

MODEL STANDARD OPERATING PROCEDURE

Effective Date: July XX, 2014

SOP #:

Subject: Over Service of Alcohol to a Person on a
Premise Licensed to Sell Beverage Alcohol

Review Date:

References: *[Applicable state statutes and ordinance References making it a civil of criminal offense to sell or otherwise serve alcohol to an intoxicated person on a licensed premise.]*

CALEA References:

Rescinds:

Distribution:

I. OBJECTIVE

To reduce the amount of alcohol related crime in our community and to achieve voluntary compliance by the licensed community through education and by the application of laws and ordinances related to the service of alcohol to patrons. As part of responsible service of alcohol, venues must prevent over service to individuals who are intoxicated, and understand that irresponsible alcohol beverage practices lead to problems both on and off the premises. Officers will conduct Sales to Intoxicated Persons (SIP) enforcement operations to hold licensees accountable for violation of laws that prohibit such sale of alcoholic beverages.

II. PURPOSE

Excessive service and consumption of alcohol on a premise licensed to sell beverage alcohol leads to a wide variety of problems for law enforcement. Some of these problems include, but are not limited to, motor vehicle crashes and fatalities, assaults, alcohol poisoning, disorderly conduct, vandalism and a general degradation of the quality of life in our community. Excessive consumption of alcohol places increased demands on this department and exhausts our limited resources, thereby impeding our ability to protect the lives and property of our citizens.

III. DEFINITIONS

For the purpose of this policy, the following definitions shall guide officers in their interpretation and application of this policy.

- A. "Intoxicated Individual" means an individual whose mental or physical faculties are impaired as a result of drug or alcohol use so as to diminish that person's ability to think and act in a manner in which an ordinary, prudent and

cautious person, in full possession of his faculties and using reasonable care, would act under like circumstances

- B. “Licensed Premise” shall mean the interior portion of a building or other suitable structure and any area approved by the [*state or city licensing authority*] for the sale, service and consumption of alcoholic beverages. [*Depending on state or jurisdictional law*] The licensed premise shall include any curtilage under the direct or indirect control of the licensee.
- C. “Licensed Community” means those businesses that hold a license or permit to sell alcohol beverages as authorized under state statute or local ordinance.

IV. PROCEDURE

- A. It shall be the policy of this department to proactively engage the licensed community on the enforcement of all laws and ordinances related to the service of alcohol.
- B. Officers of this department shall, during the course of their shift and as circumstances permit, visit businesses engaged in the sales of beverage alcohol in a covert manner for the purpose of evaluating their compliance with all applicable statutes and ordinances related to sale and service or alcohol.
- C. During a visit to a licensed premise, particular attention shall be given to the interior environment of the licensed premise and to the age of the patrons, as well as any observations of patrons who appear intoxicated.
 - 1. Officers shall observe patrons on a licensed premise in an effort to determine whether they appear to be intoxicated. Alcohol affects people differently and officers must be familiar with many of the signs of intoxication that could be present when observing an intoxicated individual. Officers must be able to articulate all relevant facts and circumstances to sustain their suspicion. Some of these observation may include, but not be limited to:
 - Trouble with fine motor skills
 - Slower reaction time
 - Lack of coordination
 - Blurred vision
 - Slurred speech
 - Slow or labored breathing
 - Lack of consciousness
 - Highly emotional behavior
 - Flushed facial appearance
 - Short attention span
 - Loud and boisterous behavior
 - Vomiting

- Dizziness and staggering gait
 - Sleepiness
 - Unable to accurately sense the environment
2. If the officer observes a person(s) who appears to be intoxicated the officer will note if any additional service of alcohol is made to those persons who appear to be intoxicated.
 3. If, after observation, an officer believes a medical emergency exists they should immediately contact dispatch and request EMS support to their location to provide emergency medical assistance to the person in medical distress.
- D.** If an officer has articulable suspicion to believe a patron of a licensed premise is intoxicated, the officer shall investigate all relevant facts and circumstances related to the presence of the patron in the licensed business.
- E.** When the officer has obtained sufficient information to lead the officer to reasonably believe the licensed business knew, or reasonably should have known, the patron was intoxicated when served alcohol they shall seek out the manager on premise and advise the manager of the officer's observations.
- F.** *[Depending on the laws or ordinances of the jurisdiction, public intoxication may not be a civil or criminal offense. A discussion of the applicable "protective custody" statutes or ordinance should be placed here. Place copies of the applicable statute or ordinance in the addendum]*
- G.** Officers shall, whenever possible and with due consideration to officer safety, interview the apparently intoxicated patron and/or other witnesses or companions to determine:
- When the patron arrived at the licensed premise;
 - The amount of alcohol consumed while on the premise;
 - The type of alcohol consumed;
 - Whether alcohol was consumed at another location prior to their arrival at the premise. If so, how much;
 - How the person paid for the alcohol (cash or credit);
 - The identity of the alcohol server;
 - Whether the person is sleep deprived, taking any medication, or suffers from any medical condition that might replicate indications of intoxication.
- H.** If, after interviewing the apparently intoxicated patron, the officer believes the patron to be intoxicated, the officer shall determine whether the patron should be sent to a detoxification center for their own safety or can be released to another responsible party.

- I. Nothing in this policy shall prohibit an officer from bringing criminal charges against the server should the officer have probable cause to believe alcohol was served in violation of state statute or the ordinances of the community. [*Applicable state statute or local ordinance should be included in the addendum portion.*]
- J. The officer shall prepare a police report of the facts and circumstances surrounding the incident under investigation including information obtained under section G above, and a case number shall be issued by the department as a either an arrest or an incident with a referral to the appropriate state or local alcohol licensing authority.

V. SAFETY PROCEDURES

When approaching individuals, officers should:

- 1. Decide who will be the contact officer and who will be the cover officer;
- 2. Have neck or wallet identification badge visible;
- 3. Determine need for other law enforcement assistance;
- 4. Determine an appropriate interview and process area;
- 5. Avoid uncontrollable space;
- 6. Identify interference;
- 7. Identify safe exit strategy, and,
- 8. Document all potential verbal or physical incidents.

When interacting with individuals, officers should:

- 1. Be courteous, civil and respectful;
- 2. Be sensitive to the subjective perception of those that you approach;
- 3. Maintain proper decorum of a professional officer at all times;
- 4. In non-conflict situations, be pleasant and personal;
- 5. In situations calling for regulation and control, be firm and impersonal;
- 6. Maintain an even temperament and verbal tone under varying situations;

7. Refrain from using harsh, violent, coarse, profane, sarcastic or derogatory language that would demean the inherent dignity of any person; and,
8. Maintain a close distance between officers to validate any statements to and by the fellow officer.

VI. FOLLOW UP INVESTIGATION

- A. On the first business day following the event, a representative of the department shall call or visit the licensed premise for the purpose of meeting with the owner, or other corporate officer to discuss the impact of this type of incident on the community and offer the following assistance to the licensee:
 - If the department offers training to licensed businesses within the community, the licensee shall be offered the opportunity to have their employees trained on the laws of the state and/or local ordinances and the issues surrounding appropriate service of alcohol;
 - If the department does not offer licensee training, then provide the licensee with information of training programs offered by the state or local license authority or suggest where the licensee can obtain training from a non-governmental provider.
- B. The department member shall advise the licensee's representative that a report will be submitted to the state and/or local licensing authority for whatever action they deem appropriate. A copy of the police report shall be furnished to the licensee upon their request.

VII. COURT CASE REFERENCES

Include any of the State's SIP relevant court decisions for officer reference.

National Liquor Law Enforcement Association

ADVISORY

This National Liquor Law Enforcement Association sample policy is a generic policy provided to assist your agency in the development of your own policies. This model policy is not endorsed or mandated by the National Highway Traffic Safety Administration. The Chief Law Enforcement Officer is highly encouraged to use and/or modify this model policy in whatever way it would best accomplish the individual mission of the agency. You are encouraged to consult with your department's legal advisor in the adoption process.

ADDENDUM:

Insert law or ordinance that forbids the service of alcohol to an intoxicated person.