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Economy & Efficiency Commission Presentation

Editorial Note: Although every effort has been made to insure the accuracy of the material in this presentation, the scope of the material covered and the discussions undertaken lends itself to the possibility of minor transcription misinterpretations.

**PRESENTATIONS BY
Bradley Beach
California Department of Alcoholic Beverages Control
Los Angeles County**

June 5, 2014

Chairman Barcelona greeted Mr. Beach, and welcomed him while turning it over for Mr. Beach to speak to the Economy and Efficiency Commission (EEC).

2014 Alcoholic Beverage Control Prevention Enforcement Programs

Alcoholic Beverage Control (ABC) Overview

Mr. Beach stated that the mission of the Department of Alcoholic Beverage Control is to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare, and economic well-being of the people of the State of California.

Mr. Beach stated that ABC's primary role is to increase public safety, prevent sales to minors, regulate California's alcoholic beverage industry, and work with communities to solve alcohol-related problems.

Mr. Beach stated that there are approximately 38.5 million people in the state; 81,500 licenses, of which, 35,500 are restaurants, 5,254 are bars, 28,000 are liquor stores, 2,620 are wineries, and 2,809 are wholesalers. He stated that there are less than 200 sworn peace officer status agents. He stated that at these staffing levels, the department would have to have each agent visit with about 4,000 premises within the year to see all of them. He stated that the department is really understaffed.

Mr. Beach stated that in 1991 ABC developed a national award winning program called Licensee Education on Alcohol and Drugs (LEAD). He stated that LEAD is a free, three-hour workshop for licensees and their employees. He stated that it teaches licensees how to prevent illegal drug activity, spot fake IDs, prevent sales of alcohol to minors and obvious intoxicated patrons. He stated that ABC has trained nearly 200,000 members.

Mr. Beach stated that the Informed Merchants Preventing Alcohol Crime Tendencies (IMPACT) is designed as a crime prevention approach involving cooperation between merchants and law enforcement. He stated that IMPACT teams an ABC investigator with local law enforcement. He stated that together they visit ABC

licensed businesses to help them understand their responsibilities in the sale and service of alcoholic beverages. He also stated that the agents will go and look for litter, graffiti, or too much signage in the windows, and drug paraphernalia etc.

Retail Operating Standards Task Force (ROSTF)

Mr. Beach stated that Retail Operating Standards Task Force (ROSTF) is a program that is very similar to IMPACT but is more enforcement oriented. He stated that ROSTF requires the posting of signs with strong and clear messages, and that these signs shall be clearly visible to patrons.

Mr. Beach stated that ROSTF also gives law enforcement an opportunity to remind licensees of their responsibilities. He stated that no alcoholic beverages shall be consumed on the premises of an off-sale retail establishment, and the exterior of the premises shall be illuminated during all hours of darkness. He also stated that litter shall be removed; graffiti shall be removed from the property under the control of the licensee within 48 hours of application. He stated that most importantly no more than 33% of the square footage of the windows and doors of off-sale premises shall bear advertising or signs of any sort.

Media and Public Outreach

Mr. Beach stated that the department has a Public Information Office (PIO) and a website. He stated that all public information, news releases, public service announcements, and state and federal grant programs are listed on the website.

Mr. Beach stated that the department believes in enforcement. The officers do carry badges and weapons. He stated that all officers wear police vest and the department has also received new uniforms. He stated that ABC believes education, prevention and enforcement are all tools used to help the State achieve higher compliance rates.

Mr. Beach stated that all of ABC's Enforcement Programs also have prevention components. He stated that the department is business friendly but at the same time if a place is a problem the department does take enforcement action and take each case very seriously.

Grant Assistance Programs

Mr. Beach stated that the grant assistance program also consist of sworn agents. He stated that the department gives \$3 million a year to local agencies to do strictly ABC enforcements.

Mr. Beach stated that the mission of the Grant Assistance Program is to work with local law enforcement agencies to develop an effective, comprehensive and strategic approach to eliminating the crime and public nuisance problems associated with alcoholic beverage outlets. He also stated that ABC has distributed nearly \$30 million to local communities since 1995.

Mr. Beach stated that the Grant Assistance Program addresses problematic operations that contribute to disproportionate incidences of drug dealing, public drunkenness, drunk driving, underage drinking, assaults, and other conditions that breed neighborhood decay.

Target Responsibility for Alcohol-Connected Emergencies (TRACE)

Mr. Beach stated that TRACE was created in 2003 and the program is annually funded through the California Office of Traffic Safety. The funds allow ABC to designate four full time investigators to conduct back-track investigations whenever there is a major injury or fatal crash involving alcohol and minors. He stated that there are many situations when someone under the age of 21 gets into a horrible accident and dies, the CHP, LAPD, or the Sheriff will call ABC and asks for the department's help. He stated that the department will come out to the scene and look through the car, try to find a receipt and see if they were drinking earlier that night. He stated that they have taken cases to BJ's restaurant or a liquor store and reviewed video footage and determined that there was alcohol sold to the minor earlier in the night. He

stated that once it is verified that alcohol was sold to minor with the receipt and video footage, the department begins to build a case filed with the District Attorney and it becomes a much severe punishment then just the \$1,000 fine or community service being that someone died as a result.

Minor Decoy Program

Mr. Beach stated that The Minor Decoy Program allows local law enforcement agencies to use persons under 20 years of age as decoys to purchase alcoholic beverages from licensed premises in order to increase compliance with the law.

Mr. Beach stated that the Minor Decoy Program has been recognized as an excellent method to attack the problems associated with the unlawful purchase of alcoholic beverages by young people. He stated that in 1994, the California Supreme Court ruled that the use of minor decoys was not entrapment and did not violate due process requirements. He stated that since the Supreme Court ruling, more than 100 law enforcement agencies have used the Decoy Program. He stated when used on a regular basis, the percentage of licensees selling to minors drops dramatically.

Mr. Beach stated that in addition, the department strongly encourages law enforcement agencies to notify all licensees by letter of a pending Decoy Program. He stated that the objective of this notification is to minimize the sale of alcoholic beverages to minors. He also stated that local agencies are also urged to consider notifying the local media of the Decoy Program. He stated that this gives licensees a second notification and may elicit editorial and community support for the agency.

Decoy Shoulder Tap

Mr. Beach stated that the Decoy Shoulder Tap Program is an enforcement program that ABC and local law enforcement agencies use to deter adults from furnishing alcohol to minors. He stated that during the program, a minor decoy under the direct supervision of law enforcement officers, solicits adults outside ABC licensed stores to buy alcohol for the minor decoy. He also stated that any person seen furnishing alcohol to the minor decoy is arrested for furnishing alcohol to a minor.

Mr. Beach stated that the Decoy Shoulder Tap program was created after a landmark California Supreme Court ruling in 1994 that minor decoys could be used by law enforcement to check whether stores were selling alcohol to minors (persons under age 21). He stated that at that time the violation rate in some areas of California was nearly 50 percent. In 1997 the violation rate had dropped to less than 10 percent in those cities that used the Minor Decoy Program on a regular basis. He stated that minors then turned to the "shoulder tap" method of getting alcohol by standing outside of a liquor store or market and asking adults to buy them alcohol. He stated that the goals of the programs are: (1) Reduce underage consumption of, and access to alcohol by deterring adults from furnishing alcohol to minors outside of a licensed premises (2) Expand the involvement of local law enforcement in enforcing underage drinking laws; and (3) Raise public awareness about the problem. He stated that to achieve its objectives, the Decoy Shoulder Tap Program relies on the sworn staff members of ABC and the local law enforcement agency.

Trade Enforcement Unit (TEU)

Mr. Beach stated that ABC has oversight responsibility for administration and enforcement of the trade practices provisions of the Alcoholic Beverage Control Act. He stated that ABC's Trade Enforcement Unit initiates and coordinates investigations and accusation proceedings against licensees arising out of either statewide or local trade practice situations. Unlawful alcoholic beverage industry practices include commercial bribery, consignment sales, excessive retailer credit and free goods. He stated that the unit provides expertise and guidance to ABC's field staff in the application of the trade practices and supplier licensing provisions of the ABC Act.

Operation Trapdoor

Mr. Beach stated that Operation Trapdoor addresses the problem of minors who are either trying to purchase

alcohol or trying to enter a bar or night club with false ID. He stated that during the operation, ABC licensees contact law enforcement when they have a person with false ID at their business. With roving teams of investigators in the area, the response time is nearly immediate. When the investigators arrive, they arrest and interview the minor. On many occasions they release the minor on a misdemeanor citation.

Special Operations Unit (SOP)

Mr. Beach stated that ABC's Special Operations Unit (SOU) is made up of a team of investigators assigned to assist Department field offices and their investigators in conducting undercover work involving disorderly premises, illegal narcotics, stolen property, and other criminal activities. He stated that the SOU works with the federal, state, and local law enforcement agencies throughout the state. He stated that they also conduct high profile operations for large events or festivals where alcohol-related disturbances might occur.

Chairman Barcelona expressed his appreciation to Mr. Beach for coming to speak to the EEC and the Commissioners applauded.

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