, the minor must immediately deliver any contraband/evidence to an agent/officer who is working the operation.
2. The minor will personally identify to the agent/officer the seller or individual who delivered the contraband to the minor so that the information for a report can be obtained and any citations or arrests can be made.

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3. The agent will furnish information to the supervisor as soon as practical after the operation is completed.
4. The supervisor will notify the deputy director or director/commander of the same information as required in Section A-4 of this policy and any additional information pertinent to the operation.

7.0 ATTACHMENTS

A. Protected Source Record

B. Parent Consent Form

8.0 APPROVAL

APPROVED BY: s/Gregory J. Fouratt DATE: October 5, 2015
DPS Cabinet Secretary