

Records Management Systems of Alcohol Regulatory Enforcement Agencies



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Executive Summary

The National Liquor Law Enforcement Association (NLLEA), in collaboration with the National Alcohol Beverage Control Association (NABCA), conducted a nationwide systematic review of the records management systems of Alcohol Regulatory/Enforcement (ARE) agencies, the data collected therein, and the responsibilities, coordination, and priorities of ARE agencies throughout the United States.

ARE data is important to establish the nexus between the public health and safety rationale to alcohol laws and regulations. Responsible regulatory compliance and enforcement requires data-informed decision-making to drive operations and making data informed decisions requires a good Records Management System (RMS) that allows for collection, analysis and reporting of ARE activities. Currently, national ARE data collection and reporting standards do not exist.

As the alcohol beverage marketplace continues to change, increased demands for ARE efficiencies are needed to maintain compliance and an orderly and safe alcohol marketplace to effectively protect the public's health and safety from alcohol-related harms. The development of reporting standards for RMS are necessary to ensure a more comprehensive and systematic way to collect and use ARE data. These improvements will benefit ARE agencies with solutions that meet their specific needs, provide helpful guidance for RMS vendors that want to work with ARE agencies and provide more comprehensive data for external stakeholders who rely on these data, such as attorneys general in court cases, researchers studying alcohol-related harms and ARE agencies assessing resources.

With the deregulation of alcohol control policies, the dismantling of the three-tier system, increasing licensing in non-traditional retail settings and expanding distribution

channels through home delivery, the demand on ARE resources has hit a crescendo. Yet, few jurisdictions, including policymakers, prevention and public health organizations, are discussing the impact these changes have on dwindling ARE resources, which are critical to protecting the public from alcohol-related harm. The NLLEA recognizes this larger landscape and is committed to improving data collection among agencies responsible for the enforcement of liquor laws and regulations.

Purpose

The ARE field is comprised of dedicated agents/investigators whose primary role is to monitor compliance in the alcohol marketplace, including the production, distribution, transportation, retail and online sale of alcoholic products to protect the public from harm. The purpose of this report is to provide an overview of RMS challenges facing the ARE field, highlight the importance of data collection to support state-based alcohol regulations, and summarize the findings of a survey conducted by the NLLEA on RMS used by the ARE field.

This report will expand upon a report released by the National Highway Traffic Safety Administration (NHTSA) in 2005 entitled, *The Role of Alcohol Beverage Control Agencies in the Enforcement and Adjudication of Alcohol Laws*,⁽¹⁾ where it found poor record keeping has made data analysis difficult and proposed recommendations that encouraged states to institute better data collection and reporting systems, especially in the cases of enforcement actions and case dispositions.

Background

When the COVID-19 pandemic hit, there was a growing number of alcohol licenses, an expanding footprint of where and when alcohol could be sold and consumed, and a trending shift toward e-commerce putting increased demands on the ARE field. These trends accelerated during the pandemic with expanded permissions through alcohol to-go and consumption in non-traditional settings (e.g., parks and parking lots) and continued e-commerce growth across all beverage categories and across state borders. While the alcohol marketplace continues to expand, the capacity in the ARE field has largely remained unchanged, requiring ARE agencies to do more with less.

The case load* capacity for the ARE field has not been measured systematically. According to the best-known data available, there are approximately 3.9 law enforcement officers dedicated to alcohol enforcement for every 1,000 alcohol outlets.⁽²⁾⁽³⁾ However, a 2020 survey of ARE agencies collected by the NLEEA found that, of the 18 state agencies that participated, there was a high of 1 agent to 1,677 outlets in Iowa and a low of 1 agent to 76 outlets in Delaware, demonstrating the wide variability in case load capacity for ARE agencies across the country. This case load measurement only accounts for physical licenses and does not account for the other alcohol market participants in the e-commerce space or those who produce and wholesale the product. Without adequate ARE capacity, monitoring efforts are strained, leaving the alcohol marketplace less regulated which could lead to an unfair and dangerous alcohol marketplace and result in increased alcohol-related harms.

When assessing ARE capacity, it is also important to look at the structure and responsibilities of ARE agencies in each state. When ARE resources are decentralized in a jurisdiction where one agency monitors the administrative alcohol code while another

agency or multiple agencies monitors the criminal code, there must be a high degree of coordination to facilitate effective information sharing across agencies. The way in which the ARE field collects, stores and shares data over time has significant implications for several groups from researchers and community members to Attorneys General and the courts. Without adequate capacity to perform compliance monitoring activities, such as routine inspections and investigations, the future of alcohol regulations may be challenged as the courts rely on these data to assess whether a law is constitutional and whether the law is serving its public safety rationale. Additionally, the ability to pull regulatory and enforcement data, such as violation histories, liquor license lists, police calls-for-service, or sales and shipping information are critical for researchers who seek to analyze alcohol outlet-related harms and inform best practices within the ARE field. Further, community members often seek this same information when attempting to address problem alcohol outlets that pose harm to their surrounding communities. Attorneys General also rely on these data to make their case before the courts when working to protect state alcohol regulations.

In a 2019 U.S. Supreme Court case, *Tennessee Wine & Spirits Retailers Assn. v. Thomas*, the Court put states and the ARE field on notice with its landmark ruling where it found Tennessee's residency requirement for a new alcohol beverage license unconstitutional. The U.S. Supreme Court Associate Justice Samuel Alito set precedent in his opinion setting the following parameters:

"The Twenty-first Amendment allows each state leeway to enact measures to address the public health and safety effects of alcohol use and other legitimate interests, but it does not provide the States the ability to adopt protectionist measures with no demonstrable connection to those interests."

* Case load is the number of alcohol outlets ARE agents are responsible for compliance monitoring.

If a challenger alleges through competent pleadings that an alcohol law materially discriminates against out-of-state competitors or otherwise shields in-state interests with protectionist measures, the government will have to provide competent and persuasive “concrete evidence” to justify the law’s discriminatory effect; “mere speculation” or “unsupported assertions” are insufficient. Moreover, that justification will require proving that the law: (i) serves a bona fide public health and safety purpose or “some other legitimate non-protectionist ground;”(ii) actually, functions as an “essential element” of the state’s means to achieving its legitimate end purpose; and (iii) is necessary because nondiscriminatory alternatives would be insufficient to further those legitimate purposes. These evidentiary justification requirements will apply to any alcohol law that work a discriminatory, protectionist effect on the marketplace.”

Strong data collection is key to proving beyond mere speculation how alcohol regulations serve a legitimate public health and safety rationale. This ruling has required the ARE field and the larger alcohol regulatory community, to recognize that to maintain state alcohol regulatory controls in the interest of public health and safety and defend them from legal challenges, improvements must be made to the ARE field and to ARE data collection processes to adequately document the enforcement efforts to substantiate the nexus between the regulation and its public health and safety rationale. The collection of standardized RMS data among ARE agencies is an important piece to this justification.

These marketplace shifts have put increased demands on ARE agencies and warrant a comprehensive review of internal data collection practices, external information sharing procedures, and the use of technology to find efficiencies and interoperability to assist ARE agencies in achieving their mission to protect and serve the public while ensuring a balanced and fair alcohol marketplace.

The NLLEA conducted a nationwide survey of the RMS usage within ARE agencies throughout the United States, the data collected therein, and the interoperability of these systems to share information with internal and external stakeholders. To assist with the project, the NLLEA also formed a RMS Advisory Committee comprised of researchers, RMS experts, alcohol law enforcement, alcohol regulatory authorities, and alcohol regulator trade associations to lend their respective expertise to the project. Further, a literature review was completed of current information available on law enforcement RMS. A list of approximately 20 articles were identified and several federal agencies (e.g., National Institute of Justice, Department of Justice) emerged as having contributed to innovations for RMS solutions for law enforcement, but few had experience with ARE-specific data collection needs for monitoring the alcohol marketplace.

However, the Integrated Justice Information Systems Institute (IJIS), a thought leader in RMS for enforcement, became a key partner in this initiative because of its years of experience bridging the communication divide between the public sector of enforcement and the private sector of RMS vendors.

The Integrated Justice Information Systems (IJIS) Institute, the leading organization working to promote and enable technology in the public sector and expand the use of information to maximize safety, efficiency, and productivity, defines RMS as:

“An agency-wide system that provides for the storage, retrieval, retention, manipulation, archival, and viewing of information, records, documents, or files pertaining to law enforcement operations. It serves as the agency system of record for most policing activities.”⁽⁵⁾

Methods

Part I

NLLEA, with guidance from the RMS Advisory Committee, created a 49-item, three-part survey. In Section One agencies provided demographic information including type and size of agency and level of enforcement authority along with RMS vendor details. Section Two consisted of data collected within an agency RMS covering liquor licensing, compliance and enforcement, and adjudication. Section Three focused on questions related to coordination and information sharing across agencies. Survey responses were collected through an online survey portal “Survey Methods” from September 2020 through February 2021 (see Appendix 2 for the complete survey). A consultant with expertise in the ARE field assisted with data analysis.

Part II

After initial review of the survey data, the research team created a typology matrix of ARE agencies (Table 1) to better understand the data. The NLLEA Executive Director and the consultant then conducted brief, follow-up phone interviews from April through June 2021 with the state (n=33) and county (n=9) alcohol regulatory and enforcement agencies that completed the survey to confirm their typology category and to solicit additional qualitative information about each agency’s RMS.

Part III

Following the survey analysis, the research team conducted follow-up interviews with specific ARE agencies where clarification was needed. The research team categorized ARE agencies into six typologies:

Table 1. Typology matrix of ARE agencies

Agency Typologies	Agency Responses by Category
1. State Alcohol Regulatory Agencies: Agencies that have <u>primary</u> responsibility for licensing of retail alcohol establishments, enforcement (criminal and/or administrative), and adjudication of administrative violations of alcohol laws	18
2. State Alcohol Enforcement Agencies: Agencies that have responsibility for enforcement only (criminal and/or administrative) but no authority over licensing of retail alcohol establishments or adjudication of administrative violations	11
3. State Alcohol Regulatory Agencies with Local Authority Options: Agencies that have primary responsibility for enforcement (criminal and/or administrative) and issue state licenses for retail alcohol establishments, but require dual licensing (some form of local licensing by local boards/councils, etc. beyond recommendations for approval/denial), and may share adjudication responsibilities with local boards/councils, etc. as well	4
4. County Alcohol Regulatory Agencies: Local alcohol beverage regulatory agencies that issue the retail licenses (no state retail license approval process), have administrative enforcement authority, and adjudication responsibilities	9
5. Local Law Enforcement Agencies: Local police departments, sheriff agencies, campus police departments that have primary responsibility for all criminal codes in their jurisdiction but may or may not have retail licensing or adjudication responsibilities over alcohol establishments.	116
6. Other: Non-profit agencies, government agencies, or state-level law enforcement agencies without primary authority for alcohol enforcement	3

Findings: Part I

There were 193 responses to the survey. After removing survey responses where respondents did not answer questions beyond general contact information and consolidating responses for agencies with multiple responses, the final sample size was 161 responses. Eight states (Hawaii, Illinois, Iowa, Maryland, Missouri, South Carolina, Tennessee, and Wisconsin) received responses from more than one agency, with the most responses from Tennessee with 67 responses followed by Iowa with 42 responses.

As the majority of ARE operations are conducted by the agencies in Typologies 1-4, the results from these typologies were combined and the term alcohol regulatory/enforcement agencies (ARE) is used to encompass these 42 agencies. While the information provided by the ARE in Typologies 5 and 6 was helpful, this report focuses on Typologies 1-4 to simplify the findings. However, Typologies 5 and 6 were included in the section on interoperability.

Section I: Agency Demographics and RMS Information

Agency Demographics

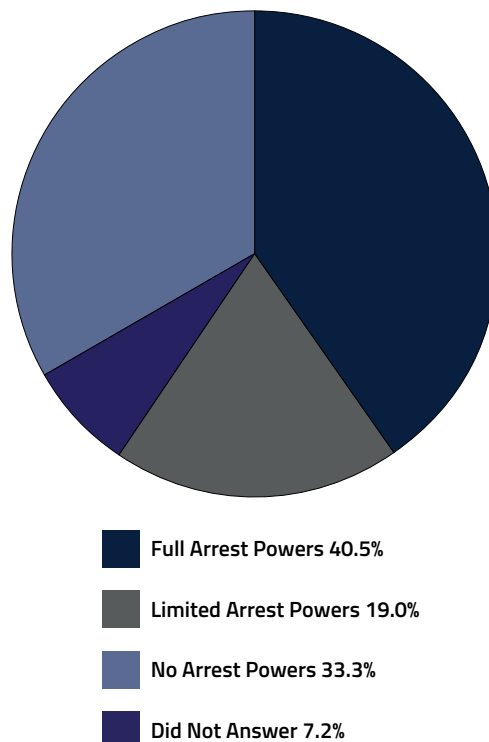
For agencies in Typologies 1-4, 33 of 42 agencies are responsible for ARE efforts for the entire state, while nine agencies are responsible for their respective county only. The number of officers in each agency varied greatly. For example, five agencies report 100 or more officers while 11 agencies have 10 or fewer officers. See Table 2 for the range of number of officers per agency.

Table 2. Range of Number of Officers for ARE Agencies

Range of Number of Officers	Number of State Agencies in this Range	Number of County Agencies in this Range
0-10	5	6
11-25	14	3
26-50	5	0
51-99	4	0
100+	5	0

Seventeen of 42 agencies report having full arrest powers, while eight agencies have limited arrest powers and 14 agencies do not have any arrest powers and may issue administrative or civil citations only. Three agencies did not respond to this question.

Figure 1. Power of the Alcohol Enforcement with Primary Responsibility for Enforcing the Administrative Alcoholic Beverage Code



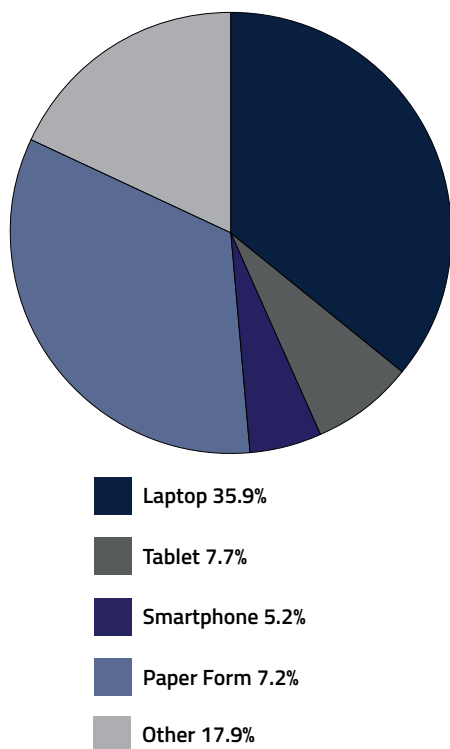
Records Management Systems

There is no predominant RMS vendor/program used across the country for ARE agencies. Of the 34 ARE agencies that reported using a RMS, 76% reported using a RMS not reported by any other agency. Four agencies use Salesforce, and two agencies use either an Access Database or FAST. Eight ARE agencies (19% of these agencies that responded to the survey) either left the response blank or reported not having a RMS.

Data Collection Techniques

The survey asked agencies how they collect data with the following question, *“When conducting operations in the field, how are data/information currently collected?”* Thirty-nine (out of 42) ARE agencies responded to this question. Forty-nine percent (49%) reported using either a smart phone, tablet, or laptop and 33% reported using paper forms exclusively. Seven agencies (18%) reported other, and the open-ended responses indicated that in most of these cases, the agencies used a combination of the options provided in the survey question.

Figure 2. Data Collection Methods during Field Operations for ARE agencies



Section II: RMS Data Collected

RMS Variables

The survey asked several questions pertaining to the type of information available in each agency’s RMS. These questions ranged from what type of license information is available in the RMS to the types of criminal and administrative violations that are entered in the RMS specific to licensed alcohol establishments.

Retail Alcohol License Information

In relation to alcohol license information, there were 28 variables listed in the survey. The top 10 variables by percentage of ARE agencies that include these variables in their RMS are listed in descending order in Table 3.

Table 3. Alcohol License Information in ARE Agency RMS (n=30)

Alcohol License Information Variable	Percentage of Agencies with Variable in RMS
Address	100
Corporate Name	97
Phone Number	97
License Number	97
License Type	90
Corporate Officer and/or Employee in Charge/ Current Manager	90
Expiration Date of License	83
Inspection Details	77
Inspection Details – Time	77

While these data are important for ARE officers to have while out in the field or when conducting an investigation, other data, such as days and hours of operation, premise records (e.g., alcohol sales, food sales, keg registration), premise descriptions (including maps of the establishment), and other inspection details, were reported in RMS with much less frequency, ranging from 10% (for dispenser cleaning records) to 73% (for the date of inspections).

Retail Alcohol License Violations

The survey asked several questions about violations of alcohol laws specific to the following:

- Signage in retail alcohol licensed establishments (e.g., liquor license displayed, smoking signage, food permit);
- Licensing operations (e.g., Sunday sales or unlawful transportation of alcohol);
- Serving practices (e.g., sales to minors or intoxicated persons, drink specials, serving after legal hours).

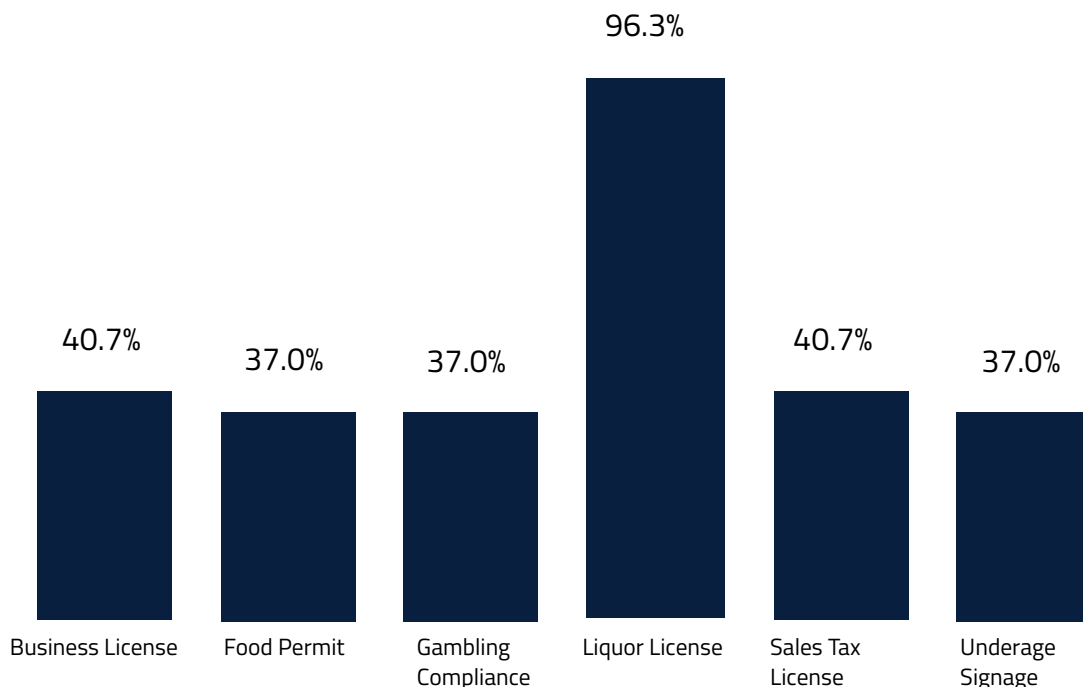
Figures 3, 4, and Table 4 summarize the most frequently reported information available in RMS for ARE agencies.

Signage

An important role of ARE agencies is tracking establishment compliance with state and county laws and regulations. As such, violations can be issued for lack of proper signage in establishments. The survey asked about 16 different possible violations related to signage. Figure 3 shows the most frequent violations for signage that ARE agencies have available in their RMS.

There are important signage violations that agencies reported having in their RMS less frequently, including health certificates (30%), Alcohol and Tobacco Tax and Trade Bureau (TTB) permits (26%), prenatal warnings and operating hours (22%), smoking signage (19%), firearms and fire code/capacity signage (7%). While these percentages are quite low, not all of these signage requirements may exist in the jurisdictions that responded to the survey.

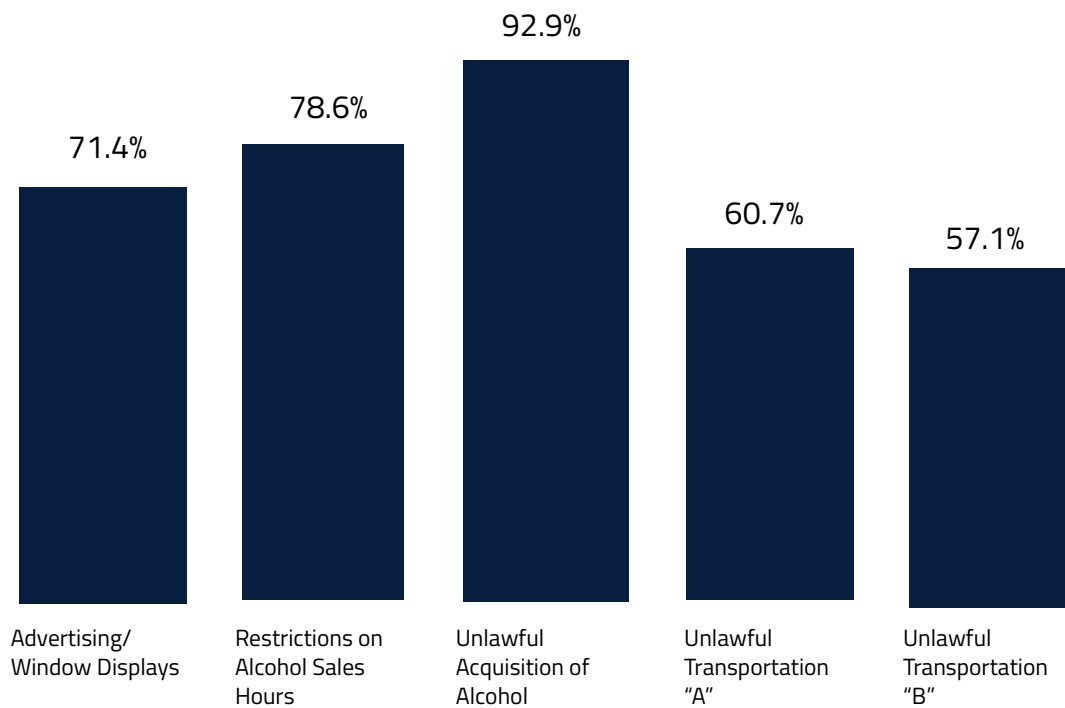
Figure 3. Most Common Establishment Signage Violation Information Available in RMS for ARE agencies (n=27)



Operations

ARE agencies usually have primary responsibility for inspecting licensed premises and issuing citations for violations of laws and regulations related to operations. The survey asked about 13 possible types of violations in relation to business operations that could be captured in a RMS. Figure 4 shows the most frequent violations for operations that ARE agencies have available in their RMS.

Figure 4. Most Common Establishment Operations Violations Available in RMS for ARE agencies (n=28)



Service and Sale

The survey asked about 20 variables on establishment violations related to the improper storage and/or serving of alcohol. Table 4 provides the percentages for the violations collected in RMS that the survey asked related to service and sale practices, all of which are important components of ARE agency responsibilities.

Table 4. Percentage of RMS that include Establishment Violations for Improper Storage/Serving of Alcohol

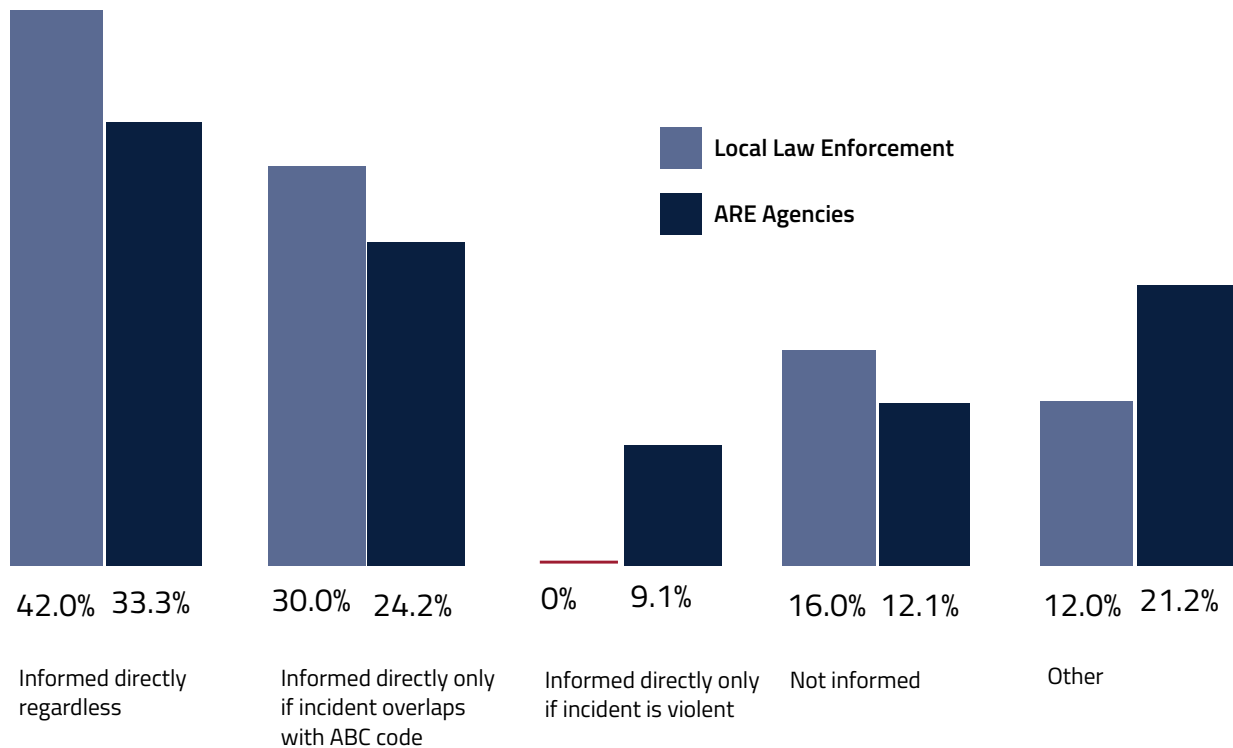
Violation (n=30)	
Improper Sale of Alcohol to Minor	93%
Alcohol Purchases from Illegal Producer or Distributor	87%
Serving After Legal Hours	83%
Sale to Intoxicated Patron	83%
Selling Beverage Type Not Authorized (Liquor)	83%
Allowing Consumption After Legal Hours	80%
Refilling Bottles	80%
Selling Beverage Type Outside of What License Type Permits	77%
Unlawful Drink Promotions/Happy Hours/Discounts	77%
Allowing a Patron to Leave with Open Containers	70%
Failure to Dispense from Original Containers	67%
Improper Storage of Alcohol	63%
Dispenser Properly Labeled	60%
Improper Admission of Minor to Premise	60%
Properly Fill, Refill, Seal and Sell Growlers	53%
Bringing Alcohol On-Premise	47%
Exceeding Quantity of Drinks per Sale	40%
Overpouring	40%
Allowing Patron to Serve Alcohol	40%
Dispensing System Cleaned Regularly	20%

Section III: Information Sharing

The survey asked agencies to identify how the alcohol regulatory authority is notified when illegal activity occurs at a licensed premise and was reported and/or investigated by law enforcement. For this question, it seemed important to understand how local law enforcement understands the information sharing arrangement as well as the ARE agencies. Forty-eight (48) local law enforcement agencies (Typologies 5 and 6) and 33 ARE agencies (Typologies 1-4) responded to this question. The results are displayed in Figure 5.

Independent of the type of incident, less than 50% of all agencies report that the incident information is shared with the state alcohol regulatory authority.

Figure 5. Percentage Responses by Agency Type to the Question: If an illegal activity is reported and/or investigated at a licensed retail establishment by law enforcement, how is the alcohol regulatory authority notified?



Findings: Part II

As described in the Methods, follow-up phone interviews were conducted with agencies in Typologies 1-4, primarily to confirm the correct matrix category, but also to solicit additional qualitative information about the RMS in use by the agency. This section describes some of the general findings from the phone interviews.

Qualitative Findings

In addition to challenges in information sharing between local law enforcement and the state alcohol regulatory authorities, challenges were also identified within or across state-level agencies. The following challenges were identified:

- Even in agencies that have primary responsibility for licensing, enforcement, and adjudication (Typology 1 in Table 1), there may be separate RMS for licensing and enforcement, making the data difficult to share or transfer across systems. Several agencies reported that they wished all this information was available in one RMS and some are actively working to achieve this or, at minimum, to ensure that the systems can integrate with one another. If this is not the case, respondents noted that numerous problems can arise, such as enforcement agents not having the latest licensing approval information when doing inspections or adjudication decisions not being tracked in both systems, leaving agents in the dark as to whether licensed retail outlets are serving suspensions, as an example. The result is lack of records for repeated violations that can be tracked over time, especially in situations where an individual owns one or more establishments in multiple locations.
- Respondents indicated that the licensing representatives within the agency could also benefit from knowing whether active investigations are ongoing in relation to licensed premises when considering license renewals.
- Where alcohol licensing falls under the purview of one state-level agency (e.g., liquor commissions, departments of revenue) and a different state agency (e.g., state police) has responsibility for enforcement actions related to alcohol premises (Typology 2 in Table 1), agencies reported challenges in sharing information or ensuring that the appropriate data are available within each agency's RMS.
- In states with local licensing authority (Typology 3), respondents indicated numerous challenges and identified there are information sharing needs from all local alcohol licensing and adjudicatory bodies and the state alcohol regulatory authority. These states involve such a vast number of agencies interacting with each other and no one identified a RMS that has been able to share data effectively and efficiently between local and state agencies.

Some agencies have managed to allow information sharing within agencies (Typology 1) or across agencies (Typology 2), especially if each agency is part of a larger statewide RMS, and in some cases, they have developed systems that allow limited access to the enforcement RMS to protect sensitive information. These states report that it is an ongoing process and often requires dedicated staff to ensure that the information processing and sharing is taking place on an ongoing basis.

Recommendations

The most recent IJIS report, *Standard Functional Specifications for Law Enforcement Records Management Systems Version III*, prepared by the Joint Standardization Task Force, which included the International Association of Chiefs of Police (IACP), provides a comprehensive assessment of standard functional specifications (e.g., performance requirements) for law enforcement RMS to help guide agencies' decisions related to operational organization and/or requirements definition during the issuance of any solicitation to RMS service providers. The following are recommendations for general best practices for a RMS:

- Single entry (i.e., data are entered once and then reused by other modules as necessary)
- Automatic submission of data to external organizations as defined by the agency
- Use of authoritative standardized code tables
- Ability to enter and query narrative(s)/text fields
- Spell check and formatting capability on narrative(s)/text fields
- Ability to access multiple systems from a single RMS workstation
- Validation on data entry (i.e., logical edits, edit checks for all fields)
- Some functional specifications need to be addressed at the agency level, such as the identification of specific external agency interfaces. These unique functions are addressed within each applicable business function.
- All exchanges generated by a RMS should be in conformance with the National Information Exchange Model (NIEM)* standards.⁽⁵⁾

* *NIEM is a partnership of the U.S. Department of Justice and the Department of Homeland Security designed to develop, disseminate and support enterprise-wide information exchange standards and processes that can enable jurisdictions to effectively share critical information in emergency*

situations, as well as support the day-to-day operations of agencies throughout the nation.

IJIS recognizes that a single RMS may not be possible for state and local ARE agencies; however, a state may seek a state-level portal that allows for local agencies to enter data and share data to the state for accessibility for all authorities, making a centralized solution more manageable.

In addition to overarching recommendations for a RMS, it is recommended that ARE agencies consider the following:

RMS Structures

- Create one RMS that includes all licensing, enforcement, and adjudication information. Varying levels of access can be enabled to protect access to sensitive information. Access should be defined to the field level for view only, add, edit and delete permissions.
- Work with ARE agencies who have recently upgraded or are in the process of soliciting proposals for a RMS to see what was included in their RFPs and how they came to these decisions.

Data Collection Methods

- For state ARE, consult with local law enforcement agencies to assess whether there are common RMS in use. Explore whether relevant information sharing can take place electronically between the respective agencies.
- Move from paper to online, cloud-based RMS platforms.

Information Sharing

- Create tool that can pull in multiple data sources automatically to keep the alcohol regulatory authority updated in real time like the State of Vermont does.

Conclusion

ARE data is imperative to creating a rationale nexus between alcohol regulations and their public health and safety intent. While the initial survey helped to create a more comprehensive picture of current ARE data collection processes and challenges, it also helped identify a way to improve data collection processes moving forward. The NLLEA is committed to improving processes and systems for ARE RMS, and it will do this by convening an Executive Steering Committee that is comprised of individuals who are representative of those who collect, fund, or use ARE data. Their expertise will provide guidance on the project as NLLEA works to develop ARE RMS standards that are universally looked at by ARE agencies and RMS service providers seeking to improve ARE RMS. Additionally, subject matter experts will be incorporated to ensure all aspects from technical requirements and end users' needs are reflected in the standards. Pending funding is available, NLLEA will work with IJIS Insitute to pilot test the adopted standards in a few states and/or communities to

References

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5. Integrated Justice Information Systems Institute. (2021). Standard Functional. Specifications for Law Enforcement Records Management Systems, Version III. <https://www.theiacp.org/sites/default/files/2021-06/Standard%20Functional%20Specifications%20for%20Law%20Enforcement%20RMS%20Version%20III.pdf>.

Appendix 1

Name	Email	Agency	Title	Contribution
Skylar Genest	Skylar.Genest@vermont.gov	Vermont Dept. of Liquor Control & Lottery	Director Office of Compliance & Enforcement	Control Jurisdiction & MIS Background
Chastin Qualls	chastin.qualls@ua.edu	Center for Advanced Public Safety College of Engineering (U of Alabama)	IT Product Manager	Technology Expert
John Yeomans	john.yeomans@delaware.gov	NLLEA; Delaware Alcohol & Tobacco Enforcement	President; Chief	NLLEA Representative; License State
Josh Happe	happe@iowaabd.com	Iowa Alcoholic Beverages Division	Bureau Chief, Regulatory Compliance Program	Control Jurisdiction, No Enforcement
Neal Insley	Neal.Insley@nabca.org	National Alcohol Beverage Control Association	Senior VP, General Counsel	Legal, NABCA Representative
Pat Daily	Pat.Daily@dor.ms.gov	Mississippi Alcoholic Beverage Control Bureau of Enforcement	Deputy Chief of Enforcement	Current State Considering Updating RMS; Control Jurisdiction
Shane Mikkelson	smikkelson@ci.osseo.mn.us	Osseo (MN) Police Dept.	Chief	Local Law Enforcement Representative; License State
Toben Nelson	tfnelson@umn.edu	Division of Epidemiology & Community Health (U of Minnesota)	Associate Professor	Researcher with Experience in Alcohol Enforcement Data
Tom King	tking@statecollegepa.us	State College, PA	Assistant Bourough Manager of Public Safety	Control Jurisdiction, Former Local Law Enforcement Chief
Traci Toomey	toome001@umn.edu	Division of Epidemiology & Community Health (U of Minnesota)	Professor	Researcher with Experience in Alcohol Enforcement Data

Appendix 2

RMS Survey

1. Please provide the following information:

Full Name (first and last) _____

Title _____

Agency Name _____

City _____

US State _____

Zip Code _____

Work Phone _____

Email Address _____

2. Best contact for follow-up questions (if someone other than yourself, include name, phone, and email):

Email Address _____

3. How many FTE officers/agents/investigators/inspectors dedicated to alcohol law enforcement does your agency have?

- 0-10
- 11-25
- 26-50
- 51-99
- 100+

4. Jurisdiction your Agency Oversees:

- Entire state
- Region of state
- County
- City/Town
- If other, please specify

5. Agency primarily responsible for enforcing alcohol retail laws (administrative beverage alcohol code) in your state?

- State Alcohol Regulatory Authority
- Local Alcohol Regulatory Authority
- State Police Department
- Local Police Departments/Sheriff's Offices
- A combination, please explain

6. Which best describes the power of the alcohol enforcement with primary responsibility for enforcing the administrative alcoholic beverage code in your state?

- Full arrest powers
- Limited/supplemental arrest powers – please define
- No arrest powers
- Other, please explain

7. **Does alcohol enforcement with primary responsibility for enforcing the administrative alcoholic beverage code carry a gun?**

- Yes
- No
- Don't know

8. **Name the Records Management System (RMS) vendor used by your agency?**

9. **Who in your agency oversees the RMS? (Please list name, title, phone and email for follow-up questions)**

10. **What type of RMS does your agency have currently?**

- Server-based
- Cloud-based
- Combination

11. **Which option best describes your agency's RMS:**

- Custom-designed system?
- Module of a larger, prepackaged/standardized RMS system with NO customization
- Module of a larger, prepackaged/standardized RMS system WITH customization
- Other, please describe

12. **When conducting operations in the field, how is data/information currently collected?**

- Paper form
- Mobile computer (laptop)
- Application on tablet (iPad)
- Application on smart phone
- Other, please describe

13. **Is your agency considering upgrading its RMS?**

- Yes
- No

14. **If yes, please explain the primary motivation for upgrading the RMS:**

15. **Is your agency permitted to choose its own RMS vendor?**

- Yes
- No
- Other, please describe

16. **What type of funding does your agency have for maintaining its RMS?**

- Allocated in budget
- Grants
- No allocated funds
- Other

17. Please check all variables that are collected within your RMS.

License Information:

- Corporate Name
- Trade Association
- Address
- Phone Number
- License #
- License Type
- Expiration Date of License
- License properly Posted
- Days and Hours of Operation
- Corporate Officer and/or Employee in Charge/Current Manager
- Inspection Details
- Inspection Details – Date
- Inspection Details – Time
- Inspection Details – Officer Completing
- Premise Description – Diagram/Photo
- Premise Description – Square Footage
- Premise Description – Capacity Limits
- Records – Financial
- Records – Invoices
- Records – Receipts
- Records – Product Deliveries to Consumer
- Records – Purchase of Alcohol
- Records – Catering
- Records – Dispensing System Cleaning Records
- Records – Keg Registration/Books
- Records – Alcohol Sales
- Records – Food Sales
- Records – Average Monthly Gross Income

18. Please check all variables that are collected within your RMS.

Approval of Application:

- Disqualifying Criminal Record(s)
- Proof/Outcome of Background Check(s)
- Distance/Zoning Restrictions
- Falsification of Information on Application
- License Premise Connected to (Hotel, Entertainment/Event Venue, etc.)
- General Insurance Requirements
- Liquor Liability Insurance
- Additional Business Licenses/Permits

19. Please check all variables that are collected within your RMS.

Violations - Failure to Obtain Department Approval of

- Change in Ownership
- Floor Plan
- Special Event/Live Entertainment
- Unapproved Items for Sale

20. Please check all variables that are collected within your RMS.

Violations - Required Postage/Certifications/Licenses/Warning Signs Not Displayed

- Liquor License
- Sales Tax License
- Health Certificate
- Business License
- Prenatal Signage
- FASD Signage
- Underage Signage
- Operating Hours
- Smoking Signage
- Tobacco Permit
- Food Permit
- Gambling Compliance with State Code
- Restricted Areas
- Firearms Signage
- Fire Code/Capacity Signage
- TTB Permit

21. Please check all variables that are collected within your RMS.

Violations - Failure to Comply with Operational Restrictions

- Sunday Sales
- Other Restrictions on Alcohol Sales Hours/Days of Operation
- Unlawful Cease in Operations
- Unlawful Acquisition of Alcohol (Illegal Producer or Distributer)
- Unlawful Transportation of Alcohol by Employee (to Consumer or Unauthorized Location)
- Unlawful Transportation of Alcohol by Third-Party (to Consumer)
- Advertising/Window Displays (Signage Restrictions)
- Window Tinting
- Indoor/Outdoor Lighting
- Seating or Other Floor Plan Requirements
- Outdoor Seating
- State Taxes
- Private Event Open to the Public
- Clean Indoor Air Act Compliance/Prohibit Smoking in Public Areas

22. Please check all variables that are collected within your RMS.

Violations - Employees

- Owner/Manager(s) NOT RBS Certified or Certification Expired
- Server/Seller(s) NOT RBS Certified or Certification Expired
- Identification/Personal Information of Owner/Manager(s) NOT RBS Compliant
- Identification/Personal Information of Server/Seller(s) NOT RBS Compliant
- Improperly Employed (Underage, Undocumented, Criminal History)
- Failure to Maintain Proper Records
- Drinking on the Job
- Attire

23. Please check all variables that are collected within your RMS.

Violations - Improper Storage/Serving of Alcohol:

- Improper Admission of Minor to Premise
- Improper Sale of Alcohol to Minor
- Unlawful Drink Promotions/Discounts/Happy Hour/Free Drinks
- Failure to Dispense (Pour) from Original Containers
- Dispensing System Cleaned Regularly/Cleaning Records
- Dispenser Properly Labeled
- Selling Beverage Type Not Authorized (Liquor)
- Selling Beverage Type Outside of What License Type Permits (Catch-All)
- Refilling Bottles
- Properly Fill, Refill, Seal and Sell Growlers
- Improper Storage of Alcohol
- Alcohol Purchases (From Illegal Producer or Distributor)
- Serving After Legal Hours
- Allowing Consumption After Legal Hours
- Allowing A Patron to Leave with Open Containers and/or Allowed to Bring A/B onto the Premises
- BYOB (Bringing Alcohol On-Premise)
- Exceeding Quantity of Drinks/Bottles per Sale
- Exceeding Legal Amount of Alcohol per Sale (Overpouring)
- Allowing Patron to Serve Alcohol
- Sale to Intoxicated Patron

24. Please check all variables that are collected within your RMS.

Violations - Food Requirement

- Food to Beverage Requirements (Sufficient Food)
- Hours of Food Sales
- Proper Menu
- Food Preparation Equipment
- Sanitary Food/Dining Equipment
- Deleterious Beverages or Food

25. Please check all variables that are collected within your RMS.

Violations - Criminal Acts

- Gambling
- Interfering with Law Enforcement
- Allowing the Sale, Possession, or Use of Drugs on the Premise
- Engaging in the Sale, Possession, or Use of Drugs on the Premise
- Lewd Acts (Stripping)
- Intentionally Not Paying Taxes

26. Application for Licensure/Renewal of License

Which best describes the licensing process within the state?

- Liquor licenses are approved directly by the local board (no state agency involved)
- Liquor licenses are approved first by the local board, then passed onto the state agency for final approval
- Liquor licenses are approved first by the state agency, then handed down to local boards for final approval
- Liquor licenses are approved directly by the state agency (no local board involved)
- Liquor licenses are approved by the local board and state agency in two separate processes without coordination or contact between the two

27. Application for Licensure/Renewal of License

In an initial application for licensure, is there coordination with other entities? (choose all that apply)

- State Health Departments
- Local Health Departments/Boards of Health
- Zoning/Land Use Department
- Fire Department
- State Police
- Local Police Departments
- Local Sheriff's Offices
- City/County Councils/staff
- Tax-related office
- Secretary of State
- No Coordination

28. Application for Licensure/Renewal of License

Many jurisdictions require additional approval or certifications by outside agencies (i.e., Police, Local Board of Health, State Health Department, Planning & Zoning Commission, etc.) Which of these options best describes the state's initial application process? (check all that apply)

- The applicant is required to have proof of outside agency approval before they can successfully obtain a liquor license
- The LOCAL licensing authority is in direct contact with outside agencies to determine whether the applicant meets all criteria
- The STATE licensing authority is in direct contact with outside agencies to determine whether the applicant meets all criteria
- The liquor license and other certification/approval processes are separate
- There is a centralized database with necessary information enclosed that is referenced
- Not required

29. Application for Licensure/Renewal of License

If additional information/certification(s) is required from outside agencies, is this information validated?

- Yes
- No
- Don't know

30. Application for Licensure/Renewal of License

Is the criminal record of a license holder/manager verified at the following stages? (check all that apply):

- Initial License Application
- License Renewal
- Upon Complaint Filed

31. Application for Licensure/Renewal of License

During the license renewal process, is there coordination with other entities? (choose all entities that apply)

- State Health Departments
- Local Health Departments/Boards of Health
- Zoning/Land Use Department
- Fire Department
- State Police
- Local Police Departments
- Local Sheriff's Offices
- City/County Councils/staff
- Tax-related office
- Secretary of State
- No Coordination
- Other

32. Regular/Routine Inspections

Which techniques are used to conduct an inspection? (check all that apply)

- Walk through
 - Review paper records
 - Review electronic records
 - Interviews with employees
 - Interviews with owner
 - Remotely, videos/photos
 - Other, please describe
-

33. Regular/Routine Inspections

When an alleged violation of an outside agency's code is identified during a routine/regular inspection, the primary alcohol law enforcement agency:

- Directly notifies the outside agency
 - Directly notifies the outside agency only if the alleged violation is severe (endangers the public)
 - Inputs the information in a centralized database whereby outside agencies are notified
 - Does not notify the outside agency
 - Other, please describe
-

34. Regular/Routine Inspections

When an outside agency (e.g., Department of Health, Zoning, Fire Department) identifies an alleged violation of its own code at a licensed establishment, the alcohol regulatory authority is:

- Informed directly by the outside agency regardless of the violation type
 - Informed directly by the outside agency only if the violation overlaps with the ABC Code
 - Informed directly by the outside agency only if the violation is severe (endangers the public)
 - Informed by the license holder of the violation
 - Not notified
 - Other, please describe
-

35. Alcohol Compliance Checks/Underage Decoy Buys

Out of these agencies, which one of them is primarily responsible for conducting alcohol compliance checks in your state?

- State Alcohol Regulatory Authority
 - Local Alcohol Regulatory Authority
 - State Police Department
 - Local Police Departments
 - Local Sheriff's Offices
 - Other, please describe
-

36. Alcohol Compliance Checks/Underage Decoy Buys

Which enforcement agencies are permitted to conduct underage alcohol compliance checks in your state? (check all that apply)

- State Alcohol Regulatory Authority
 - Local Alcohol Regulatory Authority
 - State Police Department
 - Local Police Departments
 - Local Sheriff's Offices
 - Other, please describe
-

37. Alcohol Compliance Checks/Underage Decoy Buys

Does the primary agency responsible for conducting underage alcohol compliance checks coordinate with other agencies?

- Yes
- No
- Don't know

38. Alcohol Compliance Checks/Underage Decoy Buys

If yes, please choose the agencies the primary agency most frequently coordinates with to conduct these operations. (choose all that apply)

- State Alcohol Regulatory Authority
 - Local Alcohol Regulatory Authority
 - State Police Department
 - Local Police Departments
 - Local Sheriff's Offices
 - Other, please describe
-

39. Alcohol Compliance Checks/Underage Decoy Buys

If yes, how is this coordination facilitated?

- Mandated by statute
 - Required by rules and regulations
 - Agency policy
 - Required by MOU
 - Other, please describe
-

40. Alcohol Compliance Checks/Underage Decoy Buys

Choose the option that best describes how information is shared with the primary agency responsible for alcohol compliance checks when operations are conducted by other agencies.

- Formal process is established for information sharing whereby reports are shared following checks.
 - No formal process is established, but agencies share results regardless.
 - Results are shared only when violations are found
 - Results are not shared
 - Other, please describe
-

41. Information Sharing and Coordination between Agencies

Please choose which agency takes the lead on investigations related to illegal activities at or around a licensed retail establishment.

- State Alcohol Regulatory Authority
 - Local Alcohol Regulatory Authority
 - State Police Department
 - Local Police Departments
 - Local Sheriff's Offices
 - Other, please describe
-

42. Information Sharing and Coordination between Agencies

Please choose which best describes the coordination protocol in your state between the state alcohol regulatory authority and law enforcement agencies when an illegal activity occurs in or around a licensed retail establishment.

- Mandated by statute that incidents involving a licensed establishment must be shared with the alcohol regulatory authority.
 - Required by rules and regulations that incidents involving a licensed establishment must be shared with the alcohol regulatory authority.
 - MOU established that all incidents involving a licensed establishment will be shared with the alcohol regulatory authority.
 - No formal mandate/requirement established for information sharing on incidents involving licensed establishments, but information is shared regardless.
 - No formal mandate/requirement established for information sharing on incidents involving licensed establishments, and as a result, no information is shared.
 - Other, please describe
-

43. Information Sharing and Coordination between Agencies

If an illegal activity is reported and/or investigated at a licensed retail establishment by law enforcement, how is the alcohol regulatory authority notified?

- Informed directly by law enforcement regardless of the incident type
 - Informed directly by law enforcement only if the incident overlaps with the ABC code
 - Informed directly by law enforcement only if the incident is violent
 - Not informed
 - Other, please describe
-

44. Information Sharing and Coordination between Agencies

If the alcohol regulatory authority is notified, please describe the method in which this information is shared.

- Paper report
 - Email
 - Centralized system/database
 - Other, please describe
-

45. License Holder/Managers

Please choose which best describes the information sharing protocol between the alcohol regulatory authority and law enforcement agencies when a license holder/manager is involved in a criminal act (i.e., DUI, possession or distribution of illegal substances, tax evasion, etc.) outside of the licensed premise?

- Mandated by statute that incidents involving a license holder/manager must be shared with the alcohol regulatory authority.
 - Required by rules and regulations that incidents involving a license holder/manager must be shared with the alcohol regulatory authority.
 - MOU established that all incidents involving a license holder/manager will be shared with the alcohol regulatory authority.
 - No formal mandate/requirement established for information sharing on incidents involving license holder/manager, but information is shared regardless.
 - No formal mandate/requirement established for information sharing on incidents involving license holder/manager, and as a result, no information is shared.
 - Other, please describe
-

46. License Holder/Managers

If a license holder/manager is involved in a criminal act outside the licensed retail establishment how is the alcohol regulatory authority notified?

- Informed directly by law enforcement regardless of the criminal act
 - Informed directly by law enforcement only if the criminal act overlaps with the ABC code
 - Informed directly by law enforcement only if the criminal act is violent
 - Not informed
 - Other, please describe
-

47. License Holder/Managers

If the alcohol regulatory authority is notified, please describe the method in which this information is shared.

- Paper report
 - Email
 - Centralized system/database
 - Other, please describe
-

48. Complaints and Notifications

How is the alcohol regulatory authority notified of complaints from the public? (check all that apply)

- Phone
 - Email
 - Mail
 - Website/Online
 - Mobile app
 - Other, please describe
-

49. Complaints and Notifications

How does the alcohol regulatory authority receive notifications from law enforcement of place of last drink and/or DUI incidents suspected to be connected to the licensed retail establishment? (check all that apply)

- Paper report
 - Email
 - Centralized system/database
 - Not notified
 - Other, please describe
-



About NLLEA

Established in 1988, NLLEA is a national association of law enforcement personnel dedicated to the enforcement of liquor laws and regulations. The NLLEA has an active membership structure that is open to all levels of persons involved in enforcing liquor laws in the United States and Canada, as well as an associate membership structure.

The NLLEA is committed to improving; the standards and practices of liquor law enforcement, the professional development of its members, and recognition of the role and achievements of liquor law enforcement in protecting and promoting public safety.

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