



Investigation and Enforcement Division

2019 Annual Report

Special Investigators of the Investigation and Enforcement Division are appointed by the Commission pursuant to Massachusetts General Laws Chapter 10 §72. Accordingly, 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.

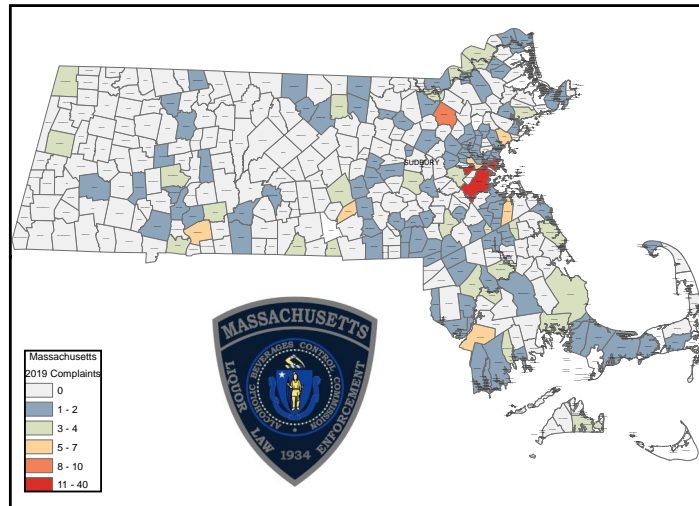
Pursuant to this statutory mandate the Enforcement Division objectives include the following: 1) To prevent the sale or delivery of alcoholic beverages to underage individuals; 2) To prevent the sale or delivery of alcoholic beverages to intoxicated individuals and potential impaired drivers; 3) To prevent the sale of alcoholic beverages that are illegally imported or purchased from an illegal source and to prevent the tampering or dilution of alcoholic beverages; 4) To prevent illegal gambling on licensed premises; 5) To prevent the sale, delivery or use of illegal narcotics on licensed premises; 6) To prevent unlawful ownership of licensed establishments by individuals or criminal organizations; 7) To provide suppliers, wholesalers and retailers of the alcoholic beverage industry with a fair and even playing field to conduct their licensed business; 8) To prevent unlawful Inter-state sale and transportation of alcoholic beverages; 9) To ensure the lawful sale and delivery of wine by Direct Wine Shippers pursuant to MGL Chapter 138 §19F; and 10) To prevent unlawful Trade practices in the alcoholic beverage industry.

Reports on arrest data have established that seventy-five to eighty percent of violent crimes, such as assaults and domestic violence, are alcohol related. It is the overall goal of this Division to impact public safety and the quality of life in our communities through effective alcohol enforcement strategies to reduce alcohol related crimes and traffic crashes. This Division has established effective enforcement programs to address alcohol related problems throughout the commonwealth. These programs have received the following national recognition for their innovation and effectiveness: National Liquor Law Enforcement Association Award for enforcement efforts in Lawrence Massachusetts; National Liquor Law Enforcement Association Enforcement Agency of the Year Award; National Conference of State Liquor Administrators “Innovations in Health and Safety” Award; President’s Award from the National Chapter of Mothers Against Drunk Driving; Recognized as a National Success Story by the United States Justice Department; National Liquor Law Enforcement Association Agent of the Year.

Complaints

In 2019, there were 295 complaints filed with the Commission relative to, but not limited to, the sale of alcohol to underage or intoxicated individuals, illegal gambling activity, illegal alcoholic beverages, illegal narcotics activity and unlawful ownership. Complaints are received primarily from the general public, industry members, municipal and state police and state agencies.

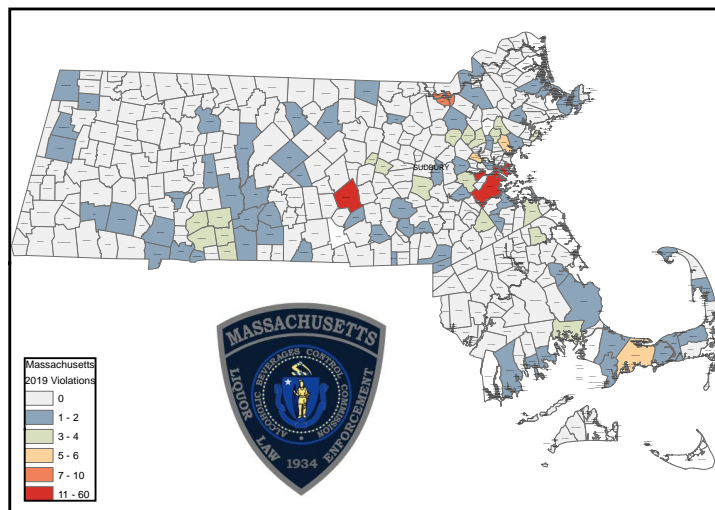
Complaints	Total	Liquor Control Act	Sale to Minor	Sale to Intoxicated	Gambling	Narcotics	Tampering	Ownership	Taxes
2009	475	160	85	70	70	5	60	10	15
2010	542	208	95	38	47	9	49	6	85
2011	561	219	91	78	101	4	47	3	45
2012	525	215	95	82	43	5	26	1	58
2013	460	188	70	62	33	4	34	0	69
2014	344	133	70	40	30	4	46	0	21
2015	293	122	60	48	19	0	37	0	7
2016	298	145	59	45	26	2	21	0	0
2017	278	132	59	34	20	3	27	5	5
2018	349	168	78	46	21	1	34	0	1
2019	295	132	59	57	10	5	38	5	5
Total	4420	1822	821	600	420	42	419	30	311



Liquor Control Act Violations

In 2019 the Enforcement Division conducted operations in over 200 municipalities throughout the commonwealth, filing 193 reports detailing approximately 319 violations of the Liquor Control Act that included, but were not limited to, the sale of alcohol to underage or intoxicated individuals, illegal gambling, illegal alcoholic beverages, criminal ownership of licensed premises, and unlawful trade practices.

Violations	Total	Liquor Control Act	Sale to Minor	Sale to Intoxicated	Gambling	Narcotics	Tampering	Ownership	Taxes	Trade
2015	221	25	98	15	18	0	24	11	30	8
2016	290	18	218	3	35	0	4	3	9	1
2017	247	3	223	21	7	1	1	5	6	1
2018	273	17	209	9	9	0	16	4	8	1
2019	319	0	225	21	0	0	6	5	6	5
Total	1350	63	973	69	69	1	51	28	59	16

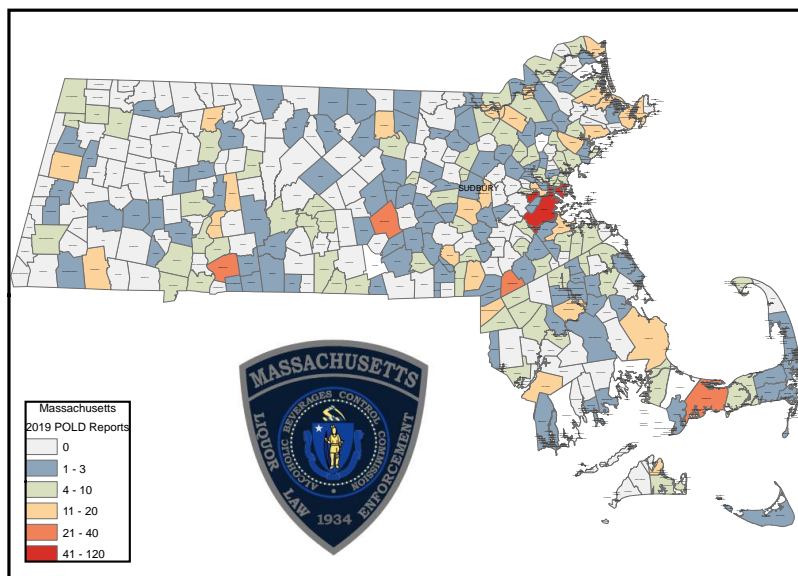


Data Driven Impaired Driving Prevention

Place of Last Drink (POLD) reports are filed with the Commission pursuant to Massachusetts General Laws Chapter 90 §24J, which 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*”. In 2019 there were approximately 1300 §24J reports filed with the Commission.

The Enforcement Division utilizes this data to determine the bars that have been identified in the highest number of 24J reports and thus pose a greater risk to public safety. In addition to this data, information is received from police departments that can identify alcohol related harm, on the roads and highways as well as other alcohol related criminal activity, which appears to originate from specific licensed premises. Enforcement operations are scheduled accordingly and if a bar is found to serve alcohol to an intoxicated individual, Investigators charge the bar with MGL Chapter 138 §69 and arrange for safe transportation or protective custody for the individual. Division data indicates that this enforcement results in a dramatic reduction in the number of OUI arrests associated with the bars that are subject to this enforcement.

The National Transportation Safety Board (NTSB) held hearings, where Chief Frederick Mahony testified on this program, demonstrating that the use of POLD data to guide enforcement efforts led to a reduction in OUI arrests associated with bars that were targeted for intervention. As a result, the NTSB stated in their Safety Recommendation to the National Highway Traffic Safety Administration (NHTSA), “*An essential part of any arrest or accident investigation involving an alcohol-impaired driver should include an assertive effort by law enforcement officers to determine the location where the impaired driver had been served alcohol. This information is useful to state alcohol law enforcement authorities conducting enforcement actions to deter future violations.*”



In 2019 the Enforcement Division, in coordination with NHTSA Impaired Driving Crackdowns, conducted these enforcement and high visibility operations to deter impaired driving throughout the commonwealth. Of the approximately 2004 bars investigated, 36 charges and 264 warnings were issued pertaining to the sale of alcoholic beverages to an intoxicated person; 49 charges and 5 warnings were issued pertaining to associated issues such as sale to a minor, overcrowding or open bar regulations.

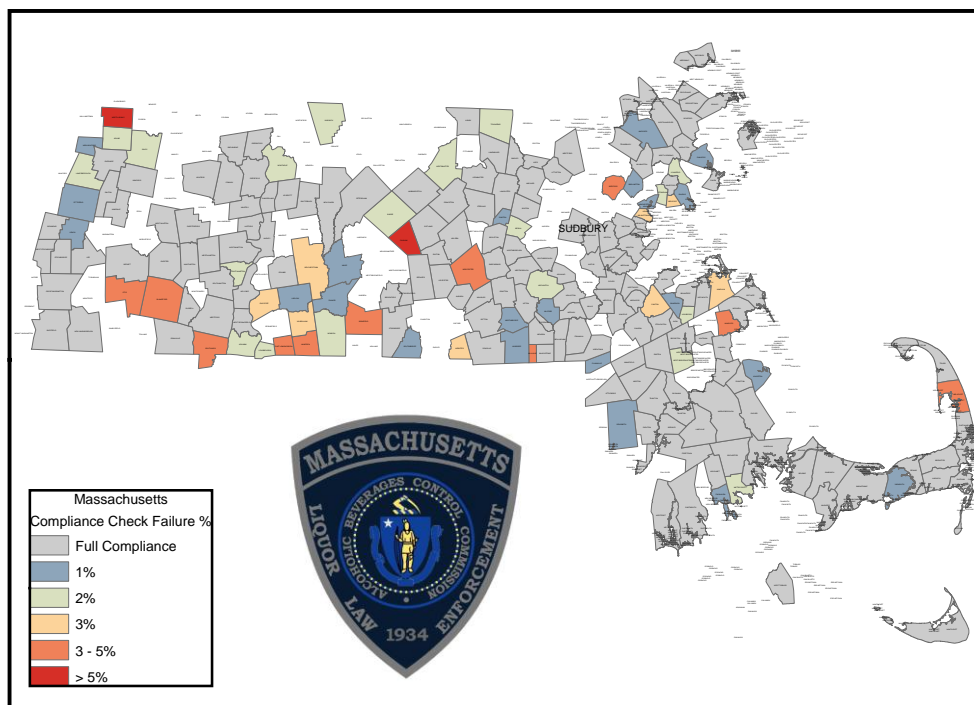
Minimum Purchase Age Compliance Checks

The objective of this program 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. To achieve this objective the Investigation and Enforcement Division conducts Compliance Check enforcement, often in cooperation with the Community Groups and Police Departments.

Since 2009, when the Enforcement Division enhanced the compliance check program, it has conducted compliance checks at 25,151 licensed establishments, of which 914 failed (4%). This represents a 50% decrease in the failure rate since the program began in 2001 and places Massachusetts in front of the national average success rate of 84%.

Previous Compliance Check results include the following: 2018 – 134 municipalities, 1699 establishments checked with 45 violations (3%); 2017 – 254 municipalities, 3198 establishments checked with 96 violations (3%); 2016 – 264 municipalities, 3177 establishments checked with 114 violations (4%); 2015 – 210 municipalities, 2155 establishments checked with 35 violations (2%); 2014 - 230 municipalities, 2178 establishments checked with 63 violations (3%); 2013 - 251 municipalities, 2686 establishments checked with 72 violations (3%); 2012 - 236 municipalities, 2287 establishments checked with 78 violations (3%); 2011 - 201 municipalities, 1975 establishments checked with 135 violations (7%).

In 2019, the Enforcement Division conducted Compliance Checks in 224 municipalities across the commonwealth. There were 2756 licensed establishments checked, of which 96 failed (3%). Of these licensees, there were 1088 off-premise licensees checked of which 61 failed (6%); and 1668 on-premise licensees checked of which 35 failed (2%).



Enhanced Liquor Enforcement Programs

Massachusetts has the fifth lowest ratio of enforcement agents to licensees in the country. Accordingly, the Division has developed Enhanced Liquor Enforcement Programs that are scheduled to address specific geographic and seasonal challenges relating to underage drinking and impaired driving, as well as alcohol related community problems.

Operation Safe Campus is conducted at bars and liquor stores in college communities over a 6-week period at the beginning of each school year; Operation Safe Prom and Graduation is conducted at liquor stores throughout the commonwealth over an 8-week period during May and June; Operation Safe Summer is conducted at bars and liquor stores in summer communities over a 6-week period during July and August and Operations Safe Holidays is conducted at liquor stores throughout the commonwealth from Thanksgiving through December 31st.

To encourage family involvement and intervention in addressing the problem of underage drinking, the Division maintains a parent notification program to inform parents, at the time of the incident, of the situation in which their child is involved. Investigators have found this intervention to be very effective and well received by parents.

In 2019 these programs produced the following results: 1226 minors in possession or transporting alcoholic beverages; 127 adults procuring alcohol for minors; 232 individuals in possession of false identification; with 337 cases of beer and 230 bottles of alcohol confiscated by Investigators, preventing delivery to approximately 3648 underage individuals.

Since 2005 these programs have resulted in the following cumulative results: 10,846 minors in possession or transporting alcoholic beverages; 3422 adults procuring alcohol for minors; 1389 individuals in possession of false identification; and 5038 cases of beer and 4356 bottles of alcohol were confiscated, preventing delivery to approximately 68,668 underage individuals.

Source Investigations

Source Investigations are conducted to investigate alcohol-related motor vehicle accidents that result in death or serious bodily injury and alcohol-related incidents that involve persons under the legal age; to discover the source of the alcoholic beverages consumed by the individual(s) involved in the incident and investigate whether the source of the alcohol violated Massachusetts law. By holding accountable licensed establishments that provide alcohol to minors or over serve their patrons, our goal is to see a reduction in the number of licensees selling alcohol to minors and intoxicated patrons – and, ultimately, fewer incidents and crashes in Massachusetts.

Illegal Gambling Enforcement

The Enforcement Division conducts enforcement operations to prevent illegal gambling, primarily through the use of electronic video devices, at bars throughout the commonwealth.

Illegal Ownership - Control Enforcement

In 2019 the Enforcement Division conducted several investigations into unlawful ownership or control over bars and liquor stores throughout the commonwealth. Investigators endeavor to ensure that licensees have disclosed all persons who have a direct or indirect financial or beneficial interest in a license, and to prevent individuals or organizations from controlling a licensed business for unlawful purposes.

Cooperative Enforcement Operations with Municipal and State Law Enforcement

The Enforcement Division works in cooperation with municipal and state law enforcement agencies in order to obtain optimal enforcement coverage. Most often these efforts are generated through requests for assistance from municipal police chiefs who have problematic licensees in their communities.

In 2019 the Division conducted enforcement operations at concert and sports venues in cooperation with municipal, state and county law enforcement agencies, as well as with the assistance of venue management. ABCC enforcement includes area liquor stores prior to the event, parking lot enforcement up until the beginning of the event and then enforcement within the licensed premises. The Division conducted these operations at the Xfinity Center and Gillette Stadium and Fenway Park and the results of this enforcement operation included: 908 minors in possession of alcohol; 61 furnishing alcohol to minors; numerous medical, intoxicated or incapacitated assists as well as the seizure of 119 bottles of alcohol and 210 cases of beer, preventing delivery to approximately 2030 underage individuals.

License Application Investigations

In 2019 the Enforcement Division completed approximately 3208 investigations of license applicants to ensure compliance with the Liquor Control Act and to ensure satisfactory character and fitness of the applicants.