

# NLLEA

Dedicated to the enforcement of liquor laws and regulations

- Ensure that alcoholic beverages are promoted, distributed, and consumed in a legal fashion.
- Enhance the understanding and importance of liquor law enforcement in preventing crime & community problems



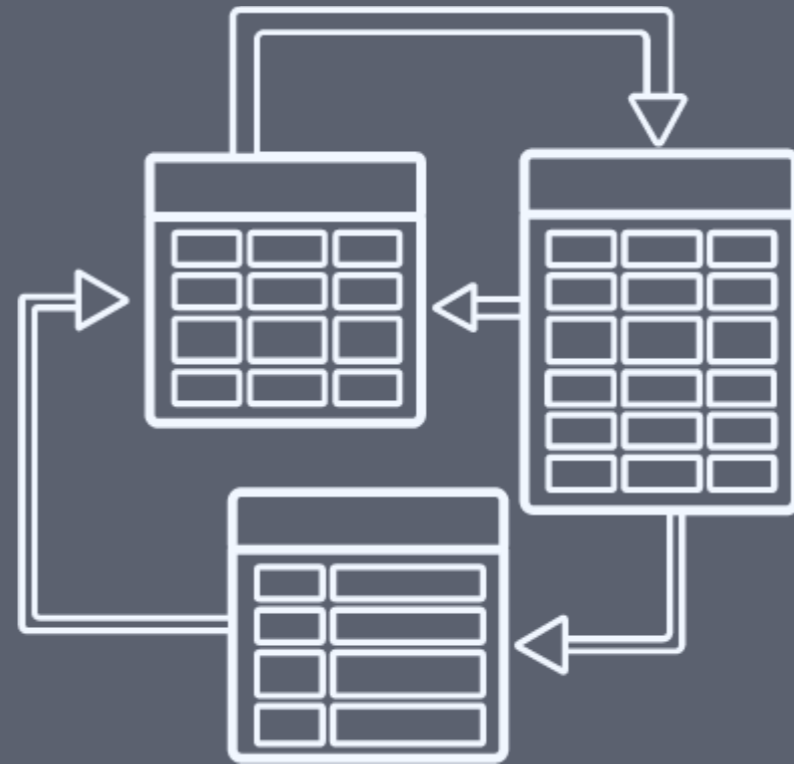
Committed to improving standards and best practices of liquor law enforcement

# NLLEA

## Collaboration/Coordination

- State Health Departments
- Local Health Departments
- Zoning/Land Use Department
- Fire Department
- State Police
- Local Police Departments
- Local Sheriff's Offices
- City/County Councils/staff
- Tax-related office
- Secretary of State

# Communication & Information Sharing



# Alcohol Policy Landscape

## Challenges

- Expansion of Access Points
- Alcohol Law Enforcement Capacity
- Education
- Compliance
- Monitor new environment



## Best Practice Guidance for Alcohol Sales and Deliveries During and After the COVID-19 Pandemic

A National Liquor Law Enforcement Association Guidance Document

December 2020

This document is intended to provide background and guidance on best practices for the enforcement of laws related to sales and delivery of alcohol both during and after the COVID-19 pandemic.<sup>1</sup>

**S**tate alcohol policies during the COVID-19 pandemic have been temporarily<sup>2</sup> – and in some cases permanently<sup>3</sup> – changed to expand consumers’ access to and ability to acquire alcohol through drinks-to-go, home delivery, and curbside delivery. Some of these policies are being implemented by local jurisdictions, making the policy landscape more complicated.<sup>4</sup>

The pandemic is creating unprecedented shifts and changes in the alcohol marketplace adding additional challenges for Alcohol Law Enforcement (ALE).<sup>5</sup> In 2005, there were an

average of 54 ALE agents per state tasked with monitoring 14,112 alcohol outlets. This problem has only worsened over the years.<sup>6</sup> The harms from alcohol have been further exacerbated by recent shifting policies<sup>7</sup> in the U.S., which have made alcohol more accessible and available.

Making alcohol more widely available and accessible increases alcohol consumption and related harms.<sup>8,9</sup> This may occur when there is an increase in the hours<sup>10</sup> or days of sale,<sup>11</sup> an increase in outlet density,<sup>12</sup> or – as is the case during the COVID-19 pandemic – an expansion of home delivery laws.



### Drinks-To-Go

Restaurants or bars selling a single serving of alcoholic beverages (usually distilled spirits) for consumption off the premises.



### Home Delivery

Restaurants, bars, or retailers delivering alcohol to consumers’ homes through either the use of their own employees or through a third-party delivery service.



### Curbside Delivery

Consumers purchasing alcohol from a restaurant, bar, or retailer and having the business bring it to the consumers without them having to leave their car.

A list of all of the references cited in this document can be found on the NLEEA website: [www.nleea.org](http://www.nleea.org)

# Expansion of Access Points

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Home  
Delivery



Cocktails  
to-go



Curbside  
Pick-up

# Expansion of Landscape

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Extension of  
premise



Non-Traditional Setting

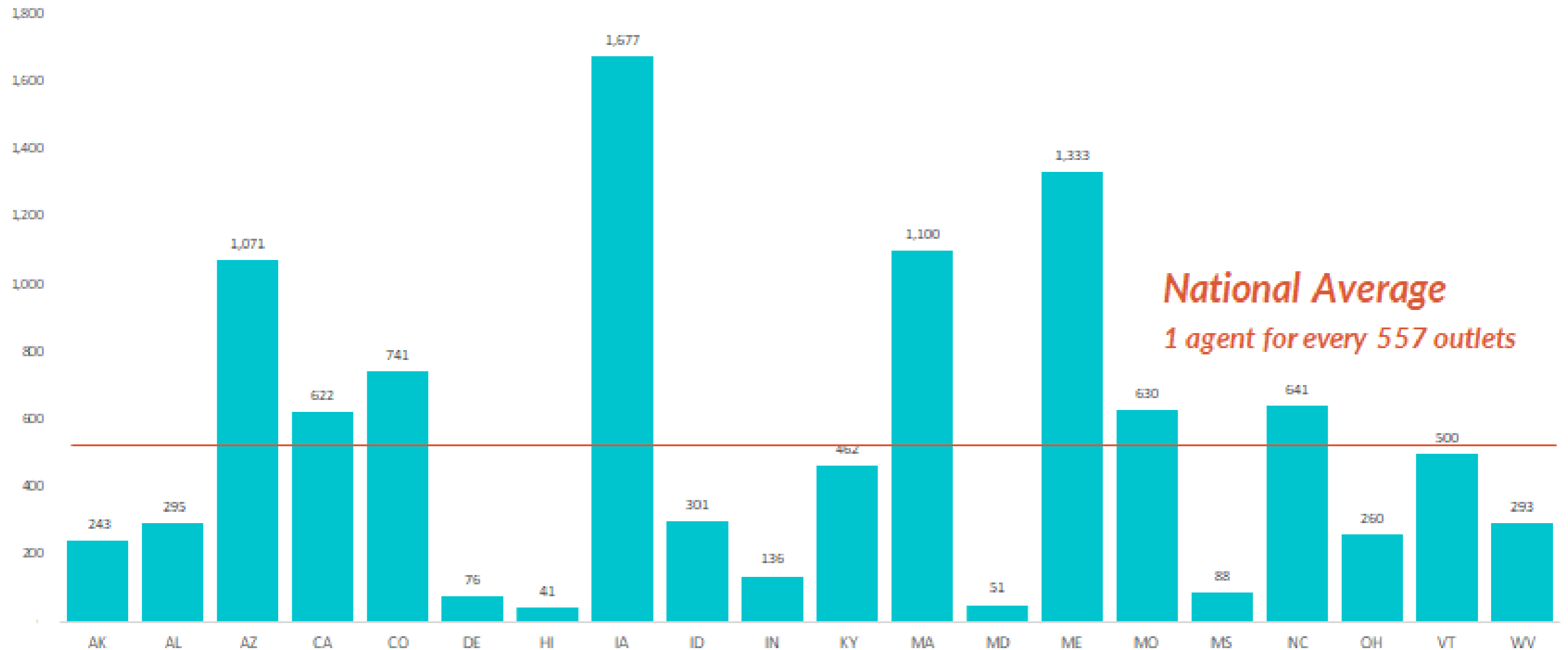


Transition of  
permitting

# Alcohol Outlets per Enforcement Agent

Data collected by NLLEA in 2019

Number of Alcohol Outlets per ALE Officer/Agent



# Time & Resource Intensive

## Alcohol delivery investigations

- Direct Shipment and delivery via Common Carrier (UPS/FedEx)
- Third Party Delivery Service (Uber Eats)
- Licensed Establishment Staff
- Phone orders
- Online orders

## Types of Complaints

- Contactless Delivery - Alcohol left on doorstep
- Alcohol delivered to a minor
- Did not check ID
- Checked ID but provided the alcohol anyways
- Checked ID saw that the person was under 21 - swiped their own ID to bypass the system and provided the alcohol
- Did not know alcohol was in the order

# Workforce Effort

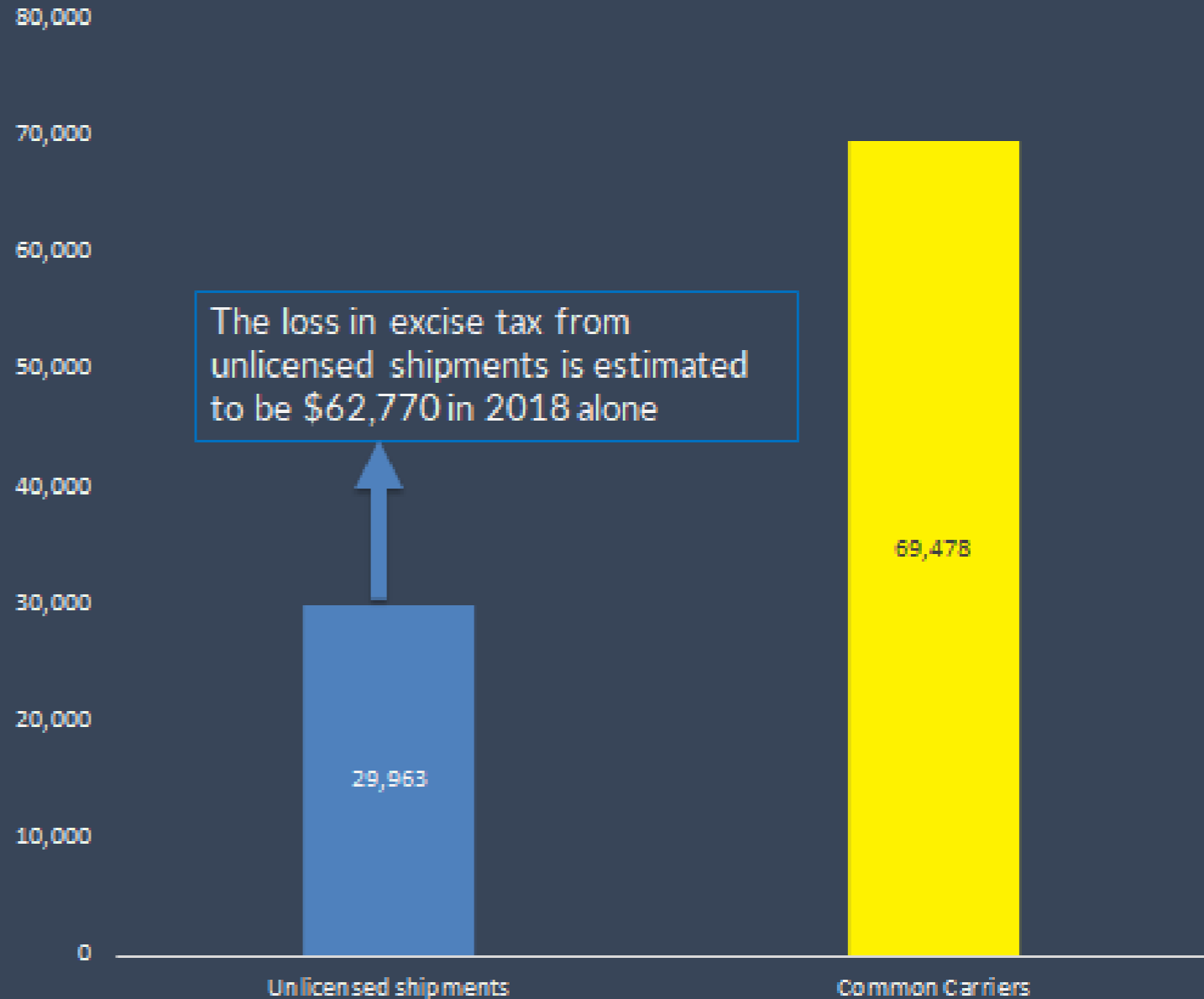
"workforce effort is astounding"  
in order to investigate one company  
for suspicion of illegal shipments can  
take 6 to 8 months

120 employee hours to review 3  
Common Carrier reports

Usually takes a team of 3-4 Officers to  
complete an investigation

Virginia 2018

# Direct Shipping Audits





## 21st Amendment Enforcement Act

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allowing state attorneys general to bring civil action in federal court against out-of-state entities to enforce violations of their state laws relating to the importation or transportation of alcohol

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## Ohio Case Will Likely Determine Whether Other States Use 21st Amendment Enforcement Act

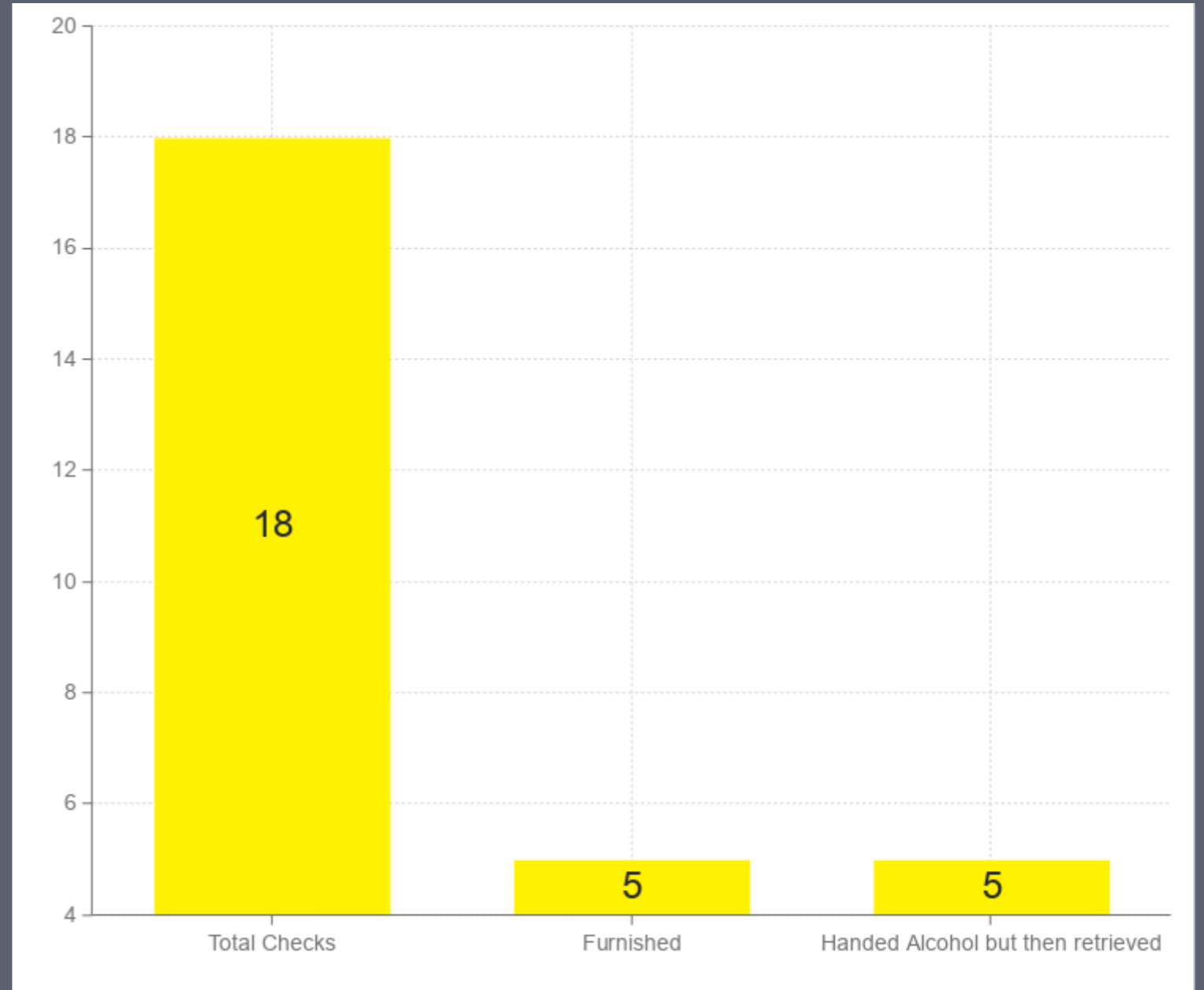
Wednesday, July 22, 2020

As was widely reported in the alcohol trade press, the state of Ohio filed suit against several online retail outlets a week ago after an investigation into direct-to-consumer shipments of wine and spirits into the state. The suit follows an investigation where employees of the Division of Liquor Control ordered wine and spirits online through retail outlets and received the alcohol at the Division's headquarters. Ohio argues that the online retail outlets did not have a license to ship the alcohol directly to consumers in Ohio, and therefore violated Ohio law. The crux of the suit is that the only way to ship wine to consumers in the state of Ohio is by obtaining an "S Permit". Unfortunately for the online retail companies, an "S Permit" can only be obtained by wine manufacturers and importers who produce less than 250,000 gallons of wine per year. The lack of any other license essentially prevents the vast majority of manufacturers, wholesalers and online retail companies from shipping wine to consumers in the state of Ohio directly.

## North Carolina

# 27.78%

Of the 18 compliance checks conducted, there were five (5) sales, accounting for approximately 27.78 percent of compliance checks. The underage person was handed the alcoholic beverage in ten (10) of the attempted purchases, approximately 55.56 percent. In half of those instances the courier retrieved the alcoholic beverage and informed the underage that the sale could not be completed. For the purposes of this study, a sale was not considered complete until the courier walked away from the apartment and the underage was in possession of the alcoholic beverage.



# Best Practice

- In over half of all of the cases, the underage person was handed the alcoholic beverage.
- Check identification before relinquishing custody of the alcoholic beverage.
- In one instance, the courier who made the delivery had a misdemeanor controlled substance conviction within the previous two years and would also be considered unsuitable pursuant to G.S. 18B-1003(c).
- Perform background checks.
- In one of the completed sales, a courier knowingly gave the alcoholic beverages to the underage person.
- Hire trustworthy employees. Ensure employees know incentives for refusing a sale.



Overall non-compliance rate over 9 months

79%

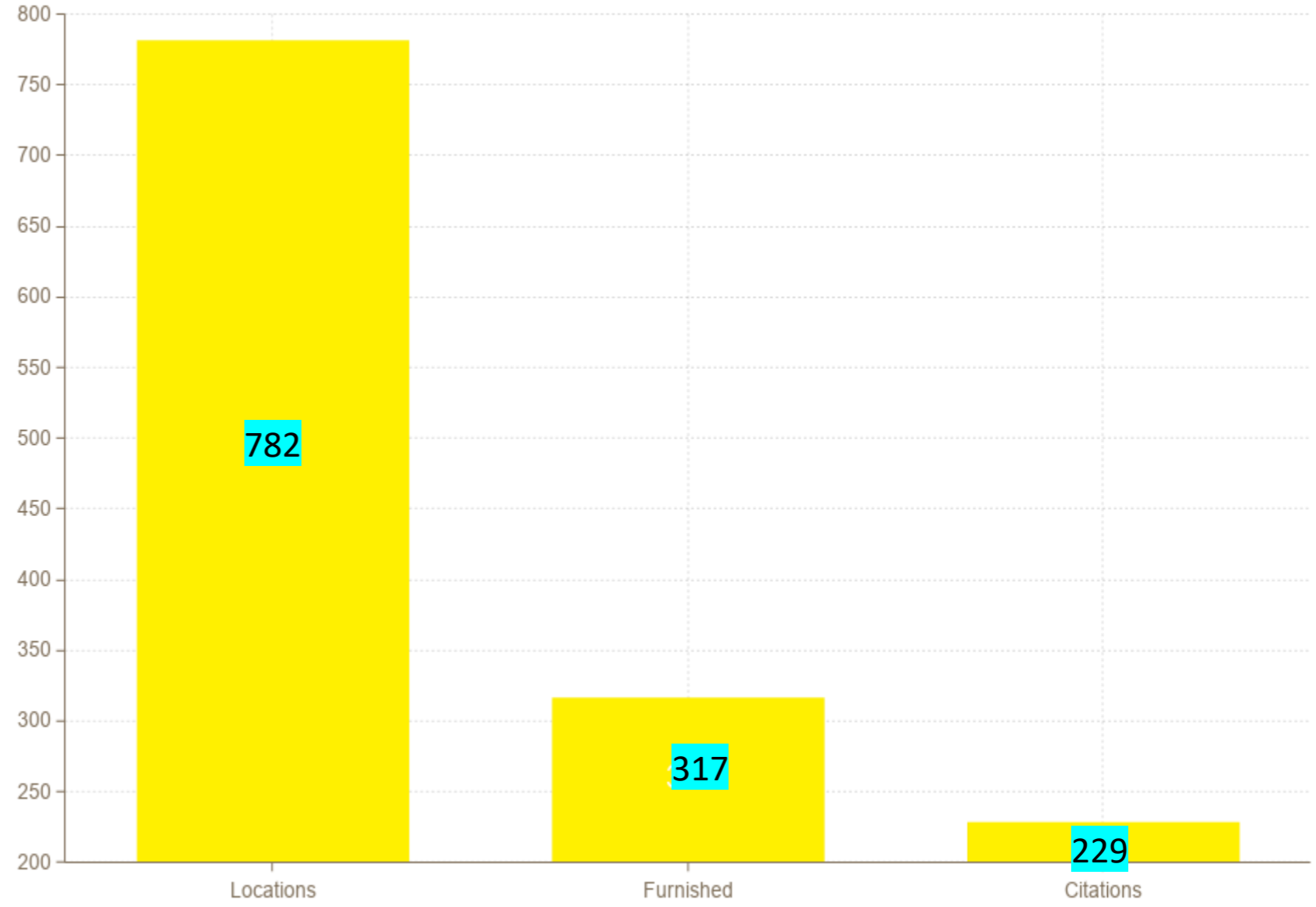


9 months

17%

California 2020

First Round



## Alcohol Delivery Compliance Operations

- Cost \$4-600.00
- Hotel Room
- Transactions
- Fees
- Resources 10-14 Agents per Team
- Decoy Safety
- Follow up Delivery Driver
- Record Transaction
- Record online /phone ordering process
- Secure evidence
- Perimeter Safety
- Follow up with Licensee

**Grant Funding**



California Alcoholic Beverage Control

# Carding During COVID-19

## CARDING DURING COVID-19

COVID-19 presents unique challenges for ID'g customers. However, you are still legally responsible for preventing sales to minors.

### HEIGHT

Check the height on the ID.

### HAIRLINE

Compare forehead height and hairline.

### EYES

Check eye shape and color.

### EARS

Compare shape and position.

### OPTIONAL REQUEST

If still unsure, and the customer is willing, ask them to step back a safe distance and lower the mask

### ASK QUESTIONS!

Confirm key information off ID.

When in doubt,  
refuse the sale.  
Selling to a minor  
is illegal.



# SEALED CONTAINER



Bottle with  
tamper evident  
screw cap



Cocktail to-go  
sealable bag



Shrink wrap seal

# Best Practice Recommendations for the Delivery of Alcohol by Common Carriers

This document is intended to provide guidance on best practices for the delivery of alcohol by Common Carriers in order to ensure that alcohol is being delivered in compliance with specific state laws and statutes.

## Best Practice Recommendations for the Delivery of Alcohol by Common Carriers - A National Liquor Law Enforcement Association Guidance Document

(A common carrier includes companies like FedEx, Fed Ex Ground or UPS. They deliver packages and goods for different people and companies, for the purpose of this guidance document goods delivered are alcoholic beverages)



Guidance Document

April 2021

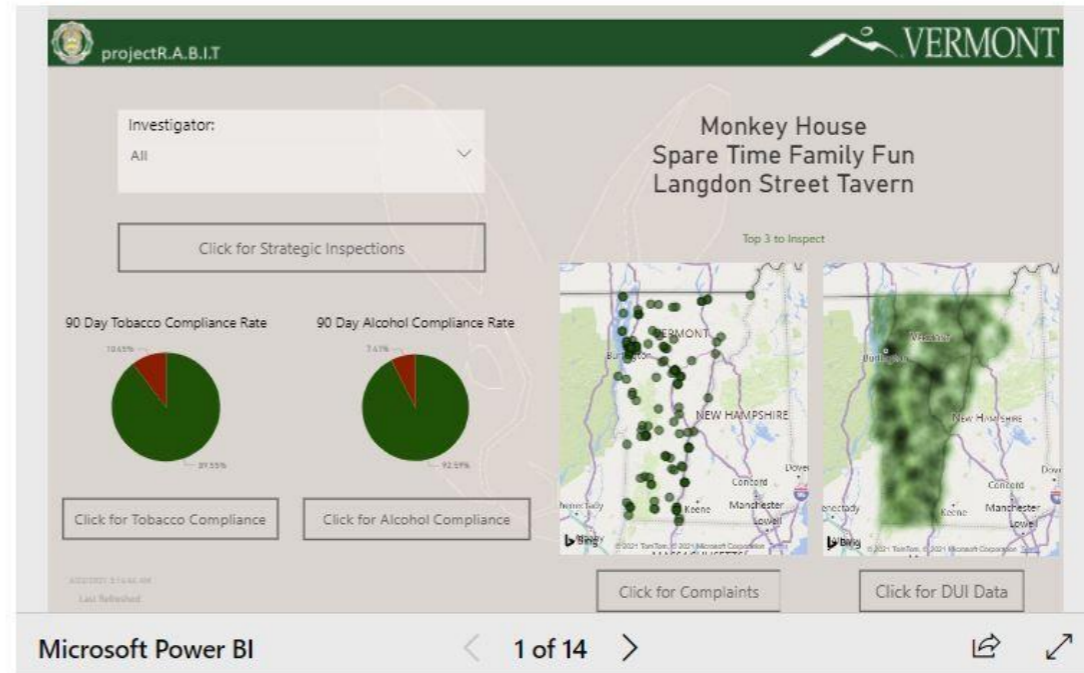


# Resource Allocation Based on Intelligence Toolkit

Vermont Department of Liquor and Lottery, Division of Liquor Control Office of Compliance and Enforcement

## projectRABIT

Interactive dashboard to assist DLC to visualize, interpret, and drive decision making based on data sources with relationships to alcohol and tobacco use, criminal and civil violations, and compliance programs throughout Vermont.



# Balancing Public Health and Alcohol Regulation

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Expansion of Consumer Landscape  
(increased violence)

Home Delivery

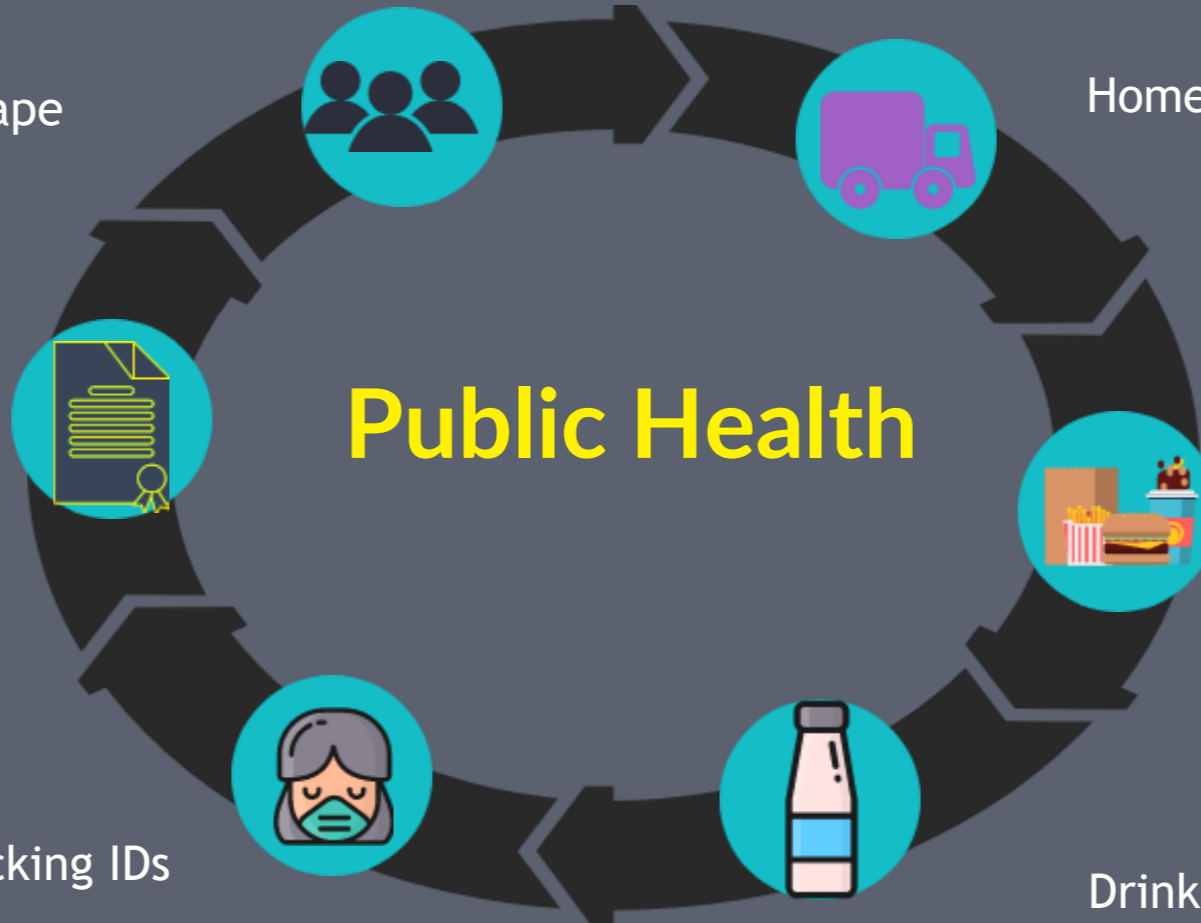
Curbside pick-up/delivery

Drinks/Cocktails-to-go

Checking IDs

**Public Health**

COVID-19 Compliance Inspections



# MEMBERSHIP BENEFITS



Training  
Symposium



Virtual Training  
Series



Chief's Meetings



Annual  
Conference



Best Practice  
Guidance & Toolkit  
Resources

Annual Awards

# NLLEA 34th Annual Conference



Montgomery, Alabama  
Renaissance Montgomery Hotel & Spa at the Convention Center  
Alabama Law Enforcement Agency (ALEA) State Bureau of  
Investigation