



FINAL REPORT

Evaluation of Source Investigations Demonstration Program

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16. Abstract <p>Impaired driving is a significant problem in the United States: 10,076 people were killed in crashes caused by alcohol-impaired driving in 2013, which accounted for 31% of the total motor vehicle fatalities for the year. An average of one alcohol-impaired driving fatality occurred every 52 minutes in 2013 (NHTSA, 2014). A number of different strategies have proven effective in reducing impaired driving, including publicized sobriety checkpoint programs, media campaigns, and minimum legal drinking age (CDC, 2014). One of the promising strategies that alcohol law enforcement agencies (ALEs) can employ to reduce alcohol misuse and prevent alcohol-impaired driving crashes is a <i>source investigation</i>, which uses criminal and administrative investigative techniques to determine the original source of alcohol when a crash involving injuries or deaths occurs. In addition to traditional enforcement approaches that focus on arresting the individual driver, source investigations, if successful, can hold licensed establishments and their servers accountable for illegally serving patrons involved in crashes, such as intoxicated patrons and underage drinkers.</p> <p>To improve the use of source investigations among ALEs, the National Highway Traffic Safety Administration (NHTSA) funded the National Liquor Law Enforcement Association (NLLEA) to create a comprehensive source investigations toolkit. The NLLEA also oversaw two demonstration projects from June 1, 2013, through May 31, 2014, during which NLLEA worked with the selected agencies, Indiana State Excise Police and Massachusetts Alcoholic Beverages Control Commission, to implement a comprehensive source investigation program using the toolkit. This report describes and evaluates the source investigation demonstrations and provides the data collected over the course of the year and case studies of source investigations from each state. The report also discusses challenges and recommendations, and concludes with next steps for promoting source investigations as an important technique to reduce impaired driving.</p>			
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List of Acronyms

ABC	alcoholic beverage control
ALE	alcohol law enforcement agency
BAC	blood alcohol concentration
CDC	Centers for Disease Control and Prevention
DUI	driving under the influence
EMT	emergency medical technician
FACT	Fatal Alcohol Crash Teams
FARS	Fatality Analysis Reporting System
ICE	Intensified College Enforcement
IRB	Institutional Review Board
ISEP	Indiana State Excise Police
MA ABCC	Massachusetts Alcoholic Beverages Control Commission
NHTSA	National Highway Traffic Safety Administration
NLLEA	National Liquor Law Enforcement Association
OUI	operating under the influence
PIRE	Pacific Institute for Research and Evaluation
POLD	place of last drink
RFP	request for proposals
SOP	standard operating procedure

Executive Summary

Every day in the United States, nearly 28 people die in a motor vehicle crash involving an impaired driver (NHTSA, 2014). Impaired driving is a significant problem in the United States: 10,076 people died in crashes caused by alcohol-impaired driving in 2013, which accounted for 31% of the total motor vehicle fatalities for the year. An average of one alcohol-impaired driving fatality occurred every 52 minutes in 2013 (NHTSA, 2014). Drivers with blood alcohol concentration (BAC) levels of 0.08 or higher involved in fatal crashes were six times more likely to have a prior conviction for driving under the influence, than drivers in fatal crashes who had no alcohol in their system (NHTSA, 2014).

A number of different strategies have proven effective in reducing impaired driving, including publicized sobriety checkpoint programs, mass media campaigns, and maintaining the current minimum legal drinking age (CDC, 2014). One of the promising strategies that alcohol law enforcement agencies (ALEs) can employ to reduce alcohol misuse and prevent alcohol-impaired driving crashes is a *source investigation*, which uses criminal and administrative investigative techniques to determine the original source of alcohol when a crash involving injuries or deaths occurs. In addition to traditional enforcement approaches that focus on arresting the individual driver, source investigations, if successful, can hold licensed establishments and their servers accountable for illegally serving patrons involved in crashes, such as intoxicated patrons and underage drinkers.

To improve the use of source investigations among ALEs, the National Highway Traffic Safety Administration (NHTSA) supported the National Liquor Law Enforcement Association (NLLEA) in their efforts to create a comprehensive source investigations toolkit. The NLLEA also oversaw two demonstration projects from June 1, 2013, through May 31, 2014, during which NLLEA worked with the selected agencies, Indiana State Excise Police (ISEP) and Massachusetts Alcoholic Beverages Control Commission (MA ABCC), to implement a comprehensive source investigation program utilizing the toolkit. This report describes and evaluates the source investigation demonstrations and provides the data collected over the course of the year and case studies of source investigations from each state. The report also discusses challenges and recommendations, and concludes with next steps for promoting source investigations as an important technique to reduce impaired driving.

Introduction

Impaired driving remains a significant problem in the United States. According to the Fatality Analysis Reporting System (FARS), 10,076 people died in alcohol-impaired crashes in 2013, which accounted for 31% of the total motor vehicle fatalities for the year. An average of one alcohol-impaired driving fatality occurred every 52 minutes in 2013 (NHTSA, 2014). Overconsumption of alcohol and underage drinking have been documented as problems that have contributed to the prevalence of impaired-driving crashes (Fell et al., 2009; Flowers et al., 2008; Shults et al., 2001), and have long been the focus of state and local alcohol law enforcement agencies (ALEs). Tactics to address these problems have included intense enforcement efforts on both the individuals who consume alcohol (e.g., sobriety checkpoints), and the individuals and businesses that sell and serve alcohol (e.g., undercover sales to intoxicated persons operations).

One of the promising strategies that ALEs can employ to reduce alcohol misuse and prevent alcohol-impaired driving crashes is a *source investigation*, which uses criminal and administrative investigative techniques to determine the original source of alcohol when a crash involving injuries or deaths occurs. In addition to traditional enforcement approaches that focus on arresting the individual driver, source investigations, if successful, can hold licensed establishments and their servers accountable for illegally serving patrons involved in crashes, such as intoxicated patrons and underage drinkers.

According to a review of source investigation programs and a case study on three states (Curtis and Ramirez, 2011), source investigations have been proven to be a promising enforcement strategy, with much of the infrastructure already existing among alcohol law enforcement agencies. However, there are multiple areas in which the investigation and reporting process and its effectiveness can be improved when conducting source investigations. Curtis and Ramirez found there was not a standardized data collection tool or mechanism for tracking source investigation details or a way to document the staff and resource-intensive demands of this enforcement strategy. Their findings indicated that the sooner a source investigation can be initiated after an incident, the higher the chance it will result in a successful investigation. To support faster initiation of source investigations, they recommended ALEs collaborate with state and local authorities, emergency medical technicians (EMTs) and hospitals, to be notified as soon as an incident involving alcohol occurs. By adopting a formal system for identifying potential source investigations, ALEs will be more successful in collecting relevant information and evidence, to ensure a solid investigation. Those cases should then be identified in the agency's system and monitored, so that data surrounding source investigations can be analyzed when determining future resource allocation. Additionally, training tailored to the unique nuances of source investigations was lacking in ALEs, primarily consisting of partnering a more seasoned investigator with an agent possessing little or no experience conducting source investigations. A more comprehensive training program outlining the specific considerations of a source investigation would strengthen the success of such investigations.

Demonstration Program Background

To improve the use of source investigations among ALEs, the National Highway Traffic Safety Administration (NHTSA) supported the National Liquor Law Enforcement Association (NLLEA) in their efforts to create a comprehensive source investigations toolkit. The NLLEA also oversaw two demonstration projects from June 1, 2013, through May 31, 2014, during which NLLEA worked with the selected agencies, Indiana State Excise Police (ISEP) and Massachusetts Alcoholic Beverages Control Commission (MA ABCC), to implement a comprehensive source investigation program utilizing the toolkit.

The source investigation toolkit was created as an online resource (see <http://www.nllea.org/SIT/sit.asp>) for ALEs. The components of the toolkit can be used to create a new program or strengthen existing source investigation efforts, either during trainings or out in the field. The toolkit components can be used together or as stand-alone elements. The toolkit includes:

- A checklist of steps to establish a source investigation program;
- Steps to conducting a source investigation;
- A list of responsibilities of the investigating agent;
- A source investigations training PowerPoint presentation; and
- Sample interview questions, sample data collection forms, and sample press releases specifically relevant to source investigations.

Two agencies, ISEP and MA ABCC, were identified through an application and review process to receive up to \$25,000 each, over a 12-month period, to conduct a source investigations demonstration program using the toolkit and technical support from the NLLEA. A request for proposals (RFP) was posted on the NLLEA website and promoted to NLLEA members and other interested law enforcement agencies. Applicants needed to demonstrate a minimum yearly average of at least 15 alcohol-involved traffic fatalities over the past three years and could not have an established set of source investigation protocols, procedures, or training programs. The RFP included five areas that applicants needed to address:

- Problem statement and data, including a description of their current approach to alcohol-involved motor vehicle crashes and a description of their jurisdiction;
- Program plan and timeline, including an outline of how the applicant plans to execute and collect key data on source investigations in the 12-month period;
- Past experience and capacity, including a description of the personnel that will be involved with the source investigations and appropriate statutory or regulatory language permitting the agency to conduct source investigations;
- Partnerships and collaborations, including evidence of partnerships they have developed with other law enforcement agencies in their jurisdiction as well as local prosecutors, advocacy groups, and media outlets; and

- Budget and budget justification, outlining how the applicant will use up to \$25,000 to fully implement a source investigation program within their agency while excluding travel, equipment, media buys, or other material purchases.

As part of the funding, the agencies agreed to continue the program for a minimum of one year after the initial project period. The funding sought to help ISEP and MA ABCC conduct or improve the following tasks:

- Identify officers conducting the source investigations and establish their level of experience and possible need for additional training;
- Identify alcohol-involved crashes eligible for source investigations;
- Collaborate with partners on source investigations;
- Collect evidence related to potential over service or sales/service to minor violations, including interviews and inspections;
- Work with the media on covering source investigations;
- Write source investigation reports that may include criminal or administrative filings; and
- Collect key data elements on source investigations.

Additionally, the NLLEA funded the Pacific Institute for Research and Evaluation (PIRE) to evaluate the process and outcomes of these two programs. The purpose of this evaluation is to determine the success of the implementation of the source investigation program in both agencies by examining resources expended, efforts made, barriers encountered, and results accomplished. Such information will be helpful for understanding how source investigations were conducted in each agency (i.e., process evaluation) and whether the program improved the effectiveness of each agency's source investigations and ultimately impaired-driving enforcement (i.e., outcome evaluation). Of particular interest is whether additional funding helped the agencies improve collaboration with other departments, amplified the role of the media coverage of the investigations, and encouraged the agencies to adopt specific policy protocols to improve the process and outcome of their source investigations.

Creation of a Source Investigation Toolkit

To best provide agencies with a tangible framework of the necessary forms and training materials needed to create a source investigation program or to strengthen an existing one, the NLLEA created a toolkit that could be used in its entirety or in parts. The toolkit was intentionally created with separate components that can be tailored to each user's unique circumstances. The toolkit serves as a guide through the source investigation process that, if followed, provides all the necessary information to establish a source investigation program. By utilizing the toolkit as a blueprint, customizing it to meet the agency's laws and investigative constraints, any interested law enforcement entity can enhance or create a comprehensive source investigation program and begin source investigations in an efficient and timely manner. The toolkit components were utilized by both funded agencies, ISEP and MA ABCC, when creating their source investigation programs.

In deciding what key elements to include in a comprehensive source investigation program, the NLLEA staff worked with the NLLEA Executive Board members, senior alcohol law enforcement agents, and alcohol law enforcement consultants with direct experience in conducting and supervising source investigations in the field. NLLEA also conducted a review of established source investigation programs to identify the forms and materials used by the programs.

To make the source investigation toolkit as accessible as possible, it was decided to provide it online. The toolkit is currently accessible through the NLLEA website at <http://www.nllea.org/SIT/sit.asp>. The online version was purposefully posted in small segments to make it easier to use. The components were organized into four sections, with sub-sections in each of the following:

- Checklist of steps to establish a source investigation program;
- Steps to conducting a source investigation;
- Review of responsibilities of investigating agent; and
- Appendices of forms and training materials.

Methods

Background of the Two Agencies

Indiana State Excise Police (ISEP)

The ISEP is the law enforcement division of the Alcohol & Tobacco Commission of Indiana. State excise police officers are empowered by statute to enforce the laws and rules of the Alcohol & Tobacco Commission as well as the laws of the State of Indiana. The ISEP currently has 85 sworn officers and serves the State population of 6,537,334 with 13,695 alcoholic beverage establishments that are licensed to sell alcoholic beverages for on- or off-premise consumption. The agency also conducts enforcement initiatives in each of Indiana's 8 public universities, 13 private liberal arts colleges, and 25 private colleges or universities. The agency patrols the entire state of a total land coverage of 36,420 square miles.

Table 1 displays the crash statistics in Indiana from the most recent four years for which the FARS data are available. Alcohol-impaired driving has contributed to approximately 30% of the total crashes every year and an average of 209 fatalities annually were related to alcohol misuse, many of which could have been investigated to determine where the alcohol was consumed prior to the crash and whether any supplier of alcohol may have been in a position to mitigate the tragedy.

Table 1. Indiana fatal crash statistics

	Total Fatal Crashes	Alcohol-Impaired Driving Fatal Crashes	%	Total Fatalities	Alcohol-Impaired Driving Fatalities	%
2010	701	186	27%	754	195	26%
2011	676	195	29%	751	207	28%
2012	718	214	30%	779	228	29%
2013	709	181	25%	783	198	25%

Prior to receiving the NHTSA funding, ISEP conducted a variety of enforcement strategies designed to combat alcohol-impaired driving, including underage compliance checks, premise inspections, and educational awareness initiatives. ISEP launched their Intensified College Enforcement (ICE) program in 2012, which involves educational programming coupled with high-visibility law enforcement operations on college campuses and in neighboring communities. Before this project, the agency did not have a formal source investigation program and relied on local and county law enforcement agencies to notify them of any alcohol-related crash or fatality that might have involved intoxicated or underage drinking drivers. The ISEP conducted 30 investigations between 2007 and March 2013, approximately five investigations per year, often identifying cases through their involvement with Fatal Alcohol Crash Teams (FACT), teams of local police officers working with county prosecutors to ensure prosecution of impaired drivers.

Massachusetts Alcoholic Beverage Control Commission (MA ABCC)

Investigators of MA ABCC’s Investigation and Enforcement Division are appointed by the Commission and are authorized to make all needed and appropriate investigations to enforce the Liquor Control Act. MA ABCC has 15 agents that serve Massachusetts’s population of 6,646,212, and 351 municipalities in which there are a total of 8,000 “on-premise” licensees, where alcohol is served and consumed on location, and 2,500 “off-premise” licensees, where alcohol can be taken off-site for consumption. In 2012, the agency conducted enforcement operations in approximately 200 municipalities.

Recent numbers of alcohol-involved crashes and fatalities in Massachusetts are presented in Table 2. On average, 118 fatalities annually were related to alcohol misuse that could have been investigated to determine where the alcohol was consumed prior to the crash. Although the number of crashes in Massachusetts is approximately half of those in Indiana, the proportions of alcohol-impaired traffic crashes and fatalities are similar in both states.

Table 2. Massachusetts fatal crash statistics

	Total Fatal Crashes	Alcohol-Impaired Fatal Driving Crashes	%	Total Fatalities	Alcohol-Impaired Driving Fatalities	%
2010	330	113	34%	347	115	33%
2011	356	121	34%	374	126	34%
2012	333	114	34%	349	123	35%
2013	309	111	36%	326	118	36%

Prior to the demonstration program, MA ABCC initiated a source investigation when state or municipal police departments contacted the agency during the course of a motor vehicle crash investigation. Often there was a delay in being notified about the case, which negatively affected the agency's ability to conduct interviews and obtain evidence needed to prosecute a source investigation. There were no formal policies or procedures in place for how to conduct a source investigation, which sometimes resulted in cases being overturned on appeal. The MA ABCC also reviewed operating under the influence (OUI) reports that were provided by the court and contained information on where the impaired driver was drinking (including listing licensed establishments) before the OUI arrest; the reports were used to identify the bars that are repeat offenders or frequently mentioned, commonly referred to as place of last drink (POLD) data. The agency then conducted undercover operations at these problem bars and issued charges if any violations occurred. In 2011-2012, 31 of these bars were charged with alcohol law violations. Prior to receiving the source investigations demonstration program funding, MA ABCC conducted 12 source investigations between 2001 and March 2013 (i.e., on average one investigation per year). The success rate of source investigations was historically low in Massachusetts, mainly due to the case laws and the challenge of proving a claim of negligent service to an intoxicated person.

Information Gathering

A mix of qualitative and quantitative data elements from the two demonstration agencies was collected. For each source investigation conducted during the 12-month period, the following information was collected:

- **Investigation:** date of investigation, cause for investigation, individuals involved (age, BAC, POLD, etc.), criminal charges filed, administrative charges filed, final disposition of the case, and reason if no charges were filed.
- **Personnel:** experience of the investigator(s), whether source investigation-specific training was received prior to conducting investigations, and number of staff hours spent per investigation.
- **Case initiation:** source of information of the incident, response time after the incident occurred, and collaborating partners.
- **Media coverage:** whether the source investigation was covered and to what extent.
- **Obstacles:** any obstacles encountered in conducting the investigations.

Evaluators closely monitored the data collection process, reviewed preliminary data during the 12-month period, discussed data concerns with NLLEA, and offered suggestions on improving the data quality. NLLEA then contacted the two agencies with questions and requests for additional data, and the data were updated per the suggestions. The evaluation project was reviewed by an Institutional Review Board (IRB) and determined to not involve human subjects research and thus was not subject to IRB review.

Evaluation Method

The quantitative data reported by the sites and the qualitative data collected during site visits and additional phone calls were used to evaluate the source investigation procedures developed and outcomes of each site. The sites were evaluated separately and data were analyzed cumulatively at the end of the project. Both a process and outcome evaluation for each site was conducted by descriptively analyzing the following questions:

1. What resources were expended? Specifically, what personnel were used, and how much staff time was spent?
2. What processes or activities facilitated the investigative or prosecutorial process?
 - i. Was there a specific training program for source investigations?
 - ii. Was there collaboration with other governmental agencies and to what extent?
 - iii. Was timely information received after an incident?
 - iv. Did the agency ensure that other agencies had its proper contact information?
 - v. Did the agency encourage other agencies to pay special attention to evidence and statements that might implicate a licensee or seller/server?
3. What was the role of media in source investigations? Did the agency use the media to draw attention to its source investigations? Do media help publicize the progress and results of successful investigations?
4. What were the obstacles or barriers encountered in conducting source investigations, including problems with collecting the necessary data elements?

Answers to these questions provided a greater understanding of the efforts and resources required for a comprehensive source investigation program, and whether the additional funding facilitated the implementation of such a program.

The process and results of all investigations conducted during the 12-month period were examined to determine if the funding provided to the ISEP and MA ABCC assisted the agencies in establishing protocols for conducting source investigations and if the protocols established increased the number of source investigations conducted and resulted in criminal and/or administrative charges. Specific questions of interest to the outcome evaluation are:

1. How many source investigations were conducted, and how many fatalities or serious injuries resulted from the crashes?
2. What were the results of those investigations?
 - i. Were criminal or administrative charges filed?
 - ii. Were penalties imposed on licensees?

Utilization of the NLLEA Source Investigation Toolkit

Both Indiana and Massachusetts consulted the NLLEA source investigation toolkit when creating their source investigation programs. The two agencies utilized all components of the kit, including the training PowerPoint, sample Standard Operating Procedure (SOP) for source investigations, interview questions, and sample press releases. Both agencies tailored the toolkit samples to best meet their agency's needs.

Indiana used the NLLEA toolkit as a blue print when creating their Source Investigation program. Their feedback indicated the toolkit was invaluable in providing a guide on what important components were essential to include in establishing source investigations. Utilizing the NLLEA training PowerPoint and SOP, ISEP developed tailored both documents to use in a four hour block of instruction during recruit school. The introduction of these materials was so successful that they expanded the use of the training to be used by all 85 sworn members of the agency.

ISEP consulted the media examples included in the toolkit when preparing their media blitz, which they conducted as part of the source investigation program. They also referred to the interview questions found in the toolkit, expanding the questions when necessary to obtain state specific information important to their investigations. ISEP found the toolkit especially helpful when training new officers, to help them better understand all aspects of source investigations. ISEP made two additions to the toolkit: they added information about specific protocols they conduct for calculating BACs and state relevant questions to their interview question guide.

The MA ABCC provided similar feedback that the toolkit was useful in serving as a foundation from which to build a source investigation program. The agency utilized the templates provided, such as the training PowerPoint and the SOP, and added in information relevant to Massachusetts, specifically information pertaining to their state's statutory authority and case law. One example of an addition they made to the training was the use of BAC in the investigation, which due to Massachusetts case law, cannot be used as evidence alone. The presentation of BAC as evidence also requires an expert witness to testify to signs of intoxication at the time of service.

The MA ABCC found the toolkit applicable on all subject matter except where there was a conflict to standard agency investigative procedures and State statutes. The training was adjusted to align with their investigative authority and to make the training applicable specifically to Massachusetts law.

MA ABCC added several components to the toolkit:

- protocols for working with prosecutors in Massachusetts, outlining special considerations when conducting source investigations concurrent with criminal investigations;
- protocols for obtaining BACs from district attorney offices and police departments and internal protocols for presenting BACs before the MA ABC Commission based on Massachusetts's case law, which may require expert testimony; and

- a list of signs of intoxication.

For every police academy class conducted in Massachusetts, MA ABCC utilizes the training PowerPoint presentation they tailored from the NLLEA toolkit. During the training academies they define source investigations and emphasize the importance of contacting MA ABCC with potential cases. The MA ABCC uses this opportunity to network with police departments and educate them on the many aspects of source investigations. Additionally, MA ABCC has developed a singular class on conducting source investigations that is available to police departments upon request. The MA ABCC updates all trainings as changes take place to case law and/or statutes.

Results

The results of the two source investigation programs are discussed separately for Indiana and Massachusetts, and a more in-depth case example of a source investigation from each state is provided. The similarities and differences between the two agencies are summarized. The results are primarily quantitative, but also include some qualitative findings based on site visits to Indiana and phone interviews with Massachusetts, along with summary reports from both states.

Indiana State Excise Police

The ISEP conducted 21 source investigations during the 12-month period, approximately four times the average number of investigations conducted annually before this demonstration project took place. A majority of investigations (13) were conducted by one investigator and eight investigations involved two officers. A total of 19 officers were involved in these investigations, which represents 22% of all sworn officers in the agency. Investigators involved in the source investigations averaged seven years in alcoholic beverage control (ABC) law enforcement; 12 officers have seven years or more experience, and only three officers have one year or less of experience and they were usually paired with more experienced officers when conducting source investigations. On average, the officers spent about 10.8 hours on each investigation, based on 18 cases that have been completed.

Immediately following the start of the demonstrations program, ISEP sent a letter to every sheriff and police chief, including state police and district police, throughout Indiana, outlining the new source investigation program and offering of State Excise Police officers statewide to assist with serious incidents and vehicle crashes where alcoholic beverages had potentially been sold to minors or intoxicated persons. In July 2013, the new source investigation program was highlighted in the Indiana Criminal Justice Institute Newsletter, providing another opportunity to educate law enforcement about ways to contact ISEP with potential source investigation cases. In August 2013, ISEP provided a four-hour training at the Indiana Law Enforcement Academy for their four new officers, using a PowerPoint presentation modeled after the training PowerPoint presentation included in NLLEA's toolkit. In addition, ISEP presents quarterly at the Indiana

Law Enforcement Academy, training approximately 150 new officers each time (approximately 600 annually) on all aspects of alcohol law enforcement, including source investigations. ISEP also created a formal department policy regarding source investigations, tailoring the NLLEA toolkit sample standard operating procedure (SOP). The SOP outlined supervisor responsibilities and an investigating officer's responsibilities when handling source investigations (See Appendix A for the letter sent to sheriffs and chiefs and Appendix B for a copy of the department policy.)

The ISEP's outreach efforts to all law enforcement agencies in the state were successful in increasing awareness of cases to investigate with 18 out of 21 investigations, or 86%, initiated based on information from these agencies (i.e., eight from local police departments, six from county sheriff's departments, three from state police, and one from both local and state police departments). These referrals reflect a much broader awareness of the source investigation program, not only in terms of the greater numbers of investigations initiated (21 in one year compared with an average of five per year previously), but also in the breadth of agencies that referred cases to the ISEP. Previously cases came through these agencies only if the referring agency had knowledge of what a source investigation was and knew to contact the ISEP. Other sources of information included media coverage and citizen calls and inquiries. ISEP officers often responded to incidents right away: two-thirds of the cases were opened the same day as the incident, and the remaining within a few days of the incident. One case took almost two months to open, which was due to the local police department not informing ISEP of the case in a timely manner.

As described above, Curtis & Ramirez (2011) found that an immediate response maximizes the likelihood of a successful investigation and prosecution. In informal discussions with ISEP officers, they reported that cooperation from other law enforcement agencies in Indiana has been helpful, and all 21 investigations conducted during the demonstrations program involved obtaining information from other agencies after an incident, such as copies of their reports, a list of the witnesses, video surveillance footage, and other relevant case materials. ISEP investigators who had conducted source investigations in the past did not receive NLLEA's training on source investigations; however, training was provided to four new recruits, and continuous training was assigned by each county to investigators who worked on source investigations. All 85 officers received the continuous training via online training and during POST meetings, which are held monthly at the district level and all sworn members are required to attend. Among the investigators involved in the demonstration project, all but one received source investigation training created by the ISEP. This training was modeled after the NLLEA toolkit and contributed to the investigation process. Training of ISEP investigators was not cited as a barrier to conducting source investigations, but during the site visit it was noted that local deputies and other first responders did not always ask where the alcohol came from on the scene of the crash, which made conducting after-the-fact investigations more difficult.

The ISEP also used the media for notification of potential cases by setting up a Google Alert and checking local newspapers for stories of potential impaired-driving crashes; two cases were

initiated from this source. However, the ISEP source investigations did not receive extensive media coverage, other than the incidents themselves. In total, 11 incidents received media coverage. While ISEP reached out to the media to report on the source investigation or results of their cases, they found that media outlets focused more on the incident and they were not successful in getting media attention on the investigations they conducted. For example, the case involving a car crashing into a train and killing three had over ten news stories related to the incident. Cases involving criminal charges, such as when an impaired driver hit two construction workers, also got more regular media attention, with at least ten stories. No stories referred specifically to the investigation of the source of alcohol.

Table 3 presents the results of all 21 investigations. Four cases involved suspected sales to or consumption of alcohol by an underage person. Among the investigations involving underage individuals, BACs were all above the legal limit for adults and ranged from 0.12 to 0.19. Eleven cases involved a suspected sale or service to an intoxicated person, four of which resulted in administrative charges and one of which is still under investigation. The lowest driver BAC was 0.12 and the highest was 0.39. Twelve cases were related to a DUI fatality and involved 14 fatalities. Twelve cases were traced back to an on-premise location as the place of last drink. There were no criminal charges filed against licensed establishments during the demonstration project, although there were 12 criminal charges filed against the driver. Four administrative charges were filed against licensed establishments; however, they have not yet been adjudicated, so final penalties are unknown. In addition, two cases are still under investigation.

Table 3. Source investigations in Indiana: June 1, 2013, through May 31, 2014

Month/Year	Cause for Investigation	Criminal Charges Filed	Administrative Charges Filed	If no administrative charges filed, why not?
6/2013*	DUI fatality	No	No	Unfounded: Lack of substantial evidence
7/2013*	DUI serious injury	No	Yes	N/A
7/2013*	DUI serious injury	Yes, against driver	Yes	N/A
8/2013*	DUI fatality	Yes, against driver	Yes	N/A
9/2013*	DUI fatality	No	No	Unfounded: Lack of substantial evidence
10/2013	DUI serious injury	Yes, against driver	No	Alcohol consumed at a private residence
10/2013	DUI fatality	No	No	Alcohol consumed at a private residence
10/2013	DUI fatality (3 fatalities)	No	No	Alcohol consumed at a private residence
10/2013	DUI fatality	No	No	Unfounded: No POLD determined
11/2013*	DUI fatality	No	No	Unfounded: Lack of substantial evidence
11/2013	DUI serious injury	Yes, against driver	No	Subject refused to give statement
11/2013*	DUI serious injury	Yes, against driver	Yes	N/A
11/2013*	DUI serious injury	Yes, against driver	No	Unfounded: Lack of substantial evidence
11/2013	DUI fatality	No	No	Unfounded: No POLD determined
11/2013**	DUI serious injury	Yes, against driver	No	Subject refused to give statement
12/2013**	DUI fatality	No	No	Alcohol consumed at a private residence
1/2014*	DUI fatality	Yes, against driver	No	Unfounded: Lack of substantial evidence
3/2014*	DUI fatality	Yes, against driver	No	Subject refused to give statement
3/2014**	DUI serious injury	Yes, against driver	No	Subject refused to give statement
3/2014**	DUI fatality	Yes, against driver	No	Case pending by request of local prosecutor
5/2014*	DUI serious injury	Yes, against driver	No	Ongoing investigation

*Involved a suspected sale or a service to an intoxicated person

**Involved suspected selling or consumption of alcohol by an underage person

A Case Example in Indiana

The State and local police departments immediately notified ISEP of a fatal crash in which the deceased driver and the surviving occupant had both been drinking at a licensed establishment. The driver was a 51-year-old male with a BAC of 0.222, and the passenger was a 52-year-old female with a BAC of 0.256. Two officers were assigned to the investigation, one of

whom had approximately one year of experience and no source investigation training, but the other had undergone source investigation training and had five years of experience. The officers spent 11 overtime hours on the investigation, which lasted three weeks. The investigation included interviews with the establishment owners, bartenders, and security guards, and a review of credit card receipts. The officers also interviewed the surviving passenger at the hospital. The premise was charged administratively for serving two intoxicated patrons. The case is still pending adjudication with Indiana's Alcohol & Tobacco Commission.

Massachusetts Alcoholic Beverage Control Commission

During the source investigations demonstration program, MA ABCC developed and implemented formal source investigation policies and procedures that cover notification protocol, standard investigative procedures that address source investigation elements, and standard reporting procedures (See Appendix C for MA ABCC's SOP). In addition the MA ABCC developed and implemented a formal source investigations training program for state and municipal police officers, using the NLLEA toolkit for guidance. The training covers notification protocol, standard investigative procedures, reporting procedures, proper prosecution formats, and a review of appeals court cases that identify the elements that must be covered in a source investigation to survive the appeal process. The training program has been integrated into MA ABCC's standard law enforcement training program. In 2013 the training was conducted for 1,460 officers and in 2014 (to date) has been used by two police academies and 55 police departments, training 223 officers.

To increase awareness of MA ABCC's new source investigation program, the agency established communications with state and municipal police departments to establish notification protocols to ensure timely initiation of source investigations and report formats for officers to use at the scene of a crash. The MA ABCC also reached out to all 13 of Massachusetts's county district attorney offices to establish notification protocols and standard protocols for simultaneous investigation and prosecution of criminal and administrative cases. The district attorney offices were provided with a direct number and email to the MA ABCC's chief to allow immediate communication of potential source investigations. To date, MA ABCC has a memorandum of understanding with the Middlesex district attorney concerning source investigations and is continuing to work with other district attorney offices to create similar understandings.

MA ABCC opened 13 source investigations during the 12-month demonstration program (four of which are still ongoing), compared with an annual, three year average of one source investigation conducted before this demonstration project started. Six investigations involved one investigator and seven investigations involved two officers. A total of seven investigators were engaged in these cases, which represent 50% of all investigators in the agency. Among these investigators, the average number of years in ABC law enforcement is eight years, and more than half of the investigators have ten or more years of experience. On average, the

investigators spent about 36 hours on each investigation, based on nine cases that have been completed (with four cases still ongoing).

Most of the investigations were initiated based on media coverage or anonymous citizen complaints (10 out of 13 investigations, or 77%). The other three cases were opened through referrals from district attorney offices or local police departments. It typically took two to three days for MA ABCC investigators to open a case, and sometimes it could take up to a few weeks, with the longest being 23 days. Qualitative data suggested that cooperation from other law enforcement agencies and district attorneys in Massachusetts was helpful in conducting investigations, and all 13 investigations involved obtaining information from other agencies after an incident, such as copies of their reports and a list of the witnesses. Source investigation training also contributed to the investigative process, since all of the officers had received training prior to conducting source investigations and therefore were well prepared for these investigations. The faster the MA ABCC was alerted to a potential source investigation, the more successful they were at obtaining surveillance videos, interviewing bartenders and witnesses, and collecting evidence. In a few of the cases forwarded by district attorney offices, the MA ABCC investigators found the criminal investigation to be thorough, and they proceeded with investigating any gaps in information that were source investigation specific, which may not have been collected or included by the original investigating officer.

The MA ABCC also utilized the media to learn of potential impaired-driving crashes, opening seven cases based on media coverage of incidents. Of the 13 cases investigated by the MA ABCC, 10 incidents received media attention. Similar to the cases in Indiana, the majority of stories were focused on the incident or individuals involved in the incident rather than the investigations themselves. One story reported on the involvement of a local liquor commission in talking to a restaurant that had served the suspect, but the MA ABCC was not mentioned and the results of the case were not discussed. No press releases from local or state agencies were found.

Table 4 presents the results of all 13 investigations. Seven cases involved a DUI fatality, with seven total fatalities. In a separate suspected DUI case, there were two fatalities with a driver under the age of 21, and circumstances indicated that alcohol might have been involved. Upon investigation it was determined that there was no alcohol involvement in the crash. Seven cases were investigated based on possible sales or service to an intoxicated person when an on-premise location was identified as the place of last drink, four of which are still under investigation. The BACs were not available for most of these cases due to pending criminal investigations, and the only available driver BAC was 0.18. There have not been any criminal charges filed against licensed establishments; eight criminal charges have been filed against a driver. No administrative charges were filed, but four cases are still under investigation.

Table 4. Source investigations in Massachusetts: June 1, 2013, through May 31, 2014

Month/Year	Cause for Investigation	Criminal Charges Filed	Administrative Charges Filed	If no administrative charges filed, why not?
7/2013*	A person fell off a	No	No	Unfounded: Lack of substantial

	cruise ship			evidence
7/2013*	DUI fatality	No	No	Unfounded: Lack of substantial evidence
8/2013*	DUI fatality	Yes, against the driver	No	Pending criminal
9/2013*	DUI fatality	No	No	Unfounded: Lack of substantial evidence
11/2013*	DUI fatality	No	No	Pending criminal
11/2013	DUI fatality	Yes, against the driver	No	Unfounded: No POLD determined
11/2013	DUI injury	Yes, against the driver	No	Unfounded: No POLD determined
11/2013	DUI fatality	Yes, against the driver	No	Alcohol consumed at a private residence
12/2013**	Suspected DUI fatality	No	No	No indication of alcohol consumption
2/2014	DUI serious injury	Yes, against the driver	No	Alcohol consumed at a private residence
4/2014*	DUI serious injury	Yes, against the driver	No	Ongoing investigation
5/2014	DUI serious injury	Yes, against the driver	No	Unfounded: Lack of substantial evidence
5/2014*	DUI fatality	Yes, against the driver	No	Ongoing investigation

*Involved suspected sale or service to an intoxicated person

**Involved suspected selling or consumption of alcohol by an underage person

Challenges in Massachusetts

The MA ABCC found it challenging to develop a formal agreement with district attorney offices. There was concern by the district attorney offices that administrative interference in criminal cases could prove problematic. In response to this concern, MA ABCC initiated a strong outreach effort to address these concerns and to reassure the district attorney offices that with proactive and proper training and with protocols and strong communication, a solid cooperative program is feasible and would be beneficial to ensuring timely notification of potential source investigations. MA ABCC has established a memorandum of understanding with the Middlesex district attorney and has been working directly with four additional district attorney offices to establish direct contact immediately following a crash where there is a suspicion alcohol was involved.

A Case Example in Massachusetts

The MA ABCC received a police incident report from a local district attorney office, which stated that a 21-year-old male driver hit a pedestrian crossing the street and caused serious bodily injury three weeks prior to MA ABCC receiving the report. The driver revealed that he had two beers at a licensed establishment before the crash. The driver's BAC was 0.17, and he was charged with operating under the influence. The MA ABCC conducted an investigation at the

licensed establishment and interviewed the licensee, as well as one waitress and one bartender who worked on the night of the incident. The licensee stated that the premise did not have video surveillance and reviewed both credit card and cash receipts of the night in question. Two establishment employees were shown the photo of the subject and asked if they recognized the individual. Based on the interviews and lack of other evidence, there was insufficient evidence that the driver was at the establishment before the crash. Later the district attorney office informed MA ABCC that the driver had lied to protect his boss, at whose home he had been drinking. Therefore the case was closed with no further action, and no administrative charge was filed against the licensed establishment. The investigation took approximately five weeks, and involved two investigators, one with four years of ABC experience paired with one with ten years of experience, who spent about 30 hours in total on the case.

Comparison of the Two Source Investigation Programs

During the demonstration project, both agencies conducted more investigations than before the demonstration project took place. Although fewer cases were investigated by MA ABCC, the total number of alcohol-impaired-driving crashes is also smaller in Massachusetts compared to Indiana (e.g., 214 in Indiana versus 114 in Massachusetts in 2012), so proportionally the number of investigations in each agency is comparable. All but one of MA ABCC's investigations involved drinking drivers over the age of 21, whereas ISEP conducted four investigations related to underage impaired driving.

Compared with Indiana, Massachusetts experienced more challenges in citing licensed establishment for serving intoxicated patrons, given the applicable case laws and the burden of proof of negligent service in Massachusetts. There have also been delays in conducting source investigations because of pending criminal cases; many prosecutors will ask ALEs to wait to file administrative charges until the criminal case has been completed. These factors partly explain why no administrative charges have been filed by MA ABCC during this project, while ISEP has filed four administrative charges.

The MA ABCC focused attention on building more formal agreements with district attorney offices to help identify source investigation cases. Cultivation of such relationships takes time, and although these relationships may not have initially resulted in higher numbers of source investigation cases being referred by district attorney offices during the demonstration program period, they will provide a strong foundation for partnering to combat alcohol-impaired driving. In comparison, ISEP reached out to sheriffs and local and state police departments to encourage prompt notification of potential source investigations, which might have contributed to the effectiveness of their investigations.

Discussion and Recommendations

Through the demonstration program funding, both the ISEP and MA ABCC were successful in broadening their state's understanding of source investigations and in gaining support in pursuing source investigations when investigating a crash where alcohol may have been involved. While their outreach approaches differed, both agencies were able to develop new networks and relationships with local and state law enforcement agencies and district attorney offices, working collaboratively with those groups to bring administrative or criminal charges, where appropriate. The newly formed agreements and collaborations will serve both ISEP and MA ABCC in continuing their source investigations for the agreed upon additional year and, potentially, be the cornerstone of an established program for years to come. Prior to the demonstration program, ISEP and MA ABCC were conducting source investigations on a case by case basis and not in a systematic way. By utilizing the source investigation toolkit created by NLLEA and by establishing SOPs for future source investigations, both ISEP and MA ABCC have created sustainable and comprehensive source investigation programs for their States.

In addition to reaching out to other organizations within their states, ISEP and MA ABCC demonstrated a multitude of ways to learn about potential source investigations. Both utilized media stories about impaired-driving crashes or incidents, using tools like Google Alerts or instituting regular reviews of local and state newspapers. When a potential source investigation was identified through a media source, ISEP and MA ABCC would reach out to the appropriate investigating agency and offer to either assist with their ongoing investigation or conduct a separate source investigation concurrent with the original investigation. Additionally, both agencies received calls and inquiries from citizens who may have suspected that alcohol was involved in a crash, and alerted the state agency.

With the support of the demonstration program funding, both agencies were successful in completing more source investigations during the demonstration period compared with previous years' efforts. The new collaborations with other agencies and district attorney offices and training the investigators allowed the programs to grow and ensured the necessary communication and sharing of information to facilitate the investigation of potential cases. By increasing the number of source investigations, ISEP and MA ABCC were more visible in establishments, potentially deterring future over-service by interviewing bartenders, wait staff, and establishment owners.

Through this project a data collection tool was created that agencies can use to track their source investigations, including basic information on the incident and staff hours spent on each investigation (available online as part of the toolkit at <http://www.nllea.org/SIT/sit.asp?subid=26&pg=3#bot>). This tool is valuable for monitoring the potential criminal and administrative charges being brought against an individual or licensed premise, as well as providing a running list of challenges and barriers that can be analyzed for future improvements and recommendations. The tool can be tailored to each agency's needs and is in an easily accessible and user-friendly format, an Excel spreadsheet. Additionally, states can

adopt the format as a standardized tool to be used by various liquor law enforcement agencies and state offices overseeing liquor establishments, allowing comprehensive reporting within a state.

The challenges faced and successes achieved by ISEP and MA ABCC in creating new source investigation programs in their states can serve as a model for other states when undertaking the creation of new source investigation SOPs and programs. The benefit of ISEP and MA ABCC taking differing approaches to establishing a source investigation program is that other states can evaluate the different approaches to determine what would work best for them.

Although the two agencies involved in this demonstration project established unique and effective ways of receiving information about potential cases and data for resulting investigations, a number of challenges continue to be present in the investigative process. For example, Indiana noted that while the chief of a local police department may be willing to share information with the state agency, the rank-and-file investigators may not be aware of this relationship and may be more reticent in providing the necessary information for conducting an investigation. In Massachusetts, case law presents a challenge, as the Massachusetts courts have held that to prove a claim of negligent service to an intoxicated person, evidence must be presented that a license holder sold or delivered alcoholic beverages to a person at a time when the server knew or should have known that the person served was intoxicated. The courts have also said that to have all the necessary elements of a case of over service, there must be evidence of a visibly intoxicated person in a licensed premises followed by a sale or delivery of an alcoholic beverage to that visibly intoxicated person. The MA ABCC investigators have found it challenging to prove all the necessary elements required by these court decisions, especially in the cases of source investigations where all investigate work is done after the incident has occurred.

Additionally, training each and every first responder continues to be challenging. When those first on the scene of an impaired-driving crash have not been trained in asking questions related to a source investigation, including where the intoxicated individual consumed their alcohol, an opportunity to collect vital information may be lost and can make the investigation more challenging to conduct. Additionally, prosecutors and primary investigators may be hesitant to provide state agencies with details concerning their open cases if they think it will jeopardize their criminal prosecution. Thus, key pieces of information needed to issue administrative violations on a licensed premise may be withheld for long periods of time until a criminal case has ended, making it difficult to take swift action on violations by the establishment.

Next Steps

Funding of the source investigation demonstration program allowed NLLEA, in consultation with experienced source investigators, to create a comprehensive source investigation toolkit that is available online through the NLLEA website. By providing checklists, sample media releases, sample interview questions, sample data collection forms, and a training PowerPoint presentation that can be tailored for individual states, the toolkit provides the foundation for interested

agencies to start a source investigation program in their state. The toolkit saves state resources, by reducing the cost of creating a new program, and allows states to adopt a source investigation program quickly and effectively. The toolkit will be expanded as new resources become available. The NLLEA will continue to promote the toolkit to its members and other law enforcement agencies, in the hopes of growing the number of source investigation programs nationwide.

The NLLEA will encourage ALEs and other interested departments to use the data collection form to ideally collect data across states and compare and contrast the challenges and successes being faced by source investigators nationwide.

The NLLEA will support states in their efforts to to conduct source investigation training on the local level, not only to local law enforcement departments, but also to fire rescue and emergency medical services, to help gather POLD data on the scene of a crash. This data will provide source investigators with the location to visit and interview witnesses as soon as possible, after the crash occurs.

The NLLEA will continue to work with agencies on media advocacy strategies to cover, not only the details surrounding alcohol-related crashes, but also the investigations and their outcomes. By sharing with the public and establishments that source investigations are being done in their area, the enforcement efforts may discourage persons who have been drinking alcohol from driving and may encourage bartenders and wait staff to deny serving an intoxicated patron.

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