Place of Last Drink (POLD):
A Case Study of Vermont's Implementation of POLD using an Implementation Framework

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Introduction & Background

The mission of the Vermont Division of Liquor Control is to serve the public by preventing the misuse of alcohol and tobacco through controlled distribution, enforcement, education, and by providing excellent customer service by operating efficient, convenient liquor agency stores. The Office of Compliance and Enforcement (OCE) is charged with investigating possible violations of liquor laws and regulations and carrying out enforcement activities related to those incidents.[1]

The Office of Compliance and Enforcement (OCE) is partnering with the National Liquor Law Enforcement Association (NLLEA) and the National Highway Traffic Safety Administration (NHTSA) in a five-year evaluation of some of its initiatives. This report is the third in a series of case studies and continues an examination of Place of Last Drink (POLD), an initiative that seeks to identify a licensed alcohol establishment where someone involved in an alcohol-related incident consumed their last alcoholic beverage.[2] This report builds on evaluation of OCE's projectR.A.B.I.T. data dashboard in year one and initial examination of POLD in year two. It examines implementation of POLD in Vermont using a framework of implementation components developed by researchers at the Alcohol Epidemiology Program at the University of Minnesota,[3] examination of outlet density and POLD incidents, and staffing capacity of Vermont compared to national averages (based on a capacity study conducted for the Maine Bureau of Alcoholic Beverages and Lottery Operations, BABLO).[4]

POLD in Vermont

Since 1987, law enforcement officers have been required to attempt to determine if crashes involving alcohol involved a licensed establishment that served or furnished alcohol to the driver:

> ### § 1817. Reports of law enforcement officer; accidents involving alcohol
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> "Any law enforcement officer who, upon investigation of a motor vehicle accident or other incident involving the use of alcohol, shall inquire whether the person involved in the accident or incident was served or furnished alcoholic beverages at a licensed establishment and, if the officer determines that a person was served or furnished alcoholic beverages at a licensed establishment, the officer shall so inform the appropriate licensee or licensees in writing. A law enforcement officer shall not be

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[1] Vermont Department of Liquor and Lottery website, https://liquorcontrol.vermont.gov/

[2] Cotti, C; Dunn, RA; and Tefft, N. (2014). Alcohol-impaired motor vehicle crash risk and the location of alcohol purchase. *Social Science & Medicine.* Vol 1098, pp 201-209. https://doi.org/10.1016/j.socscimed.2014.03.003.

[3] Toomey, TL, et al., Alcohol Epidemiology Program, https://aep.umn.edu/tools/place-last-drink-pold/what-place-last-drink-pold

[4] Maine Bureau of Alcoholic Beverages (BABLO) and Lottery Operations. Alcohol Compliance and Capacity Assessment: A Maine Spotlight. November 2022. https://www.maine.gov/dafs/bablo/sites/maine.gov.dafs.bablo/files/inline-files/MAINEREPORT_Final.pdf

subject to civil liability for an omission or failure to comply with a provision of this section." (Added 1987, No. 103, § 6;amended 2017, No. 83, § 149.)[5]

This statute only addressed *crashes* that involved alcohol. In recent years, the state of Vermont has made an effort to identify licensed establishments where a driver may have potentially been over-served alcohol for Driving Under the Influence (DUI) violations, not only crashes.

POLD is a strategy that can identify establishments that may be over-serving alcohol, creating the opportunity to intervene to change their behavior in an effort to decrease drinking and driving and related crashes. Law enforcement officers collect data on a driver's Place of Last Drink in DUI incidents. The arresting officer collects data on if the incident involved a licensed alcohol establishment as the place where the driver had their last drink. This data is then used to investigate what contributed to a person being over-served, and allows the opportunity for investigators at the Vermont Department of Liquor and Lottery to be able to work with the licensed establishment owners, managers, and staff to correct establishment practices.

Vermont institutionalized implementation of POLD in 2020 after participating in an initial pilot project administered by NLLEA. During the pilot period, two police departments in Vermont participated. In each department, officers collected data, which was compiled by NLLEA. Simultaneously, while participating in the pilot program, Vermont looked at how it might implement POLD beyond the pilot. One challenge identified during the pilot period was the need for an officer at the local level to enter a second database to record and document some of the POLD information. To institutionalize POLD, Vermont began looking at how it could facilitate a more efficient way to collect the data. The Senior Director of OCE contacted the Vermont Forensic Lab to explore how a question could be added to the DataMaster that is used by nearly every law enforcement agency in the state for reporting DUIs.

Now that Vermont has been collecting POLD data for several years, the Vermont Department of Liquor and Lottery wanted to examine areas they are successfully administering POLD and identify areas for improvement. This study examines implementation of POLD in Vermont within the framework of implementation components developed through research conducted by the Alcohol Epidemiology Program at the University of Minnesota, outlet density and POLD incidents, and staffing capacity.

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[5] Vermont General Assembly Statutes Online. https://legislature.vermont.gov/statutes/section/20/111/01817

Methods

This study employs a case study method to assess the implementation of Place of Last Drink (POLD) and builds on initial evaluation of POLD in 2022. A planning team consisting of the evaluator, NLLEA Executive Director, and key OCE staff (Senior Director of Licensee Operations Skyler Genest, Sgt. Melani Gaiotti, and Sgt. Michael Welch) met regularly throughout the study to make key decisions about the study, its focus, and design. This group helped identify stakeholders for key informant interviews, provided access to license and enforcement data, and provided input and review on findings.

Methods included:

Assessment of an implementation score of POLD implementation in Vermont using the Alcohol Epidemiology Program implementation framework: In-depth interviews were held with the OCE Senior Director and two sergeants to analyze the extent to which each evaluation component was implemented. A score for Vermont was calculated based on the AEP scoring model.

Key informant interviews with stakeholders/partners: The evaluator conducted interviews with key OCE staff and stakeholders to validate and provide additional information on Vermont's implementation of POLD within the AEP framework. Interviews were semi-structured, conducted by telephone, and lasted under 30 minutes. At the beginning of each interview, the evaluator explained the study, its partners and funders, its purpose, and offered the opportunity to ask any questions prior to the interview. Interviews were recorded, after obtaining permission from respondents, and transcribed. Interviews were analyzed to identify common and unique themes to better understand implementation in Vermont. The evaluator facilitated a member check with the evaluation planning group to review and validate the main themes prior to finalizing the report. Eight (n=8) people were interviewed between May 16, 2022 and June 6, 2022. Respondents included representatives from the Vermont Forensics Lab (n=2), Vermont Liquor and Lottery (n=2), local law enforcement (n=2), a licensed establishment owner (n=1), and Traffic Safety Resource Prosecutors office (n=1).

Outlet density and POLD incidents per community: Outlet density for a one-year period (March 29, 2022 to March 28, 2023) was calculated using a list of licenses for on-premise and off-premise establishments and population for communities using 2020 U.S. Census data. Number of outlets in a community was divided by population to calculate outlet density. POLD incidents were sorted by community, then the number of POLD incidents was divided by the number of licenses in each community to calculate a POLD per license figure for each community.

Alcohol enforcement capacity: Vermont enforcement capacity was calculated by creating a ratio of Full Time Equivalent (FTE) employees to number of licenses. Vermont's capacity was then compared to the aggregate national ratios for the 46 states, using data from a 2022 study[4] of alcohol enforcement in 46 states.

POLD Implementation Components

Dr. Tracy L. Toomey and colleagues with the Alcohol Epidemiology Program at the University of Minnesota developed a framework to examine the implementation of Place of Last Drink in a study of POLD implementation in the state of Minnesota. In Minnesota, licensing is done at the local municipal level, so POLD is administered by local law enforcement. The state created a statewide database to document and track POLD, but the decision to undertake POLD and participate in the data collection is made by local municipalities. The study assessed 26 Minnesota communities by interviewing law enforcement agency representatives who were familiar with how POLD was initiated and implemented in their community to identify characteristics that contribute to successful implementation.

The research identified four components that contribute to successful implementation of POLD: **1) Startup, 2) Data Collection, 3) Stakeholder Awareness, and 4) Follow-up.**[6] These components are described on the following pages. (The questions that were used to develop the components are presented in the table on page 6.)

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[6] Alcohol Epidemiology Program. (2022). Place of Last Drink (POLD) Manual. University of Minnesota School of Public Health. https://aep.umn.edu/tools/place-last-drink-pold/pold-resources

AEP Implementation Components Survey Questions

TABLE 2 – Survey Questions

Start-up
Was there a specific person who advocated for starting Place of Last Drink in your community or agency?
Did your agency inform alcohol establishments about Place of Last Drink at the start of your program?
Did your agency talk with city or county leaders about the start of the Place of Last Drink program in your community?
Did your agency educate the general public about the start of the Place of Last Drink program in your community?
Data Collection
Have officers in your agency been given instruction on how to collect Place of Last Drink data?
Does your agency have a Standard Operating Procedure (SOP) or formal policy related to collecting, recording, or using Place of Last Drink information?
Do officers collect place of last drink for all alcohol-involved incidents, or just particular types of incidents?
When officers respond to these incidents, how many consistently collect Place of Last Drink when appropriate?
When officers respond to these incidents, how many consistently record Place of Last Drink when appropriate?
How do officers document a POLD case?
In general, what was the response from officers in your agency about recording POLD?
Stakeholder Awareness
Does your agency do anything to maintain awareness about the Place of Last Drink program among alcohol establishments in the community?
Has your agency used any strategies to increase awareness about the Place of Last Drink program in the general community?
Has your agency used any strategies to increase awareness about the Place of Last Drink program among city council members or other local government officials?
Follow-up
Has your agency used Place of Last Drink data to plan or inform: observations at bars/restaurants, saturation patrols, or underage drinking enforcement operations?
Has your agency or community taken any actions in response to an establishment frequently being named a place of last drink?
In response to an establishment being frequently named as a Place of Last Drink… • has your agency met with an owner or manager of an establishment? • has your agency or community mandated that an establishment train staff members on responsible beverage service? • has your community fined an establishment? • has an alcohol establishment in your community had its license suspended? • has your agency given Place of Last Drink data to a governing body such as a City Council/County Board for consideration during license renewal? • has your agency or community publicly named establishments that are a frequent place of last drink during a specified time period? • has your agency or community required an establishment to develop and submit a mitigation plan?

1) Startup
The first component, Startup, refers to the initial decision by an agency to implement POLD. Startup elements include the role of a key person(s) to champion and advocate for implementation of POLD, informing alcohol establishments that POLD data will be collected, informing community leaders and decision-makers of POLD implementation, and informing the general public about the startup of POLD. *An implementation score is "high" if at least three of these criteria are met.*

2) Data Collection
The second component, Data Collection, includes instructing law enforcement officers on how to collect POLD data, an agency having a Standard Operating Procedure or formal policy related to collecting, recording, or using POLD data, clarifying what types of incidents to be included (many communities collect data on only DUIs; some collect data a broader array of crime incidents such as assaults), consistent collection of POLD data by officers, consistent recording of POLD data by officers, the process of officers for recording POLD, and officer attitudes and motivation to document POLD. *An implementation score is "high" if at least five of these criteria are met.*

3) Stakeholder Awareness
The third component, Stakeholder Awareness, includes actions taken by an agency to maintain awareness of POLD among alcohol establishments in the community, in the general community, and among decision makers (such as elected officials and community leaders). *An implementation score is "high" if at least one of these criteria are met.*

4) Follow-up
The fourth component, Follow-up, refers to how the agency uses POLD data.
This component includes using POLD data for planning and directing resources (such as observations at bars/restaurants, saturation patrols, or underage drinking enforcement), use of POLD data to take actions with an establishment that has been identified as a POLD. Action might include meeting with establishment owners/managers, mandating staff training or participation in a Responsible Beverage Service (RBS), implementing a fine, implementing a license suspension/revocation, providing data to a local governing body for consideration at license renewal, publicly naming establishments with frequent POLD incidents, or requiring a mitigation plan for an establishment to correct issues. *An implementation score is "high" if at least three of these criteria are met.*

Findings—Vermont Implementation Scores and Description

The table on the next page presents the implementation score for Vermont using the AEP framework. Vermont scored high in three of the four components in the framework: Data Collection, Stakeholder Awareness, and Follow-up. The only component that Vermont did not score high in was Startup.

Vermont POLD Implementation Score

Component #1—Start Up: Score Low (n=2; high score is 3 or more)		
Specific person who championed POLD?	Yes	Senior Director of Licensee Operations promoted initial pilot and institutionalization
Inform alcohol establishments?	No	
Inform elected leaders?	Some	Presentations to Chiefs of Police Association; collaboration w/Forensics and TSRP
Educate general public?	No	
Component #2—Data Collection: Score High (n=6; high score is 5 or more)		
Officers instructed on how to collect POLD data?	Yes	Included in training, Academy, and DUI training
Standard Operating Procedure or formal policy on collecting, recording, using POLD data?	Yes	Yes/No question in DataMaster which is used in all DUIs
Collect POLD on all incidents or only DUI?	DUI	Only DUIs
Consistent collection of POLD?	Yes	DataMaster question is a required question
Consistent recording of POLD?	Yes	DataMaster question is a required question
How POLD is documented?	DataMaster	DataMaster required Yes/No question; some officers add in additional notes
General response from officers re POLD?	Positive	Question is simple to document; officers especially appreciate feedback on cases from liquor control investigators; law enforcement see value of POLD data
Component #3—Stakeholder Awareness: Score High (n= 3; high score is 1 or more)		
Efforts to maintain awareness of POLD among licensees?	Yes	Investigators share POLD information when doing inspections or interactions; some focused outreach in targeted areas
Use strategies to increase awareness of POLD in community?	Yes	Present POLD information to coalitions and community members; encourage use
Strategies to inform elected officials?	Yes	Presentations at legislative committees; State's Attorneys; Commissioner reports to Governor
Component #4—Follow-up: Score High (n= 7; high score is 3 or more)		
POLD data used to plan/inform compliance and enforcement?	Yes	All triaged POLD incidents are investigated and include meeting with licensee
Taken actions using POLD data?	Yes	Licensees are informed; actions taken to address specific issues
Met with owner/manager?	Yes	Follow-up with all triaged POLD
Require staff training?	Yes	Frequently require staff training
Fined an establishment?	Yes	On occasion
Suspended a licensee?	Yes	On occasion (rare, but is an option)
Shared data with governing bodies?	Yes	Presented to legislative committees, shared periodically in report to Governor
Required licensee to develop a mitigation plan?	Yes	Standard practice to identify corrective steps for licensee

1) **Startup—Vermont score: Low**

Senior Director of Licensee Operations Skyler Genest, was a strong advocate and championed implementation of POLD in Vermont. Genest was familiar with POLD and saw it could be valuable to implement in Vermont. In 2018, Vermont had the opportunity to begin POLD implementation as part of a pilot program through the National Liquor Law Enforcement Association (NLLEA), which enabled the start of POLD in two Vermont communities on a trial basis. However, while alcohol establishments in one of the two sites were informed of POLD, the other was not, and when Vermont institutionalized POLD after the pilot, alcohol establishments were not notified. Likewise, city and county elected leaders and the general public were not informed of POLD.

Genest's support was critical to institutionalizing POLD in Vermont after the initial pilot program. The experience from the pilot informed development of Vermont's program. OCE investigators see the value of POLD and see it as a useful tool for working with licensees. (This likely contributes to the high scores for Vermont for the other three implementation components.) One of the few areas Vermont scored low on was notifying establishments, communities, and elected officials when POLD was beginning to be implemented. Since initial implementation, investigators report they now try to inform establishments of the program when they interact with them on routine inspections.

2) **Data Collection—Vermont score: High**

Law enforcement officers in the state are given instruction on how to collect POLD data. Vermont has a specific protocol for how the data is collected in the DataMaster. The DataMaster is used by almost every law enforcement agency in Vermont, enabling uniform training and collection of data. Training is provided in the Academy, so all new personnel are trained; POLD training is included in the DUI training; and the DataMaster supervisors are all trained on POLD data collection. The POLD protocol is straightforward for officers—it is a forced choice "yes or no" question in the DataMaster, requiring a simple click to record if a licensed alcohol establishment was identified as the Place of Last Drink. The question is:

> **Did your investigation determine that the place of last drink for this arrest was a licensed liquor establishment or permitted event?**

A "yes" response is referred to OCE and triggers an investigation. Because the documentation is designed to be simple, compliance is high does not pose a burden on officers. Asking the source of alcohol is part of the DUI protocol, and recording it is routine for officers. As one officer said, "The time burden really isn't that much 'cause it's just a yes or no." Officers also see the benefit of collecting this information. The response from officers to collecting the POLD data has been largely positive. They don't feel that it's a burdensome task and they appreciate knowing that somebody from OCE is going to follow up and investigate when a POLD has been identified. A

police chief said officers are often motivated to provide POLD information, and can see it has a direct connection to the issues they deal with:

> "[Officers] understand the reasoning and see the value in it for sure, especially when they get a response from Liquor Control about a problem. I think that that really kind of solidifies the reasoning behind it."

3) Stakeholder Awareness—Vermont score: High

OCE investigators frequently use other opportunities when they're doing inspections or interacting with licensed establishments to inform them of the Place of Last Drink data collection. Investigators also network with local officers to make them aware of POLD. This can be informal communication when investigators are at local law enforcement agencies that present the opportunity to bring up POLD and share information. In addition, at least some community coalitions are becoming aware that POLD data is being collected and are expressing an interest in learning more about how they can use that data to support their local businesses and partner with them to address problems. In addition, data is occasionally shared with legislative committees and State's Attorneys. Thus, decision makers are beginning to be informed of the collection of POLD data.

Stakeholder awareness occurs with licensees and other agencies, including local law enforcement, the Forensics Lab, State's Attorneys, TSRPs, and elected officials. As one person observed:

> "We use it as an opportunity to educate. So, it really becomes an opportunity for us to engage in those communications with our licensees about over-serving…Because we lead with an "education first paradigm" our licensees are very receptive to that…[POLD] is really helping to foster that really strong relationship between our licensees and our investigators. The other thing is it's really helped develop intra-agency law enforcement connection."

State's Attorneys are becoming more aware the value of information obtained in POLD investigations and increasingly reach out to OCE investigators for their cases. As one said, "That was super helpful in some of the cases I had… it's good evidence to able to present to a jury or to a defense attorney."

4) Follow-up—Vermont score: High

Vermont Liquor and Lottery uses the POLD information to work with licensed establishments to create plans to address problems and take corrective action. Typically, an investigator initiates a conversation with the owner or manager of the licensed establishment to learn more about what led to the incident, investigate it, and come up with a plan to correct issues. Vermont's goal is

compliance, not to focus on punitive measures, although, if necessary, punitive measures such as a fine or a suspension have been taken.

When an officer selects "yes" (that a DUI has involved a licensed establishment), that information is forwarded on to OCE and assigned to an investigator. The investigator's initial step is to obtain the police report for the POLD incident and contact the arresting officer for more information. Investigators try to obtain any body camera or dash camera video, identify any witnesses, and gather any available information from the officer.

Next, the investigator will meet with the licensed establishment's owner or manager and inform them that their establishment was identified as a Place of Last Drink in a DUI incident. The investigator requests information from the manager such as video surveillance footage from the establishment if available, receipts, work schedules, and information about who may have witnessed/observed service. When the investigator identifies how the over-service occurred, they work with the owner/manager to correct the problem. This may involve providing additional training for employees on how to avoid over-service, implementing new policies such as serving food later in the evening, earlier closing hours, limiting number or types of drinks served, monitoring number of drinks a customer has, and in some cases termination of an employee. Most investigators create a written plan or list of corrective actions that they recommend to the licensed establishment so that they can follow up and ensure that these steps are being taken.

According to OCE investigators, follow-up focuses on education and compliance. "Our job is compliance first. We're called the Office of Compliance and Enforcement. We want compliance, and we will leverage enforcement when we can't otherwise." One investigator observed,

> "A lot of times I've noticed when you deal with a licensed establishment [that] you typically don't deal with, and they realize what was going on, they're—I don't want to use the word mortified—but they're upset with their staff and they make changes. I had a POLD case at [a licensed establishment], and the gentleman was in the establishment for seven hours consuming alcohol. I spoke with the owner, and she made her own changes…She was very like receptive to like, oh, this happens here, let's fix the problem. And I would like to say that we've never had problems there since. So we're changing the behavior. I feel a lot of it is through education. Like this particular case, after I investigated it, I went there and spoke to all her bartenders. We gave a little seminar of what to look for and what to do. And [the owner] was so thankful."

One licensee confirmed the value of seeing the OCE investigator as a resource who can help the business:

> "I was phenomenally impressed with [the OCE investigator] and how she handled it…She gives us her phone numbers. If we have any questions, we can email her continually as things come up that we may not understand, which we have now utilized more and more because she established a relationship with us. And I think that's another

piece, having an open dialogue with the businesses where they can feel comfortable to ask questions. Like she will help us in any complicated situation now or with things that we don't have answers to. And I'm very comfortable now asking her, as are my managers, they all have her numbers on their phone…[We] feel comfortable knowing she's here to teach and educate before, it's not just about punishment."

Overall Implementation Score for Vermont: High

Vermont's overall implementation score based on the AEP framework is High.
Vermont scored high in three of the four categories. In comparison, only nine of 26 agencies in the University of Minnesota study scored high in three or more components; 17 scored high in two or fewer categories, as shown in the table below.

AEP Community Implementation Scores Compared to Vermont Score

# High Implementation	# of communities	Final Overall Score
4 Components	3	
Vermont-3 Components		High POLD Implementation
3 Components	6	
2 Components	5	Medium Implementation
1 Component	6	
0 Components	6	Low Implementation

An Example of an Establishment's Response to being identified as a POLD

An OCE investigator and an alcohol establishment owner described steps the establishment took to prevent future over-service after being identified as a POLD. The incident was referred to an OCE investigator, who then accessed the police report, spoke with the arresting officer, and learned the driver had been in the establishment for several hours. When the investigator presented the information to the establishment owner, she took prompt action:

- Replacing the point-of-sale computer system so that it documented quantity and types of alcoholic beverages served to a customer
- Enacted new policies to ensure all bartenders/servers know how much a customer has been served
- No longer serve shots after 8:00 p.m.
- Limit a customer to one shot per person for their entire stay
- If servers are uncertain if a customer appears under the influence, they contact a supervisory position to help negotiate removing the customer from the establishment
- Servers are required to document after three drinks have been served, with special attention to shift changes
- OCE staff training on signs of intoxication, Blood Alcohol Count, impact of alcohol
- Maintains regular contact with the OCE investigator for questions and any situations

Outlet Density and POLD Incidents

To learn more about the context in which POLD is being implemented in Vermont, outlet density and the number of POLD incidents among active licenses was examined for a one-year period from March 29th, 2022 to March 28th, 2023. During this time period, there were 1,583 active first class licenses, and they were located in 199 towns or municipalities where data was available.

- The number of first-class licensed alcohol outlets per community ranged from a low of one to a high of 140.

- The population in those communities ranged from a low of 117 to a high of 44,743 (according to 2020 census data).

- The outlet density based on the community's population ranged from a low of 1 license per 23 residents to a high of 1 license per 5,815 residents.

- There were 554 total POLD incidents during the timeframe. The range of average POLD incidents per first class license (the number of POLD incidents in a community compared to the number of licenses in a community) ranged from a low of 0 to a high of 3.25.

License, Outlet Density, POLD range			
POLD for one year, March 29, 2022 to March 28, 2023			
	Total	Range	Notes
# of towns/cities examined	199		Those that have data
# of Licenses: Total and Range	1,583	1 to 140	1,583 first class licenses during observation period
Population: Total and Range	597,062	117 to 44,743	2020 Census data
Outlet Density Range (population per license)		23 to 5,815	
POLD incidents: Total and Range per license by community	554	0 to 3.25 POLD per license	Breakdown of POLD incidents presented in next table

Many communities had no POLD incidents associated with any of their licensees: 117 communities had no POLD incidents associated with an establishment in their community. Another 56 communities averaged less than one POLD incident; 20 communities averaged between one, but less than two POLD incidents. Just six communities averaged over 2 POLD incidents: three communities had an average of two to three POLD incidents, and three communities had an average of 3 or more POLD incidents. The majority of communities had no POLD incidents or only an average of less than one per license. Just 13% of communities had one or more POLD per license during the year examined. (See the table on the next page.)

POLD per License by Community		
	n	%
No POLD	117	58.8%
<1.0 POLD	56	28.1%
1.0 to <2.0 POLD	20	10.1%
2.0 to <3.0	3	1.5%
3.0 or above	3	1.5%
Total	**199**	100%

The highest ratio of POLD incidents per license were in small cities with just one or a few licenses. The following table shows more detail on the communities with the highest numbers of POLD incidents per license. These communities have a small number of licenses, but multiple POLD incidents. Some communities have larger populations or more outlets, but had fewer average POLD incidents per outlet. This may obscure "problem establishments" in larger communities. But the higher number of POLD per license in these communities indicate that a disproportionate amount of resources may be expended in them.

# of Licenses in Community	2020 Community Population	Outlet Density (outlets/ population)	# of POLD in community	# of POLD per License
1	177	177	2	**2.00**
1	3,598	3,598	2	**2.00**
3	4,845	1,615	7	**2.33**
1	886	886	3	**3.00**
3	10,686	3,562	9	**3.00**
4	1,798	450	13	**3.25**

Enforcement Capacity in Vermont

The staffing capacity of OCE was examined to look at the number of enforcement staff there are compared to the number of licenses they oversee, and how Vermont compares to other states. This examination was conducting using data from a previous study conducted by the state of Maine's Bureau of Alcoholic Beverages and Lottery Operations (BABLO) that examined staffing capacity in resources across 46 states in 2022.[4] This study calculated a ratio of enforcement personnel to licenses to compare capacity across states. This data was used to compare Vermont's enforcement capacity to the other states in the BABLO study.

Vermont has greater staffing capacity than many states. Nine states in the study have a lower ratio of enforcement staff to licenses to oversee.

In 2023, Vermont has 2,528 licensees; of these, 1,200 are off-premise licenses and 1,338 are on-premise licenses. The number of licenses across 46 states in the BABLO study ranged from a

low of 95 to a high of 47,600 on-premise licenses; from 0 to 28,328 off-premise licenses, and a combined total for all license types from 95 to 75,928 per state. (See the table below.)

	On-Premise	Off-Premise	Other License Types	Total Licenses
All States (n=46)	338,455	237,559	69,934	645,948
Range-Low	95	0		95
Range-High	47,600	28,328		75,928
Vermont (2023)	1,338	1,200		2,538

Vermont has 20 Full Time Equivalent (FTE) positions; 13 of these are enforcement FTEs. This is a ratio of 1 FTE per 127 licenses; when only enforcement FTEs are considered, the ratio is 1 enforcement FTE per 195 licenses.

The average for all 46 states in the Maine study is 1 FTE per 158 licenses, and 1 enforcement FTE per 305 licenses. This compares to a low of 1 FTE per 22 licenses and 1 enforcement FTE per 54 licenses and a high of 1 FTE per 1,714 licenses and 1 enforcement FTE per 10, 282 licenses. (The high figure reflects states that have very limited enforcement capacity at the state level.)

For the 17 states that are control states (like Vermont), the average ratio is 1 FTE per 144 licenses and 1 enforcement FTE per 262 licenses. (See the table below.)

	Ratio ALL FTE	Ratio Enforcement FTE
All States (n=46)	158	305
Range-Low	22	54
Range-High	1,714	10,282
Vermont (2023)	127	195
Non-Control States (n=29)	166	333
Control (n=17)	144	262

Vermont has greater capacity than many states: Vermont has the 10th lowest ratio of enforcement FTEs to licenses.

Vermont has 13 enforcement FTEs—this is a greater number of state-level enforcement FTEs than twelve other states. The following table shows the range of number of enforcement personnel across the states in the study. (See table on next page.)

Range of # of Enforcement FTEs	# of States in Range
0 to 10	10
Vermont has 13 Enforcement FTEs	
11 to 20	8
21 to 30	8
31 to 40	4
41 to 50	3
51 to 100	6
101 to 200	3
201 to 300	2
No info	2

Vermont's ratio of enforcement FTEs to licenses is the 10th lowest among the 46 states examined (i.e., only nine states have a lower number of licenses per enforcement FTE). The following table shows the range of number of licenses per enforcement FTE across the states in the study.

# of Licenses for Every Enforcement FTE	# of States with 1 Enforcement FTE in Range
100 or less	3
Vermont ratio 1:195 (1 Enforcement FTE in Vermont per 195 licenses)	
101 to 200	8
201 to 300	8
301 to 400	5
401 to 500	5
501 to 800	5
801 to 1200	5
1201 to 1600	0
1600 or more	4
States w/none reported	3
Total	**46**

Comparison with the University of Minnesota case studies

The AEP study at the University of Minnesota also conducted several case studies of POLD implementation in two Minnesota cities and in two counties in Wisconsin.[7] These case studies describe the implementation processes used in those communities. Several differences stand out between the examples from these two states and Vermont's implementation.

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[7] Alcohol Epidemiology Program. POLD case studies. https://aep.umn.edu/pold-case-studies

Jurisdiction/area covered: One significant difference between Vermont and the experience of the other two states is that Vermont is a control state and implements POLD statewide, with investigations conducted by the Office of Compliance and Enforcement, whereas the other two states have local licensing. In Minnesota, local law enforcement agencies collect POLD data and decide how to utilize the data. One Minnesota community in the case study follows up with all POLD incidents, contacting the owner/manager within a few days of the incident, and takes steps to ensure corrective action on the part of the establishment, including city council actions against a license with ongoing problems. The other Minnesota community uses POLD data primarily to identify establishments to encourage to attend server trainings. In Minnesota, local departments participating in POLD also enter the data from their community into a statewide database. In Wisconsin, public health advocates have an arrangement with law enforcement to access and compile POLD data and prepare reports twice a year; the focus is primarily educational. While Minnesota relies on each local jurisdiction to develop how it will document, record, and use POLD data, Vermont is able to collect data consistently across the state since all law enforcement agencies use the DataMaster to document POLD incidents.

Investigators with alcohol enforcement authority and expertise: Another strength of Vermont's implementation process is as a control state, it has a statewide alcohol enforcement agency whose investigators are intimately familiar with liquor licensing and alcohol regulations, and often already have relationships with some of the licensees. Investigations are conducted by Vermont Liquor and Lottery, by the Office of Compliance and Enforcement, and they already are the agency that monitors compliance and enforcement of licensees. This is not the case in the communities examined in the Minnesota and Wisconsin case studies where law enforcement has to contact other authorities within their jurisdiction to address a licensing issue. While the officers may contact an establishment and recommend changes, they ultimately are not the agency authorized to deal with license issues.

Timeliness of information: A strength of Vermont's implementation of POLD and one of the Minnesota communities is the timeliness of obtaining and following up on POLD information. In one of the Minnesota communities and in Vermont, the POLD data is available within a day or two; thus the investigation can commence quickly. (In Vermont, OCE supervisors obtain a daily report of POLD incidents; in the Minnesota community, a custom flag notifies a Community Resource Officer of incidents daily. In the other Minnesota community and the Wisconsin settings, POLD information is only compiled twice a year, which limits timely follow-up.)

Type of incidents documented: Vermont collects POLD only for DUI incidents at this time. One Minesota community documents POLD for other crimes. Since there is a custom flag in its reporting system, it is feasible for this community to document POLD for other incident types. In the case of an establishment with ongoing issues, the additional documentation of POLD related to assaults and fights was useful in working with that establishment. (Some people interviewed in Vermont would like to see POLD data also collected for other types of crimes such as assaults and domestic violence. Currently there is not a practical way to do this. The current DataMaster system is only used for DUI incidents.)

Cross jurisdictional issues: A challenge for some communities in Minnesota and Wisconsin was identifying was how to address an issue when the POLD establishment was from an establishment in another jurisdiction. Since Vermont is implementing at the state, that hasn't been issue.

Medical situations: All states noted that it is not always possible to collect POLD data in situations that involve a medical emergency or where medical assistance is needed, such as at a crash site. This will likely continue to be a limitation in most settings. This inability to collect information in situations where there is an injury requiring medical assistance may obscure some more serious cases where POLD data could be especially valuable to obtain.

Community context: Local conditions can impact the approach a community takes when implementing POLD. Some AEP communities noted a community's environment might constrain some types of enforcement efforts. Some communities lack sufficient resources to assess and use their POLD data in a timely manner.

Discussion and Lessons Learned

Vermont is implementing POLD at a high level. Implementation benefits from being statewide and using the DataMaster to collect POLD data, making it efficient and simple for law enforcement officers to document a POLD incident as part of the DUI report. POLD incidents are referred to OCE daily, so that follow-up can happen in a timely manner. This enables investigators to collect additional information, access camera footage, receipts, and talk with officers and staff at the licensed establishment before memories fade or records are destroyed.

POLD is widely valued by OCE investigators, partners, and numerous stakeholders. At least some licensees also see the value of POLD and are open to or even anxious to have additional tools and tips for avoiding over-service.

Relationships with local law enforcement facilitate information gathering and investigations by OCE. Local law enforcement sees the benefit of POLD, and its potential for addressing problems at local establishments. Some local officers note they would appreciate more follow-up from OCE investigators, to learn the outcomes of investigations, and what actions were recommended for a bar, so that they can support the effort. Some officers say they do not consistently learn the outcome of POLD investigations.

The OCE investigators bring expertise in licensing laws and regulations as well as responsible service, blood alcohol levels and signs of intoxication, and are well versed in strategies that licensees can use to prevent over-service. Licensees often welcome the assistance and are anxious to take steps to reduce the likelihood of a future incident. Some licensees report OCE investigators are accessible and helpful, and see them as a resource. That said, if a licensee resists making changes or addressing a problem, investigators will move beyond education and take punitive steps such as a fine or suspension.

Training is often part of their work with an establishment after a POLD incident. One licensee suggested that the server training provided by the state should include much more emphasis on how to recognize signs of intoxication, the effect of alcohol on the body, blood alcohol count information, tips to avoid over-service, and how to deal with a customer who has had too much to drink. This owner said when this information was presented to staff after a POLD, it was a "real eye opener" for them.

There may be areas for greater cooperation around POLD with local public health groups and prevention coalitions. Currently, there is little or limited information shared with these groups about implementation of POLD, its purpose and benefits, or establishments in their communities that have had an incident. These groups can sometimes support enforcement efforts or training, and, in cases of resistant licensees, apply community pressure or support for improving practices. They can also help emphasize the need for such efforts with decision-makers.

Investigation of POLD incidents requires substantial staff time and resources. This may become an issue as many alcohol agencies continue to see additional responsibilities, such as expanded types of allowed sales enacted during the COVID-19 pandemic and the expansion of Direct-To-Consumer shipping. Continuing to prioritize investigation of POLD incidents may become challenging.

Conclusion

Vermont has been successfully collecting POLD data and investigating POLD incidents since 2018. After beginning as part of a pilot project with NLLEA in 2018, OCE institutionalized POLD in 2020 and continues to look for ways to improve upon its administration. Nationally, POLD has been the subject of research interest, creating an opportunity for additional examination of POLD implementation in Vermont using an implementation framework developed by the Alcohol Epidemiology Program at the University of Minnesota. This examination demonstrated that Vermont is implementing POLD at a high level. The current evaluation also examined outlet density and POLD and Vermont's enforcement capacity. While Vermont has higher staffing capacity compared to many other states, investigating POLD incidents may necessitate additional resources. The commitment of OCE and stakeholders to prevent over-service of alcohol and related problems, as well as its use of data to drive decisions, suggests that Vermont Liquor and Lottery will continue to support and build on its current strategies.

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