



## Office of the Mayor

Paul R. Soglin, Mayor

City-County Building, Room 403  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
Phone: (608) 266-4611  
Fax: (608) 267-8671  
[mayor@cityofmadison.com](mailto:mayor@cityofmadison.com)  
[www.cityofmadison.com](http://www.cityofmadison.com)

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May 19, 2015

To: Members of the Alcohol License Review Committee

From: Mark Woulf, Food and Alcohol Policy Director

Re: Class A License Conditions and Data Review

### Background

At the December 17, 2014 Alcohol License Review Committee meeting, members were presented a staff report (titled "Class A Uniform Condition Policy Proposal, 12/17/14") that provided background on the issue of regulating retail alcohol sales and the methods used to curb excessive consumption of alcohol by habitual offenders. The December memo outlined several policy options that could be explored to both serve the interest of the City in curbing the excessive consumption of alcohol by habitual offenders and the interest of Class A Establishments to ensure that regulations are not unfairly applied and/or arbitrary.

The ALRC requested at the December meeting that staff provide additional data on the issue of alcohol-related offenses, especially by habitual offenders, and to hold meetings with industry representatives of retail alcohol sales. Since that time, staff has conducted meetings with industry representatives, service providers, and retailers. Staff has also conducted a review of data that focuses on the issue of alcohol-related incidents by habitual law offenders, with a specific focus on alcohol detoxification conveyances.

### Data Review

Staff focused the data review on the most recent six-month time period when alcohol-related offenses were logged to conduct the completion of the Habitually Intoxicated Persons list. The list reviewed the time period of April 1, 2014 through September 30, 2014. This time period encompasses both months with high student activity and non-student activity, as well as includes the summer months, typically high in visible alcohol-related offenses. This data set includes all alcohol-related offenses in the city during this time period; however, the review focused on the location of the offenses by habitual alcohol law offenders.

For the purposes of this review, a "habitual alcohol law offender" is considered a person that received six or more alcohol-related charges and/or alcohol conveyances within the six month timeframe. This is a different standard than the "Habitually Intoxicated Person" which, by ordinance, is defined as a person who receives six or more alcohol related *convictions* and/or alcohol

conveyances within a six-month time period. We used the different standard to demonstrate a broader representation of the problem population.

Staff would like to highlight the following observations after reviewing the data:

- 1) The vast majority of alcohol-related offenses continue to be concentrated within the downtown and near-downtowns areas. For the six-month time period, 45.7% of all alcohol-related offenses throughout the city occurred within nine of the downtown or near downtown police districts (roughly Yahara River to Camp Randall; Lake Mendota to Monona). Of those downtown or near downtown offenses, 68% occurred in the core downtown (Park St. to Blair St.; Lake Mendota to Monona).
- 2) When focusing on habitual alcohol law offenders, a similar trend followed, where a vast majority of offenses occurred within the downtown or near downtown areas. There were also additional areas of higher concentration near certain city parks and bus transfer stations. See Map #1.
- 3) The highest concentration of alcohol-related conveyances is on the near-south side of the city, which staff considers anomalous based on the location of Meriter and St. Mary's hospitals. Outside of that anomaly, the highest concentration of conveyances originates from within the core downtown area of the city. See Graph #1.

It is important to note that a small group, relative to the population, is responsible for a disproportionate number of alcohol-related incidents, especially conveyances. In the six-month time period analyzed within the police districts of highest density of conveyances, there were 720 total alcohol-related conveyances to a detoxification center or an emergency room. For all conveyances, 43.2% originated from just 91 individuals. One individual was responsible for 21 conveyances alone during this time period.

### **Analysis and Recommendations**

The issue of alcoholism is a societal one, and thus, not one single policy, ordinance, or memorandum will solve the problem. However, we must continue to use a variety of different approaches in concert to interrupt the cycle of alcoholism. The Habitually Intoxicated Persons list is one approach, but cannot be relied upon alone to solve the issue. In the six-month time period that was analyzed, there were over 1,200 individual alcohol-related conveyances by the Madison Police Department. Each one of those calls-for-service costs time, resources, and ultimately, money, in police time and health care provider time. Many are repeat offenders and will not voluntarily break the cycle of alcoholism.

The City of Madison has limited resources available to solve the issue of chronic alcoholism. Under state law, the responsibility of providing substance abuse and mental health services is charged to counties. Counties are also responsible for providing a licensed detoxification center or emergency treatment facility for individuals incapacitated by alcohol. The City of Madison mostly absorbs the impact of the substance abuse and mental health treatment systems' shortcomings in the form of police resources. The City has no authority to force change to the system. Therefore, the City should focus on the areas in which it has the ability to make impact in our limited capacity.

The following are my recommendations to the Alcohol License Review Committee, based on the data review:

- 1) For the downtown core (police sectors 402, 403, 404, 405, and 406), the Alcohol License Review Committee should continue to impose license conditions that restrict single serve and certain types of high-alcohol content products to interrupt the cycle of chronic alcoholism.
- 2) The Alcohol License Review Committee should strongly consider similar license restrictions for Class A Establishments within areas near-downtown (police sectors 304, 305, 407, and 408) that also contain a high volume of alcohol-related incidents.
- 3) Based on other “hot-spots” for incidents originating from habitual alcohol law offenders, the Alcohol License Review Committee should consider similar license restrictions for areas in close proximity to city parks, bus transfer points, and other areas of visible alcohol consumption as reported by MPD.
- 4) Develop a policy in the form of license condition guidelines for the Alcohol License Review Committee, similar to the Operator’s License guidelines, to be used to apply conditions on all new Class A licenses within the areas described above. Staff considers the commonly applied conditions within the downtown area, as outlined in the staff memo dated December 17, 2014, as adequately addressing the issues as described.
- 5) Relating to uniformity of conditions within the core downtown, as defined by police sectors, all Class A Establishments should contain limitations on single serve and cheap, high-alcohol content products. For those establishments that do not have such limitations, the ALRC has two options:
  - a) Separate the establishments that do not have the conditions at license renewal time and place the uniform conditions as outlined in the December 17, 2014 memo.
  - b) Ask for voluntary compliance from those establishments without the uniform conditions.
- 6) Staff should reemphasize the importance of utilizing the Habitually Intoxicated Persons list by providing additional information to businesses about their responsibility under ordinances to abide by the no-sell list and not allow sale to intoxicated persons.

## **Conclusion**

There is a dramatic need for continued investment, policy, and programming relating to alcohol abuse within our community. There is even a greater need to address the issues specific to the habitual alcohol law offenders that cause a disproportionate drain on city, county, and state resources. There are only so many tools available to the City of Madison to address this problem population, and even fewer available under Chapter 38 (Alcohol Beverages Regulated) of the Madison General Ordinances. Staff believes that the City should take advantage of the limited resources when appropriate.

Many of the recommendations outlined above require specific Alcohol License Review Committee and/or Common Council action and approval. Staff will begin taking action on any of the proposed recommendations at the request of the Alcohol License Review Committee and/or Common Council.