

Virginia ABC Bureau of Law Enforcement

June 1, 2015



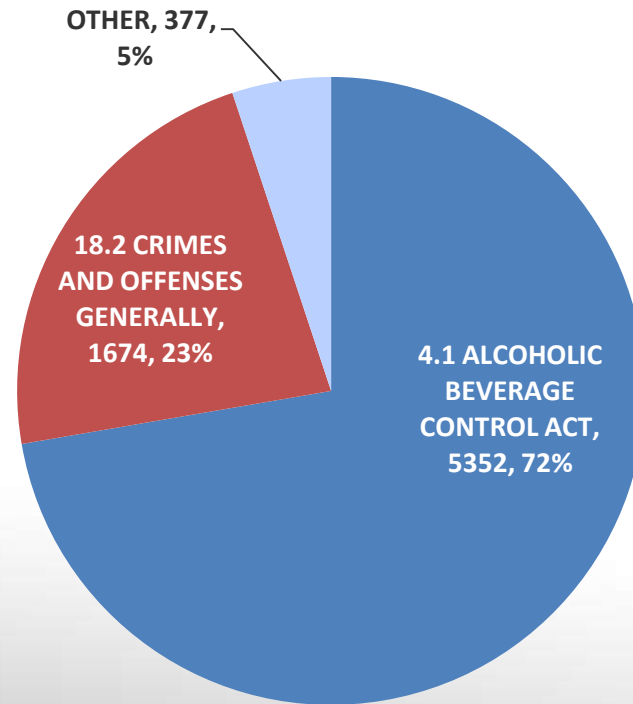
Virginia ABC Criminal Enforcement

- **Criminal Enforcement Activities**
 - Arrests by Code of Virginia Title
 - Top Five Charges
 - Arrests - Released on Summons and Custodial
 - Arrests by Offender – Arrest Type and Ethnicity

Charges Filed by Code of Virginia Title

- **72% of charges filed by VA ABC special agents between Fiscal Year 2011 and 2014 were under Title 4.1**

Virginia ABC Charges Filed FY2011-2014 by Code of Virginia Title



Source: Virginia ABC Records

Top Five Criminal Arrest Charges

Top Five Criminal Arrest Charges - Fiscal Years 2011 - 2014

| <u>Rank</u> | <u>Section</u> | <u>Description</u> | <u>Count</u> | <u>% Of Total*</u> | <u>% Custodial</u> | <u>% Summons</u> |
|-------------|----------------|--|--------------|--------------------|--------------------|------------------|
| 1 | 4.1-305 | UNLAWFUL PURCHASE OR POSSESS ALCOHOLIC BEVERAGE | 2660 | 36% | 5% | 95% |
| 2 | 4.1-304 | SELL ALCOHOL TO UNDERAGE PERSON | 1270 | 17% | 1% | 99% |
| 3 | 18.2-388 | PROFANE SWEARING OR INTOXICATION IN PUBLIC | 375 | 4% | 85% | 15% |
| 4 | 18.2-371.2 | TOBACCO: SELL TO MINOR/POSSESSION | 309 | 4% | 2% | 98% |
| 5 | 4.1-308 | DRINKING ALCOHOL IN PUBLIC | 297 | 4% | 5% | 95% |

* % of 7,403 total arrests

Source: Virginia ABC Records



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Top Five Title 18 Criminal Arrest Charges

Top Five Title 18 Criminal Arrest Charges – Fiscal Years 2011 - 2014

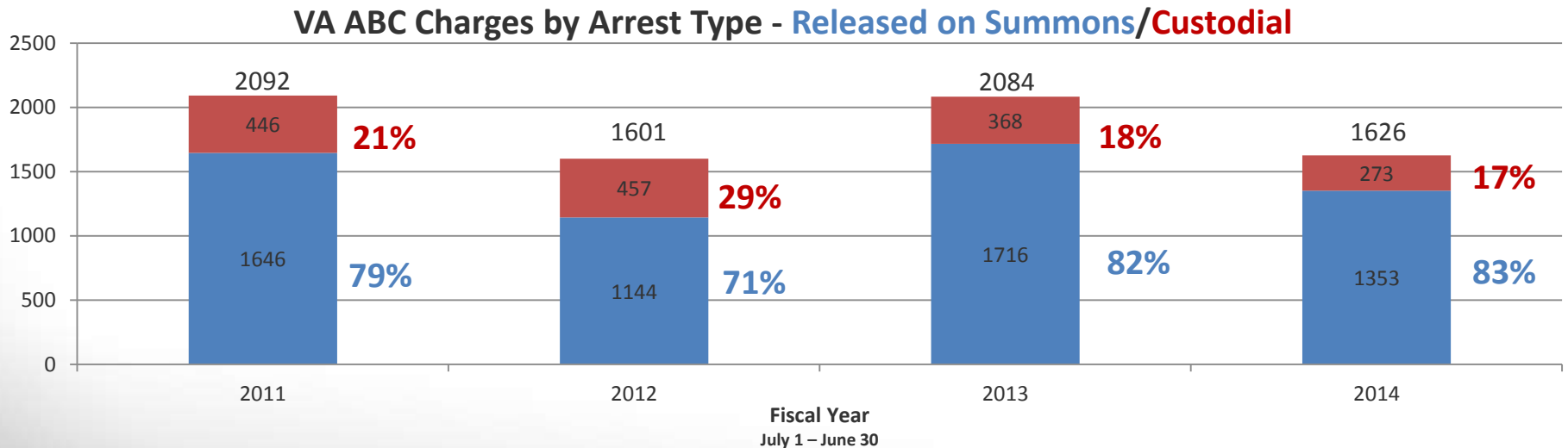
| <u>Rank</u> | <u>Section</u> | <u>Description</u> | <u>Count</u> | <u>% Of Title 18 Total</u> | <u>% Custodial</u> | <u>% Summons</u> |
|-------------|----------------|---|--------------|--------------------------------|------------------------|----------------------|
| 1 | 18.2-388 | PROFANE SWEARING OR INTOXICATION IN PUBLIC | 375 | 22% | 85% | 15% |
| 2 | 18.2-371.2 | UNDERAGE POSSESSION/PURCHASE OF TOBACCO PRODUCT | 309 | 18% | 2% | 98% |
| 3 | 18.2-250.1 | POSSESSION OF MARIJUANA | 240 | 14% | 11% | 89% |
| 4 | 18.2-96 | PETIT LARCENY | 81 | 5% | 65% | 35% |
| 5 | 18.2-204.2 | IDENTITY THEFT: POSSESS FICTITIOUS ID CARD | 79 | 5% | 11% | 89% |

Source: Virginia ABC Records



Arrest Charges: Released on Summons and Custodial

- Compared to FY2011, Fiscal Year 2014 total charges declined by 22%
 - Released on Summons : -18%
 - Custodial: -39%

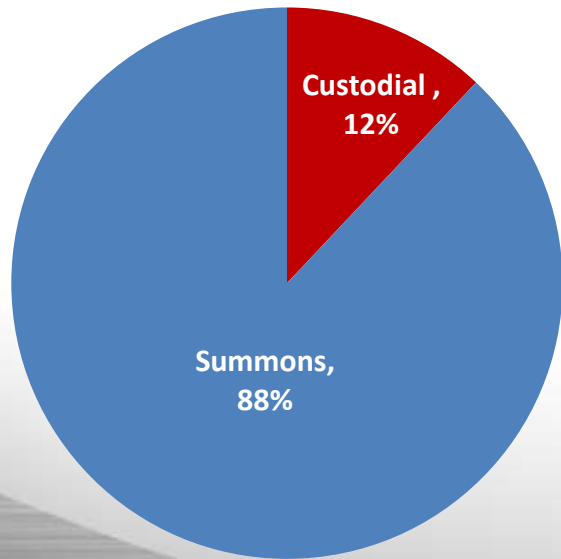


Source: Virginia ABC Records

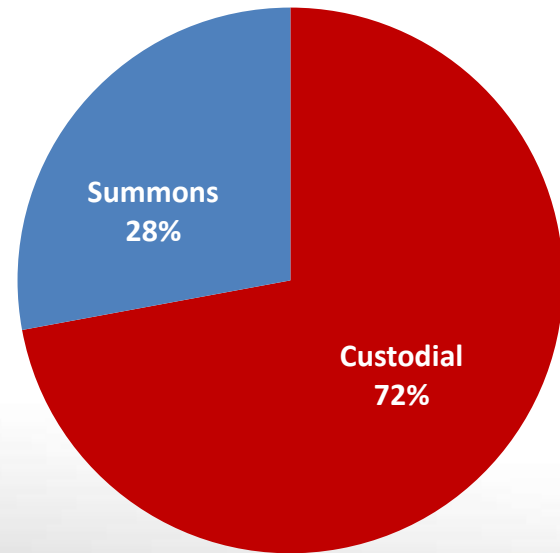
VA ABC and Statewide Arrests

- VA ABC's custodial arrests constitute a much lower percentage of total arrest activity than the statewide law enforcement average

Virginia ABC Law Enforcement Average
Yearly Arrests - **Summons/Custodial**
(4 year average from FY 2011-2014)



VA Statewide Law Enforcement Average
Yearly Arrests - **Summons/Custodial**
(4 year Average from FY2011-2014)



Source: DCJS Criminal Justice Research Center, Virginia UCR

Virginia ABC Arrests With Injury Noted

2011 – §4.1-305 - Under Age Possession of Alcohol and Possession of a Fake ID (at a licensed venue and the subject was under 18 years of age)

2014 – §18.2-388 - Public Intoxication - ABC responded to assist a lone female, local PD officer with two males fighting in the parking lot of a licensed premise. The female officer was handling the call. She did not criminally charge anyone involved (complainant was injured in the fight in the parking lot - he then ran and fell – no force used by Agents)

2015 – §18.2-388 Public Intoxication and §18.2-460 - Obstruction Without Force

Source: Virginia ABC Records

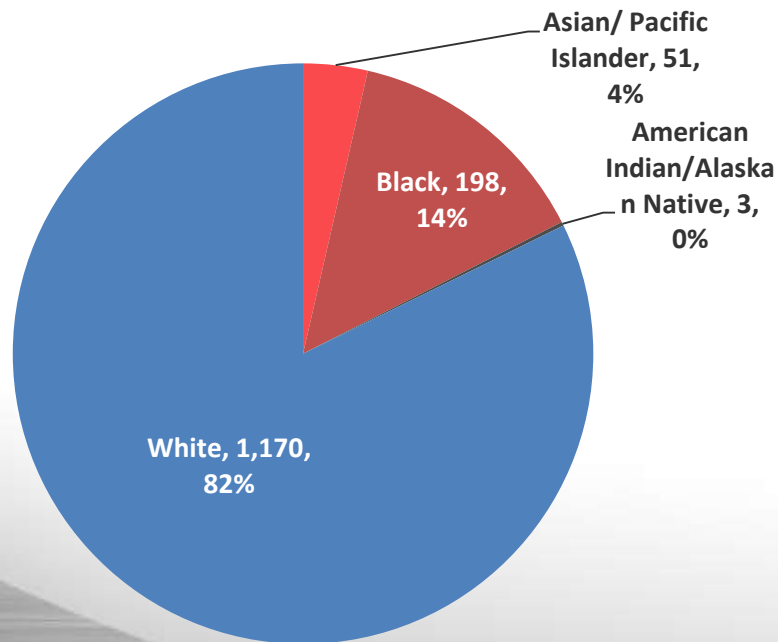


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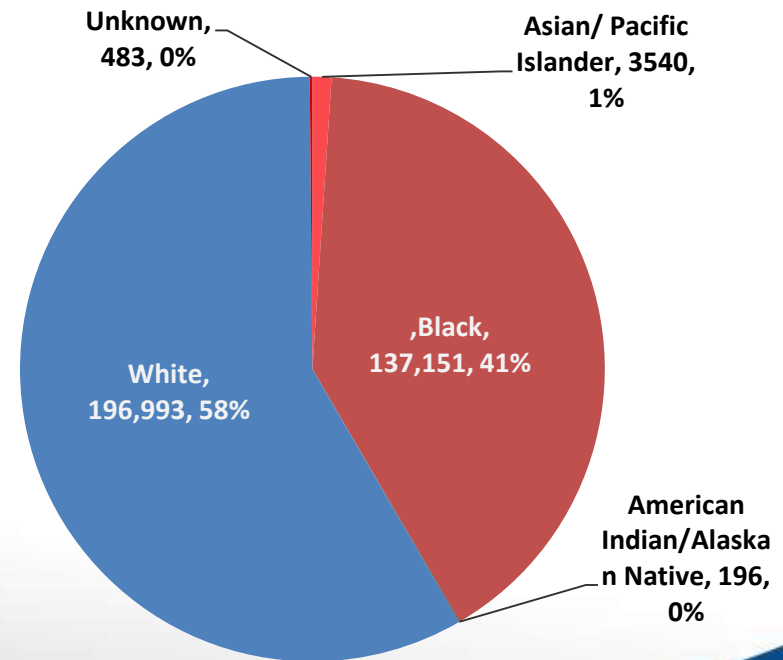
Suspects Arrested by Ethnicity – Total Arrests

- Fiscal year 2011 – 2014 total average yearly arrests by ethnicity were 82% White, 14% Black and 4% Asian/Pacific Islander

FY2011-2014 VA ABC Average Yearly Total Arrests By Ethnicity



FY2011-2014 VA Statewide Average Yearly Total Arrests By Ethnicity

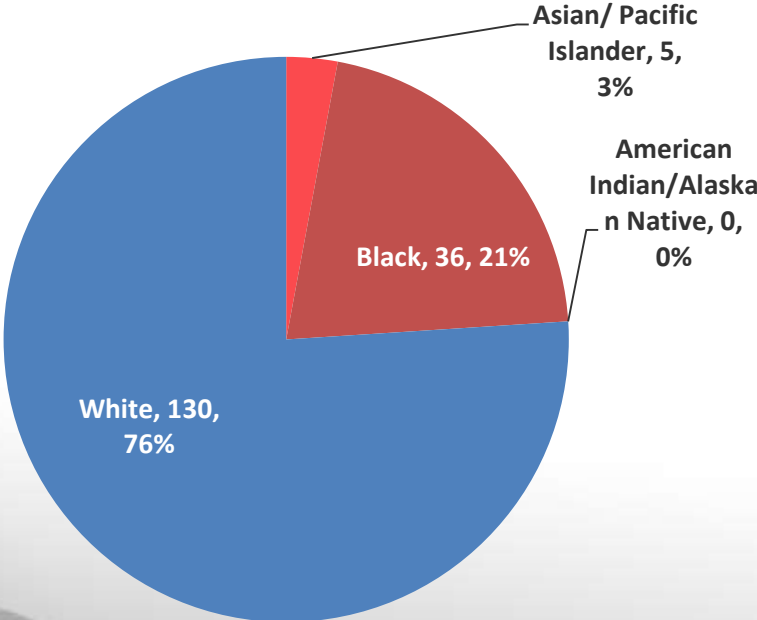


Source: DCJS Criminal Justice Research Center, Virginia UCR

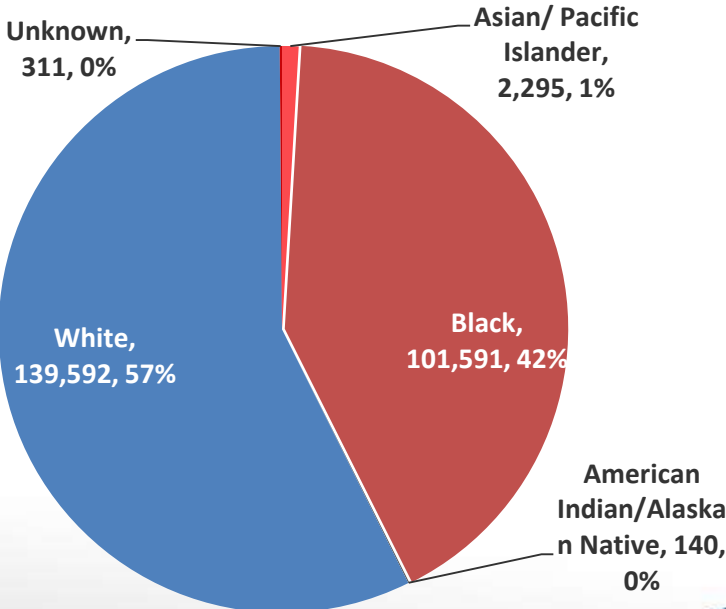
Suspects Arrested By Ethnicity – Custodial

- Fiscal year 2011-2014 custodial arrests by ethnicity were 76% White, 21% Black and 3% Asian/Pacific islander

FY2011-2014 VA ABC Average Yearly Custodial Arrests By Ethnicity



FY2011-2014 Statewide Average Yearly Custodial Arrests By Ethnicity

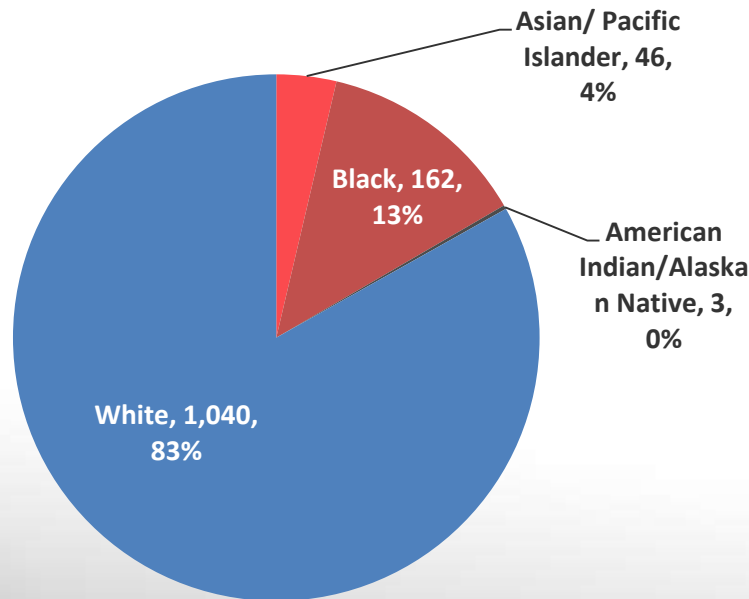


Source: DCJS Criminal Justice Research Center, Virginia UCR

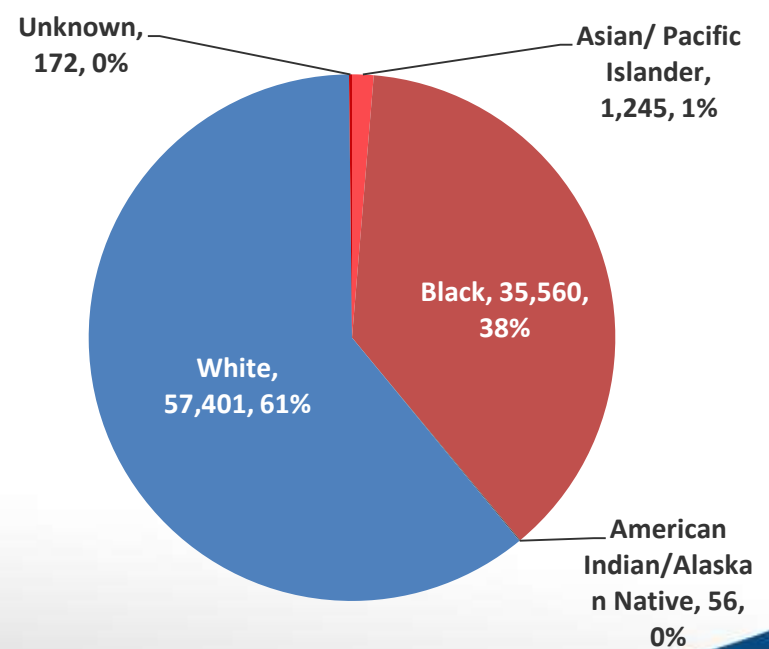
Suspects Arrested by Ethnicity - Summons

- Fiscal year 2011 – 2014 arrests released on summons by ethnicity were 83% White, 13% Black and 4% Asian/Pacific islander

FY2011-2014 VA ABC Average Yearly Summons By Ethnicity



FY2011-2014 Statewide Average Yearly Summons By Ethnicity



Virginia ABC Regulatory

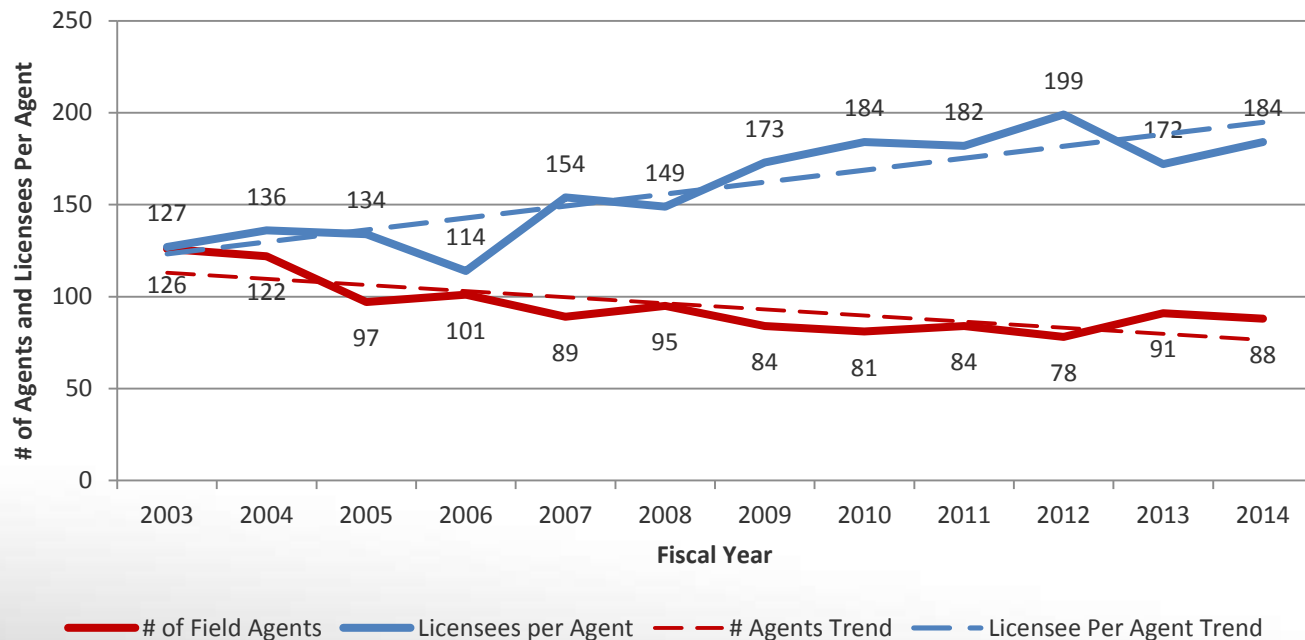
- **Regulatory Activities – Four Years**
 - List of Regulatory Activities
 - Top Five Written Violations
 - Underage Buyer Checks
 - Banquet & One Day Event Licenses Issued
 - Written Violation Reports
 - Written Warning Reports
 - Licensee Inspections
 - RSVP and MART Licensee Training Sessions



Ratio of Retail Licensees Per Field Agent

- Since FY2003, the ratio of retail licensees per field agent* has risen 45%.

Number of **Field Agents** and **Licensee Per Agent** By Fiscal Year



* Figures do not include compliance licensees or compliance agents

Source: Virginia ABC Records

All Regulatory Activities

- Assist Outside Agencies
- Appeal Hearing Attendance
- Board Order Service
- Compliance Audit Investigation
- Farm Winery Remote Privilege Requests
- Field Contact
- Hearing Attendance
- Inquiries
 - Licensee
 - Public
 - Industry
- Regional Assistance
- Inspection - Of licensed premises
- Inspection (FDA)
- Investigation – Regulatory
- License Applications
 - Industry
 - One Day
 - Retail
 - Manufacturer Special Event
 - Manufacturer/Wholesale Sponsorship
- Meetings
 - Internal
 - Licensee
 - Public/Community
- Observations
- Permit Application
- Special Assignment
- Violation Report
- Written Warning Report

Top Five Violation Reports

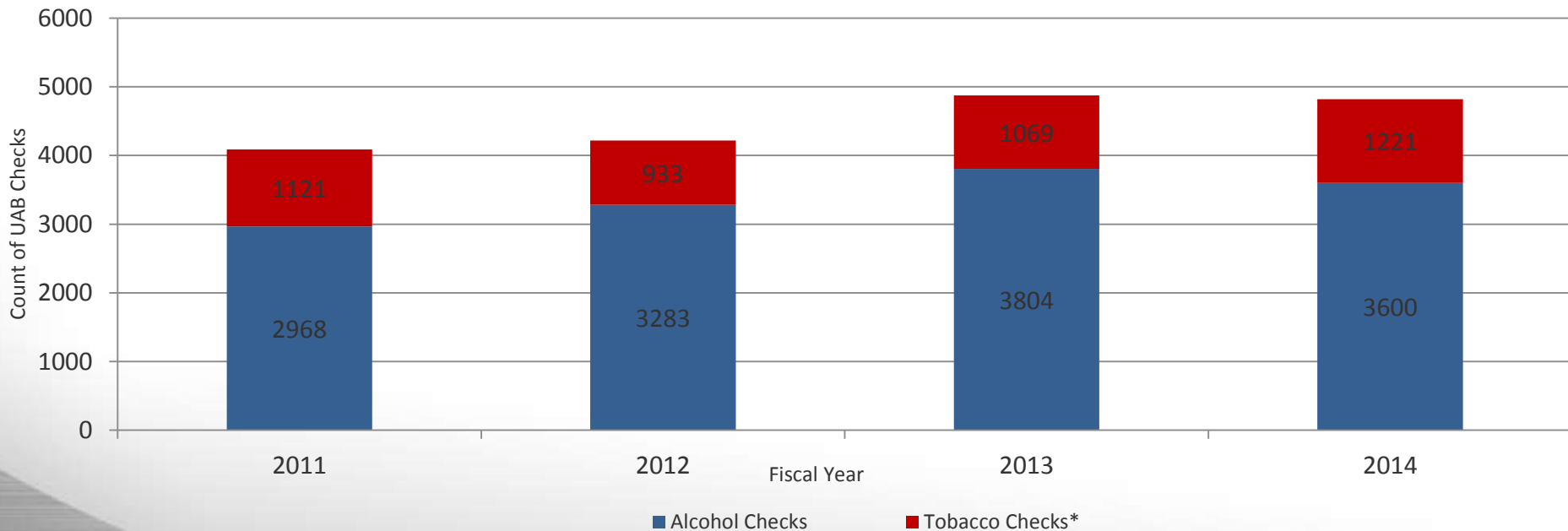
Top Five Violations Reports - Fiscal Year 2011 - 2014

| Rank | Regulatory Section | Description | Counts | % of Total Written Violations |
|------|--------------------|---|--------|-------------------------------|
| 1 | 001 | SALE OF ALCOHOLIC BEVERAGES TO A PERSON LESS THAN 21 YEARS OF AGE | 1766 | 43.9% |
| 2 | 113 | FAILED TO SUBMIT ANNUAL REVIEW REPORT | 264 | 6.6% |
| 3 | 025 | QUALIFICATION TO RETAIN MIXED BEVERAGE LICENSE - "RESTAURANT" | 106 | 2.6% |
| 4 | 026 | QUALIFICATION TO RETAIN MIXED BEVERAGE LICENSE - "RESTAURANT" - RATIO PROVISION | 88 | 2.2% |
| 5 | 014 | DESIGNATED MANAGER NOT ON DUTY | 85 | 2.1% |

Underage Buyer Checks – Alcohol and Tobacco

- Combined alcohol and tobacco underage buyer checks have risen 9% since FY2011

Alcohol and Tobacco Underage Buyer Checks



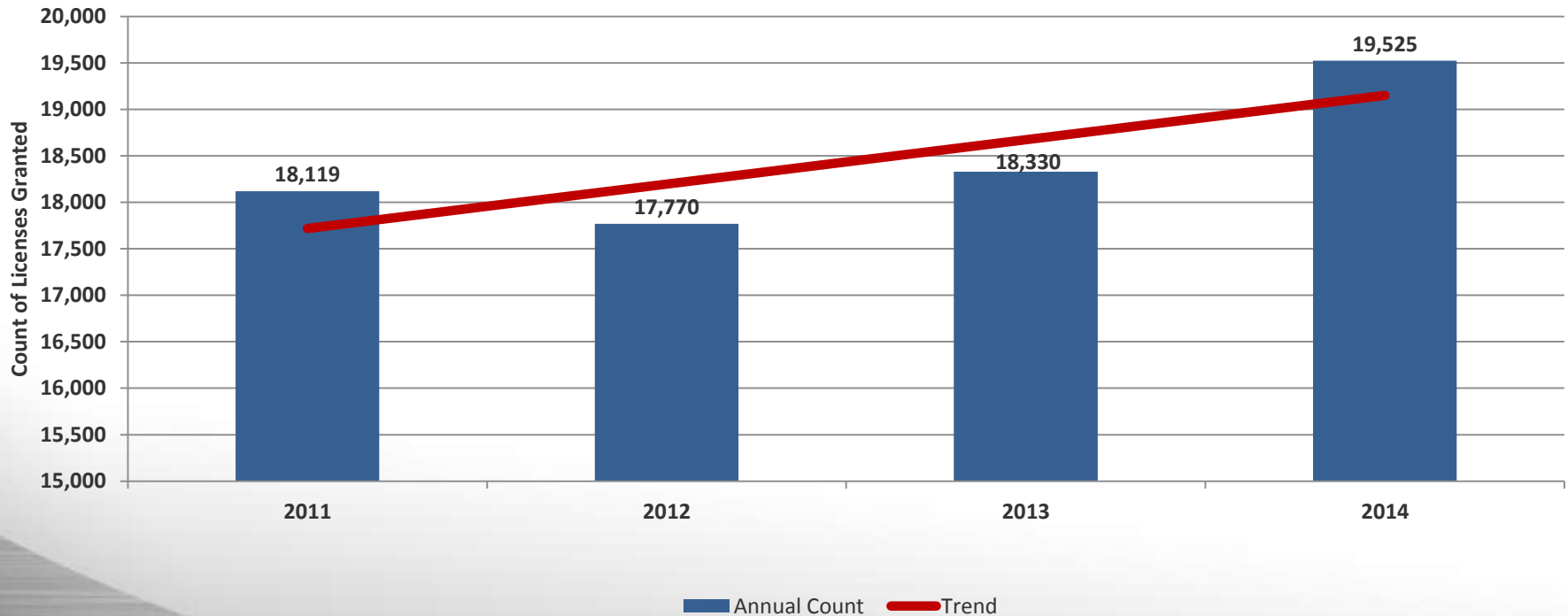
* This includes attempted checks visited, but not found suitable for an underage buyer check.

Source: Virginia ABC Records

Banquet and One Day Event Licenses

- Banquet and one day event licenses granted have risen 14% since FY2011

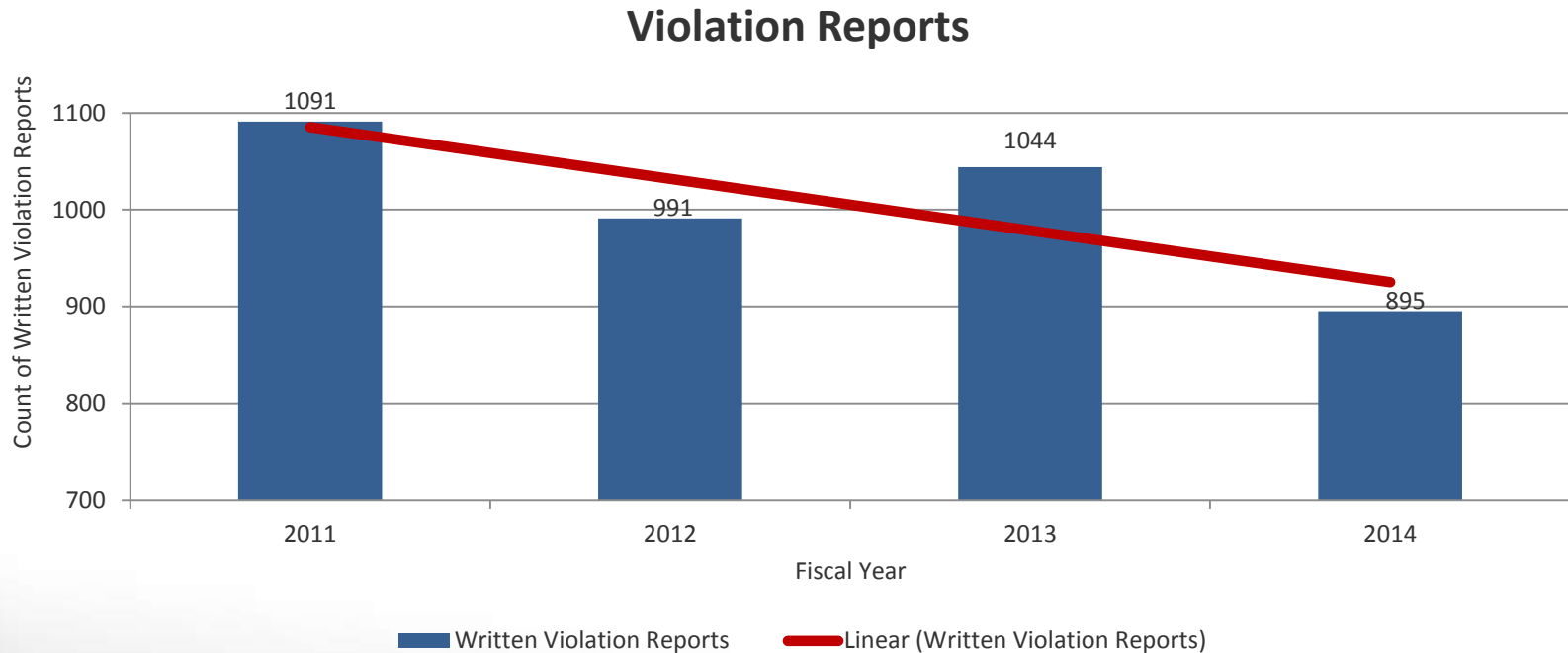
One-day Banquet and Special-Event Licenses - Annual Count



Source: Virginia ABC Records

Violation Reports

- Violation reports have declined 18% since FY2011

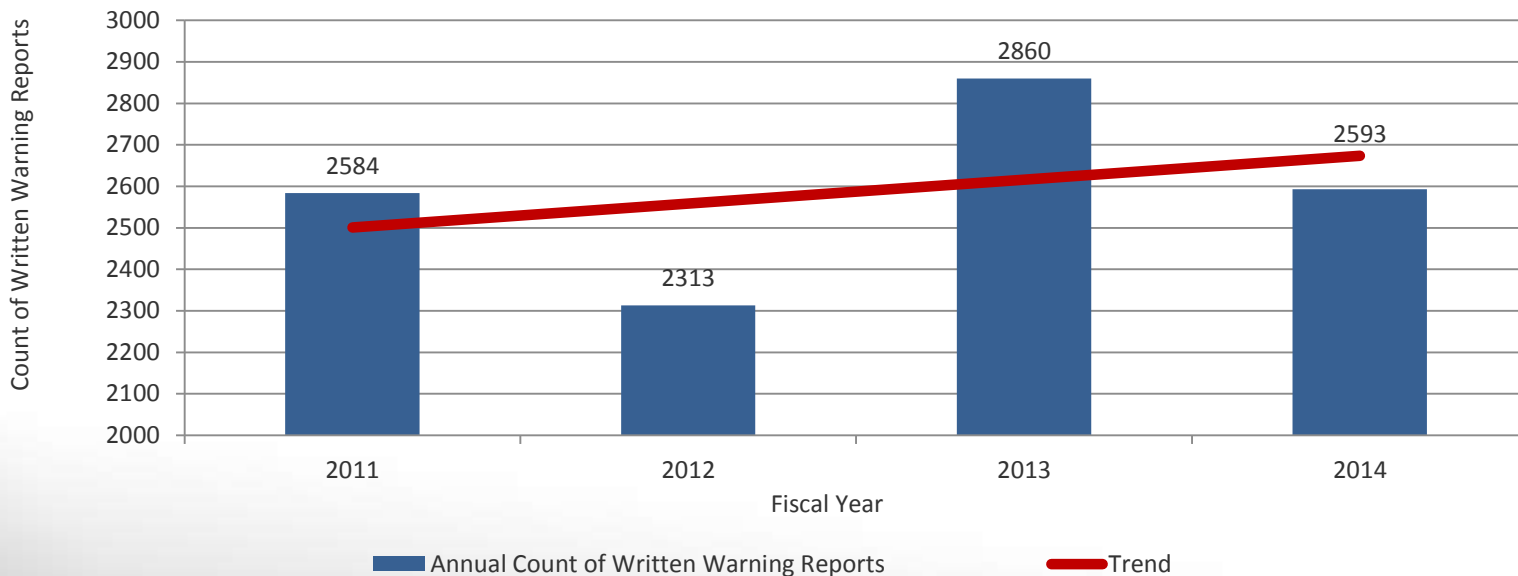


Source: Virginia ABC Records

Written Warning Reports

- The number of written warning reports is relatively unchanged from FY2011 to 2014

Written Warning Reports

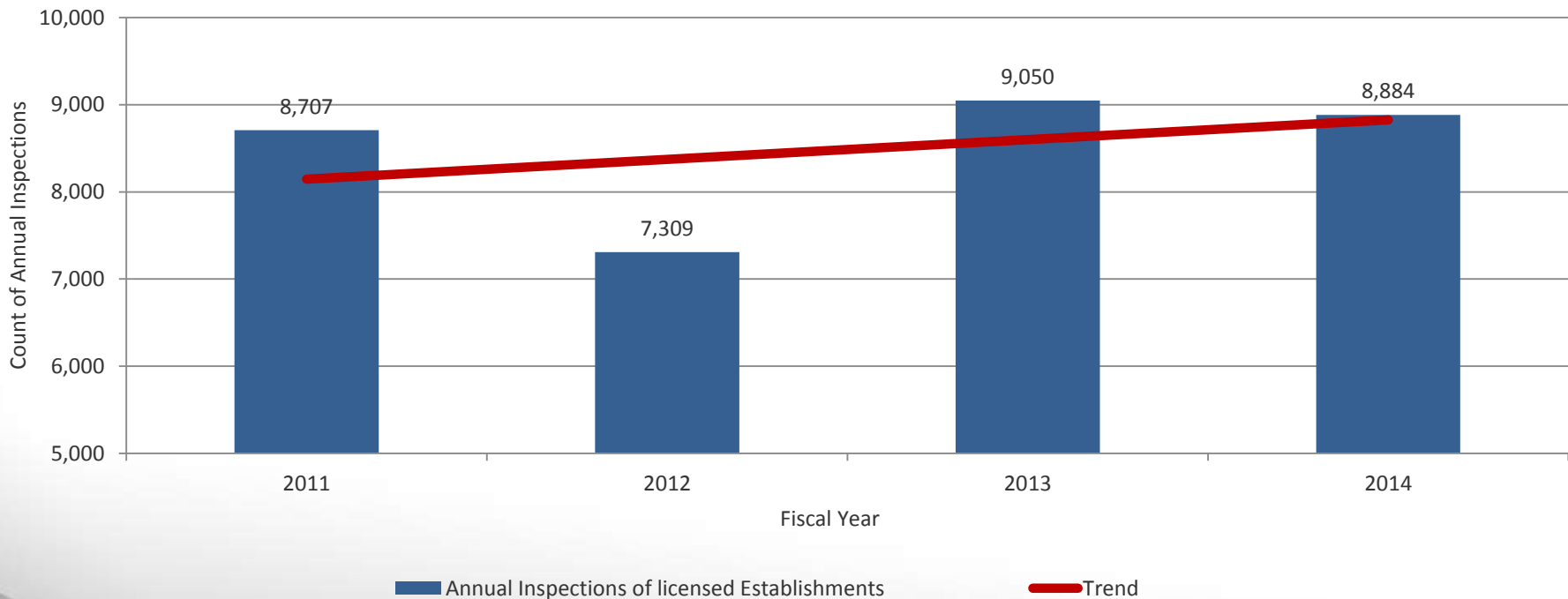


Source: Virginia ABC Records

Licensee Inspections

- Licensee inspections have risen 2% since FY2011

Annual Inspections of Licensed Establishments

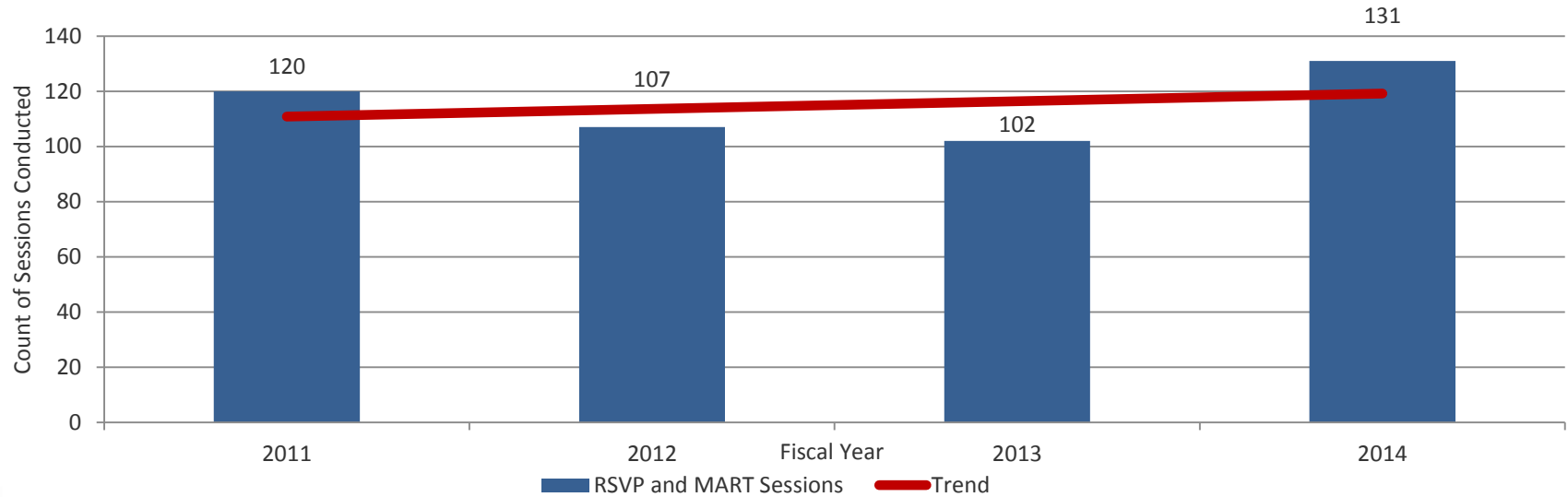


Source: Virginia ABC Records

Licensee Education

- Licensee education sessions have risen 9% since FY2011

RSVP and MART Sessions



Source: Virginia ABC Records



VA ABC Next Steps

- Training
- Culture Change
 - Policies
 - Leadership
 - Communication
 - Recruitment

Training

Building Collaborative Partnerships and Working Together in the Public Safety Community

- Day one topics
 - Community Policing & Engagement: Fundamentals of Policing
 - Best Strategies to Confront Allegations of Biased-Based Policing
 - Mission of ABC
- Day two topics
 - Role of the Officer in Creating a Culture of Peace

Instructor Bio: Chief Harry Dolan (Ret.)

- 32 year police veteran
- 25 years public safety executive experience
- Chief of the Raleigh Police Dept.
- Chief of Police of the Grand Rapids, Michigan Police Dept.
- Chief of Police for N.C. Department of Human Resources Police Dept.

Training

Making Every Contact Count

- **Course Objectives**
 - Deliberate factors degrading public trust; social media, use of force
 - State impact of bias and value of diversity
 - Identify personality traits and their influence on service interactions
 - Improve listening and communication skills to promote positive influence over others

Instructor Bio: Larry Moser

- 28 years of law enforcement experience
- Major with Fairfax County Virginia Police Dept.
- 20+ years experience in professional development facilitation to law enforcement personnel
- Recognition
 - Greater Washington DC area Trainer of the Year
 - 6 years service with the VA Dept. of Criminal Justice Service Training Oversight Committee

Training

Police Authority in Seizures, Searches, and Questioning

- Course Goals
 - Review key principles regarding the legal justification and requirements for conducting voluntary citizen contacts and seizures of persons and evidence, lawful use of force, Miranda and 6th Amendment protections, 14th Amendment Equal Protection of Laws and related policy.

Instructor Bio: Captain (Ret.) Greg Seidel, Thomas and Means Law Firm

- 25 Year of experience with the Petersburg Bureau of Police
- Instructs commanders and first responders nationally in, the law of policing, officer-citizen contact behavior, interpersonal communications, internal investigations, ethics, bias-free and community oriented policing, and leadership
- Managed the litigation in Graham v. Connor, U.S. Supreme Court decision, on use of force.
- Currently heads the IMPACT Project, a national initiative in citizen contact behavior
- Executive Director of Training and Policy for the Thomas & Means Law Firm, LLC a national leader in police seminars, publications and professional services.

Culture Change

- **Training Section Within Agency**

- Special Agent in Charge
- Two Senior Special Agents
- Program Support Technician Senior

- **Oversight of Bureau's In-service Academy governed by DCJS (recertified April 2015 for another 3 years)**

- **Coordinate 100 plus sworn agents and civilian support personnel training**

Culture Change

- **Enhanced training program**
 - **Mission specific training**
 - Customer Service
 - Financial Investigations
 - Working with a diverse customer base
 - Public and Private partnerships
 - **Leadership and Management Training**
 - **Policing in the 21st century**

Culture Change

- **Policies**
 - **Governance**
 - Consistency in application of policies
 - **Best practices within profession**
 - Policing trends
 - **Accreditation**
 - Implementation of professionally recognized standards
- **Leadership**
 - **Clear and concise directives**
 - **Mission and Vision**
 - Role of ABC
 - **More visible role in bureau's operations**

Culture Change

- **Communication**

- Finalizing MOU's with local jurisdictions that have institutions of higher learning
- Agent participation in outreach to high schools, colleges and universities
- Expanding collaborative partnerships with other law enforcement, community groups and other entities



- **Recruitment**

- **Enhance the workforce diversity of the Bureau of Enforcement**
 - Law Enforcement Associations
 - Job Fairs
 - Website and Social Media
 - Other law enforcement academies (pre-employment)
 - Veteran employment programs
 - Colleges and Universities

Culture Change

- **Implementation of an enhanced minority recruitment program**
 - Guidance from Human Resources on best employment practices
 - Educating staff on various ways of assisting in recruitment (Recruitment Liaison Team)
 - Includes all personnel areas within the bureau with a focus on sworn agents