

Sales to Intoxicated Patrons (SIP)



Over-Service & Over-Consumption

- The excessive service of alcohol by the licensed community and
- Excessive consumption by patrons of these facilities often create
- Significant problems for the community, the state, and the nation.

Description of the Problem

“Research shows that alcohol sales to obviously intoxicated persons continues at a high rate at both on- and off-premise establishments.”

Source: Toomey, et al., 2004

Servers/clerks who appear under the age of 31 were more likely to sell alcohol to intoxicated buyers.

Source: Toomey, et al., 2004

Description of the Problem

Approximately 50 percent of the people arrested for driving under the influence consumed their last drink at an on-sale licensed establishment (NHTSA, 2005).

Increased enforcement on establishments led to a 36% decrease in DUI arrests from those sites, with a decrease in BAC from those sites compared to DUI arrests from establishments without additional enforcement (McKnight, A. J., & Streff, F. M., 1994).

Description of the Problem

Alcohol was involved in 31% of traffic crash fatalities in 2012, resulting in 10,322 fatalities.

Source: *NHTSA, 2013*

Alcohol was a factor in between 19 percent and 37 percent of violent crimes from 1997 to 2008

Source: Alcohol and Crime Data from 2002-2008.

Over Service and Over Consumption

Leads to:

- Vehicle crashes
- Alcohol overdose
- Disorderly behavior
- Loud party calls
- Suicide
- Sexual assault
- Interpersonal Violence

Over Service and Over Consumption

Leads to:

- STD transmissions
- Pregnancy
- Criminal behavior
- Vandalism
- Fights
- Impaired Driving
- Injury and Death

Description of the Problem

Intoxication can be controlled at the licensed establishment level resulting in fewer law enforcement resources required to address the negative consequences of over consumption, such as police officers and medical personnel.

Identifying Problem Establishments

Utilize the following sources for problem establishments:

- Calls for service
- Fights/disturbances within proximity of bars
- DUI Reports – Place of Last Drink
- Complaints against establishments
- Cold crime reports

Problem Establishments

Common physical characteristics of problem establishments may include:

- Hot temperature
- Poor ventilation
- Smoke filled
- Noisy
- Dirty

Problem Establishments

Common activities taking place in problem establishments may include:

- Playing pool
- Dancing
- Need for bouncer
- Offers a variety of drink specials
- Attracts a younger clientele

Contact Licensee

Contact licensee about problems encountered, providing them information about the problems encountered in their establishment. Offer the licensee solutions and assistance to address or stop the problems.

Monitor Activities & Complaints

- Monitor any complaints made about the establishment.
- Review place of last drink information for mention of the establishment.
- Monitor reports of disturbances such as fights, sexual assaults, etc. that happen near the establishment.

Conduct Bar Inspections

- Conduct routine bar inspections with visible officers.
 - Identify yourself to the licensee/manager.
 - Explain why you are there.
 - Ask for their assistance.

Undercover Operations – Investigative Procedures

- The safety of the officers and others is the first priority of any covert investigation.
- Officers should have a verbal and/or written operational plan in place before entering a premise.

Establishing SIPs has Occurred

Keys to establishing a solid SIP case has occurred include:

- Patron that was served showed visible signs of intoxication.
- The signs were visible to the common person - public and bar staff.
- Patron was sold alcohol after the signs of intoxication were visible.
- Seller or server could clearly observe the intoxicated behavior.

Undercover Observations

- Note the reaction of other customers.
- Observe and note staff reaction to patron.
 - Did they ignore the patron?
 - Did they cut the patron off?
 - Did they ask for assistance from other staff?
 - Did they take any intervening actions?

Signs of Visibly Intoxicated Patrons

- More self-confident, daring.
- Has a shorter attention span.
- Appears flushed.
- Uses poor judgment.
- Exhibits trouble with fine movements.
- Becomes sleepy.
- Has trouble understanding or remembering.
- Has a slower reaction time.
- Becomes more uncoordinated.

Signs of Visibly Intoxicated Patrons

- Becomes dizzy and/or staggers.
- Becomes highly emotional or has a quick change in emotions.
- May become unconscious.
- May feel cool to the touch.
- Breathing may slow.
- Trouble breathing.
- Heart rate may slow.
- Senses become distorted.

Signs of Visibly Intoxicated Patrons

Eyes/Vision

- Bloodshot
- Watery
- Loss of eye contact
- Crying
- Inability to focus
- Double vision

Mouth/Speech

- Odor of alcohol
- Drinking fast
- Loud/boisterous
- Altered speech
- Slurring
- Vomiting

Signs of Visibly Intoxicated Patrons

Behavior

- Ordering more than one drink at a time
- Playing drinking games
- Annoying
- Arguing
- Difficulty in picking-up change
- Spilling drinks
- Uneven gait
- Poor balance
- Staggering
- Tripping
- Overly friendly
- Animated
- Plays loud music
- Careless with money
- Mean/aggressive

Signs of Visibly Intoxicated Patrons

Appearance

- Mussed hair
- Clothing in disarray
- Soiled clothing
- Strong body odor
- Spilled drinks or food on clothing

Intoxication

If a person shows just one or two of these signs, that does not necessarily mean the person is intoxicated.

If a person shows a combination of several signs or has a sudden change in behavior, that could be a strong indication that the person is intoxicated.

Next steps when SIP is identified

Clearly state your observations. Ask the following people if the patron appears intoxicated:

- Licensee/manager
- Server
- Other patrons
- Intoxicated patron
- His/Her companions

Other reasons for observations

Ask the following people if the patron is on medication or has any physical limitation that would make them appear to be intoxicated:

- Licensee/manager
- Server
- Intoxicated patron
- Companions

Ensuring Patron Safety

- How will they get home?
- Who will care for them?
- Breathalyzer test - level of intoxication?
- Is there a need for further medical treatment?
- Execute arrest warrant or summons.
- Follow agency policy.

Take Action

Determine if administrative action is warranted.

Types of administrative penalties imposed against licensee:

- Fine
- Suspensions
- Revocations
- Non-renewal

Characteristics of Visibly Intoxicated Patrons

Behavior	
☐ Ordering more than one drink at a time ☐ Playing drinking games ☐ Annoying ☐ Arguing ☐ Exhibits trouble with fine movements. ☐ Difficulty in picking-up change ☐ Spilling drinks ☐ More self-confident, daring ☐ Has a shorter attention span ☐ Uses poor judgment ☐ Has a slower reaction time ☐ Becomes dizzy ☐ Becomes more uncoordinated	☐ Uneven gait ☐ Poor balance ☐ Staggering ☐ Tripping ☐ Overly friendly ☐ Animated ☐ Plays loud music ☐ Careless with money ☐ Mean/aggressive ☐ Becomes sleepy ☐ Has trouble understanding or remembering ☐ Becomes highly emotional or has a quick change in emotions ☐ Defecates or urinates on oneself
Appearance	Eyes/Vision
☐ Mussed hair ☐ Clothing in disarray ☐ Soiled clothing ☐ Strong body odor ☐ Spilled drinks or food on clothing ☐ Appears flushed	☐ Bloodshot ☐ Watery ☐ Loss of eye contact ☐ Crying ☐ Inability to focus ☐ Double vision
Mouth/Speech	Physical Changes
☐ Odor of alcohol ☐ Drinking fast ☐ Loud/boisterous ☐ Altered speech ☐ Slurring ☐ Vomiting	☐ May feel cool to the touch ☐ Breathing may slow ☐ Trouble breathing ☐ Heart rate may slow ☐ Senses become distorted ☐ Slowed pupil reaction ☐ Decreased respirations ☐ Becomes unconscious ☐ Death

Sample News Event Checklist		
Task	Due date/Responsible party	Completed
1. Develop talking points/message points		
2. Write media advisory and get approval		
3. Write press release and get approval		
4. Write op-ed, identify author, get approval		
5. Submit op-ed to xxx page editor		
6. Complete patient profiles		
7. Develop media lists of reporters/news outlets		
8. Invite to summit reporters from xxx media outlets		
9. Send by PR Newswire, e-mail & fax media advisory		
10. Pitch reporters on story and news event/press conference. Get event on AP Datebook.		
11. Create Visual Information Boards and send to print		
12. Create press packets 1. Folders with logos 2. Press release/media advisory 3. Fact sheets 4. Contact phone numbers 5. Supporting information 6. Speakers bios 7. Photos, if necessary		
13. Identify room and set up Work with event staff on set up and room arrangement. This may require modifying the media advisory to include room numbers.		
14. Gather materials 1. Charts, graphs, photos, props 2. Easels 3. Press kits		
15. Go over talking points with speakers/ media training Role play, mock interview. Explain the process of the news conference. Tell them to whom you pitched the story/event and who is likely to attend.		
16. Call EVERY TV station, newspaper and radio station to which the media advisory was sent to pitch and ascertain level of interest in covering event		
17. Arrive early for event site setup Work with event staff • Hang VIBs on easels and support with tape • Post signs directing media toward rooms, areas, etc.		
18. Greet reporters, photojournalists, hand them press kits		
19. Greet speakers and provide them with a press kit		
20. Monitor coverage and record/clip news.		

Media Advisory

[media contact name], XXX-XXX-XXX, name@email.com

[FOR IMMEDIATE RELEASE/EMBARGOED UNTIL DATE AND TIME]

Date

Undercover Law Enforcement Operation Cites xx Bars

[headline should not exceed 10 words; maximize for search engine optimization]

DATELINE— Alcohol law enforcement agencies conducted undercover operations over the weekend to crackdown on impaired driving in [insert community]. Officers worked alongside [insert local police] to prevent bars and restaurants from serving booze to patrons after they are visibly intoxicated.

During this operation, if agents identified that an obviously intoxicated patron was served, then the agents charged the bar with [insert charge] and arranged for safe transportation or protective custody for the intoxicated individual. These operations are part of an ongoing nationwide effort to reduce the 10,000 people killed every year from impaired driving—the biggest killer on U.S. roadways.

To this end, [insert agency] has begun conducting these undercover operations while other law enforcement agencies are conducting sobriety checkpoints as part of the [insert Labor Day or Winter Holiday] impaired driving crackdown period. If a driver is arrested for DUI and reports drinking at a nearby alcohol serving establishment, the arresting officer relays that information to the [insert agency], and officers will conduct covert operations to see if other patrons are being over served. This sharing of data is a crucial investigative tool for law enforcement to track and monitor bars and other alcohol serving establishments that could pose a threat to public safety.

[insert state ABC agency] and [insert local police dept.] will discuss the results of the weekend's covert operations with the media at a press event detailed below.

WHAT: Undercover law enforcement operation to prevent impaired driving

WHEN: Day, date, 2014
Begin time to end time EDT

WHO: Det. [insert name], from [insert agency]
Det. [insert name], from [insert agency]

RSVP: Click here or contact Media Contact person, name@email.com. *[note if registration is required to attend]*

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Place of Last Drink (POLD)



What is POLD data?

- Place of Last Drink (POLD) data identifies where an intoxicated person was drinking prior to a crime, incident, or alcohol-related traffic crash.
- The person collecting POLD data asks a series of questions, including where the intoxicated person had been drinking, the amount consumed and the location of their last drink. Other information collected may include their Blood Alcohol Content and if they were arrested.

Description of the Problem

Approximately 50 percent of the people arrested for driving under the influence consumed their last drink at an on-sale licensed establishment (NHTSA, 2005).

Drinking and driving is a significant cause of injuries and fatalities in the United States. Alcohol was involved in 31% of traffic crash fatalities in 2012, resulting in 10,322 fatalities.

Source: *NHTSA, 2013*

NTSB Issues Recommendations to Reduce Impaired Driving

NTSB Press Release, November 23, 2012

The NTSB announced several recommendations today as part of a continuing emphasis on the issue of substance-impaired driving, which is the biggest killer on our roadways. The recommendations focus on three areas: better alcohol testing, better drug testing and identifying the "place of last drink."

The collection of place of last drink (POLD) data could focus training and enforcement actions on establishments that are serving under-age or intoxicated patrons. By collecting information on POLD, law enforcement officers provide a way to target establishments for effective interventions.

"Better data leads to better interventions and results in more lives saved," said Deborah A.P. Hersman, chairman of the NTSB. "Collecting information on the "place of last drink" can serve as an incentive for alcohol-serving establishments to better train their employees in recognizing under-age or intoxicated patrons."

Why collect POLD Data?

- Help local law enforcement and planning agencies improve internal oversight of high-risk drinking settings.
- Promote improved serving practices and alcohol policies of retail alcohol establishments to reduce a variety of alcohol-related problems, including DUIs.
- Build broad public support for effective prevention and enforcement measures.

Usefulness of POLD Data

POLD data can be a useful tool to help law enforcement focus on steps they can take to lower incidents of impaired driving.

Additionally, this data can be used to educate outlets to change their serving patterns, provide proactive programs to patrons (i.e. a taxicab partnership), etc.

POLD Data Collection Points

- Sobriety checkpoints
- Roadside during motor vehicle stops
- Subsequent to arrest for DUI and/or other crimes
- At sentencing



Partnerships Required

- Collecting POLD data may require working in collaboration with State and local police officers, medical personnel, treatment and prevention centers, Department of Transportation, District Attorneys, or other agencies to collect the information and share it.
- A collection mechanism, such as a POLD form or database, may be needed to share POLD data once they are collected.

Items to consider in POLD data collection

- Who will collect the data
- When data are collected
- How the data will be collected
- Specific data to be collected
- How data will be used
- Level of collaboration / interest across agencies
(enforcement, prevention, treatment, judicial, etc.)
- Who is responsible for data
- Quality of data collected
- Cost to Administer / Maintain system / Analyze data
- Time lag between DUI stop and collecting data

Sample POLD data form

Place of Last Drink Survey

DATE OF STOP: _____ TIME OF STOP: _____

NAME: _____ D.O.B. ____/____/____

STREET ADDRESS: _____ CITY: _____

OF DRINKS: _____ TYPE OF DRINKS: _____

TIME OF LAST DRINK: _____ DURATION: _____

LOCATION OF LAST DRINK: _____

OFFICER: _____ AGENCY: _____

LOCATION OF STOP: _____

BLOOD ALCOHOL CONTENT: _____ ARREST: YES ☐ NO ☐

Utilizing POLD data

POLD data can be used to help identify problem establishments for future alcohol law enforcement investigations.

Follow-up could be in the form of:

- Covert sales to intoxicated patron (SIP) investigations;
- Inspections of Licensed Establishments;
- Source Investigations;
- Compliance Checks; and/or
- Retailer and Server Training.

Reporting POLD back to ABC

Whether POLD data is collected at a roadside DUI stop or during sentencing in a court case, a system needs to be established to report the data back to the State's Alcohol Enforcement Agency or division, to ensure follow-up with the identified licensed establishments and to identify repeat offenders.

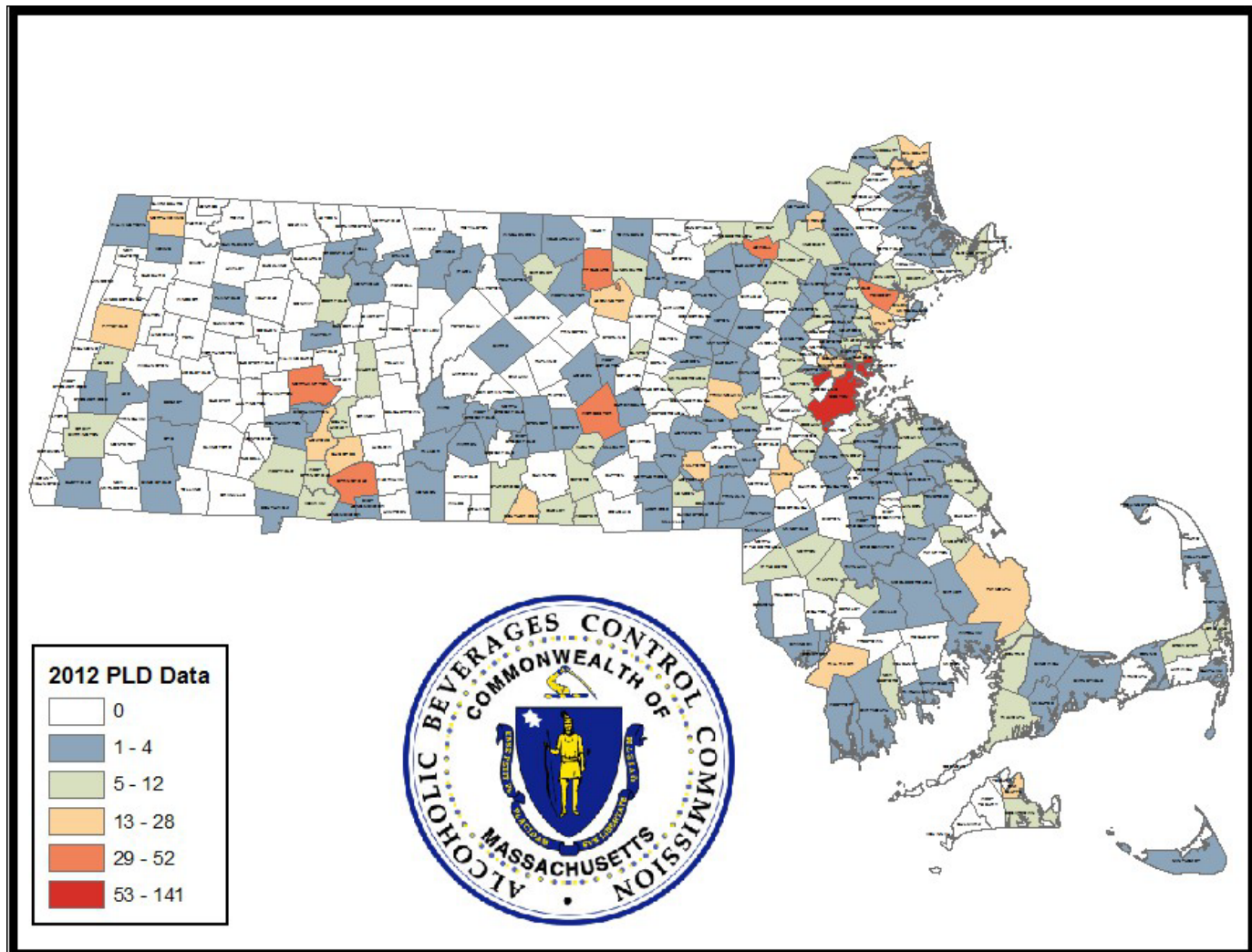
POLD at work – New Mexico example

In New Mexico, when POLD is recorded, it helps establish where alcohol is being purchased and the establishment can be cited for over-service. If a patron is found to have a BAC of ≥ 0.14 g/dL within 90 minutes of consuming his/her last drink at a retail alcohol establishment, the BAC can be used as presumptive evidence of intoxication at time of sale, and the licensee can be cited for over-service.

License may be revoked after 3 violations in one year.

POLD at work – Massachusetts example

2012 data



Massachusetts SIP Enforcement

The ABCC developed a report on the 30 “worst offenders”, and conducted proactive enforcement; 24 of these bars were charged.

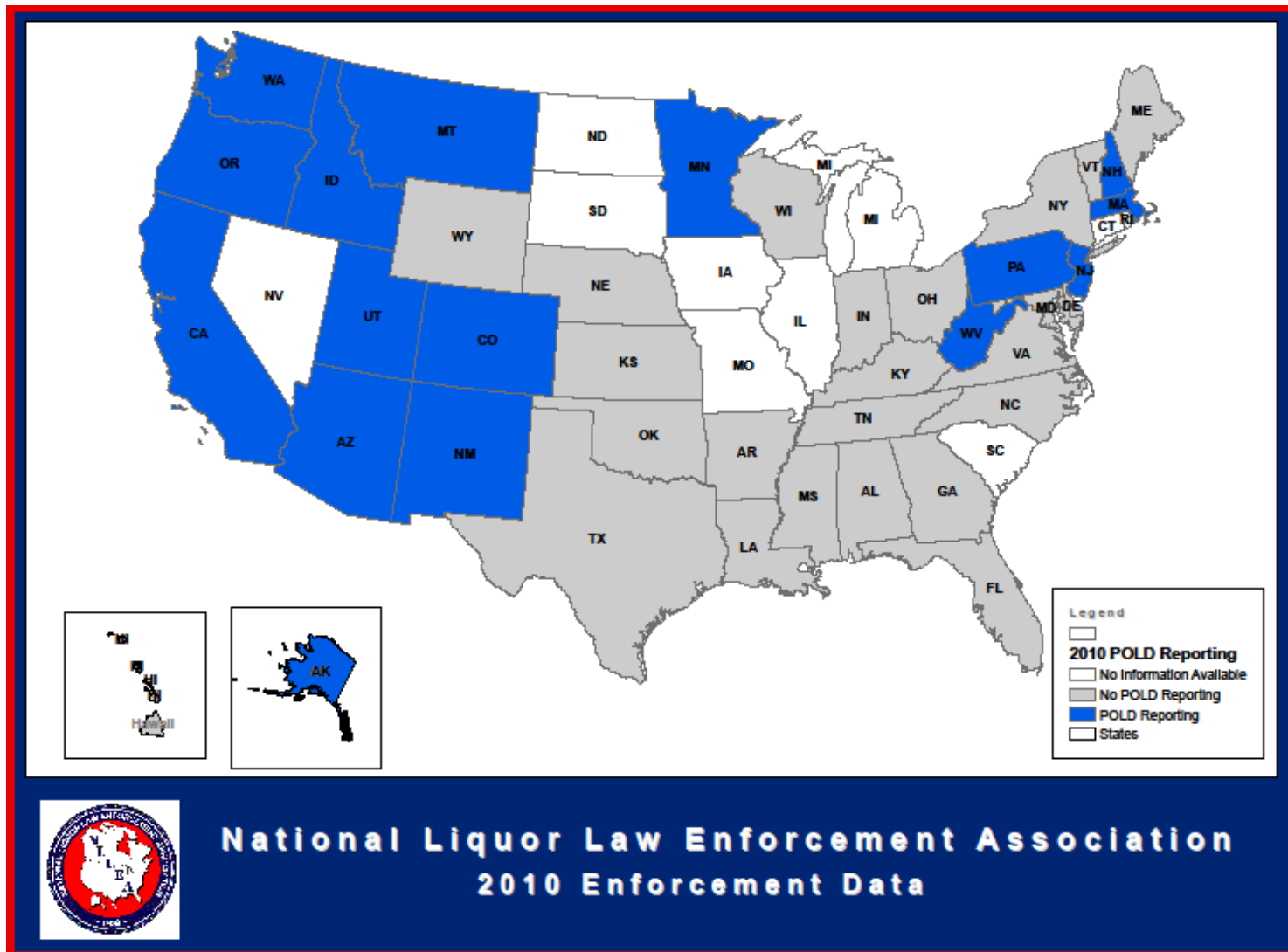
The resulting data clearly demonstrated a dramatic reduction in the number of impaired driving arrests originating from the bars that had been subject to intensive liquor enforcement and charged with SIP.

SIP enforcement known as “Operation Last Call” is conducted during strategic periods throughout the year.

Place of Last Drink Notices - 2001



Place of Last Drink Notices - 2010



DATE, 201

General Manager
Name of Establishment
Address
City, State, Zip-code

Dear General Manager:

We pride ourselves in being a friendly, proactive police department, and we recognize that the sale of alcohol is a legitimate business practice. However, your employees must recognize that the sale of alcohol is a privilege that carries certain responsibilities. As a routine part of our investigations of incidents involving an intoxicated or underage individual possessing alcohol, we attempt to determine how the alcohol was obtained. If the alcohol was illegally obtained (i.e. sold to an underage or intoxicated person), we seek to identify the location of the sale. **We want to alert you that your business was recently identified as the alleged location in serving an obviously intoxicated person.**

We are sending this letter in an effort to help you keep track of what may be going on in your business. Unless corroborated by other witnesses, evidence, or further incidents, we will consider this report unverified and will not investigate further. We want you to know about it so you can evaluate the serving practices of your staff.

We trust you to determine if a problem exists at your business. We encourage liquor licensees to have written policies that clearly describe employees' responsibilities under the law when serving or selling alcohol. Give every employee a copy of your policies. We also support regular training of staff. Keep samples of valid forms of identification at the bar or cash register, and use other tactics that help keep your staff alert and your business in compliance with our state law that prohibits service of alcohol to an obviously intoxicated individual.

The unverified report of illegal alcohol sale(s) allegedly made at [LOCATION] involving an intoxicated male who was arrested for Driving While Intoxicated. The sale(s) were made in the hours of [TIME] .

In accordance with privacy act policies, the identity of the reporter or other specific information is not available to you at this time. The above information is for your advisement and assistance in evaluating the need to assess employee serving practices. If you are confident that the report is false, feel free to take no further action. At this time, our agency plans no further action on this matter although this letter will be placed on file and a copy sent to the [STATE] Alcohol Beverage Control Commission.

Sincerely,

[NAME]
[TITLE]

cc: Chief [NAME], [STATE ALCOHOL LAW ENFORCEMENT AGENCY]

News Release

Name, xxx-xxx-xxxx, name@email.com

[FOR IMMEDIATE RELEASE/EMBARGOED UNTIL DATE AND TIME]

Date

Law Enforcement Operations Aim to Reduce Impaired Driving

[headline should not exceed 10 words; maximize for search engine optimization]

Potential sub-head goes here

Dateline — Communities continue to grapple with the horrible aftermath of impaired driving. In [insert county], [xx] people were killed in impaired driving crashes in [insert year] and, nationally, more than 10,000 lives are lost to impaired driving each year, according to the National Highway Traffic Safety Administration.

In surveys of those arrested for impaired driving, half of those arrested report they had their last drink at a bar or other licensed alcohol establishment, while half report drinking at home or at a house party. All too often, bars and restaurants continue to serve patrons long after they show obvious signs of intoxication.

Nearly every state and the District of Columbia prohibit selling alcohol to an obviously intoxicated person. Although these laws are on the books, alcohol establishments and their staffs largely ignore them. Now, in a joint enforcement effort, state and local law enforcement agencies are teaming together to go after the worst offenders – the bars and alcohol establishments that serve intoxicated patrons, and contribute to a potential public safety threat. Operations are being conducted this weekend [insert dates] in [communities].

“When we know where people are drinking and then driving, law enforcement agencies can target those individuals and establishments that contribute to the problem of alcohol-impaired driving,” said [law enforcement person] “This also includes providing alcohol to minors or over serving patrons.”

Through information collected from DUI arrest reports, alcohol law enforcement agencies have valuable information on where those arrested consumed their last drink. Called “place of last drink,” the data collected is an investigative tool for law enforcement to track and monitor bars and other alcohol serving establishments that could pose a problem. In turn, law enforcement can monitor and conduct undercover operations on those establishments reported more frequently on DUI arrest reports.

The National Liquor Law Enforcement Association, along with the National Transportation Safety Board, recommends that state alcohol law enforcement agencies collect place of last drink data as a strategy to prevent impaired driving. With the ultimate goal of reducing impaired driving and alcohol-related traffic

crashes, state alcohol law enforcement agencies work alongside local law enforcement to identify the establishments that have the highest number of reports and pose the highest risk to public safety.

For more information on this law enforcement effort, please contact [insert contact name] at [insert email or phone].

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Bar Checks/Premise Inspections



Increasing compliance through regular, random inspections

Introduction

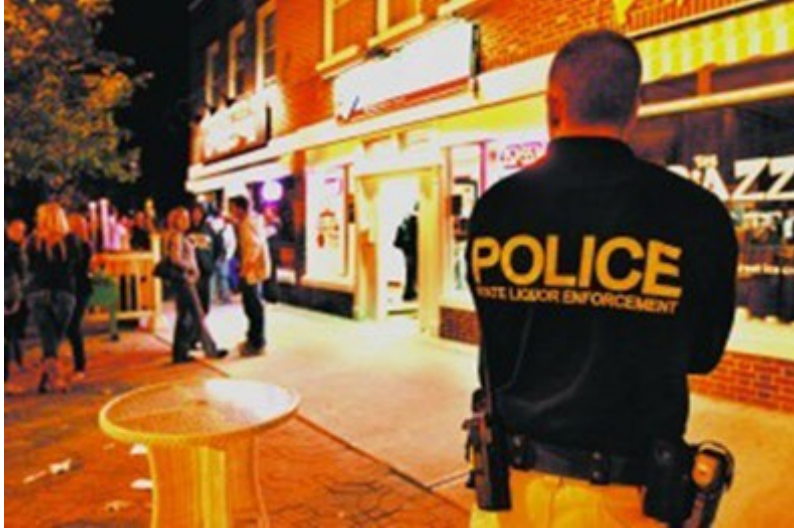
Due to the serious nature of alcohol and related problems it is incumbent upon law enforcement to enforce laws regulating the distribution and consumption of alcoholic beverages within the scope of their authority and jurisdiction.

As part of their regular enforcement efforts, agencies should conduct premise inspections of businesses licensed to sell and serve alcoholic beverages.

Purpose

- Regular premise inspections will help to:
 - Identify and address existing or potential issues;
 - Develop positive working relationships with staff and educate them about their responsibilities; and
 - Create an environment for the licensee to comply with laws and regulations governing sale/service of alcohol.
- Like other aspects of the job, an alcohol law enforcement agent's goal is voluntary compliance by both the licensee and the patron.

Why? What's the benefit?



■ LE presence in licensed establishments:

1. Lets establishment staff know you're aware of the laws governing their operation and you're prepared to hold them accountable to ensure their compliance.
2. People who see LE in and around licensed are less likely to:
 - Drink to excess and drive under the influence
 - Attempt unlawful purchases
 - Fight/Become disorderly
 - Engage in other illegal activities
3. Increased compliance = less alcohol connected emergencies