Alcohol Law Enforcement: Overview of Strategies to Prevent Impaired Driving

Presentation to The National Academies of Sciences, Engineering, Medicine: Committee on Accelerating Progress to Reduce Alcohol-Impaired Driving Fatalities

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February 16, 2017
Alcohol Regulation in the United States 21st Amendment

- The 21st Amendment of the U.S. Constitution explicitly gives states a substantial role in regulating the alcohol trade.

“The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.”

- After the end of Prohibition, each state was responsible for creating a structure to regulate the distribution, sales and consumption of alcoholic beverages.
  - License and control states
  - Licensing, enforcement, and adjudication powers
NLLEA: Who We Are

- State, Provincial, County, Municipal & Campus Law Enforcement Personnel
  - Sworn and non-sworn officers
  - Vested interest in alcohol law enforcement matters
- 501(c)6 Non-profit association
  - Unaffiliated with the alcohol industry
Research has demonstrated that enforcement of policies limiting service to underage persons and intoxicated patrons reduces alcohol-related problems, improves public safety, and reduces crime.
National Ratio of Licensed Alcohol Establishments Per State Alcohol Enforcement Agent

2010 - 2012

- 2010: 36 states
- 2011: 39 States
- 2012: 40 States
Deterrence Theory

Three key components:

1. The perceived likelihood that a violation will lead to enforcement action;
2. The perceived swiftness with which a penalty will be imposed; and
3. The extent of the penalty.
Routine Enforcement: compliance checks, bar inspections, undercover operations, etc.
   The objectives of these operations are to educate licensees and to increase the overall compliance of on- and off-premise locations with all alcohol laws.

Targeted Data Driven Enforcement: Problem Bars
   Data based, intensive enforcement at licensed establishments identified as potential sources of impaired driving and other alcohol-related calls for service (e.g., fights, disturbing the peace, etc.)

Enhanced Enforcement and Educational Operations
   Seasonal enforcement programs to address problem times and locations.
Forty-seven States and the District of Columbia have statutes prohibiting sales and service of alcohol to intoxicated persons (NHTSA, 2009).

Florida, Nevada, and Wyoming are the only states that do not have comprehensive laws prohibiting sales to intoxicated persons.
<table>
<thead>
<tr>
<th>Year, State</th>
<th>Rate</th>
</tr>
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<tbody>
<tr>
<td>1990, Michigan</td>
<td>83%</td>
</tr>
<tr>
<td>1997, Minnesota</td>
<td>67%</td>
</tr>
<tr>
<td>1999, Minnesota</td>
<td>76%</td>
</tr>
<tr>
<td>Late 1990s, CA</td>
<td>58%</td>
</tr>
<tr>
<td>2001, Minnesota</td>
<td>65%</td>
</tr>
<tr>
<td>2004, Minnesota</td>
<td>82%</td>
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</tbody>
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CDC Community Preventive Services Task Force – Preventing excessive alcohol consumption: overservice law enforcement initiatives (2010)

- Two studies: “insufficient evidence to document the effectiveness of overservice law enforcement initiatives”
- One study (with greater intensity of enhanced enforcement) found service to pseudo-intoxicated patrons decreased 28.5% in intervention vs. control settings and people arrested for DUI (with last drink in a bar or restaurant) decreased by 26.5%
- The estimated effects on the most reliable health outcome – those related to DUI – showed beneficial effects in both studies.
Sales to Intoxicated Persons (SIP) Operations

Possible actions in response to over service:

- Assist the licensee
  - Offer information to the licensee about the problems encountered
    - Share specific POLD data with licensee to better assist them with operational risk management
  - Provide Responsible Beverage Service training
  - Provide educational materials to servers and/or patrons
- Criminal sanctions
- Administrative sanctions - license suspension or revocation
Number of Licensed Alcohol Establishments Charged with Selling Alcohol to an Intoxicated Person - 2012

Key:
- 0-50
- 51-100
- 101+
- No Data
Among adults who self-report binge drinking and then driving (12%), 54% of the most recent binge drinking episodes took place at a bar, club, or restaurant, compared to 36 percent in homes and 10 percent elsewhere (Naimi, 2009).

Drivers who drank most of their alcohol in licensed establishments consumed an average of 8.1 drinks and 25.7% consumed 10 or more drinks (Naimi, 2009).
Approximately 50% of drivers arrested for alcohol-impaired driving had their last drink at a licensed establishment (O’Donnell, 1985; Anglin, 1997; Gallup, 2000, Fell 2010).
Place of Last Drink (POLD) data identifies where an intoxicated person was drinking prior to a DUI arrest, a crime or an alcohol-related traffic crash.

The person collecting POLD data asks where the intoxicated person was served their last drink and the amount consumed.

Other information collected may include their Blood Alcohol Content and other variables related to the incident.
POLD data:

- Helps law enforcement use their limited resources to focus on problem establishments.
- Helps licensees improve alcohol serving practices, operational policies, and risk mitigation to reduce alcohol-related problems, including DUI.
- Builds broad public support for effective prevention and enforcement measures.
- Applies pressure on problematic establishments to change their serving patterns.
Place of Last Drink Notices - 2001

The map shows the places where喝醉酒后通知酒后驾车司机的地点 - 2001。
Estimated Number “Place of Last Drink” Notices Received by State ALE Agencies - 2012

Key:
- 0-1,000
- 1,001-3,000
- 3,001+
- No Data
Sobriety checkpoints

In response to any call for service

Roadside during motor vehicle stops

Subsequent to arrest for DUI (or any arrest)

At sentencing

At DUI educational classes
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.”
Massachusetts POLD Enforcement

There are over 1,500 Operating Under the Influence (OUI) reports filed with the ABCC annually.

In 2007 the ABCC developed a report on the 30 “worst offenders”; 24 of these bars were charged.

From 2008 on, the data indicate a dramatic reduction in the number of OUIs 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.
“About 15,000 to 16,500 people a year are arraigned on drunken driving charges in Massachusetts, according to the state trial courts, while only about 10 to 15 percent of arrests result in a conviction in a given year. The analysis found that a fraction of the bars and restaurants licensed to serve alcohol in Massachusetts — just 48 establishments — combined to rack up more than 1,000 last-drink reports, which represent 12 percent of convictions reviewed by the Globe.”
Data Collection Challenges

- No system for collecting local and state ALE efforts
  - National systems don’t provide sufficient detail.
  - Almost every state uses a different data management system.
- Definitional differences
- Reliability of data
- No resources/low priority
Source investigations are a tactic that uses criminal and administrative investigative techniques to determine where alcohol was purchased and/or consumed when an alcohol-impaired driving or underage drinking crash has occurred.
Number of States Conducting Source Investigations: 2010-2012

- 2010: 36 states
- 2011: 39 States
- 2012: 42 States
Recommendations

- Develop national system for collection of Place of Last Drink data
  - Provide incentives for state and local law enforcement agencies to collect and use these data
- Strengthen Sales to Intoxicated Persons laws
- Enhance enforcement of Sales to Intoxicated laws nationwide
  - Provide training and technical assistance on enforcement of these laws
Recommendations

- Develop comprehensive national strategy to prevent sales to intoxicated persons
  - Conduct research to evaluate the ideal combination of education and enforcement initiatives to prevent over service

- Create national reporting system for state-level alcohol enforcement actions
For more information

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