

# Liquor Law Violations

MPD has historically done a good job making individuals responsible for liquor law violations by issuing appropriate Municipal citations. The process for holding alcohol license holders responsible for liquor law violations is handled differently.

Liquor law violations committed by alcohol license holders are handled by sending a copy of the Officers report to assistant City Attorney Jennifer Zilavy for drafting a long form complaint if there is evidence to support prosecution.

Following is a guideline of the elements or evidence, if present, to include in your report for the three most common violations committed by alcohol license holders

## 1. Allowing underage Person in Bar

- a. What age does the person appear to be
- b. What age are the people around or with that person
- c. Is there a fake ID on the person
- d. Is there a borrowed ID on the person
- e. Does the photo on the fake ID look like the person, describe differences
- f. Is the fake ID a good one or obviously invalid, expired or bogus
- g. Does the suspect have a valid ID
- h. Who let the underage person in i.e. which door checker
- i. Notify the Mgr or owner of your investigation (Include names in report)
- j. Get a statement from employee who let the suspect in
- k. Did the suspect drink at this bar? How long in bar?
- l. Ask how much the suspect had to drink? (Include your evaluation)
- m. Describe how employees check people entering the bar
  - i. Is there someone at the door, how many
  - ii. Is there an ID checking guide available
  - iii. What ID's are accepted by the checkers
  - iv. Is there good lighting to check ID's
  - v. Do they know what DOB year makes someone over 21
  - vi. Do they turn persons w/ fakes away or confiscate ID
  - vii. Ask to see any confiscated ID's
  - viii. Do they get a reward for confiscating fake ID
  - ix. What training has the ID checker received

## 2. Over Capacity

- a. What is the capacity listed on the license
  - i. Is the license conspicuously posted?
  - ii. Does the bar have a "Capacity" sign or poster? What number is posted?
- b. Does the Mgr/owner know the licensed bar capacity w/o looking at the license?
- c. Does the Mgr/owner know the number of people in the bar? How many?
  - i. Are they keeping count, and if so, how
- d. Describe the condition of the bar in your report
  - i. Packed shoulder to shoulder?
  - ii. Lines at bar?
  - iii. Lines at bathrooms?
  - iv. How difficult to go through bar?

- v. How long, in minutes, to move through bar?
- vi. Your estimate of capacity?
- e. Notify Mgr or owner of any gross violations (include names in report)
  - i. Indicate you expect the bar to rectify the overcrowding
  - ii. Allow the bar reasonable time to rectify the problem
  - iii. Return in a reasonable time period to check compliance
  - iv. Indicate if establishment is or is not cooperative

3. **Over serving**

- a. Walk through the bar – are there obviously intoxicated people, how many?
- b. Describe over-served people in the same terms as a drunk driver (describe physical signs and observations)
- c. Document intoxicated persons answers to:
  - i. Where have they been drinking tonight
  - ii. How long at each location and how much alcohol in each location
  - iii. How long in this bar, who let them in, what were they drinking
  - iv. Who served them (Waiter/Waitress, bartender, friend or were they getting their own drinks and if so, from whom)
  - v. If intoxicated or incapacitated, who is taking care of them
- d. How many bartenders/staff/ are working
- e. Is the bar so crowded that it would be difficult for staff to see a person being over-served?
- f. Ask the Mgr/owner what the bar's policy is on over serving
- g. Ask the door staff what the bar's policy is on allowing intoxicated persons in
- h. Notify the Mgr/owner of your observations

The above list of elements or evidence is not meant to be all inconclusive, nor are they all expected to be present in every investigation.