VIRGINIA ALCOHOLIC BEVERAGE CONTROL BUREAU OF LAW ENFORCEMENT



QUARTERLY REPORT

 $\begin{array}{c} \text{2nd Quarter - 2018} \\ \text{April 1}^{\text{st}} \text{ through June 30}^{\text{th}} \end{array}$

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Executive Summary

As a commitment to transparency, accountability and reporting, the Virginia Department of Alcoholic Beverage Control, Bureau of Law Enforcement is implementing the recommendations of the Governor's Expert Panel by producing this quarterly report which demonstrates our progress towards the panel's recommendations as well as ensuring citizen access to information.

The Governor's Expert Panel gave clear directions on the content of this quarterly report. This report follows those basic guidelines. Listed below is a synopsis of the data reported in each of those areas:

- 1. **Criminal Violations** There were 120 total charges placed this quarter with 97 (81%) of those charges related to alcohol violations. Last quarter there were 107 charges with 64 (60%) being alcohol related. There is a 13% increase in total arrests compared to last quarter. Racial breakdown of arrests shows % of arrestees were 55% white and 22% black. Distribution of arrests by gender for the quarter shows 42% of arrestees being male and 58% female.
- 2. **Regulatory violations** This quarter saw a 61% increase in Hearing Violations and a 30% increase in Written Warning when compared to 1Q 2018. There was a 30 % decrease in Regulatory Charges Adjudicated in hearings with 63 in 2Q 2018 and 90 in 1Q 2018.
- 3. **Field Contacts** There were 5 field contacts this quarter.
- 4. **Planned Operations** There were 9 planned operations this quarter and 9 in the first quarter of 2018.
- 5. **Use of Force Reports** There were no reported Use of Force incidents in this quarter
- 6. **Internal Investigations** There are currently 3 Open Internal Investigations that are pending. One formal complaint was closed in this quarter. There was one Informal Complaint assigned to the field.
- 7. **License Activity** Retail Approvals showed a decrease of 3% for the second quarter of 2018 compared to the previous quarter. Retail license approvals are up roughly 12% when compared to the second quarter of 2017. Banquet license approvals showed a 142% increase when compared to the previous quarter and a 8% increase when compared to second quarter of 2017.
- 8. **Inspections/Observations** Inspections showed a decrease of 64% when comparing second quarter of 2018 to first quarter of 2018, and a 61% decrease when compared to second quarter of 2017. Observations are up 142% when comparing second quarter 2018 to the previous quarter.
- 9. **Underage Buyer** UAB alcohol checks showed an increase of 75% this quarter when compared to the previous quarter. The compliance rate was 90% . "Synar" tobacco checks began this quarter with 9% of the yearly checks being completed.
- 10. **Training and Community Outreach** ABC presented over 1059 hours of training to law enforcement, licensees and the general public this quarter. There were 1307 hours of training received by ABC agents. These agents also attended over 960 hours of community outreach meetings.
- 11. **Accreditation** The bureau remains committed to maintaining accreditation with numerous audits being conducted this quarter.

Most of the above data will be broken down by region. Below is a map of Virginia outlined by region:

Region 1-Roanoke, Region 2-Lynchburg, Region 3-Stauanton, Region 4-Alexandria, Region 5-Fredericksburg, Region 6-Richmond, Region 7-Hampton,
Region 8 – Chesapeake, Region 9 – Charlottesville



Arrests

Criminal Charges

This table reflects the total and type of criminal charges that where placed by ABC enforcement personnel between April 1 and June 30, 2018 (2nd Quarter 2018) and totals for the year. A majority of the arrests (91) involve sales made to underage individuals. These arrests usually occur as a result of the ABC underage buyer compliance program.

ARREST CHARGES 2018												
CHARGE		REGION – Q2								YTD 2018		
	1	2	3	4	5	6	7	8	9	so	Total	2016
Alcohol Related Charges *See Chart Below for Individual Charges	27	10	8	13	4	11	11	5	8	0	97	161
Burglary								0			0	0
Larceny						2			1		3	18
Shoplifting							1				1	1
Embezzlement		1					1				2	4
Fraud / Forgery					2	2					4	27
Public Intoxication	2					1					3	4
Possession of a Fictitious Driver's License					1				1		2	2
Narcotics Violation											0	0
Trespass	1										1	3
Weapons Law Violations											0	0
Tobacco Law Violations	1	2		1		2					6	6
Arrest on Warrant						1					1	1
TOTAL	31	13	8	14	7	19	13	5	10	0	120	220

*4.1 ALCOHOL RELATED				R	EGIO	N – C	2					YTD
CHARGES	1	2	3	4	5	6	7	8	9	SO	Total	2018
Sale of Alcoholic Beverage -Underage	26	10	8	13	4	7	11	4	8	0	91	144
Unlicensed Distilling Apparatus											0	1
Illegal Sale of Alcohol											0	0
Possess Illegally acquired Alcohol	1										1	4
Restaurant: Possess without a license											0	0
Aid and Abet Alcohol Law Violations											0	1
Maintain Common Nuisance											0	0
Drinking in Public											0	0
Use False ID to purchase						2		1			3	3
Underage purchase of Alcohol						2					2	8
TOTAL	27	10	8	13	4	11	11	5	8	0	97	161

Arrests by Region

This table breaks down the total criminal arrests - by region where the offense took place, comparing the percentage change from arrest in the 1st quarter of 2018 to arrests in the 2nd quarter of 2018 and total for the year.

Note: These are arrest figures involving the 3 types of reportable arrests; In-custody, Released on a Summons and Warrant. These numbers may differ from the number of charges place by ABC enforcement.

ARF	RESTS BY	REGION		
REGION	1Q 2018 Arrests	2Q 2018 Arrests	% Change	YTD 2018
Region 1 - ROANOKE	10	31	210%	41
Region 2 - LYNCHBURG	6	13	117%	19
Region 3 - STAUNTON	8	8	0%	16
Region 4 - ALEXANDRIA	18	14	-22%	32
Region 5 - FREDERICKSBURG	1	7	600%	8
Region 6 - RICHMOND	45	19	-58%	64
Region 7 - HAMPTON	2	13	550%	15
Region 8 - CHESAPEAKE	12	5	-58%	17
Region 9 - CHARLOTTESVILLE	5	10	100%	15
Compliance	0	0	N/A	0
Special Operations	0	0	N/A	0
TOTAL	107	120	12%	227

Arrest by Type and Race

This table reflects the race of arrested individuals in the second quarter of 2018. The data is broken down into the three types of arrests (On-view - taken into custody, released on summons and warrant - taken into custody)

AR	ARRESTS BY TYPE and RACE 2Q - 2018										
RACE On-View Summons In-custody Total											
White	3	58	5	66							
Black 1 20 4 25											
Hispanic	0	12	0	12							
Asian	0	9	0	9							
Middle Eastern	0	3	0	3							
Unknown	Unknown 0 5 0 5										
Total	4	107	9	120							

Arrest by Age and Gender

This table reflects a breakdown by gender and age of all adults that have been arrested in the second quarter of 2018. This includes all types of arrest- (in-custody, released on summons and warrant).

	ARREST BY GENDER AND AGE – 2Q - 2018												
Gender	Juvenile	18-20	21-24	25 -	30 -	35 -	40 -	45 -	50 -	55 -	60 -	65 &	Total
Gender	Juvernie	16-20	21-24	29	34	39	44	49	54	59	64	Over	TOtal
Male	1	7	7	6	6	4	1	6	3	4	1	4	50
Female	2	9	11	8	10	6	5	5	7	3	1	3	70
TOTAL	3	16	18	14	16	10	6	11	10	7	2	7	120

Regulatory Violations

A large portion of the work performed by Virginia ABC special agents involves enforcement of rules and regulations applicable to ABC licensees. Violations can be dealt with by issuing a written warning or by presenting a violation case to the ABC Hearings Division. These violations can be punishable by fines, suspension or revocation of the ABC license. These alcoholic beverage control regulations are found in the Code of Virginia, Section 4.1

Regulatory Charges Placed by Region

This table represents the total number of regulatory actions that were placed by enforcement personnel in the 2nd Quarter of 2018. Violations were routed to the hearings division for later adjudication while warnings were noted in the licensee file.

REGULATORY C	HARGES P	LACED - B	Y REGION*	:
	2Q		YTD 2018	
REGION	# Hearing Violations	# Written Warnings	# Hearing Violations	# Written Warnings
Region 1 - ROANOKE	32	28	36	43
Region 2 - LYNCHBURG	12	18	17	28
Region 3 - STAUNTON	9	8	18	15
Region 4 - ALEXANDRIA	21	85	39	188
Region 5 - FREDERICKSBURG	5	36	7	58
Region 6 - RICHMOND	12	39	21	63
Region 7 - HAMPTON	14	27	14	53
Region 8 - CHESAPEAKE	13	32	32	51
Region 9 - CHARLOTTESVILLE	9	18	19	39
Compliance	2	12	16	24
License Records Management**	0	306	0	573
Special Operations	0	0	0	0
Total	129	609	219	1135

^{*}count of individual charges

^{**}License Records Management consists of system generated warnings for violations

Regulatory Charges Adjudicated in Hearings

This table represents the total number and type of charges that were adjudicated by the ABC Hearings Division in this quarter as a result of the regulatory charges previously place by ABC agents.

REGULATORY CHARGES ADJUDICATED IN HEARINGS DIVISION											
	2Q-2018										
REGION	UAB	FAIL TO SUBMIT MBAR	MBAR Violations	Other Violations	TOTAL						
Region 1 - ROANOKE	2	1	1	1	5						
Region 2 - LYNCHBURG	2	0	0	0	2						
Region 3 - STAUNTON	5	0	1	1	7						
Region 4 - ALEXANDRIA	2	7	0	6	15						
Region 5 - FREDERICKSBURG	3	0	0	2	5						
Region 6 - RICHMOND	1	0	1	3	5						
Region 7 - HAMPTON	2	0	1	0	3						
Region 8 - CHESAPEAKE	8	2	3	4	17						
Region 9 - CHARLOTTESVILLE	3	0	1	0	4						
Sub Totals	28	10	8	17	63						

Field Contacts

A field contact is when an agent engages a citizen and conducts a brief interview. When an arrest does not occur as a result of a field interview, agents report the stop in a "Field Contact" report. This report documents the reason for the stop as well as identifying information about the individual. Scrutiny of these types of encounters enables law enforcement executives as well as citizens to monitor police/citizen interactions to guard against biased-based policing practices.

	FIELD CONTACTS BY REGION WITH DEMOGRAPHICS - 2Q 2018												
REGION	White		Black		Hispanic		Asian		Middle Eastern		Total		
	М	F	М	F	М	F	М	F	М	F			
Region 1 - ROANOKE	0	0	0	0	0	0	0	0	0	0	0		
Region 2 - LYNCHBURG	0	0	0	0	0	0	0	0	0	0	0		
Region 3 - STAUNTON	0	0	0	0	0	0	0	0	0	0	0		
Region 4 - ALEXANDRIA	0	0	0	0	0	0	0	0	0	0	0		
Region 5 - FREDERICKSBURG	0	0	0	0	0	0	0	0	0	0	0		
Region 6 - RICHMOND	0	0	0	0	0	0	0	0	0	0	0		
Region 7 - HAMPTON	4	1	0	0	0	0	0	0	0	0	5		
Region 8 - CHESAPEAKE	0	0	0	0	0	0	0	0	0	0	0		
Region 9 - CHARLOTTESVILLE	0	0	0	0	0	0	0	0	0	0	0		
Total	4	1	0	0	0	0	0	0	0	0	5		

Planned Operations Executed

An "Operational Plan" is submitted for all structured, pre-planned operations/observations for which enforcement action is anticipated. (i.e.: any undercover operation, most search warrant executions, and any enforcement operation involving five (5) or more sworn personnel).

This table is a summary of the planned operations that took place in the 2nd Quarter of 2018. Of the nine planned operations conducted by ABC Enforcement in this quarter, two were conducted in conjunction with other Law Enforcement Agencies.

		OPERATIONAL PLANS APP	R - JUN 2018		
DATE	REGION	TYPE	TOTAL STAFFING	ASST. OTHER LE	AGENCY ASSISTED
11-Apr	Region 8 - Chesapeake	Observation/Complaint	5 SA	N	N/A
13-Apr	Region 6 - Richmond	Undercover Operation (Operation Southside Nights)	8 SA	N	N/A
14-Apr	Region 8 - Chesapeake	Observation/Complaint	5 SA	Y	Cape Charles PD
14-Apr	Region 8 - Chesapeake	Observation/Complaint	6SA	Y	Cape Charles PD
18-Apr	Region 1-Roanoke	Craigslist Untaxed Alcohol	2 SA	N	N/A
28-Apr	Region 8 - Chesapeake	ABC Store Security College Beach Weekend	5 SA / 1 SAC	N	N/A
4-May	Region 6 - Richmond	Undercover/Buy Walk Operation	6 SA	N	N/A
19-May	Region 6 - Richmond	Undercover/Buy Walk Operation	7 SA	N	N/A
1-Jun	Region 6 - Richmond	Undercover/Search Warrant Operation	9 SA	N	N/A

SA - Special Agent

SAC - Special Agent in Charge

SSA - Senior Special Agent

Use of Force Incidents

The bureau considers any amount of effort required by an agent to compel compliance by an unwilling subject that exceeds normal restraint or handcuffing to be a "Use of Force" which requires a supervisor be notified and a Use of Force report completed.

	USE OF FORCE INCIDENTS - REPORTED 2Q – 2018										
	General Information Agent Information Offender Information										
Date	Type of Level of										
	NO USE OF FORCE INCIDENTS REPORTS FOR THIS QUARTER										

Internal Investigations

Any complaint alleging improper action or improper conduct by an employee, if job-related or in violation of the Standards of Conduct, other policies of the Bureau, Department of Human Resource Management, the ABC Policy and Procedures Manual, or criminal law will generate an administrative internal investigation. There are two types of internal investigations that are conducted by the bureau; Formal and Informal (the difference is explained below). Both types of investigations are documented and report through the chain of command.

Formal Complaint(s)

Formal complaints involve allegations which are investigated by trained Internal Affairs investigators and, if substantiated, can lead to formal and significant disciplinary action.

			ACTIVE FOR	MAL CON	/IPLAINT(S)		
Date Received	FILE#	REGION	ALLEGATION(S)	Date Assigned	Date Due	Status	Date Completed	Disposition
9/25/2017	17-05	Region 6 - Richmond	Improper Conduct	9/25/2017	10/25/2017	Open		
2/8/2018	18-01	Region 4 - Alexandria	Improper Conduct	2/9/2018	3/18/2018	Open		
2/6/2018	18-02	Region 3 - Staunton	Improper Conduct	2/14/2018	3/31/2018	Closed	6/15/2018	Substantiated
6/26/2018	18-04	HQ	Improper Conduct	6/26/2018	8/26/2018	Open	6/15/2018	Substantiated

Informal Complaint(s)

Informal complaints are minor allegations of infractions investigated by mid-level regional supervisors and the complainant is satisfied with the resolution offered and only wishes the matter to be handled informally by the supervisor.

INFORMAL COMPLAINT(S)										
Date Received	I FILE# REGION ALLEG		ALLEGATION(S)	Date Closed	Disposition					
6/13/2018	6/13/2018	18-101	Region 4 - Alexandria	Improper Conduct	7/16/2018	Unfounded				

License Activity Totals

A significant amount of an agent's time is committed to the approval process of both retail and "one day" banquet licenses. This process involves background investigations, venue/establishment inspections and training.

Retail Licenses Approvals

Retail Application approvals, sometimes tied to economic conditions, decreased 3% for the second quarter of 2018 when compared to the previous quarter. In 2Q of 2017 there were 510 retail license approvals compared to 572 in 2Q of 2018 reflecting a 12% increase in approvals.

	APPROVED RETAIL LICENSES										
	3Q - 2017 4Q - 2017		1Q - 2018			2Q - 2018					
JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
147	188	173	168	143	140	244	176	169	195	210	167
	508 451					589			572		
		•			•		•		•		

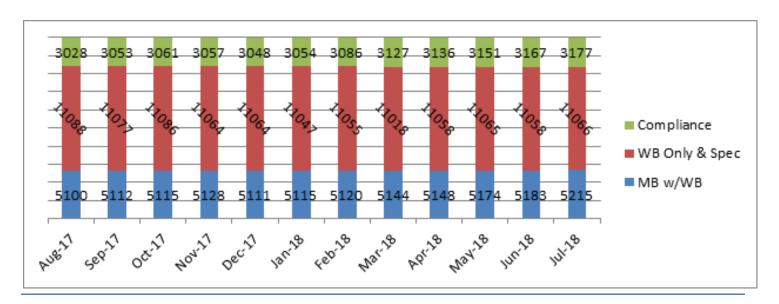
Banquet Licenses Approvals

Banquet License approvals, which follow seasonal trends, increased in the 2nd quarter with a 142% increase when compared to the previous quarter. In 2Q of 2017 there were 7870 Banquet license approvals compared to 8492 in 2Q of 2018 reflecting an 8% increase in activity compared to 2nd quarter of last year.

	APPROVED BANQUET LICENSES										
	3Q - 2017 4Q - 2017			1Q - 2018			2Q - 2018				
JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
2435	2257	3474	3395	1907	1911	755	1106	1649	2171	2845	3476
	8166 7213			3510 849					8492		

Total Retail Licenses

Total Retail Licenses in the state has shown steady incremental growth.



Inspections / Observations

Licensee Inspections Completed

All ABC licensed establishments are subject to inspection by ABC agents. These inspections are overt; the agent will inspect the premises for compliance with regulatory requirements, meet with the owner or manager to review business receipts and purchasing records, review previously submitted MBARs and answer any questions business employees may have about ABC laws and requirements. **Records system only allows for a snapshot of total license count. Compliance total licenses does not include 1530 out of state licensees

License totals include Wine & Beer Off Premise Licensees which only get inspected every two years, thus the percentage of licensees inspected is not expected to be 100% for a one year cycle.

2017 - 2018 LICENSE INSPECTIONS - By Region and Quarter										
REGION	2017	2017	2018	2018	TOTALS	TOTAL LICENSES**	% LICENSES INSPECTED			
	3Q	4Q	1Q	2Q						
1 - Roanoke	418	321	250	198	1187	1927	62%			
2 - Lynchburg	285	198	150	129	762	1185	64%			
3 - Staunton	220	94	151	72	537	1182	45%			
4 - Alexandria	393	553	739	114	1799	3852	47%			
5 - Fredericksburg	269	255	345	61	930	1058	88%			
6 - Richmond	330	880	283	88	1581	2393	66%			
7 - Hampton	184	341	234	156	915	1455	63%			
8 - Chesapeake	378	637	308	77	1400	2219	63%			
9 - Charlottesville	173	240	246	73	732	944	78%			
Compliance	265	467	255	97	1084	1652	66%			
TOTALS	2915	3986	2961	1065	10927	17867	61%			

Observations Completed

Agents also conduct unannounced, covert, plain-clothes observations of ABC establishments to ensure licensees are following all ABC laws and regulations. Many of these observations are follow-up investigations initiated by citizen complaints.

2017 - 2018 OBSERVATIONS COMPLETED										
REGION	2017	2017	2018	2018	TOTALS					
REGION	3Q	4Q	1Q	2Q	TOTALS					
1 - Roanoke	35	41	15	157	248					
2 - Lynchburg	35	26	63	117	241					
3 - Staunton	1	0	1	5	7					
4 - Alexandria	19	25	18	22	84					
5 - Fredericksburg	5	11	4	41	61					
6 - Richmond	34	20	20	18	92					
7 - Hampton	8	8	18	10	44					
8 - Chesapeake	17	32	15	17	81					
9 - Charlottesville	11	8	10	8	37					
Compliance	2	1	0	1	4					
Special Ops	0	0	0	0	0					
TOTALS	167	172	164	396	899					

Underage Buyer Totals

The Underage Buyer (UAB) program is an ongoing effort by Virginia ABC to visit alcohol and tobacco retailers throughout the Commonwealth to verify compliance with the state age requirements—18 for tobacco and 21 for alcohol sales. Special agents accompany underage operatives during attempts to purchase cigarettes or alcohol at grocery stores, convenience stores, restaurants and other businesses, including Virginia ABC stores.

Underage Buyer Program Checks - Alcohol

UAB ALCOHOL CHECKS COMPLETED - CY 2018										
		2Q Total	ls	2018 Totals						
REGION	# Checks Made	# Sales Made	Compliance Rate	# Checks Made	# Sales Made	Compliance Rate				
Region 1 - ROANOKE	176	24	88%	224	25	89%				
Region 2 - LYNCHBURG	115	7	94%	152	10	93%				
Region 3 - STAUNTON	62	8	87%	92	16	83%				
Region 4 - ALEXANDRIA	98	13	87%	247	30	88%				
Region 5 - FREDERICKSBURG	53	4	92%	79	5	94%				
Region 6 - RICHMOND	78	8	90%	183	13	93%				
Region 7 - HAMPTON	132	11	92%	133	11	92%				
Region 8 - CHESAPEAKE	73	4	95%	158	14	91%				
Region 9 - CHARLOTTESVILLE	51	9	82%	82	11	87%				
Compliance/Special Ops	20	0	100%	20	0	100%				
Total	858	88	90%	1370	135	90%				

Underage Buyer Program Checks – Tobacco (SYNAR Tobacco checks do not occur during this quarter)

UAB TOBACCO CHECKS COMPLETED - 2Q - 2018										
REGION	# Checks Made	# Sales Made	Compliance Rate							
Region 1 - ROANOKE	8	1	83%							
Region 2 - LYNCHBURG	26	2	92%							
Region 3 - STAUNTON	0	0	N/A							
Region 4 - ALEXANDRIA	8	2	67%							
Region 5 - FREDERICKSBURG	8	0	100%							
Region 6 - RICHMOND	2	0	100%							
Region 7 - HAMPTON	0	0	N/A							
Region 8 - CHESAPEAKE	0	0	N/A							
Region 9 - CHARLOTTESVILLE	0	0	N/A							
Compliance	0	0	N/A							
Special Operations	0	0	N/A							
Total	52	5	89%							

Training

Virginia ABC enforcement is committed to continuously improving the knowledge base and understanding of our agents, our fellow law enforcement agencies, our licensees and the community. To this end, this quarter agents presented over 1059 hours of training to law enforcement, licensees and the general public. There were 1307 hours of training received by ABC agents. These agents also attended over 960 hours of community outreach meetings.

	TRAINING AND COMMUNITY INVOLVEMENT - 2Q 2018 (Hours)									
		Meetings		Traiı	ning Instructed	Training				
REGION	ABC Store	Licensee	Public/ Community	Law Enforcement	Licensee	Public	In-House	Outside	Totals	
REG1 - Roanoke	27.45	70.57	62.03	151.72	34.37	14.65	137.13	26.48	524.4	
REG2 - Lynchburg	34.13	122.65	43.73	201.55	77.15	10.95	95.42	14.48	600.06	
REG3 - Staunton	1.07	20.02	10.43	3	0	0	45.1	20.2	99.82	
REG4 - Alexandria	10.12	64.72	37.82	12.32	111.03	4.62	234.88	36	511.51	
REG5 - Fredericksburg	6.5	21.53	5.4	35.08	7.58	0	60	35.42	171.51	
REG6 - Richmond	7.42	32.8	14.68	40.7	11.48	12.5	133.42	30.53	283.53	
REG7 - Hampton	8.97	24.28	10.85	16.75	18.22	6.23	58.65	51.85	195.8	
REG8 - Chesapeake	5.22	22.67	8.9	0	30.47	12.25	73.92	27.13	180.56	
REG9 - Charlottesville	31.57	140.72	27.97	0	3.98	0	41.4	3.73	249.37	
Compliance Office	0	73.62	12.73	53.43	1.48	6.2	94	16	257.46	
Special Operations	0	0	0	0	0	0	11.98	0	11.98	
Training Office	0	0	0	178.4	0	2.98	24.93	34.95	241.26	
Totals	132.45	593.58	234.54	692.95	295.76	70.38	1010.83	296.77	3327.26	
	960.57 1059.09 1307.6									

Accreditation

Virginia ABC Enforcement is a State Accredited Law Enforcement Agency. Re-Accreditation for VA ABC began with term 1 on October 1, 2015 and will end with term 4 on September 30, 2019. There are a total of 191 standards that have to be met with numerous proofs required for each standard. Of the 191 standards, 166 have some level of completed proofs.

ACCREDITATION ACTIVITIES										
Mandated Activities	Required	In Progress	Completed							
Quar	terly									
Regional Change Funds	11	2	9							
Asset Forfeiture Funds	10	2	8							
FDA Funds	9	2	7							
Evidence Room Inspection	10	0	10							
Employee Benefit Fund	1	0	1							
Semi-A	nnual									
Vehicle/Equipment	0	0	0							
Unannounced Evidence Inspections	20	10	10							
Annual Evidence Audits	10	0	10							
Yearly										
Standards	191	25	166							
Proofs	606	101	505							