

Demonstration Project Report

A Campaign to Reduce Impaired Driving Through Retail-Oriented Enforcement in Washington State

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16. Abstract <p>The Washington State Liquor Control Board (WSLCB) launched its DUI Reduction Program in 2002 with the immediate goal of reducing sales to intoxicated people through enforcement directed at bars and restaurants. The program targets those establishments that produce high levels of DUI arrests. The ultimate and long-term program goal is to reduce DUI arrests and alcohol-related traffic crashes.</p> <p>The DUI Reduction Program showed great promise, with anecdotal reports suggesting that it reduced sales to intoxicated people at the targeted retail establishments. To assess the impact of the program, WSLCB joined with the Pacific Institute for Research and Evaluation to conduct the Washington Enforcement and DUI Reduction demonstration project with funding from the National Highway Traffic Safety Administration. The demonstration project was designed to assess the feasibility of implementing the DUI reduction program in a more standardized manner and of assessing the effects of the program on three outcome measures: retailer willingness to sell alcohol to apparently intoxicated people, blood alcohol concentration (BAC) levels of drivers arrested for DUI, and DUI arrestees naming establishments exposed to the program as their place of last drink.</p> <p>The results of this demonstration project are mixed. The evaluation detected no change in retail practices; however, it did produce two promising findings: reductions in the average number of monthly DUI arrests in intervention sites and reductions in average BAC levels among DUI arrestees. Several factors limit the potency of findings: small sample size, variation in the protocol for the delivery of education material, retailers' level of exposure to responsible beverage server training, possible erosion of effects, and the level of enforcement activity in comparison sites.</p> <p>The evaluation suggests that a stronger intervention involving enforcement of sales to intoxicated persons laws and related educational outreach may produce all desired results but that further evaluations will be needed. This report concludes with suggestions for how future tests of similar interventions could be improved.</p>					
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Executive Summary

Recognizing the dangers to public health and safety associated with people impaired by alcohol, nearly every State and the District of Columbia prohibit alcohol sales to obviously or visibly intoxicated people. Although these laws have been widely adopted, the laws are largely ignored by alcohol establishments and their staff. The lack of compliance has serious public health and safety implications; many drivers arrested for driving under the influence of alcohol say they had their last drink at a licensed establishment.

The Washington State Liquor Control Board (WSLCB) launched its Driving Under the Influence of Alcohol (DUI) Reduction Program in 2002 with the immediate goal of reducing sales to intoxicated people through enforcement directed at bars and restaurants. The program targets those establishments that produce high levels of DUI arrests as indicated by “place of last drink” information collected on DUI arrests reports. The ultimate and long-term goal of the program is to reduce impaired driving and alcohol-related traffic crashes.

The DUI Reduction Program showed promise, with anecdotal reports suggesting that it reduced sales to intoxicated people at targeted retail establishments. WSLCB conducted the Washington Enforcement and DUI Reduction demonstration project to assess the impact of the program, under an agreement with the Pacific Institute for Research and Evaluation (PIRE) and with funding from the National Highway Traffic Safety Administration. The demonstration project was designed to assess the effects of the program on three outcome measures: retailer willingness to sell alcohol to apparently intoxicated people, blood alcohol concentration (BAC) levels of drivers arrested for DUI, and DUI arrestees naming establishments exposed to the program as their place of last drink.

Ten sites each in the WSLCB’s Northern and Southern regions (20 sites overall) were selected to participate in this demonstration project. The intervention consisted of letters to establishment owners notifying them that the agency concerns about reported business practices; provision of a DUI education packet to licensees; an offer of free training on how to check identification and avoid overservice of alcohol; unannounced premise checks by self-identified WSLCB agents, with punitive actions taken if necessary; and additional premise checks and undercover operations if no progress was noted through monthly progress evaluations.

The results of this demonstration project are mixed. The evaluation detected no change in retail practices; however, it did produce two promising findings: reductions in the average number of monthly DUI arrests involving drivers who had been drinking at intervention sites and reductions in average BACs among DUI arrestees. Several factors limit the potency of findings: small sample size, variation in the protocol for the delivery of education material, retailers’ level of exposure to RBS training, possible erosion of effects, and the level of enforcement activity in comparison sites.

The evaluation suggests that a stronger intervention involving enforcement of sales to intoxicated people laws and related educational outreach may produce desired results. This report concludes with suggestions for how future tests of similar interventions could be improved.

Introduction

Recognizing the dangers to public health and safety associated with intoxicated individuals, nearly every State and the District of Columbia prohibit alcohol sales to obviously or visibly intoxicated people.¹ Although these laws have been widely adopted, these laws are largely ignored; studies have found that 58 to 85 percent of alcohol establishments will serve alcohol to patrons who appear obviously intoxicated.² Moreover, up to 50 percent of people driving under the influence had their last drink at a licensed establishment.³ Interventions to promote voluntary compliance with alcohol sales laws and increased enforcement of laws prohibiting service to intoxicated people have had mixed results. Programs with well-designed interventions, particularly those that include enforcement, have been found to promote better compliance and decreases in alcohol-related harm.⁴

Despite the fact that Washington State law prohibits sales to intoxicated people and lowered the maximum allowable BAC to .08 grams per deciliter in 1999, drivers with high BACs continue to be involved in fatal traffic crashes. In 2001, 86 percent of alcohol-related crashes in the State involved drivers with a BAC of more than .08 g/dL.⁵ In 2002, the Washington State Liquor Control Board launched its DUI Reduction Program with the immediate goal of reducing sales to intoxicated people through enforcement directed at bars and restaurants. The ultimate and long-term goal of the program is to reduce impaired driving and alcohol-related traffic crashes.

The DUI Reduction Program uses analyses of monthly DUI arrest reports, which include “place of last drink” locations, as well as the BACs of arrested drivers. The analyses are used to create a “worst offenders” list of establishments associated with the highest number of DUIs or the highest BACs recorded among DUI arrestees. The program then executes a plan that includes outreach to and training for retailers, targeted enforcement, and, as necessary, the implementation of corrective actions.

The Washington Enforcement and DUI Reduction demonstration project was a joint effort conducted by WSLCB and the Pacific Institute for Research and Evaluation with funding from the National Highway Traffic Safety Administration. The purpose was to evaluate the effectiveness of the DUI Reduction Program. It focuses on three outcome measures: (1) the likelihood that retail establishments that sell alcohol to intoxicated people would change this practice after establishment owners were provided with information about the State’s sales to intoxicated people law, after being given notification that enforcement of the law would increase, and then being subjected to enforcement actions; (2) BACs among drivers arrested for DUI.; and (3) the degree to which DUI arrestees named establishments exposed to the program as their places of last drink. Due to the modest nature of this demonstration project and evaluation, it was not feasible to select as an outcome measure reductions in the incidence of DUI.

Methodology

The demonstration project employed a quasi-experimental pre-post evaluation design with the inclusion of comparison sites. Ten sites each in the WSLCB’s Northern and Southern regions (20 sites overall) were selected to participate in this demonstration project based on the following criteria:

- Establishments were cited as the place of last drink by the highest number of DUI arrestees in that region between the period of May 2004 and May 2005;
- The average BACs of arrestees from May 2004 to May 2005 were among the highest recorded for that region; and
- Establishments had not previously participated in the WSLCB's DUI Reduction program.

In each region, the selected establishments were randomly assigned to intervention and comparison groups (with 5 establishments in each condition for each of the two regions). Intervention sites were exposed to the DUI Reduction program, and comparison sites were exposed only to routine complaint-driven enforcement.

Baseline data collection on retail sales practices occurred in August 2005. Post-intervention data collection took place in June 2006. Data was collected by sending pseudo-intoxicated actors who attempted to purchase alcohol at all 20 sites in each region *before* and *after* the enforcement intervention.

After auditioning for a position on the data collection team before a panel comprised of PIRE evaluators and WSLCB agents, the hired actors were trained in all aspects of data collection to ensure the integrity of data as well as personal safety. Data collectors worked in teams of two, with one person filling the role of a pseudo-intoxicated patron (PIP) and the other serving as the observer. In preparation for data collection, the team dressed in a manner suitable for the restaurants, bars, and night clubs to be visited, and the PIP sprayed himself/herself with an atomizer containing liquor.

The PIP and observer entered establishments together, acting as acquaintances. Once inside, the PIP simulated reliable signs of intoxication such as decreased alertness, quick, slow or fluctuating pace of speech, fine or gross motor coordination problems, slowed speech, slowed respiration, sweating, and sleepiness. The PIP and observer remained together throughout their time in the establishment either sitting together at a table when in restaurants without a bar area or sitting next to each other at the bar (or, if only one bar stool was available, with the observer standing next to the PIP). The PIP then requested a beer from the first available server or bartender with the server given a good opportunity to observe signs of intoxication while the PIP ordered. Shortly after the PIP was served or refused service, the observer paid for any beer served and then exited the establishment with the PIP. After leaving the establishment, the observer drove away to a safe location where both the PIP and the observer completed data collection forms before proceeding to the next establishment.

Data collection using the pseudo-intoxicated actors occurred on Friday and Saturday evenings between 6 and 11 p.m. Actors who conducted baseline data collection also conducted follow-up data collection.

Data collection on DUI arrests occurred in the three months preceding the enforcement intervention and in the three months following the intensive enforcement period. This data collection focused on arrestee reporting of the place of last drink and on the BACs of arrestees.

WSLCB conducted a two-phased enforcement intervention from October 2005 to June 2006 with intensive enforcement conducted for the first six months (October through March) and regular complaint-driven enforcement conducted April through June. The intensive phase of the enforcement consisted of the following:

- Letters to establishments notifying them of agency concerns regarding business practices vis-à-vis sales to intoxicated patrons and including a copy of a DUI incident report detailing arrest dates and BACs of drivers identifying the establishment as their place of last drink prior to arrest (See Appendix A.);
- Provision of a DUI packet to licensees (see Appendix B);
- Offer of training on how to check identification and avoid overservice of alcohol;
- Unannounced premise checks by self-identified WSLCB agents, with punitive actions taken if necessary; and
- Additional premise checks and undercover operations if no progress was noted through monthly progress evaluations.

The regular enforcement phase consisted only of unannounced premise checks in response to complaints received by the agency and possible subsequent actions based on the results of those checks.

WSLCB agents working in the State's Northern Region visited establishments to deliver the notification letter and the DUI packet. The administrative secretary for the Southern Region mailed the notification letter and DUI packet to the five intervention sites in that region.

When the offer of free responsible alcohol beverage service training was accepted, the training occurred on-site at the establishment.

Unannounced premise checks involved agents visiting the establishment to conduct a general inspection. Agents identified themselves as WSLCB agents to the on-duty manager. If violations were detected or observed, the agents would immediately issue a citation against the establishment or its employees.

At their discretion, agents conducted additional premise checks and undercover investigations. The undercover investigations involved plain-clothes agents entering and remaining in the establishment for a period to observe business practices without making their presence known to the establishment owner or employees. If any violation was detected or observed, such as a sale to obviously an intoxicated person, the agents would leave and then record the violation on an agency form. Then either a back-up team would deliver a citation in person, or the agency would mail a citation. When an undercover operation did not find a violation, WSLCB would notify the establishment of this finding at a later date.

Results

Table 1 details the type and number of activities conducted by the WSLCB in the intervention sites during both phases of the intervention period. Most educational activity involved a one-on-one meeting between a WSLCB agent and the manager on duty at establishments. Only two licensees accepted the offer for on-site RBS training for managers and employees. The bulk of enforcement operations involved unannounced premise checks, with 102 conducted between October and March (the intensive enforcement phase) and 23 conducted between April and June (the regular enforcement phase). Enforcement operations resulted in the issuance of six citations and three written warnings during the intensive enforcement period, and no citations or warnings during the regular enforcement period.

Table 1: Activity Summary – Intervention Sites			
Activity	Intensive Enforcement Period Oct. '05 – March '06	Regular Enforcement Period April '06 – June '06	Total Oct. '05 – June '06
Education			
DUI Packet Provision	10	0	10
1-on-1 Meetings	27	8	35
RBS Trainings	2	0	2
Enforcement			
Minimum Purchase-Age Compliance Checks	1	0	1
Unannounced Premise Checks	102	23	125
Undercover Investigations	6	0	6
Violation Notices Issued	6	0	6
Written Warnings	3	0	3

The WSLCB conducted less educational and enforcement activity with comparison sites. (See Table 2.) No educational outreach was provided to them during first phase (intensive enforcement) of the intervention period, and a DUI information packet was given to only one establishment during the second phase (regular enforcement). Unannounced premise checks again constituted the majority of enforcement operations (60), and enforcement operations resulted in six written warnings.

Table 2: Activity Summary – Comparison Sites			
Activity	Intensive Enforcement Period Oct. '05 – March '06	Regular Enforcement Period April '06 – June '06	Total Oct. '05 – June '06
Education			
DUI Packet Provision	0	1	1
1-on-1 Meetings	0	0	0
RBS Trainings	0	0	0
Enforcement			
Minimum Purchase-Age Compliance Checks	5	1	6
Unannounced Premise Checks	48	12	60
Undercover Investigations	0	0	0
Violation Notices Issued	0	0	0
Written Warnings	6	0	6

Between the time of baseline data collection on sales to PIPs in the Southern Region and the time of follow-up data collection, 1 establishment exposed to the intervention and 1 comparison establishment closed.⁶ Consequently, there were 9 intervention and 9 comparison sites included in the follow-up analysis. Figure 1 illustrates how the rates of sales to PIPs for intervention sites compared with sales rates for comparison sites. Sales rates for intervention sites increased from 50 percent to 88.9 percent. That is, 8 establishments sold alcohol to PIPs during the follow-up (up from 5 establishments). In contrast, sales rates for comparison sites decreased slightly from 80 percent to 77.9 percent (from 8 establishments to 7 establishments). Due to small sample size, tests of statistical significance were not included in this portion of results analysis.

The average number of DUI arrests in which intervention establishments were identified as place of last drink, decreased 36 percent (from 11.4 to 7.3) between the three months preceding the intensive enforcement period and the three months following it. (See Figure 2). The average number of DUI arrests naming comparison establishments also decreased; however, the decrease was considerably smaller (7 percent). Neither decrease was statistically significant.

Figure 1: Percentage of Pseudo-Intoxicated Persons Served Alcohol

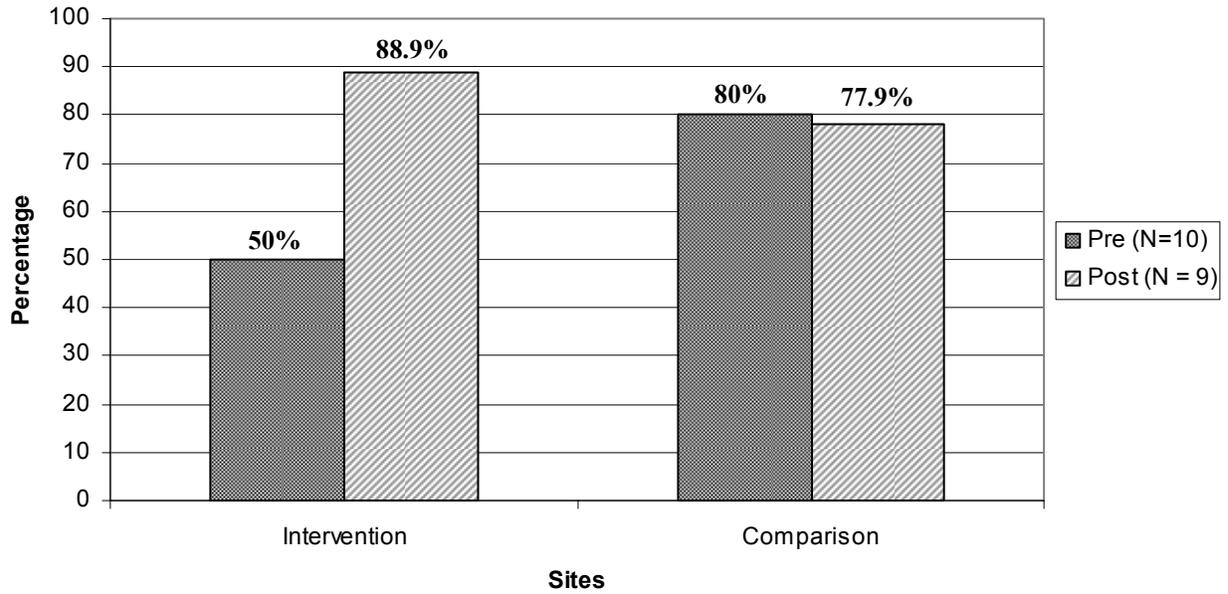


Figure 2: Average Number of Monthly DUI Arrests with Sites Named as Place of Last Drink

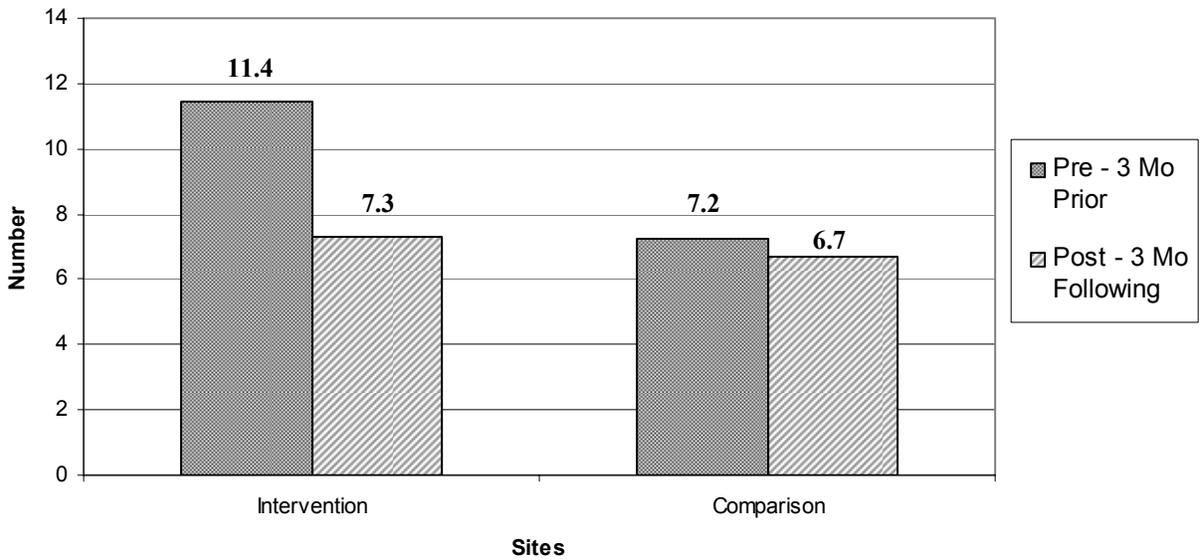
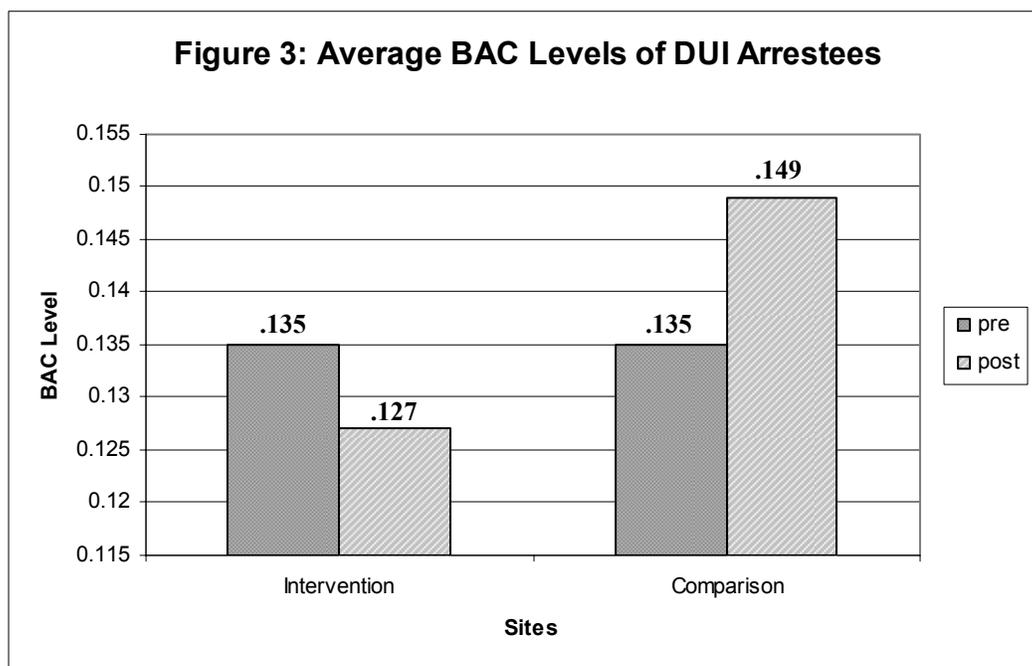


Figure 3 compares average BACs for the people who were arrested for DUI in the three months preceding the intensive enforcement period and three months following this phase. There was a decrease in the average BAC for the intervention communities from .135 g/dL (n = 105) to .127 g/dL (n = 19). This decrease was statistically significant (p = .033 for a one-tailed t-test, and p = .067 for a two-tailed test.) The average BAC for arrestees increased from .135 (n = 67) to .149 (n = 16) for comparison sites. This 10-percent increase was not statistically significant.



Discussion

Given previous research demonstrating that enforcement campaigns supplemented with targeted education for retailers can result in changes in retailer willingness to provide alcohol to apparently intoxicated patrons, similar results were hypothesized for this Washington State demonstration project. Evaluators also theorized that changes in the number of DUI arrests associated with intervention establishments as well as average BACs for DUI arrestees who identified intervention establishments as their place of last drink would be affected by intervention as well.

Only two of the three measures changed in the direction anticipated. The average number of DUI arrests where the offenders listed an intervention establishment as their place of last drink decreased considerably (36 percent). This finding was statistically significant when compared with comparison establishments. The average number of DUI arrests in which the offenders named comparison establishments remained the same. Related to this positive outcome is a recorded decrease in the average BAC of DUI arrestees who reported intervention sites as the place of last drink in the three months following the intervention. By contrast, the average BAC for DUI arrestees listing comparison sites as the place of last drink increased, though not significantly.

Data related to retailer willingness to provide alcohol to apparently intoxicated patrons, however, showed an increase rather than a decrease in “successful” alcohol purchases by PIPs at intervention establishments. The percentage of successful purchases remained relatively stable for the comparison establishments.

These inconclusive findings may be attributed to the evaluation design and intervention implementation (discussed below).

Limitations of Findings

The primary purpose of this demonstration project was to determine the feasibility of implementing and assessing the effects of the WSLCB’s DUI Reduction Program on the outcome measures discussed above. The limited number of establishments included in the evaluation precluded the possibility of definitive findings. It is clear also that other factors limit the degree to which evaluation findings can be used either to support or oppose similar interventions being implemented in the future.

One limitation relates to intervention design and execution. Half of the establishments in the experimental sample received the notification letter and the DUI packet from a WSLCB agent who personally delivered the information. The other establishments received the same information from the agency via postal mail. The manner of delivery may have influenced the degree to which establishment owners and personnel appreciated the importance of obeying the law prohibiting sales to intoxicated people and, consequently, changed their behavior.

Another limitation also relates to the educational aspect of the intervention design. Establishment owners were given the choice of whether to enroll staff in free on-site responsible beverage service training. Few establishments (2 out of the 10) participated in such trainings. Results may have been different had RBS training been required.

Study results may also reflect erosion effects. The follow-up measure of sales to pseudo-intoxicated patrons occurred two to three months following the intensive phase of the intervention period. Had the follow-up measure been conducted sooner after the intensive phase and before a return to regular enforcement practice, the rate of sales might have been lower.

It should also be noted that the extent of enforcement activity in comparison sites was greater than evaluators anticipated. Consequently, the comparison between results for the intervention sites and results for the comparison sites does not reflect the strength of an intensive enforcement intervention weighed against little or no enforcement.

Conclusion and Recommendations

The WSLCB’s DUI Reduction Program is based on the premise that enforcement and education targeted at alcohol establishments with patterns of overservice of alcohol will result in positive changes in establishment practices. The project evaluation also sought to detect possible changes in the number of DUI arrests associated with intervention establishments as well as average BACs for DUI arrestees who identified intervention establishments as their place of last drink. While the WSLCB’s DUI Reduction Program was not shown to produce

changed behavior among retailers, the program evaluation does offer two promising findings: reductions in the average number of monthly DUI arrests in intervention sites and reductions in average BACs among DUI arrestees. The mixed results suggest that a stronger intervention involving enforcement of sales to intoxicated patrons laws and related educational outreach may be needed to fulfill the project's goals.

As an examination of the feasibility of conducting a larger and more rigorous evaluation of similar DUI reduction programs, the demonstration project offers suggestions for how interventions should be strengthened and evaluations improved. A stronger intervention would likely include personal contact between the WSLCB and the licensees. Personal delivery of educational materials by agents may convey better to licensees the message of the seriousness of the crime of selling alcohol to intoxicated people as well as the importance of addressing this matter with establishment employees. Personal delivery would also allow licensees to ask questions about and clarify their understanding of the law, their responsibilities, and the consequences of failure to comply with the law. A stronger intervention would also *require* the licensees of problem establishments to enroll their employees in RBS training.

As executed, the vast majority of enforcement actions involved unannounced inspections. These inspections, however, were general in nature and involved WSLCB agents identifying themselves to establishment personnel. A stronger enforcement intervention would include more undercover investigations to enable agents to observe the known problem-server practice without the server being aware of such observation. When necessary, punitive actions such as issuance of citations, would follow undercover investigations. This may prompt changes in server behavior more effectively.

Future tests of similar interventions should include a standard protocol for delivery of educational information and conduct the follow-up assessment of retailer behavior soon after the end of the intensive enforcement. Should financial resources permit it, a subsequent follow-up assessment could be conducted to assess whether there is an erosion of effects following the return to regular enforcement practices.

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6. The WSLCB did not investigate the causes of closure.

Appendix A



Washington State Liquor Control Board

Date

(Business Name)
(Address)
City/State/Zip

RE: Liquor License #

Dear Owner/Manager:

Enclosed is a copy of the DUI tracking results for your premises. As a Liquor Enforcement Officer, I am concerned about the number of people arrested for DUI who have indicated they were drinking at your establishment just before they were arrested. This report is for your information only. We are taking no action relative to it.

The Liquor Control Board receives DUI Incident Reports on a monthly basis. These reports are made available by the State Patrol, which compiles them from their own and local law enforcement records. The reports indicate which place of business those arrested for DUI say they were drinking at last before they were arrested. As you know, the legal limit for driving under the influence is .080.

You may want to review your over-service policies with your staff and share the enclosed information. I have also enclosed a map with directions and a copy of the schedule for our ID/Over-Service Classes offered at the (local name) Enforcement Office, free of charge. I am also available to visit with you and your staff on site about state liquor laws and to provide training as well. If you are interested in having me visit your business, please call me to schedule an appointment. If I can be of further assistance, please contact me at .

Sincerely,

Liquor Enforcement Officer

Attachments
cc: File

APPENDIX B

Washington State Liquor Control Board DUI Packet Material

- Invitation to attend a Responsible Liquor and Tobacco Sales class.
- Alcohol and tobacco age of purchase decals for establishment doors and windows.
- Alcohol age of purchase wall sign – posting State law prohibiting alcohol sales to people under the age of 21.
- Literature on how to check for age verification.
- Sales to intoxicated people wall sign – indicating establishment obligation to refuse sales to seemingly intoxicated people.
- Sales to intoxicated people table signs – indicating establishment obligation to refuse sales to seemingly intoxicated people.
- Literature on how to recognize and deal with apparently intoxicated people.
- Blood Alcohol Concentration Guide – indicating drink equivalents for BACs for males and females according to weight.
- Blood Alcohol Concentration Guide – tri-fold pamphlet designed for establishment patrons.
- Firearm warning sign – posting State law prohibiting firearms in liquor license establishments.
- Fetal Alcohol Syndrome warning sign – encouraging women who are pregnant to refrain from consuming alcohol.
- Licensee Certification Card – for use by an establishment employee.
 - Requires a person presenting proof of age to attest that the form of identification is a valid, government-issued document.
 - Requires the employee to attest that the form of identification was checked and determined to correspond to the person presenting the identification.

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April 2008



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

