

## **Investigation and Enforcement Division** **2010 Annual Report**

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Special Investigators of the Investigation and Enforcement Division are appointed by the Commission pursuant to Massachusetts General Laws Chapter 10 §72. As such, these Investigators are authorized and directed, pursuant to Massachusetts General Laws Chapter 138 §56, to make all needful and appropriate investigations to enforce the Liquor Control Act.

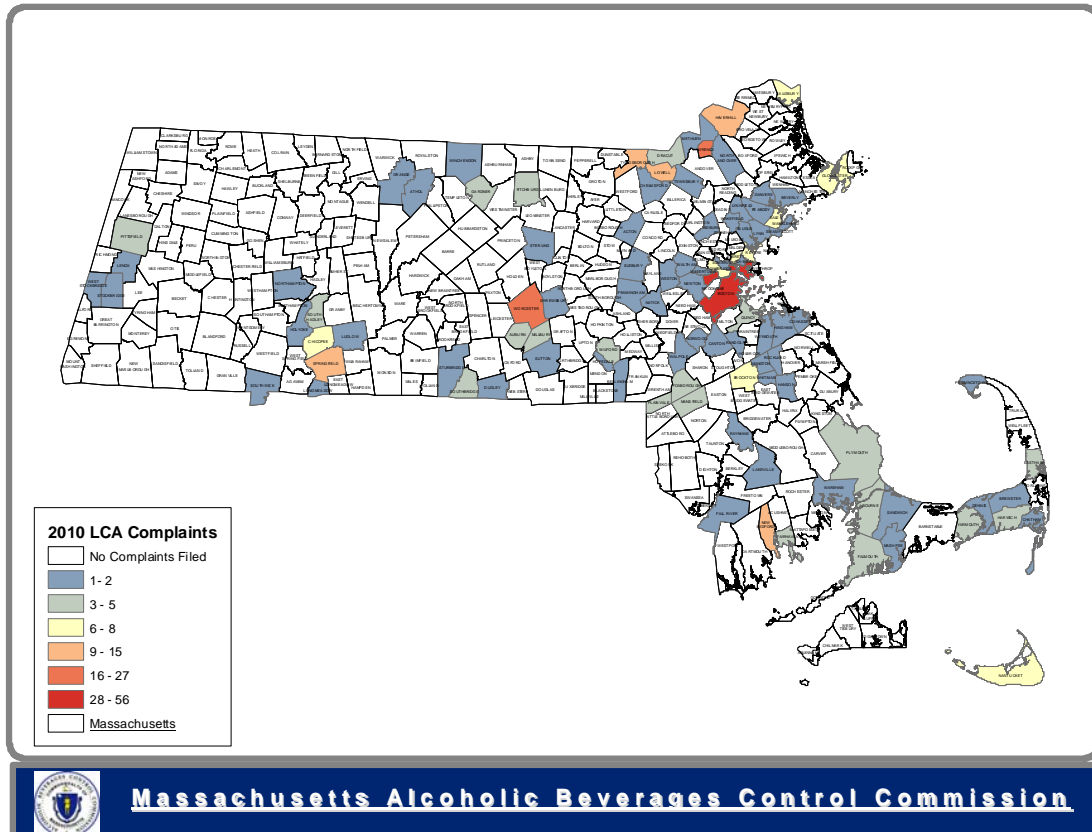
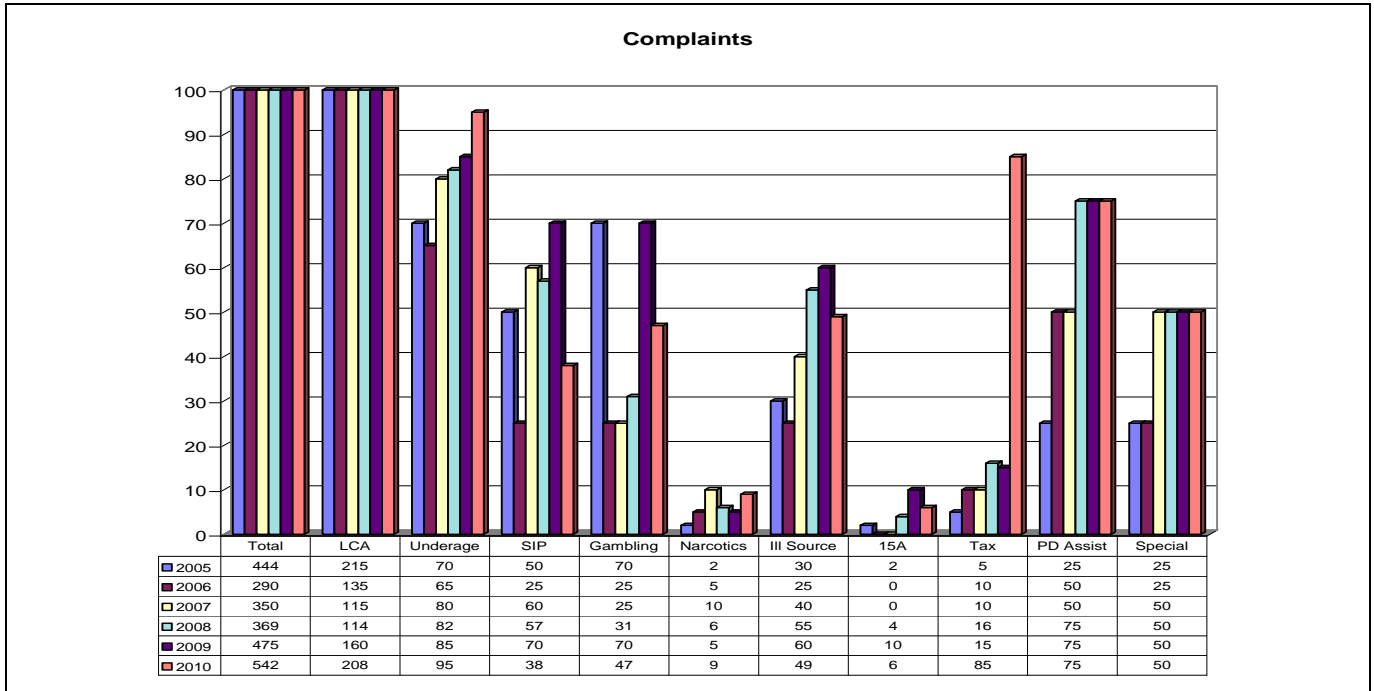
Pursuant to this statutory mandate the Investigation and Enforcement Division established the following objectives: 1) To prevent the sale or delivery of alcoholic beverages to underage individuals; 2) To prevent the sale or delivery of alcoholic beverages to intoxicated individuals and potential drunk drivers; 3) To prevent the sale of alcoholic beverages that are illegally imported or purchased from an illegal source, allowing for tax evasion by the licensee, and to prevent the tampering or dilution of alcoholic beverages; 4) To prevent illegal gambling, particularly poker machines and other electronic gambling devices; 5) To prevent the sale, delivery or use of illegal narcotics on licensed premises; 6) To prevent undisclosed ownership of licensed establishments by individuals or criminal organizations; and 7) To provide suppliers, wholesalers and retailers of the alcoholic beverage industry with a fair and even playing field to conduct their licensed business.

A 2010 study of arrest data has established that seventy five to eighty percent of violent crimes such as assaults and domestic violence are alcohol related. It is the overall objective of this Division to impact public safety and the quality of life in our communities through effective liquor enforcement strategies aimed at reducing the number of alcohol related crimes and traffic crashes. This Division has established effective enforcement programs and regularly partner with local and state police departments to address specific alcohol related problems in communities throughout the commonwealth. These programs have received national recognition for their innovation and effectiveness.

- 1) 2004: Recognized as a National Success Story by the United States Justice Department
- 2) 2004: Chief Investigator was the National Liquor Law Enforcement Association *Agent of the Year*;
- 3) 2005: President's Award from the National Chapter of Mothers Against Drunk Driving
- 4) 2007: National Conference of State Liquor Administrators "Innovations in Health and Safety" Award
- 5) 2008: National Liquor Law Enforcement Association *Enforcement Agency of the Year Award*.

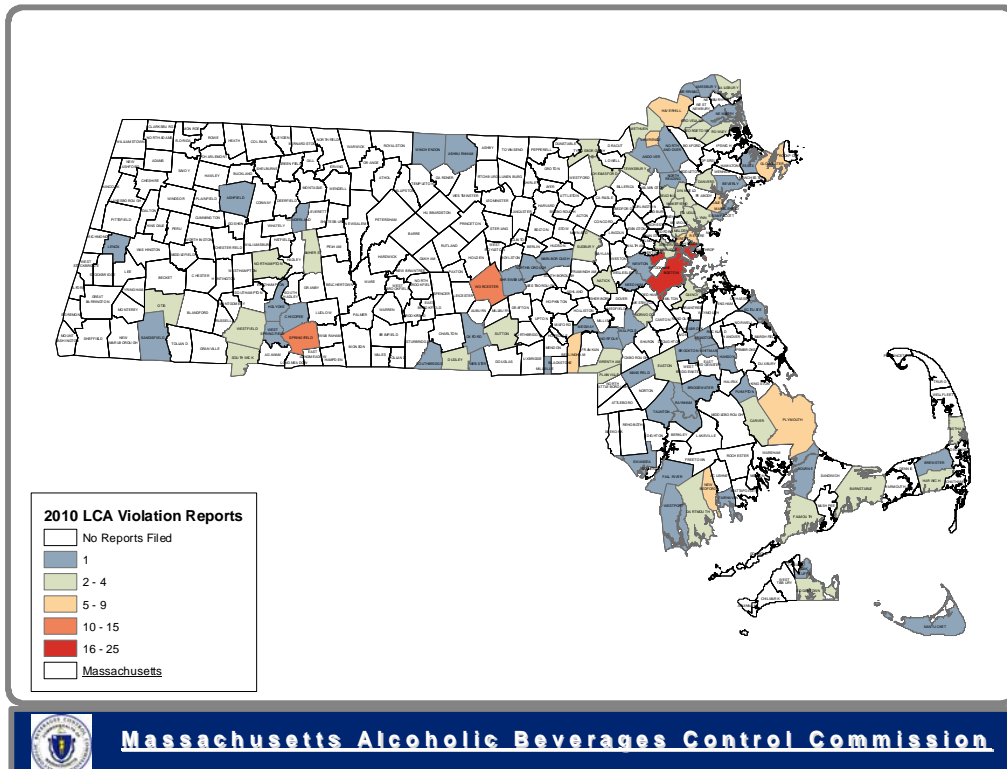
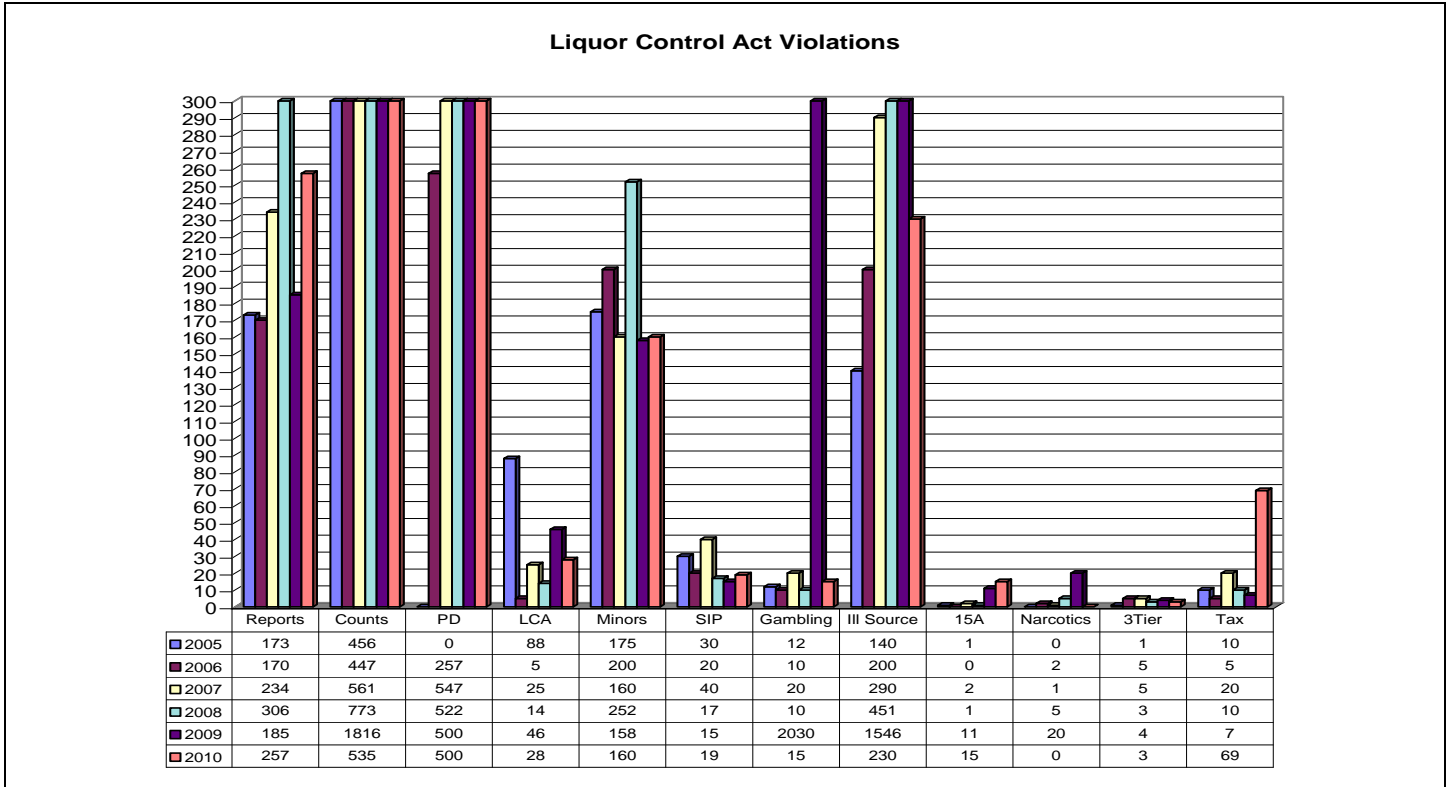
## Complaints

In 2010 **542 complaints** were filed with the Commission. The Enforcement Division receives complaints from the general public, local and state police, and various public interest groups. These complaints ranged from underage drinking, sale of alcohol to intoxicated individuals, illegal gambling activity, illegal alcoholic beverages and illegal narcotics activity. There are also several ongoing special investigations into gambling, narcotics, and criminal ownership interests at licensed premises.



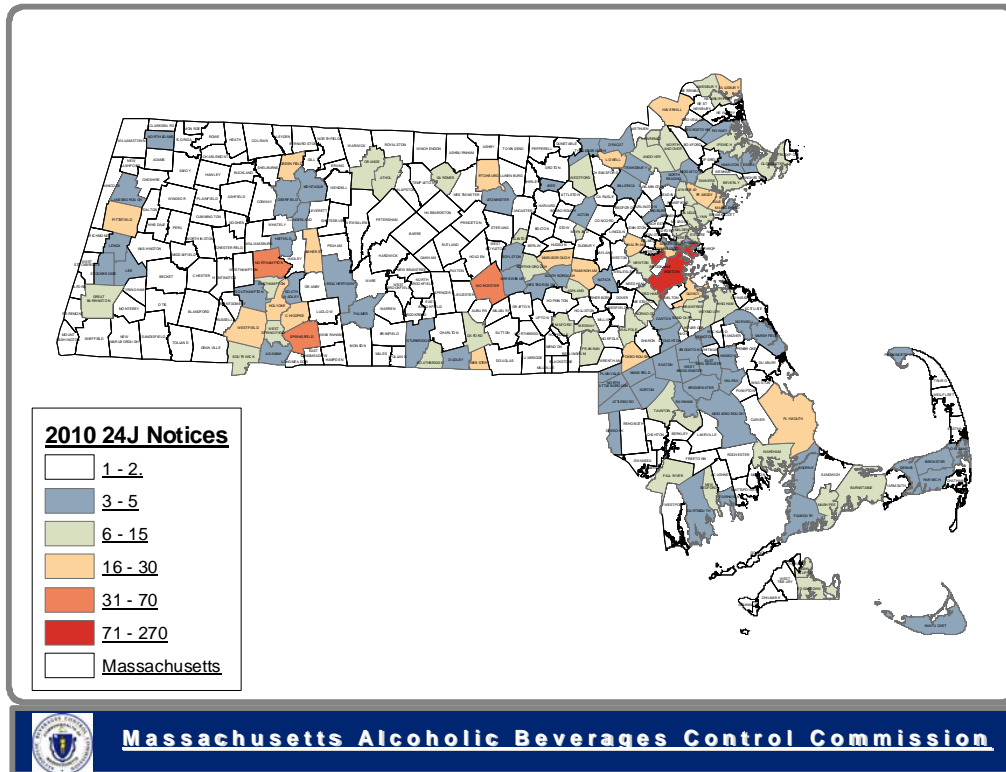
## Liquor Control Act Violations

In 2010 the Investigation and Enforcement Division conducted enforcement operations in approximately **200 municipalities** throughout the commonwealth. Investigators observed approximately **535 violations** of the Liquor Control Act for which over **257 reports** were submitted to the Commission for prosecution. This is more liquor law enforcement than all Massachusetts municipalities combined. These violations ranged from underage drinking, sale of alcohol to intoxicated individuals, illegal gambling, illegal alcoholic beverages, illegal narcotics activity and criminal ownership interests at licensed premises.



### Drunk Driving Prevention Enforcement

In 2010 there will be approximately **2400 OUI reports** filed with the Commission. In Massachusetts, reported statistics indicate that well over 50% of people arrested for OUI had their last drink at a licensed establishment. Massachusetts General Laws Chapter 90 §24J requires that: “In every case of a conviction of or a plea of guilty to a violation of operating a motor vehicle under the influence of intoxicating liquor, *the court shall inquire of the defendant, before sentencing, regarding whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment. Any information so acquired by the court shall be transmitted to the alcohol beverage control commission*



The Investigation and Enforcement Division compiles an annual database that provides the necessary information for the Division to establish a “worst offenders” report of bars that have been identified as being associated with the highest number of OUI convictions. The Division then conducts undercover operations at these licensed premises. If the licensee serves alcohol to an obviously intoxicated individual, the Investigators charge the licensee with violation of MGL Chapter 138 §69 and arrange for safe transportation or protective custody for the intoxicated individual.

The 2010 “worst offenders” report consists of 30 licensees. During the 2010 “Operations Safe Holidays” program, 16 of these bars were charged. The Enforcement Division continues to conduct undercover operations at the remaining 14 locations to monitor the establishments and to maintain an enforcement presence.

The effectiveness of this program was demonstrated in 2007. Of the 30 “worst offenders” in 2007, 24 bars were charged. These bars were located in 22 municipalities in Suffolk, Middlesex, Worcester, Essex, Franklin, Bristol, Hampden and Norfolk counties. The 2008 data clearly demonstrated a dramatic reduction (95%) in the number of OUI’s originating from the bars that had been subject to the intensive liquor enforcement and charged with violating Massachusetts General Laws Chapter 138 §69 in 2007.

### **Enhanced Liquor Enforcement Programs**

Massachusetts has the 3<sup>rd</sup> lowest ratio of enforcement agents to licensees in the country. Enhanced Liquor Enforcement Programs have been crucial to the public safety of the commonwealth by allowing us to triple our enforcement.

*Operations Safe Campus:* The objective of this operation is to prevent the procurement of alcoholic beverages by and for underage individuals in and around college communities throughout the commonwealth. The Enforcement Division conducts enforcement operations at bars and liquor stores in college communities over a 6-week period each year.

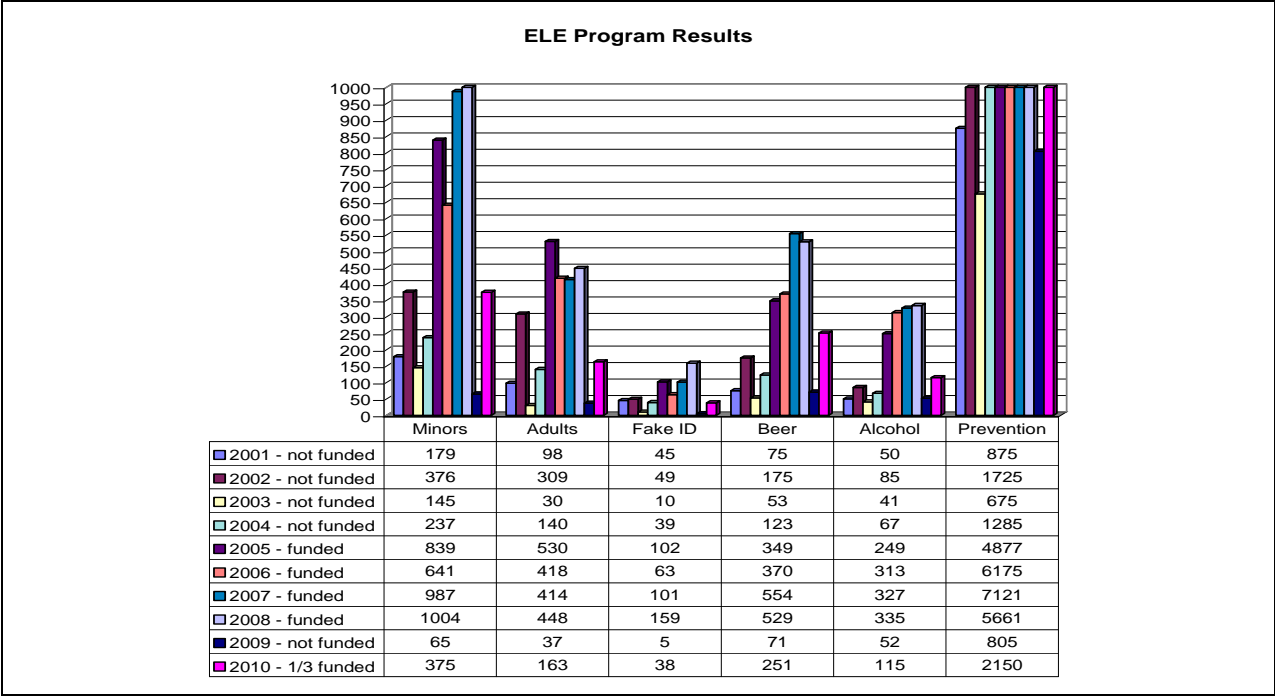
*Operation Safe prom and Graduation:* The objective of this operation is to prevent the procurement of alcoholic beverages by and for underage individuals during the high school and college prom and graduation season. The Enforcement Division conducts enforcement at liquor stores in communities across the commonwealth over an 8-week period each year.

*Operation Safe Summer:* The objective of this operation is to prevent the procurement of alcoholic beverages by and for underage individuals as well as the sale of alcohol to obviously intoxicated individuals in summer communities throughout the commonwealth. The Enforcement Division conducts enforcement operations at bars and liquor stores in summer communities over a 6-week period each year.

*Operations Safe Holidays:* This program consists of two separate operations. The “Last Call” operation targets specific bars that have been identified, pursuant to MGL Chapter 90 § 24J, as having been the last establishment to serve alcoholic beverages to a convicted drunk driver. This operation focuses on preventing intoxicated individuals from getting on the road as well as deterring bar owners from serving the potential drunk drivers. The “Cops in Shops” operation is to prevent the procurement of alcoholic beverages by and for underage individuals during the holiday season. The Enforcement Division conducts this enforcement at bars and liquor stores in communities across the commonwealth from Thanksgiving through December 31<sup>st</sup> each year.

*Parent Notification Program:* For several years the Investigation and Enforcement Division applied for criminal complaints for underage individuals found in possession of alcoholic beverages or false identification. This process resulted in a negative experience for many families and a criminal record for several underage individuals. The Division implemented its “parent notification” program and has found it to be a tremendous success. Investigators call parents from liquor store parking lots or bars and inform them of the situation their child is in. Most parents are completely unaware that their children are involved in the use of alcohol and many drive to the location to pick them up and bring them home. Investigators have found that this type of intervention is a powerful tool toward a long-term family involvement in addressing the problem of underage drinking.

Since 2001 Investigators have conducted these programs with the following results: **4900 minors** in possession or transporting alcoholic beverages; **2600 adults** procuring alcohol for minors; **625 individuals** in possession of false identification; and **2600 cases of beer and 1650 bottles of alcohol** were confiscated by Investigators. Based on the national standard for determining “binge drinking”, this prevented delivery to approximately **31, 200 underage individuals**.



**Cooperative Enforcement Operations with Local and State Law Enforcement**

The Investigation and Enforcement Division works in cooperation with local and state law enforcement agencies in order to obtain optimal enforcement coverage. Most often these efforts are generated from requests for assistance from local police chiefs who have problematic licensees in their communities or local conflicts of interest that are eliminated through ABCC cooperation. Further, when a complaint is received at the ABCC, Investigators also reach out to police departments to conduct cooperative enforcement operations when feasible.

**Education of Local and State Law Enforcement**

The Investigation and Enforcement Division works in a concerted effort with Massachusetts Police Academies and Local Police Departments to educate local and state law enforcement officers in the enforcement of the Massachusetts Liquor Control Act as well as False Identification and Fraudulent Document detection. This training enhances the prevention of underage drinking and drunk driving by developing local police department knowledge of and involvement in liquor law enforcement.

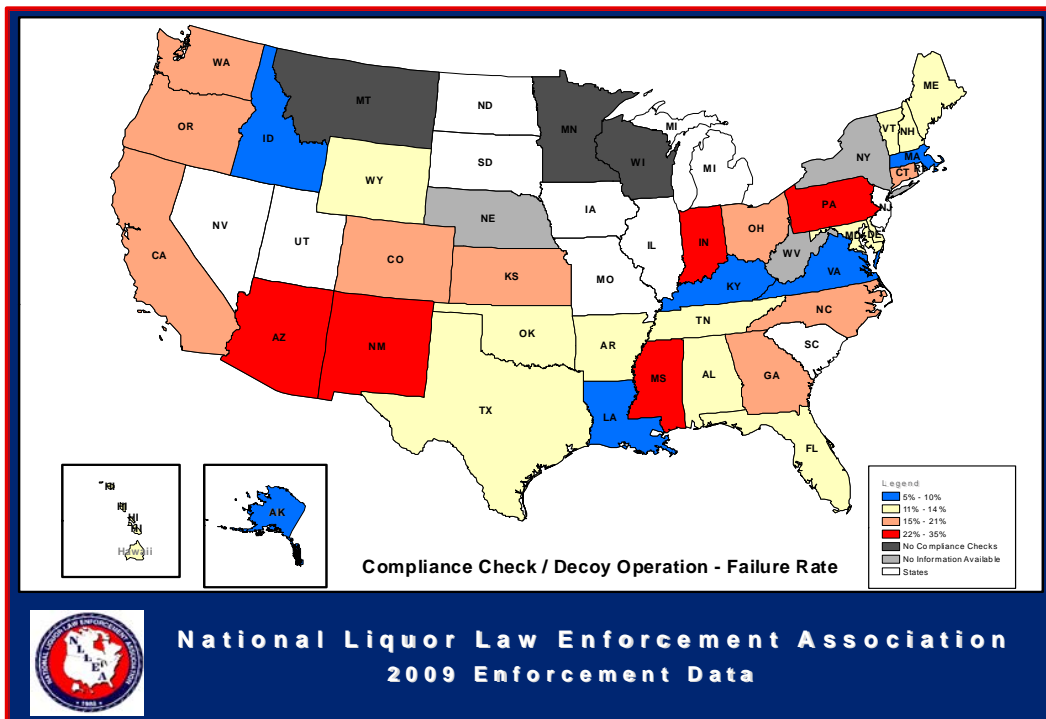
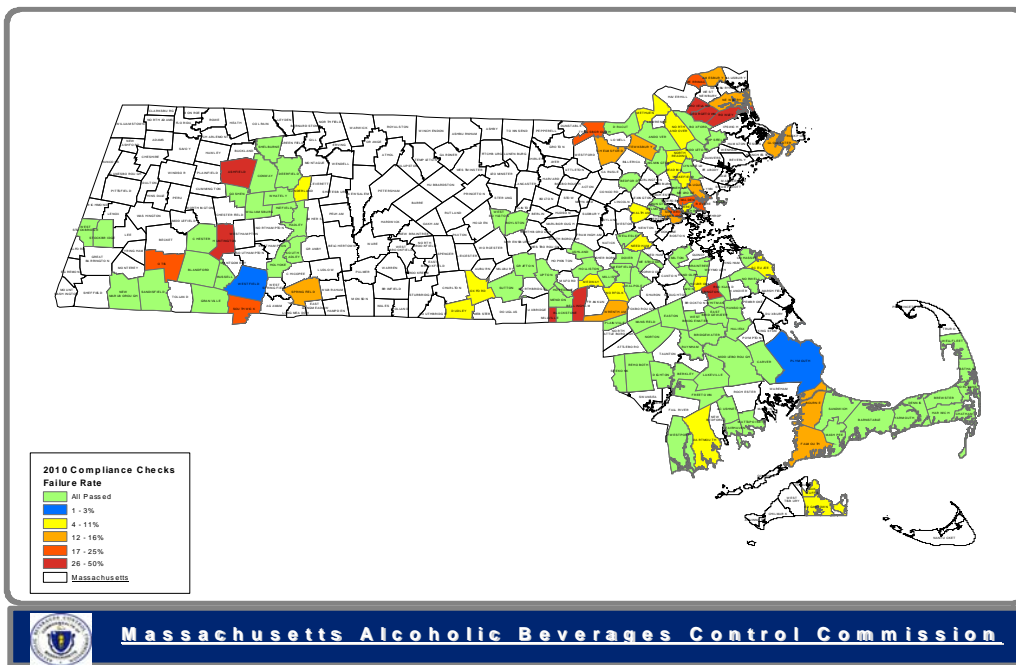
In 2009, the Investigation and Enforcement Division conducted Training Sessions for 270 Police Departments and 1081 Officers. We have been requested to conduct these trainings for several more departments and to return to the academies that we taught at this year.

In 2010 the Massachusetts Alcoholic Beverages Control Commission Investigation and Enforcement Division has conducted Training Sessions in the enforcement of the Massachusetts Liquor Control Act as well as False Identification and Fraudulent Document Detection for 169 Police Departments / Academies and 729 Officers.

## Compliance Checks and Underage Drinking Prevention Enforcement

The objective of this operation is to prevent the sale of alcoholic beverages to underage individuals by licensed establishments throughout the Commonwealth. The primary focus is to educate licensees and to increase their vigilance in the checking of identification.

In 2010, the Massachusetts Alcoholic Beverages Control Commission Investigation and Enforcement Division, in cooperation with several Community Coalitions, conducted Compliance Checks in 147 municipalities across the commonwealth. There were 1473 licensed establishments checked, of which 85 failed (6%). Of these licensees, there were 632 off-premise licensees checked of which 45 failed (7%); and 870 on-premise licensees checked of which 38 failed (4%). This represents an outstanding increase in the success rate (94%) and puts *Massachusetts in front of the national average* success rate of 84%.



### **Illegal Gambling Enforcement**

The Investigation and Enforcement Division has conducted numerous enforcement operations against illegal gambling at bars throughout the commonwealth. The primary focus of these investigations is the illegal use of electronic poker machines for the purpose of illegal gambling. The ABCC receives numerous complaints from individuals whose husbands, wives or relatives have lost their weekly paycheck in these machines.

Since 2004 the Enforcement Division has brought 2100 illegal gambling charges against approximately 140 bars and liquor stores. The ABCC estimates that each bar that illegally operates these machines, and the vending companies that supply them, garner between \$3,000 and \$10,000 per week in unreported income. At one bar Investigators uncovered information detailing gambling income of \$1,400,000 and a net profit of \$400,000. This is income that should be going to the State Lottery so that the income retained will go back to the cities and towns of the Commonwealth for public safety and educational programs.

### **Illegal Ownership / Control Enforcement**

The Investigation and Enforcement Division has conducted several enforcement operations against illegal ownership or control over bars throughout the commonwealth. Investigators are mandated by statute to ensure that all licensees have disclosed all persons who have a direct or indirect financial or beneficial interest in a liquor license. The purpose of this statute is to prevent individuals, who are not of good character and fitness, or criminal organizations from holding an interest in Massachusetts bars and from using such bars to launder monies that may have been obtained through illegal methods.

### **License Application Investigations**

In 2010 Investigators completed 2844 investigations of licensees that applied to the Commission.

### **Training**

*Massachusetts Criminal Justice Training Council Police In-Service Training:* Investigators completed Massachusetts Training Council In-Service training at the Plymouth Police Academy that included training and certification in the following areas: CPR / First Responder; Criminal Procedure; Motor Vehicle Law; Domestic Violence; and Defensive Tactics. Defensive Tactics training included; Use of Force, Baton, OC and handcuffing techniques.

*ABCC Annual In-Service Training:* Investigators received annual in-service training in agency Policy and Procedure relative to: Licensed Premises Investigations, Constitutional Law, Field Contacts, Profiling, Arrest Procedures, Protective Custody, Juvenile Procedures, Criminal Complaints, Use of Force, MGL §34 enforcement, MGL §69 enforcement, Gambling enforcement, Alcohol Testing, PBT, Interviews and Interrogations, Compliance Checks and Administrative Reporting.