



SPECIAL EDITION!

Preventing Impaired Driving through Enforcing Sales to Intoxicated Laws

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Message from the President



Dear Fellow NLLEA Members,

Spring is in the air – may the warm air and sunshine bring better days for all of us! Thanks to those who submitted articles for our special issue, Preventing Impaired Driving through Enforcing Sales to Intoxicated Laws. We hope you find the material gathered here informative and useful in your own travels as liquor law enforcement agents.

I would like to take this opportunity to thank Chuck Conkling for his years of dedication to the NLLEA and for his exemplary service volunteering as Director for the Annual Training Academy. This year's event will be held in St. Louis, MO from May 31st through June 5th. Despite the financial challenges facing many agencies across the nation, we have had significant interest in the Academy this year and look forward to a great week. In addition, special thanks go out to the National Alcohol Beverage Control Association (NABCA) for encouraging their membership to attend the Academy and their willingness to provide scholarships to their members. NABCA

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NLLEA Officers

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President

Ted Mahony
Vice President

Steven Ernst
Secretary/Treasurer

Richard Cologie
Sergeant-at-Arms

Stacy Drakeford
Immediate
Past President

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has been very supportive of enforcement efforts and continues to be a valued partner.

The Executive Board has made increasing NLLEA agency membership one of its primary focuses. Thank you to agency members who have completed the renewal process. In addition, we have invited the primary contacts for each agency membership to reach out to local agencies, including Police Departments, Municipal Departments, and Campus Police with a strong focus on liquor law enforcement to encourage their participation. Our goal is to have enforcement representation from every state and to use this to increase our visibility, strengthen our position on policies, and open opportunities for increased funding. Remember, there is strength in numbers.

Along those lines, my heartfelt appreciation goes out to Vice President Ted Mahony for his exemplary work on the NLLEA National Data Collection effort. He has worked tirelessly with representatives from each of our member agencies to pull together an overwhelming amount of data. This work is still in the preliminary stages and we are continuing to accept data from those agencies who have not participated to date. Currently, 25 agencies have voluntarily provided data and 9 agencies are in the process of getting us that information – thank you to those of you who have participated. The challenge in compiling this information into a report is related to the differences in policies and standard operating procedures from state to state. It is our hope that ultimately this effort will provide the foundation for both the NLLEA and our membership to demonstrate the positive impact that liquor law enforcement has on the safety of our communities. In addition, the consistent and standardized collection of data at

the state or local level increases the chances of maintaining or increasing existing budgets. We will once again be conducting OPERATION SAVE-A-TEEN. We appreciate your participation in this project.

I am pleased to announce that the dates and location for the NLLEA's 23rd Annual Conference have been finalized and will be held in conjunction with OJJDP's National Leadership Conference in Dallas, Texas. The NLLEA Conference will begin on Wednesday, August 12, 2009 with our Opening Ceremonies at 5 p.m. and will conclude with a true Texas style evening banquet on Friday, August 14th. Be sure to check the NLLEA website for hotel reservation information, a preliminary agenda, and registration forms. The registration fees will be \$300 for NLLEA members, \$350 for nonmembers, and \$125 for spouses and/or guests. We hope to see you in Dallas in August!

Katie Carr, who has been assisting with NLLEA, will be working on another project at PIRE and will no longer be working on the NLLEA side. We want to thank Katie for her dedication and hard work that she displayed while working on NLLEA projects. Katie will be greatly missed and we want to wish her well in her new endeavor.

I encourage each and every member to be dedicated, both personally and professionally, to support liquor law enforcement efforts across the nation. The NLLEA is committed to its members and its mission – we are here to serve you and we look forward to hearing from you!

Sincerely,

Charles A. Sumner, President

CONGRATULATIONS! ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★



David Gill retired from the California Alcoholic Beverage Control as Assistant Director for Northern Division following nearly 32 years of law enforcement, 24 with the California ABC.

NLLEA Secretary/Treasurer Steve Ernst will take over the position.

Congratulations, David and Steve!



Sales to Intox

Preventing Sales to the Intoxicated Patron: More than just the COPS!

The Boise Police Department (BPD) created an anonymous reporting program in conjunction with undercover enforcement for reporting over service of alcohol to patrons along with local area crime stoppers. The program focuses on citizens making anonymous calls to the Boise area Crime Stoppers to report over service of alcohol and report violations that they might not normally report.

This program is not just focused on bars. A heavy emphasis is also put on retail establishments and restaurants. For instance, a family might be sitting in a restaurant eating dinner and see what appears to be a “somewhat” drunk person at the table next to them who is served despite showing obvious signs of intoxication. This program encourages citizens to make an anonymous call and let the BPD know about it. Once they make the call, the information is immediately routed to an Officer, who will quickly follow up himself, or forward it to an officer at a local agency who will do the appropriate follow up.



BPD created posters and wallet size cards with the logo and phone number on them and partnered with local convenience store chains and liquor stores to have the posters put up at the entry and exits. The wallet sized cards are passed out to youth and community members in an attempt to get the word out around the community. Media releases are also frequently done when any type of press release goes out from the BPD.

IDAHO LAW STATES:

It is illegal for anyone ...

- *Under 21 to purchase or attempt to purchase, possess or consume alcohol.*
- *To sell or give alcohol to persons under 21.*
- *To sell, deliver or give away alcohol to any apparently, actually or obviously intoxicated person.*

Make the right call — notify Law Enforcement of businesses and residential locations where underage drinking or over-service takes place.

(208) 343-COPS



If further enforcement is needed, undercover Officers are sent to the business to observe sales to intoxicated patrons. On some nights, BPD officers will cite several different businesses for sales to intoxicated patrons. BPD’s influence doesn’t stop there: BPD will then put out a press release so that the information of the enforcement along with the awareness of the problem gets out community-wide. Free training is then offered to the business and all the employees to educate them and reduce future over service violations. ●

Visiting bars a sobering line of work

By David Kesmodel
Source: Wall Street Journal
December 18, 2008

They belly up to the bar with the rest of the crowd but they don't drink. Instead, they keep their eyes on the customers and the bartenders, checking to see who gets served and who should not be.

Investigators for the Massachusetts Alcoholic Beverages Control Commission are paid to catch bar owners and servers while preventing drunken customers from getting behind the wheels of their cars. Their job takes them to the seediest of bars across the state and the fanciest.

Recently, it took them to the South Shore and resulted in one bar in Braintree and another in Randolph being cited for serving alcohol to customers who were already stumbling-drunk.

Undercover investigators went to the Landing Pub on Commercial Street in Braintree and at J.D.'s Pub on Short Street in Randolph late last week, pretending to drink while they watched the scene.

At J.D.'s Pub, they caught a bartender selling two beers to a 41-year-old man they said was obviously drunk. At the Landing Pub, investigators said they saw bartender Lisa Sweeney give a 50-year-old man two shots of a drink called a butterball and bottles of Bud Light and Miller Lite, even though his speech was already slurred, he had stumbled and was unable to walk a straight line to the restroom.

Investigators Errol Flynn and Carolyn Wilichoski said they watched the man give one shot and the Bud to a woman, polish off the other shot and down a beer.

At one point, he walked unsteadily out the front door to the sidewalk, where he stood, a hand on the wall to stop his swaying, trying several times before he could light his cigarette.

When the investigators showed their badges and identified themselves, the man was asked how he was going to get home. He said he didn't know but that his car was parked nearby - but at least he asked for a ride.

Two Braintree police officers were called. They took the man's car keys and drove him home.

Investigators were checking on the Landing Pub because it had been cited in the past for violations. In February, investigators found three 19-year-olds with mixed drinks in the bar. In 2002, they watched a bartender serve two intoxicated men. The bartender admitted to serving about five beers to one and about six to the other, said the liquor commission's chief investigator, Ted Mahony of Marshfield.

Investigators were also in Randolph last Thursday conducting a "last call" operation to see if bars that had been identified as the last establishment to serve alcohol to convicted drunken drivers were over-serving customers.

Massachusetts law requires judges to ask admitted or convicted drunken drivers where they had their last drink before getting arrested. Drivers, however, are not under oath when they answer.

"They may be telling the truth or they may not. We try to keep an open mind," Mahony said. Nevertheless, investigators working undercover visit each of the bars.

"Studies show that 50 percent of people arrested for drunken driving had their last drink at a bar. I think that number could be higher," Mahony said.

Checking these bars accomplishes two things: Some intoxicated individuals are kept off the roads; and bars are put on notice that they will be held responsible for over-serving.

"A lot of these people are repeat drunken drivers who have had their license suspended or revoked, yet are still planning to drive after leaving the establishment," Mahony said.

"We make sure they get home safely, and we ensure the safety of others by keeping them from driving," he said.

"There is also a long-term deterrent effect. Licensed establishments serving alcohol are less apt to serve intoxicated individuals if they know we may visit them any time," he said.

Visiting bars - continued from page 4

Mahony points to a Michigan study that shows enforcing laws intended to discourage over-serving patrons reduced tavern-related drunken driving arrests.

Enforcing serving laws is also estimated to have brought about an overall 11 percent reduction in alcohol-related traffic fatalities, according to the study.

Twelve Massachusetts bars were cited for serving intoxicated individuals in 2003, and 30 patrons were either given safe transportation home or, if they were belligerent, placed in protective custody by local police.

Last year, 15 bars were caught over-serving and 20 people were taken home or put in protective custody.

The Alcoholic Beverages Control Commission sends bars a notice of a hearing within a few days of a violation. Penalties can include license suspension or revocation, or changes in hours of operation.

“Our focus is not to disturb those out for an enjoyable evening or prevent them from having a good time. Our focus is to prevent those obviously intoxicated individuals from being served alcoholic beverages, getting into a vehicle, and either hurting or killing innocent people,” Mahony said. ●

DUI Mobile Command

The New Hampshire Liquor Commission has a new tool to keep the roads safe from drunk and drug-impaired drivers. It's a rolling DUI detector featuring the latest equipment available to law enforcement. In place of bunk beds and other creature comforts of a typical RV, *the DUI Mobile Command Unit* has holding cells, state of the art equipment to test for impaired drivers, and everything needed to run a roadside sobriety checkpoint.



The vehicle was designed to also educate drivers and young people about the consequences of driving under the influence. Liquor Commissioner Chairman Mark Bodi hopes the presence of the DUI Mobile Command Unit in New Hampshire will serve as a deterrent.

“DUI remains a constant threat to the safety of Granite Staters. Our mission is to save lives, but we intend to showcase this technology with the hopes of never needing to use it,” explains Chairman Bodi.

This federally funded enforcement tool will soon be a fixture at police checkpoints statewide. The Command Unit will be available for any community in New Hampshire to use for sobriety checkpoints. It will also visit schools and other public venues to serve as an educational tool about the dangers and repercussions of driving under the influence.

“Our goal is to educate, not incarcerate,” says Peter Thomson, Coordinator of the NH Highway Safety Agency. “We would rather use this vehicle as a reminder for people to make smart decisions about alcohol and driving.”

Thomson secured the federal funds needed to purchase and equip the vehicle. The Liquor Commission's Bureau of Enforcement will maintain and staff the vehicle. The only cost to local communities is to pay for the gas needed to get it to and from a checkpoint location.

Along with helping local police administer field sobriety checkpoints, the NH Bureau of Liquor Enforcement will also provide the unit for alcohol awareness programs, enforcement of underage drinking laws, and any other major incidents or purpose related to the abuse of alcohol.

The Los Angeles Police Department Drunk Decoy Educational Operations

In Los Angeles, a city encompassing 468 square miles, there are 5,967 licensed alcohol establishments. This means that there are 12 establishments *per square mile*. To combat sales to intoxicated patrons, the LAPD vice unit uses two programs: STAR (Standardized Training for Alcohol Retailers) and the Pseudo-Intoxicated Decoy Program.

The STAR education program was developed specifically for retail licensees who request training from a law enforcement perspective. The primary training objective is to educate licensees on alcohol-related responsibilities and current rules and regulations. Secondly, the STAR program encourages voluntary law compliance and reduces ABC-related arrests. To ensure that STAR training is available to all members of the community, presentations are conducted in English, Spanish, Korean, and Cantonese.

The Pseudo-Intoxicated Decoy program is designed to assist servers in better identifying objective symptoms of intoxication. A research project conducted by the University of Minnesota in 1999 formed the basis for this “Drunk Decoy” program. The study, led by Dr. Alex Wagenaar, found that 79% of the tested establishments sold alcoholic beverages to University decoys. That same study also found that sales were 2 times as likely to happen at off-premise establishments and that servers who appeared to be younger than 31 years old were 3 times more likely to sell to intoxicated patrons.

In this program, pseudo-intoxicated decoy officers are sent (after rigorous training to ensure a consistent, obviously intoxicated performance and to ensure their own safety) to on-and off-premise establishments to feign intoxication while attempting to buy alcohol. They do not

drive during the operation, nor are they alone – backup personnel always assist for the officer’s safety – and they refrain from actions that could damage private property (overzealous portrayal of drunkenness leading to falling into a case of liquor and breaking it, for instance). Other operational considerations include supplying the officer with “buy” money and being prepared to provide on-site training information (or at the very least a contact number where the licensee can air their concerns).

If a decoy is served, a detailed explanation is provided to the server (and on-duty manager) regarding methods of identifying intoxicated individuals. The licensee is notified in writing as to the outcome of the decoy operation, including an invitation to attend STAR training (pre-scheduled training approximately four weeks after the date of operation has been shown to allow for sufficient time to mail notification letters and allow for employers to respond in an appropriate manner). This letter is also sent to the local ABC office.

After inspecting 983 Los Angeles licensed ABC locations in 2008, a 60% compliance rate was found for both on- and off-premise establishments (up from 42% in 2001).

Responsible retailers who recognize deficiencies in their server operations because of the Drunk Decoy program are afforded the opportunity to receive additional ABC training via the STAR program; attendance has increased by 63% in the last three years. In August of 2008 an operation involving the inspection of 15 locations in Los Angeles that had previously failed a Drunk Decoy operation *and* had participated in the STAR training program found a 100% compliance rate upon follow-up inspection, proof positive that education is one of the keys to compliance. ●

WSLCB DUI Reduction Plan

In 2002, the Washington State Liquor Control Board (WSLCB) launched their “Driving under the Influence of Alcohol (DUI) Reduction Plan.” The program targeted restaurants and bars that were most often cited as the “place of last drink” on DUI arrest reports and included outreach to and training for retailers, targeted enforcement, and (as needed) corrective actions.

In 2005, WSLCB partnered with the Pacific Institute for Research and Evaluation to assess the impact of the program. Funded by the National Highway Traffic Safety Administration (NHTSA), this demonstration project was designed to review the effects of the program on three outcome measures: retailer willingness to sell alcohol to apparently intoxicated people; blood alcohol concentration (BAC) levels of drivers arrested to DUI; and DUI arrestees naming establishments exposed to the program as their place of last drink.

Twenty sites from Washington state’s northern and southern regions (10 per) were chosen to participate. Pseudo-Intoxicated Patrons (PIPs) were hired to simulate reliable signs of intoxication (decreased alertness, fluctuating pace of speech, gross motor skill problems, poor coordination, etc.) before and after the enforcement intervention. The PIPs entered establishments with a partner (the nonintoxicated “observer”) and attempted to purchase alcohol. After the PIP was either served or refused service, the observer

and PIP would leave and complete data collection forms in a safe location.

The intervention consisted of letters to establishment owners notifying them that the WSLCB had concerns about their retail practices. There was also provision of a DUI education packet to licensees, an offer of free responsible beverage service training, and warning of unannounced premise checks by WSLCB agents and further undercover operations should no progress be noted.

The evaluation produced two promising findings. Firstly, the average number of monthly DUI arrests involving drivers who had been drinking at the intervention sites decreased 36%. Secondly, the average BACs of these DUI drivers also went down from .135 to .127, which is statistically significant.

This suggests that stronger interventions involving enforcement of sales to intoxicated laws and related education outreach programs produce desired reductions in DUIs. Stronger enforcement efforts could include more undercover investigations, which enable agents to observe the servers without their knowledge (and not on supposed “best behavior”), and punitive actions. The full report can be found on the NLLEA website at <http://www.nllea.org/documents/WADemonstrationProjectReport.pdf>. ●

RAVE Supports, Reinforces NightCAP and Safe & Sober

The State of Minnesota Department of Public Safety (DPS) Alcohol & Gambling Enforcement Division (AGED) enforces and maintains the integrity of the alcohol and gambling industries. As part of that ongoing enforcement, the Retail Alcohol Vendor Enforcement (RAVE) began as a pilot program specific to Anoka County in September 2008. RAVE has since been met with such an overwhelming positive response from both the law enforcement and licensed beverage communities that it has expanded to include Dakota, Hennepin, Ramsey, Sherburne, Washington and Wright counties.

The RAVE program focuses on better educating liquor licensees in an effort to stop the service of alcohol to obviously intoxicated persons and reduce the number of al-

cohol-related traffic crashes and DWI arrests. When violations of state liquor statutes are found, enforcement is primarily handled by using a civil administrative process instead of traditional criminal sanctions.

The RAVE program supports the DPS-sponsored NightCAP and Safe & Sober impaired driving enforcement campaigns by making in-person contact with licensed liquor establishments during the enforcement periods. AGED agents advise on the RAVE program and provide educational material which includes posters, coasters, cocktail napkins, and a pamphlet explaining Minnesota’s liquor laws. AGED agents also use the opportunities to specifically answer any questions from liquor license employees, offer server training assistance, and review the Responsi-

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bility of the Licensee and Sales to Obviously Intoxicated Persons statutes.

Additionally, AGED agents attend NightCAP and Safe & Sober briefings at which they request law enforcement officers to notify AGED agents of any DWI arrest where the driver has had an alcohol concentration of 0.16 or more; any DWI arrest involving a property damage or personal injury accident; and/or any alcohol-related arrest or incident involving an underage person, where the arrested person has indicated to have last consumed alcohol at a specific establishment in the NightCAP and/or Safe & Sober area.

Any information provided by law enforcement is not used as evidence of a crime, but rather alerts AGED to potential

establishments where further education may be needed. Agents are generally able to follow up with a specific establishment to provide immediate corrective feedback, and informational letters are mailed to the liquor licensee documenting the contacts. Warning letters and/or administrative civil penalties (as previously mentioned) are issued for violations which are witnessed by officers and are independent of any complaints.

The RAVE initiative, NightCAP and Safe & Sober share the common goals of reducing the number of impaired drivers and lowering the number of alcohol-related traffic crashes and deaths. Please contact Senior Special Agent Scott Stewart at 651-201-7526 or Special Agent Carla Cinotta at 651-201-7534 for further information regarding the RAVE program. ●



Place of Last Drink

Undercover In Worcester

By Joe Shortsleeve
Source: WBZ-TV News
Nov 19, 2008

Across Massachusetts there are dozens of bars that allow drunk drivers to get on our roadways. It's a serious problem, and 1,400 people each year are convicted of drunk driving and they all have to answer one question while standing in a courtroom: Where did you have your last drink?

Local television news station WBZ teamed up with the Massachusetts Alcoholic Beverage Control Commission to document and undercover sting operation in November of 2008. It was midnight on a Friday night and the bars in downtown Worcester were overflowing. Blending into the crowds moving from bar to bar were investigators looking for bars and bartenders breaking the law by serving drinks to drunks.

Ted Mahony is an investigator with the State's Alcoholic Beverage Control Commission. "This isn't about people who



are out for a good time and perhaps having had an extra glass of wine....this about staggering fall-down drunks."

The undercover camera team captured a guy so drunk he was nodding off at the White Eagle Bar in Worcester. Yet he was still being served beer. His car was parked outside. Luckily, alcohol investigators stepped in and as the camera rolled, Worcester Police put him in a cab. The White Eagle was charged with three violations of the state's liquor law. A bar manager told WBZ on the phone he was unaware of any violations.

The goal of undercover sting operations, like the one in Worcester, is clear. Keep the drunks from getting into their cars and killing or injuring someone and at the same time, hold the bars responsible.

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Undercover In Worcester - continued from page 8

Laurie Clifford of Quincy lost her right arm in a crash caused by a drunk driver. Last fall, the 99 Restaurant in North Andover was ordered to pay Clifford \$5 million. Jurors found bartenders at the 99 served the drunk driver about 10 beers shortly before the crash.

Clifford says with regards to the bartenders “they just see the beginning of it. They don’t see someone like me and what I have going through for the past five years.”

State Treasurer Tim Cahill oversees enforcement of the state’s liquor laws. “We can put them on a list of the bars with the worst records, which is sort of a public shaming. We can take away their license which is the most extreme form of punishment. We can fine them.”

But that is not enough for Laurie Clifford. Her life has been changed forever. She hopes bar owners get the message before someone else gets hurt. “It’s sad ...but they need to take control of it. They need to be accountable for every person that they over-serve because these people ultimately end up in the parking lot and then on the roadways.”

Every time a convicted drunk driver names a bar as their last stop that particular bar gets a letter from the court. Technically, that is not a violation of the state liquor laws. ABCC investigators have to actually witness someone being “over served” before it is a violation. ●

Ventura County’s Place of Last Drink Survey

Since 2001, the Ventura County Behavioral Health Department’s Alcohol and Drug Prevention Division has obtained an average of 180 Place of Last Drink (POLD) Surveys each month from participants in the County’s Drinking Driver Program. Drinking Driver Program participants are adults aged 18 and older who have been arrested and convicted of a Driving Under the Influence (DUI) or impaired-driving offense. During their program exit interview, Drinking Driver Program clients are given the opportunity to voluntarily participate in the POLD Survey.

Available in both Spanish and English, the POLD Survey was designed to capture information useful for identifying the places, settings, and circumstances associated with impaired driving. An estimated 90% of all Drinking Driver Program participants complete a POLD Survey.

As part of an ongoing commitment to data-driven planning and evaluation, the Ventura County Behavioral Health Department’s Alcohol and Drug Prevention Division reviews and utilizes Place of Last Drink data to shape prevention activities countywide and measure the impact of their efforts. Selected findings from the POLD database are extracted and summarized periodically for publication.

Persons whose POLD was a bar, club, or restaurant had, on average, a significantly higher BAC at time of arrest compared with those who reported drinking anywhere else prior to arrest. One third of those who were drinking at a bar, club, or restaurant had a BAC twice the legal limit or more. More than one-quarter (26%) reported that their BAC was

between .16 and .23 at time of arrest. An additional 7% had a BAC of .24 or greater.

Those who had been drinking at a bar, club, or restaurant reported consuming fewer numbers of drinks compared with those drinking somewhere else, yet reported higher BACs. Persons whose POLD was a retail alcohol establishment (i.e., bar, club, or restaurant) reported drinking distilled spirits/hard liquor more often.

More than half (55%) of those coming from bars, clubs, or restaurants indicated that they had been drinking mixed drinks or shots compared with 39% of those who had been drinking elsewhere. Alcohol content, serving size, and “heavy pouring” may all contribute to this phenomenon. Females were more likely to have been drinking at a bar, club or restaurant. While males make up the majority of Drinking Driver Program participants, females more often reported that their POLD was a bar, club or restaurant as opposed to any of the other possible “last drink” locations.

Those coming from a bar, club or restaurant were more likely to have a passenger in the car with them. Just under half (45%) had at least one passenger with them at time of arrest, compared with only one-third of those who had been drinking at other locations just prior to arrest.

The typical Drinking Driver Program participant had driven eight miles from where he or she had last been drinking prior to being stopped by law enforcement.

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Ventura County - continued from page 9

A key item on the POLD Survey asks respondents to report where they had consumed their last drink prior to arrest. The two most commonly reported places of last drink among all respondents were in a private residence (45%) or at a bar, club, or restaurant (44%). The remainder reported that they had been drinking elsewhere, such as in a vehicle (3%), at a park or beach (2%), at work (2%), in a hotel room (1%), or “in some other place” (3%), which includes locales such as a golf course.

The Ventura County Behavioral Health Department’s Alcohol and Drug Prevention Division believes that the best so-

lutions to community AOD problems are data-driven and community-involved. As part of their commitment to addressing underage and binge drinking in Ventura County, the Prevention Division launched a community partnership for responsible alcohol policies and practices known as Ventura County Limits which includes community coalitions, elected officials, law enforcement, colleges and universities, youth and young adults.

A full write-up of this program can be found on the web at http://www.venturacountylimits.org/pdfs/vcl_spotlight_pold.pdf. ●



Research Summaries

Sports Stadiums Serve Alcohol to Minors and Intoxicated Fans

Robert Wood Johnson Foundation
August 20, 2008

In a novel study looking at the propensity of illegal alcohol sales at sports stadiums, researchers reported that nearly one in five people posing as underage drinkers and three out of four seemingly intoxicated “fans” were able to buy alcohol at professional sporting events. They also found that location mattered—sales were more likely if the attempt took place in the stadium stands rather than at a concession booth.

“We saw that sporting events can be fertile ground for illegal alcohol sales, and that the seats provide an especially high risk environment at events that every year attract an average of 130 million people,” said lead author Traci Toomey, Ph.D., with the University of Minnesota, School of Public Health.

From September 2005 to November 2006, researchers conducted alcohol purchase attempts with pseudo-underage (i.e., persons age 21 or older who appear under 21) and pseudo-intoxicated (i.e., persons feigning intoxication) individuals to assess the likelihood of illegal sales of alcohol at stadiums that house professional hockey, basketball, base-



ball and football teams. Purchase attempts were made at 16 sport stadiums in five different states.

For pseudo-underage purchase attempts, the researchers hired two men and five women who were 21 years or older, but were judged by a panel to look between 18 and 20 years old. For pseudo-intoxicated attempts, the researchers hired two male and two female actors (all over the age of 30) based on their ability to appear intoxicated. Their authenticity was assessed by a panel of eight to ten people who had worked in the hospitality industry. The actors—who had played similar roles for two prior studies—attempted to purchase alcohol while showing signs of obvious intoxication. In their interactions with sales staff, they dropped their money, repeated questions, and slurred their words.

They found that the overall sales rates to the pseudo-underage and pseudo-intoxicated buyers were 18% and 74%, respectively. For both groups, the odds of being able to buy alcohol from the stands were three times as high as the odds of being able to purchase it from a concession booth.

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Sports Stadiums - continued from page 10

“We know already that there’s a link between alcohol use and problem behaviors among fans,” Toomey said. “But there’s more that sports stadiums can do to prevent sales to people who are clearly drunk. If people are intoxicated, we don’t need them to consume more alcohol.”

Sales to “intoxicated” buyers were also more likely if the seller did not seem to notice the apparent intoxication, and servers in the stands were less likely to notice the intoxication level of the buyers than servers at the concession booths.

In the “underage” group, buyers were almost three times more likely to purchase alcohol if in the stands than at the concession booths. When in the stands, sales increased along with the distance of buyer from seller. Toomey

called the results significant. “Combining thousands of fans with significant alcohol sales could be construed as a recipe for some serious problems, like increased instances of violence and drunk driving,” she said.

In the past few years, there have been several well-publicized alcohol-related problems at professional sporting events in the United States involving drunken behavior of fans and subsequent problems, either during or after stadium sporting events. Several of these incidents have resulted in lawsuits targeting the alcohol vendors for serving alcohol to fans who were obviously intoxicated.

The original press release for this article can be found at <http://www.rwjf.org/pr/product.jsp?id=33773>. ●

Underage Alcohol Use: Where Do Young People Drink?

Underage alcohol use poses important public health and public safety risks. Knowing the locations where this behavior is most likely to occur can help law enforcement determine the best strategies to implement to prevent underage access to alcohol.

The 2006 National Survey on Drug Use and Health (NSDUH) asked past month alcohol users aged 12 to 20 how they obtained the last alcohol they drank and where they were when they consumed it. The NSDUH Report *Underage Alcohol Use: Where Do Young People Drink?* examines age-related changes in the locations where male and female underage drinkers use alcohol. It also examines differences by college enrollment and living situation for those aged 18 to 20. Findings presented are based on 2006 NSDUH data.

In 2006, a majority (53.4%) of current alcohol users aged 12 to 20 drank at someone else’s home the last time they used alcohol, and another 30.3% drank in their own home. This overall pattern of last using alcohol in their own home or at someone else’s home held for drinkers at each age from 13 to 20. More than 60% of drinkers aged 16 or 17 used alcohol in someone else’s home the last time they drank. About 36% or more of drinkers aged 13, 14, and 20 last used alcohol in their own homes. In addition, 10.0% of 13-year-old drinkers last consumed alcohol in public places (such as a park, a beach, or a parking lot).

The percentage of underage alcohol users who had their most recent drink in a car or other vehicle peaked at 10.1%

at age 16. An estimated 15.0% of those aged 20 last drank in a restaurant, bar, or club. Approximately 7 to 10% of alcohol users aged 13 to 17 last drank in public places, with the percentages decreasing to fewer than 4% of drinkers aged 18 to older. In contrast, most recent use of alcohol in a restaurant, bar, or club started to increase at age 18 and was at its highest point at age 20. (See Table).

The proportion of underage current drinkers who consumed their last alcohol in a restaurant, bar, or club gener-

Location of the Most Recent Alcohol Use in the Past Month* among Past Month Alcohol Users Aged 15 to 20, by Gender within Individual Years of Age: 2006**						
Car or Other Vehicle						
Gender	15	16	17	18	19	20
Male	4.9%	7.3%	5.3%	5.4%	4.2%	4.7%
Female	8.0%	12.8%	7.5%	6.1%	5.0%	1.6%
Park, Beach, or Parking Lot						
Gender	15	16	17	18	19	20
Male	5.0%	9.9%	7.5%	3.1%	3.3%	2.8%
Female	10.6%	6.5%	6.7%	3.9%	3.5%	0.9%
Restaurant, Bar, or Club						
Gender	15	16	17	18	19	20
Male	2.8%	4.9%	2.2%	7.3%	10.8%	10.2%
Female	2.9%	3.5%	5.6%	12.2%	18.3%	20.0%

Source: SAMHSA, 2006 NSDUH.

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ally increased with age. Starting at age 17, female drinkers were more likely than their male counterparts to have consumed alcohol in one of these locations. Among 20-year-old current drinkers, 20.0% of females drank in a restaurant, bar, or club the last time they used alcohol compared with 10.2% of males.

Among drinkers aged 18 to 20, those who were living with a parent or similar relative were more likely than those who were not living with a parental relative to have most recently used alcohol in someone else's home (55.4 and 43.1%,

respectively. This pattern was more pronounced for drinkers in this age group who were not full-time college students (54.4% of those living with a parental relative vs. 31.7% of those who were not). However, more than half of underage drinkers who were full-time college students last drank alcohol in someone else's home regardless of whether they were living with a parental relative.

For the full report and citation information, please visit <http://www.oas.samhsa.gov/2k8/location/underage.htm>. ●

California ABC Participates in DUI Checkpoints

The California Alcoholic Beverage Control (ABC) has been awarded a \$625,000 grant from the Office of Traffic Safety through the National Highway Traffic Safety Administration, over the next 2 years to fight drunken driving. A special AVOID grant unit has been set up at the ABC and will serve as the Department's statewide liaison for various DUI enforcement operations held in cities and counties throughout California.

The AVOID campaign deploys officers onto the streets to reduce the death and destruction caused by drinking drivers. The grant will focus on reducing alcohol-related deaths and injuries and raise general public awareness regarding the problems associated with drinking and driving. The grant money will help pay for overtime, training, and equipment allowing ABC officers to help with sobriety checkpoints, DUI saturation patrols, and DUI warrant sweeps.

The AVOID DUI Taskforce program is so-named because their message warns drivers that they can 'avoid' a DUI arrest by driving sober. AVOID taskforces are set up throughout the state so that law enforcement agencies can pool resources, without over-taxing any one agency, and be more effective in their enforcement and education missions.

Each of ABC's 24 district offices and six specialized units will participate in the AVOID grants in their areas. ABC investigators have been participating in Field Sobriety

Training (FST) sessions with an ultimate goal of having approximately 40 ABC sworn personnel complete the training so they can more actively participate in the DUI enforcement operations.

AVOID grant activities will include DUI Enforcement Operations during holiday periods such as Memorial Day, Independence Day, Labor Day weekend, winter holidays, and designated special events with identified DUI problems. Additionally, any information received during the AVOID check points will serve as a tool to help identify if a drunken driver was over-served at an ABC licensed premises. If it is determined that a drunken driver was served too much alcohol at an establishment, ABC officers will conduct undercover operations to detect intoxicated patrons and take the appropriate action in order to help make California's roads, streets, and highways safer.

"Drunk driving is a top priority for law enforcement and we will be there shoulder to shoulder to help our colleagues around the State," said ABC Director Steve Hardy.

"California has worked very hard over the past five years to reverse the trend of increasing alcohol-related traffic fatalities," said OTS Director Christopher J. Murphy. "Through an aggressive combination of sobriety checkpoints, saturation patrols and greater vigilance on the part of the public by calling 911 when they see a drunk driver, we're getting these dangerous drivers off the road and saving lives." ●

Legal Research Explores Sales to Intoxicated Laws

In September 2006, the National Highway Traffic Safety Administration funded the Pacific Institute for Research and Evaluation to conduct legal research on State statutes and regulations that pertain to alcohol sales and/or service to intoxicated persons. The research was to explore the variation in State sales to intoxicated persons (SIP) laws and include examination of case law to assess how statutory language has been interpreted in court cases. The research was also to include a qualitative component that collected data on key issues specific to SIP law enforcement and adjudication practices.

This study began with legal research utilizing Westlaw®, an online tool providing quick, easy access to current and historical statutes and regulations for all 50 States, the District of Columbia, and the Federal government, case law, and law review journal articles. Once statutory/regulatory research was completed, researchers conducted a selective review of State case law using the *Liquor Liability Law* treatise and Westlaw® to identify major cases for each State.

When the legal research was completed, key informant interviews were conducted with law enforcement chiefs from 10 State alcohol beverage control agencies to confirm findings about statutes, regulations, and case law. These ten States included States with strong SIP statutes; States in which case law research findings required more clarification or a law enforcement interpretation; a geographically diverse sample of States; and a combination of license and control States. Based on the results of both the legal research and the key informant interviews, three jurisdictions were selected for more in-depth qualitative research specific to SIP enforcement and adjudication practices. On-site, semi-structured interviews were conducted with officials from the City of Baton Rouge Office of Alcoholic Beverage Control, the California Department of Alcoholic Beverage Control, the Los Angeles Police Department, the New Mexico Division of Special Investigations, and the New Mexico Division of Alcohol and Gaming.

Legal research findings related to six key elements:

1) **Types of Laws** Most States have both criminal and administrative laws prohibiting sales of alcohol to intoxicated persons; only Florida and Nevada have no such laws at the State level. There are important differences between criminal and administrative SIP laws in terms of the standards of evidence required to prove guilt, who may be charged with

a violation, and what types of penalties may be imposed on SIP law violators.

2) **Defendants** Criminal SIP statutes indicate variation among States in terms of who may be cited for alcohol service to intoxicated persons. Twenty-eight States hold that “any person” may be held liable for violation of the criminal statute. Eighteen hold licensees and/or servers liable. Three States impose more narrow restrictions on who may be held criminally liable.

The 48 States with administrative SIP statutes/regulations impose liability on licensees for violations. States with mandatory Responsible Beverage Service (RBS) programs may also impose separate administrative violations applicable to servers. Two States limit the application of their administrative laws to servers if the licensee has trained its staff (Texas) and to licensees with drive-in areas (Wyoming).

3) **Definition of intoxication in statutory language** State statutes use a wide variety of terms for denoting visible (or obvious) intoxication in their SIP laws, and most provide no definition for the term employed; however, court opinions across States are remarkably consistent in their interpretations of these laws.

4) **Prohibited activities** Most States use a variety of terms to denote that any furnishing of alcohol to an intoxicated person is prohibited. At least 16 State laws have an explicit provision that prohibits allowing intoxicated persons to consume alcohol on licensed premises and may also prohibit remaining on the premises or loitering.

5) **Evidentiary requirements** Although there is a great deal of consistency across States in their interpretation State laws defining intoxication, States vary widely in what evidence is required to establish a SIP violation. Many States have multiple statutes that may have differing evidentiary standards, with criminal proceedings likely to have stricter standards than administrative hearings. In most cases, State statutes and regulations provide little or no guidance, leaving it ultimately to the courts to determine the proper standards to be applied.

6) **Penalties** SIP laws can involve two distinct sets of penalties – criminal and administrative – each with distinct penalty provisions. In addition, many States have multiple criminal and administrative provisions, each of which may

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involve differing penalties. Most States do not specify what the penalties are for SIP violations in the SIP statutes and regulations. In these cases, reference must be made to general penalty provisions that apply to multiple offenses. Of the 47 jurisdictions with criminal statutes, 45 appear to permit imprisonment. Fines may be imposed either instead of or in addition to imprisonment, with maximum fines varying widely by State. Only a handful of States have established graduated penalty structures, with relatively more severe penalties imposed for repeat offenses.

Most States give wide latitude to administrative agencies in determining penalties for SIP violations, and only a small number of State statutes and regulations provide limits on the agency's discretion or mandate structured punishments. Eleven States have established tiered or graduated penalty schedules providing harsher administrative penalties for repeat offenses.

The single most notable finding from the qualitative enforcement research is that SIP enforcement is relatively rare. Lack of enforcement appears to be due to three main factors: (1) cultural norms regarding the acceptability of alcohol sales to intoxicated persons or lack of political will to address a known problem with SIP law violations; (2) limited resources to engage in SIP enforcement operations; and (3) statutory provisions specific to elements of proof that make the collection of evidence overly burdensome. Other noteworthy findings concern factors that affect enforcement

practice such as the imposition of penalties, interagency collaboration, training, and use of technology. Three case studies of State-specific enforcement and adjudication issues offer insight into SIP enforcement in Baton Rouge, Louisiana and the States of California and New Mexico.

Notably, the report concludes with 13 Best Practice Recommendations. Legal Best Practice Recommendations pertain to statutory language on defendants, definition of intoxication, prohibited activities, evidentiary requirements, and penalties. Enforcement Best Practice Recommendations pertain to interagency collaboration, data collection and analysis, forging alliances with health agencies and advocacy groups, using data to set priority enforcement areas and drive decision-making about resource allocation, providing training in SIP enforcement for law enforcement officers, and making use of available technologies to gather evidence. The findings and best practice recommendations provide a foundation for augmenting their efforts to prevent these tragedies on the nation's highways with the effective application of State SIP laws.

The report on this project, *Laws Prohibiting Alcohol Sales to Intoxicated Persons*, is designed for law enforcement professionals, policymakers, administrators, researchers, health and safety advocacy groups, and others who are working to reduce injuries and fatalities stemming from alcohol-impaired driving. It is available at <http://www.nllea.org/documents/SIPLegalResearchReport.pdf>. ●

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We're looking for articles for the Summer 2009 issue of the *NLLEA Magazine*. If you would like to contribute an article, news about your agency and its programs, or career updates to the next issue, please submit to the address below by **June 15, 2009**.

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