Place of Last Drink (POLD) Projects: What, Why and How
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Background: What is POLD?

Place of Last Drink refers to the last place that a person drank an alcohol beverage before being issued a citation by a law enforcement officer for an alcohol-related incident. Compiling POLD information is an effective, low-cost method to identify local licensees that demonstrate a pattern of over-serving alcohol to its customers. Identifying a pattern of over-serving enables a municipality to focus community and law enforcement resources on specific licensees without placing additional burden on compliant businesses.

In addition to causing a number of health problems for the primary user, excessive alcohol consumption causes a variety of alcohol-related harms to others including fatal car crashes and pedestrian injuries due to impaired driving, domestic violence, non-domestic assaults, shootings, and suicide.[i] In 2020, alcohol caused over 3,100 deaths in Wisconsin, of which 620 were falls caused by alcohol use and 167 were from motor vehicle crashes involving alcohol.[ii] Accordingly, reducing excessive alcohol consumption due to over-serving is a public health and safety issue.

In 2012 the National Transportation Safety Board reiterated its request that all states and territories collect POLD information as part of any arrest or accident investigation involving an intoxicated driver.[iii] In 2014, law enforcement and public health officials in Wisconsin began to consider how POLD information could be used and whether it could reveal patterns of over-serving. Since approximately half of those arrested for operating while intoxicated came from licensed premises, reducing over-serving at establishments licensed to serve alcohol on-premises (such as restaurants, bars, and taverns) could have a significant impact on reducing drunk driving and other harms caused by excessive alcohol use.[iv]

Identifying a pattern of over-serving enables a municipality to focus community and law enforcement resources on specific licensees without placing additional burden on compliant businesses. There are many efforts to reduce the impact of overserving like SafeRide and Responsible Beverage Service (RBS) trainings to bartenders, but current data suggests that those efforts alone don't have a large impact on overserving. Collecting and reviewing annual POLD compilations allows law enforcement to learn where the overservice in a community is happening over time; while collecting and responding to real-time POLD data from individual incidents allows law enforcement to quickly respond to over-serving by engaging licensees in constructive dialogue. While SafeRide can be helpful in reducing intoxicated drivers on the road, it does not address the full impact of overservice: those intoxicated individuals may still engage in violent

altercations, domestic assaults, or harm themselves. RBS has mixed results: it is useful and necessary, but insufficient. Servers turn over frequently, and the culture of an establishment and its management determines whether overserving occurs. However, large reductions in overserving can happen when law enforcement combines RBS with talking with establishments who are overserving, especially if there is a pattern of it happening due to the data collection efforts of POLD. The surety of laws being enforced often changes behavior.

Overview: Why should POLD information be compiled?

Most discussions of drunk driving focus on the driver. But what if the information collected during OWI arrests could be used to prevent over-serving? When law enforcement can identify the last location that served alcohol to intoxicated drivers, patterns of over-serving can be established. When a licensee has a pattern of over-serving, law enforcement and community members can focus on changing the serving practices at those locations without imposing extra restrictions on compliant licensees.

Many communities and groups are interested in the potential of POLD projects. This toolkit provides information on how POLD projects operate in Wisconsin. The information and steps summarized, supported by the appendices and samples, can help guide your project development.

Using this toolkit:

This summary of POLD compilation efforts in Wisconsin provides general guidance for those considering a POLD project. A POLD compilation requires the support and participation of local law enforcement and works best with the support of the elected officials of the community: it is not something citizens undertake independently. A POLD project provides an opportunity for citizen groups, especially coalitions working to reduce excessive alcohol use to build or improve a working relationship with law enforcement and municipal government.

The majority of licensees are usually careful to avoid over-serving alcohol and tend not to be reported as a POLD in one year's POLD compilation. Once a community has established an annual POLD compilation, the specific licensees reported may change due to changes in ownership, personnel, and management practices. Collecting POLD data during an alcohol-related incident and systematically compiling the information can provide law enforcement and licensees with solid information on patterns of over-serving—information that can be used to rectify the problem, which benefits the entire community.

Planning Your POLD Project

This toolkit provides guidance on the steps to follow, questions to ask, and issues to resolve before implementation.

Step 1: Establish—or improve—the working relationship with law enforcement

The most effective POLD compilations include OWI data from multiple jurisdictions in the region. Every Wisconsin county has a Traffic Safety Commission (TSC) that includes representatives from local law enforcement agencies and frequently includes public health agencies. Place a POLD discussion on an upcoming TSC agenda to gauge local knowledge and interest in POLD compilations.

An effective POLD project needs at least one *vocal* law enforcement advocate in every agency in the region. Your advocate (sometimes referred to as the champion) does not need to be the police chief, but any officer will need the support of their superior to invest time in planning local POLD efforts.

Combat potential skepticism with information about how POLD can be used to support police efforts. Early POLD projects occurred in states with centralized alcohol regulation, leading many people to overlook its potential in Wisconsin. Some local law enforcement agencies may not be fully aware of the negative impact their licensees have on road safety. For example, in 2015 the City of Waukesha compiled POLD data and found that two licensees *each* accounted for 10% of the OWIs written in the community. Although unusual, this POLD compilation identified the source of 20% of OWI citations written in the city over a 12-month period.

Once you have determined there is sufficient interest among a significant number of jurisdictions, create a plan that addresses the topics below. Planning often begins before every agency agrees to participate, but it is wise to have the largest community or data consortium as part of the planning process from the beginning.

Step 2: Framing the Discussion

The support of community organizations can support the development and implementation of a POLD project. Develop buy-in to the project and prevent incorrect or distorted information by engaging in candid discussions with local elected officials and community leaders, explaining what *will* be compiled and how it could be used.

Preemptively address past misperceptions about POLD, by using the following points:

- By its nature, an annual POLD compilation focuses on patterns, rather than individual incidents.
  Once compiled, the data may identity a problem with overserving. When the compilation

shows that multiple citations have been issued to people coming from a single establishment, further investigation may be indicated. The local law enforcement agency can use this data to work with a license holder with a problematic pattern of overserving.

- <u>The goal is improved serving practices, not closing bars or revoking serving licenses.</u>
In Wisconsin, only about one-fifth of licensees are reported as a POLD in a given year. Knowing the businesses that are over-serving helps the local law enforcement agency focus its efforts on improving compliance. Regardless of who compiles the data, a key element of this project is that the data is shared between the local law enforcement agencies and the community organization involved in its analysis. This allows the local law enforcement agency to discuss the problems directly with the licensee and come up with a plan for remediation or corrective action. Some communities have integrated the POLD data into the annual alcohol-license review process, providing regular feedback to licensees.

- <u>Over-serving results in many alcohol-related problems in addition to drunk driving, including illness (including liver disease, heart disease, stroke, and 7 cancers), mental health disorders, falls, domestic violence, non-domestic assaults, shootings, and suicide. Not just the drinker is harmed – domestic and non-domestic violence and assaults are frequently associated with over-serving.</u>
Using POLD data to identify locations that have a pattern of over-serving can help prevent or reduce other alcohol-related problems.

- <u>POLD compilations use anonymized data, so the identities or names of those arrested for OWI are not included in the compilation.</u>
Police officers, interns and others who may see the original arrest reports are usually required to sign confidentiality agreements before accessing the data.

- <u>POLD compilations were endorsed by the NTSB in 2012.</u>
In 2018, the National Academy of Science's recommendations for reducing drunk driving concluded that additional data including POLD data, was needed to gain a comprehensive understanding of alcohol-impaired driving (Conclusion 6-1).

See Appendix 1: POLD Issues and Answers

Step 3: Create a plan that answers the six following questions

These six areas, together with local decisions and timelines, form the basis of your plan. A document outlining these points should be prepared and shared with participating agencies prior to the first report. Changes in command, leadership or individual opinions can occur, so a reference document helps keep misunderstandings to a minimum.

Question #1: What data will be compiled?

Each project should decide what data to compile and who will have ongoing responsibility for the unified database and its backup. It is important to include the data from every OWI citation in the compilation, even if the POLD is not identified during the arrest.

When working with anonymized data, some type of unique identifier that allows verification should be included. In Dane County, the arrest report number serves as the unique but anonymous identifier for each record.

This is an example of the data compiled for the Dane County POLD Project. It takes a student about a few minutes to add the data from a single arrest to the report:

1. Agency case number (for verification)
2. Incident place time (Use 0:00-24:00 time frame)
3. Where are you coming from? (Use response on form)
4. Have you been drinking? (Y/N)
5. Where have you been drinking? (Use response on form; decide whether you will include noncommercial or social sources of alcohol, in which you could list non-licensed locations, such as "my house," or "the park.")
6. How much? (Use response on form; coding comes later with categories created based on responses)
7. Time started and time stopped
8. Time as reported (Use 00:00-24:00; ranges established later)
9. What have you been drinking? (Use categories on form)
10. Have you been using drugs? (Y/N)
    If yes, what type (Response as it appears on Alcohol/Drug Influence Report)
11. Location of arrest (Response as it appears on form)
12. BAC level as measured (Use results of intoximeter, not from preliminary breath test, and not from any negotiated negotiations subsequent to arrest)

Question #2: Who will compile and share the data?

a. Determine who will be responsible for the compilation.

    i.   Decide whether one agency will have primary responsibility for supervising the compilation, ensuring its accuracy and timely completion. Primary responsibility is a continuing time commitment for any agency or organization and should be adequately funded. The advantages of having one agency responsible include: consistency in compilation methods, a shared database of results, and identification and resolution of differences in collection techniques.

    ii. If instead you decide that each agency will be responsible for its own compilations and database, then decide how the POLD data will be shared between agencies, and how

inconsistencies in data collection will be handled. The advantage of having data collected by individual law enforcement agencies is best realized when the data is being collected at the time of each incident and used for real-time feedback and enforcement between the agency and involved licensees.

b. Determine who will store the compilation and share it with participating law-enforcement agencies. Determine whether POLD is included in existing data sharing agreements between agencies. If not, include POLD in existing agreements or develop data sharing agreements.

c. Establish who, by rank or position, receives a copy of the final report in each community. A workable system respects the law enforcement chain of command while providing the data promptly.

d. Decide who will do the work of compiling and analyzing the data. If using anyone other than a sworn officer, in addition to background checks, each person should sign a confidentiality agreement, as well as any other documents required by the municipality or agency. A few possibilities include:

   i. Sworn officers, including community resource officers and limited duty officers.

   ii. College or technical school students, such as criminal justice students or police cadets. Students training for law enforcement careers often may receive class credit for working in a law enforcement agency. Public health, epidemiology, or pre-law students may also be interested in an internship for a small stipend.

   iii. Paid staff.

   iv. Volunteers.

e. Decide how many people you need to compile the data, and how many hours it will take. The amount of effort involved may vary depending on whether you are compiling the data annually, semi-annually, quarterly, or on a rolling basis; and on whether you are compiling POLD only from OWI citations or from all alcohol-related incidents. For a crude estimate of the work involved for an annual POLD compilation for OWI citations, find out the average number of OWI citations issued in your region each year and divide by the time it takes to screen each citation for POLD data (e.g., about 10 minutes per citation in Dane County's pilot project using students)

f. Question #3: What portions of the arrest report need to be accessed and compiled?

Access to the full arrest record helps to reveal patterns of over-serving as well as the absence of

any pattern among most retailers. Patterns, if present, will appear as more data is included.

Each arrest report contains multiple files and documents, including the citation, a narrative portion, and the Alcohol/Drug Influence Report (Wisconsin Department of Transportation Form SP4005). Compiling the relevant data is most effective when the compiler has access to all three of these components, either in-person at the law enforcement agency, or in the form of electronic or paper copies of these documents. The files may be redacted. Because none of the information necessary for the POLD project is protected personal information, protected information may be redacted without impairing the success of this project.

The narrative portion of the report details the incident, including the early noncustodial portion of the arrest. About 50% of narrative portions include information identifying the place of last drink. The initial conversation between the driver and the officer often includes the location where the individual driver was drinking. Note that the answer sometimes may be a licensed location; but it may often be non-licensed locations, such as "my house," or "the park." As you develop your project, it can be helpful for a local officer to explain or demonstrate the conversation officers have during the initial portion of the traffic stop to the civilians in the group. This is a highly valuable source of information for the POLD project, and the quality of the compilation improves greatly by being able to collect information from the narrative portion.

The Alcohol/Drug Influence Report (SP4005) is a report completed by the law enforcement officer after the arrest. It has three sections. The first section of the SP4005 is completed for all people arrested on an OWI charge, based on the officer's observations and opinion. The second section includes the pre-interrogation Miranda warning of the arrested person's rights, and a statement that must be signed before any additional questioning can occur. Any arrested person may decline to answer and choose not to sign the statement waiving their rights. If the person does sign the statement that they are willing to answer questions, the officer then may proceed to ask the questions in section three. The third section includes questions about where the person was driving, where they were going and where they were coming from, and what they drank. One specific question asks, "Where were you drinking?"

However, most people choose not to answer the SP4005 questions. In practice in Dane County, about one-third of the SP4005 forms show a POLD answer to this question.

Some law enforcement agencies are only willing to provide an anonymized, redacted SP4005 and will not provide the narrative portion. The anonymized redacted SP4005 is sufficient to create a limited POLD compilation. While compiling data only from the SP4005 decreases the amount of data available by about 36%, it still provides a useful and valuable source of insight into licensee behavior.

Question #4: How will the data be collected for entry?

a. Decide on the time period for collection. To observe any patterns of over-serving, it is best to initially collect data for a period of several months to a year. Even three months of data collection may show a pattern, six months is better, and 12 months can show everything that has happened in a single license year. Since the goal is an on-going compilation, reports covering any specific timeframe will be possible eventually. The schedule can be altered to meet the changing needs of your area.

b. Decide how many jurisdictions to include in the compilation. Your report will have the greatest impact if data from every jurisdiction in your identified region is included. Including every jurisdiction can be challenging, because the maintenance and storage of arrest records may vary between jurisdictions. Some communities and even entire counties have consolidated law enforcement arrest records into a single shared system, while other areas have a variety of systems. Some communities maintain all records in-house, while others may form data consortia or clearinghouses that store the arrest data for multiple jurisdictions. Two examples:

   i. In Dane County, many villages, towns, and smaller cities are members of one of two data consortia. One consortium permits electronic access to all portions of the arrest reports, while an analyst for the other consortia e-mails OWI-citation data monthly using the shared Excel template. The Sheriff's Office provides scans of hand redacted SP4005 forms for compilation quarterly. Two very small communities with few citations provide the data upon request. See Appendix 2: Information collected in Dane County.

   ii. The Rock County Sheriff's Office and all Rock County jurisdictions use the one system and allow access to all the relevant information from a terminal in one participating community. This has allowed Rock County to develop a county-wide database efficiently and economically.

c. Decide whether to notify licensees that you will be embarking on a POLD compilation project, and who will issue the notification letter. Because this is inherently a policing matter, you may find it is best to have a member of the law enforcement agency send the notification letters, as a first step to their increased communication with licensees about overservice.

d. Decide whether to record noncommercial or social sources of alcohol, in which you could list non-licensed locations, such as "my house," or "the park." If you choose to do so, you may want to create a separate column for that information in your database.

e. Decide how the data will be compiled. Create a standard spreadsheet template for data collection, using readily available software such as Excel or Google docs. Create a set of coding instructions for how data should be entered into the spreadsheet. Having a standard template for all the data provides a shared foundation for the compiled data. If you do not have a single agency conducting the work, instruct smaller and independent law enforcement agencies and communities to work from your template and coding instructions to save time and reduce confusion when the data is merged.

Question #5: How will the POLD project be paid for?

While POLD compilations are generally low-cost projects, funding may be needed for student stipends or other project-related expenses. Twenty percent of the Federal Substance Abuse Block Grant awarded to counties by the Wisconsin Department of Health Services must be used for prevention efforts and may be used to support some expenses. Stipends for training and securing student workers are eligible, but over-time or time-sharing costs for sworn officers are not. Grants provided by the Alliance for Wisconsin Youth through the Regional Prevention Resource Centers can be used to provide student stipends for POLD data compilation.

Question #6: How will the compilation be used?

There are several ways that the compilation can be used.

a. POLD data can be used for problem resolution with an individual licensee by the police department or municipality. For example, in Minnesota, POLD data allowed a licensing review committee to put pressure on a licensee to substantially reduce its over-serving based on a pattern of multiple references as POLD and allowed a police department to alert licensees in real-time when problems occurred so that they could modify their serving practices before it became an issue at license renewal.

b. POLD data can be used as a basis for opening an investigation of a licensee, such as for placing undercover officers at the business to observe how business is being conducted. For example, in Waukesha, the initial POLD compilation provided reasonable cause to open an investigation that led to a license suspension at one establishment. Even then, the POLD report wasn't the reason for suspension, but simply evidence that the investigation was warranted.

c. POLD data could be used as a basis for a warning letter from the municipal attorney or licensing review committee.

d. The POLD compilation can be used to inform the license renewal decision-making process. If a municipality (city, village, or town) decides that it might not renew a license, it must inform the licensee in the spring and provide it an opportunity for a hearing. Most licensees are renewed annually in June each year. Non-renewal can be a lengthy process; many communities need to have the relevant information by March or early April to be useful during the license-renewal process. If there are community concerns about a licensee, many communities use the annual license-renewal process to discuss them. Knowing that a licensee had several intoxicated drivers coming from a specific establishment, complete with dates and BAC levels, supports a serious and productive discussion.

e. While the purpose and methodology of the project is public information that is shared with the media, individual licensees are not generally "named and shamed"—though that is an option. Some communities highlight and celebrate those licensees that are not reported as a POLD for the year, such as by providing them certificates that they can post, or listing them publicly.

f. If you also collect data on noncommercial or social sources of alcohol, such as people's homes and public parks, you can use that information to create a picture of where and when alcohol is being consumed in your community, to inform your prevention efforts.

Step 4: Test the planned system

Once you have your collection system planned, it is time to compile and run a test report using 30-90 days of retrospective data. The test allows you to time data entry and review the collection system, including scans or off-site compilations. If the test is successful, the data can be rolled into the larger data set, but the test may expose problems, which would need to be corrected before the additional data compilation begins.

If the trial run reveals that the POLD compilation relies on information from significantly less than 50% of OWI arrests, consider working with individual law enforcement agencies to train officers to ask for POLD information during the non-custodial portion of the stop and record it in the narrative portion of the police report. This does not necessarily slow your project, and it may improve the data over time.

The trial run will allow you to identify the named licensees in arrest reports and match names on the official license list.

Appendix 3 provides the statement given to patrol officers in Dane County to help increase POLD

inclusion in arrest reports.

Step 5: Analysis

After merging the different municipal police records, sort the records alphabetically by the licensees named as the places of last drink. A careful review allows you to standardize the names based on the official list of licensees described above. It is important to have all OWI arrests for statistical purposes.

Officers write down the location as it is identified by the driver: Mickey's, Mickey's Irish Bar and Mick's on North Street may all be the same location. Municipal clerks are required to provide a list of licensees as of July 1 to the Wisconsin Department of Revenue by July 15 each year. The Wisconsin Alcohol Policy Project can provide the most recent lists released by the Department of Revenue, though more current lists may be available locally. Confusion with names is usually resolved by a call to the local clerk or law enforcement agency.

Because the Department of Revenue listing includes mailing addresses, the final sort may misplace some licensees based on their mailing address rather than the municipality that issues their license. When creating the report, it is important to properly locate licensees. Local clerks can also help resolve this problem; since municipal clerks issue alcohol licenses, the chances are good that they will easily spot a misplaced licensee.

You may also find that multiple locations (franchises or chains) all have the same name such as Olive Garden or Applebee's. Your group can decide to address all licensees within the municipality they are located, deal with a single owner or a franchise's headquarters or create another alternative. Data compilation can begin or continue as the group decides how to distribute the final report and use the data.

Some arrest reports will list an event instead of a licensee. For example, "wedding" describes an event, not a location. "Wedding party at Acme Hotel" provides the location that is the place of last drink, while "wedding" does not. Without a record of all OWI arrests in a community, it will be difficult to accurately determine how many arrested individuals name a place of last drink—either commercial or social—and how many omit the data or how often the individual refuses to answer.

Rarely, the arrest report will name one location as the POLD while the SP4005 list another. The conflicting information may be retained but should not be used in any reports.

Only a few licensees will be named repeatedly, on four or more occasions, in a six-month period. Wisconsin compilations generally find most licensees are *not* named. In 2017, 80% of all on-premises licensees in Dane County were ever named as the POLD. Fewer than 10 licensees in the entire county were named the POLD on four or more occasions. Calculate some simple statistical

information—such as the percentage of licensees named, and the percentage named in multiple occasions in a specific time period—for the final report. To calculate percentages, determine the number of on-premises ("Class B" and Class "B" locations) in your area of operation. This is not the number of <u>licenses</u>, but the number of <u>individual licensees</u>. A single licensee will often have two licenses— separate Class "B" licenses to sell beer and "Class B" licenses to sell distilled spirits and beer. Two licenses at the same address and for the same licensee indicates one establishment.

Step 6: The Report

POLD reports, regardless of their frequency, provide law enforcement with useful information that is unavailable elsewhere. Report formats have included:

1. The list of all the licensees ever named as the POLD in their communities during the period under review.

2. A list of all the licensees within the area covered by the project, ranked by the number of times they were listed as POLD. (For example, Fred's Bar named the POLD seven times, John's Bar named the POLD four times, etc.) A regional report allows for discussion and comparison among jurisdictions.

3. For purposes of comparison and context, the following are useful:
o   percentage of OWI arrests listing a commercial source for their last drink
o   percentage of OWI arrests listing a social (non-commercial) source
o   percentage of arrest reports where the POLD was not listed

Determine whether your data reflects the general finding that approximately half of all those arrested for OWI were drinking in a licensed business.

Reports should not draw conclusions about the reasons for over-serving by a licensee. That is law enforcement's role, and disciplinary action is a municipal responsibility. Law enforcement officers may be willing to report back on how the data was used in meetings with licensees or as the basis for further investigation, allowing the group to make changes that improve the data or the report format.

Depending on the agency preparing the reports, individual detailed reports on licensees with dates, times and BAC for each incident may be provided. Detailed reports support productive discussions with individual licensees. Experience suggests that the more detail provided about the arrest, the more likely the licensee will accept the information and focus on resolution of the problem. Once you complete your first POLD compilation, you may choose to work with the law enforcement agencies in your area to establish real-time reporting of POLD. One police department in Minnesota found that licensees ended up grateful for real-time reporting because

it allowed them to correct problematic staff behaviors and avoid situations that would cause them trouble with the licensing review committee.

Follow Up:

This is when the support of a citizen group or public health agency can be very useful. Experience indicates that licensees with serious documented problems do not elicit strong public support from local businesses. A POLD compilation can provide documentation and validation for individual concerns.

There is a significant and increasing body of evidence that over-concentrations and poorly operated bars have a negative impact on the entire community. After implementation, a letter to the editor or a press release indicating that X% of community licensees were never named the place of last drink highlights the safety issues associated with over-serving.

Police can only enforce the laws and standards that a community supports. Establishing a broad base of public support for identifying over-serving locations and working with them to remediate the problem is an important aspect of creating sustainable POLD effort.

See Appendix 4: Community support tools

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[i] Wisconsin Department of Health Services, Division of Care and Treatment Services and Division of Public Health. Wisconsin Epidemiological Profile on Alcohol and Other Drugs, 2016(P-45718-16). Prepared by the Division of Care and Treatment Services, Division of Public Health and the University of Wisconsin Population Health Institute November 2016.

[ii] Wisconsin Department of Health Services. DHS Interactive Dashboards: Alcohol Death Module; Environmental Public Health Data Tracker. https://dhsgis.wi.gov/DHS/EPHTracker; Community Maps. https://transportal.cee.wisc.edu/partners/community-maps/crash/pages/about.jsp

[iii] National Transportation Safety Board, *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving Safety*, Report NTSB/SR-13-01, page 43.

[iv] In 1982, 66% of Madison OWI offenders in Group Dynamics sessions indicated their last drink was at a licensed location. Similar research using data from four other states in 1985 found that between 40-63% of drunk drivers were drinking at a licensed establishment prior to arrest, suggesting over-serving is a nationwide occurrence.

Appendix 1

POLD FAQs and Answers

- *Where did this idea come from?*
    - Using data from OWI or DUI citations to target locations that illegally over-serve customers is not new. In 2012, the NTSB recommended all states collect and use POLD to reduce drunk driving.
    - Wisconsin has collected this information from individuals arrested for OWI for many years, but it was not compiled or analyzed. The analysis is new; the data collection is current policy.

- *Why are you targeting bars -- people drink at lots of locations?*
    - Experience in Wisconsin and other states shows that the majority of individuals arrested on OWI or DUI offenses were drinking in a bar, tavern or other on-premises licensee.
    - Sixty-six percent of Madison OWI arrests in a two-month period indicated a bar was the place of last drink.

- *Isn't this just blaming bars for their customers' drinking problems?*
    - The goal of POLD projects is to identify those locations that endanger the entire community by repeatedly over-serving customers.
    - In general, the goal is to let the licensee know that a pattern of over-serving is present and provide an opportunity to reverse the situation. Sometimes the licensee is not actively engaged and unaware of the problem.
    - Drink specials and promotions can unintentionally encourage over-serving.
    - Management support for responsible beverage practices varies and affects server attitudes and actions.
    - State law does not require sober servers and an impaired staff is unlikely to recognize impairment in others. Early POLD projects in Wisconsin found impaired servers were part of the problem.

- *Why believe reports from people who are drunk? People will lie.*
    - POLD looks for patterns, not individual events. Locations that do not have a pattern of over-serving are not at risk.
    - In the first Dane County-wide POLD compilation, only 1% of Dane County taverns and bars were named on four or more occasions over six months.
    - In that same project over 80% of Dane County licensees were never named the place of last drink in the 6-month test period.

- *If some of the information is six months or a year old, why use it?*
  - o **Patterns** appear over time. For example, seven people named one location as the place of last drink in six months.
  - o Serving intoxicated customers is against the law. A licensee has a responsibility not to serve intoxicated customers; a pattern indicates that the licensee is not meeting that responsibility.

- *Could this be just an alcohol dependent customer or two that are repeatedly arrested?*
  - o That is extremely unlikely; Wisconsin research shows that 74% of first time OWI recipients never reoffend.
  - o Even one customer arrested on multiple occasions exposes the serving staff's failure to stop serving alcohol to an intoxicated person – as required by state law.

- *Doesn't this approach punish and stigmatize moderate drinkers who receive an OWI?*
  - o The data is anonymized, all identifying information is removed before it is compiled; this study examines serving policies, not drinking practices.

- *Won't government revenues from alcohol and sales taxes drop from reduced sales?*
  - o No, most bars will never demonstrate a pattern of consistent over-serving. POLD looks for patterns, not single incidents.
  - o A small number of locations consistently over-serve, sending seriously impaired drivers out the door. Those licensees cost local government millions of dollars each year in additional law enforcement and emergency costs. Serial over-serving locations are expensive and a danger to the entire community.

Appendix 2

Information to be Collected

1. Agency case number
2. Incident place time Using 0:00-24:00 time frame
3. Where are you coming from? (Use response on form)
4. Have you been drinking? Y/N
5. Where have you been drinking? (Response as listed on form)
6. How much? (Responses on form, coding comes later with categories created based on responses)
7. Time started and time stopped
   Time as reported using 00:00-24:00; ranges established later
8. What have you been drinking?
   Categories listed on Alcohol /Drug Influence Report with all distilled spirits grouped with Whisky.
   Example: Beer, wine, whisky (including all distilled spirits), brandy.
9. Location of arrest (Response as it appears)
10. BAC level as measured (First appearance of BAC, not negotiated BAC)

Appendix 3

Compiling *Place of Last Drink* Licensees Supports Safer Roads

Information gathered during OWI arrests is used to identify licensees that have a pattern of overserving. A clear pattern of overserving is sufficient cause for a serious discussion with a licensee or to initiate an investigation. Knowing which licensees consistently serve alcohol to intoxicated customers allows communities to target resources on establishments with a documented over-serving problem. Knowing where and when people regularly drink excessively can also help a community develop effective prevention efforts.

The success of POLD depends on the information officers collect at the time of arrest. If a driver indicates the location s/he was drinking during the noncustodial portion of a traffic/OWI stop, including that information in the case report narrative contributes to our ability to identify patterns of over-serving.

Statistically, people are less responsive by the time the SP4005 is completed. In the past, the POLD compilation found that approximately 30% of SP4005 reports list the place of last drink. But that number jumps significantly when the information gathered from the case report is available. When one location is named in the narrative and another appears on the SP4005, that record is not included in the POLD compilation.

When patterns of over-serving are identified, licensees and law enforcement can work together to reduce over-serving. If you would like to learn more about the Place of Last Drink project, please contact_____.

Appendix 4

<u>Community Support Tools</u>

Dear Editor:

I [or name of your group] want to thank the Whoville Police Department for effectively using information arrest data to reduce alcohol-related problems in our community. The Whoville Police working with [name other communities and agencies involved] are using information collected during drunk driving arrests to identify locations that appear to have an over-serving problem. Or a pattern of over-serving?

It's important to know law enforcement works with local retailers to prevent problems before they occur. The [insert the name of your group] hopes every bar, tavern and restaurant looks at their serving policies and server training as an opportunity to improve your business and community safety. Excessive alcohol use leads to alcohol-related falls, completed suicide, domestic violence and drunk driving. Working together to reduce excessive alcohol use makes Whoville a safer more prosperous community.

Sincerely,

Press Release – From a citizen coalition

The Whoville Coalition Applauds Whoville Police

When a driver is arrested for drunk driving, also known as Operating While Intoxicated (OWI), that individual is asked where they were last served alcohol – the Place of Last Drink (POLD). It is illegal to sell or serve alcohol to an intoxicated individual, a law that anyone working in a licensed establishment like a bar, tavern or restaurant should know and respect. When the named locations in OWI citations are compiled, patterns can emerge indicating a specific location needs to review their serving policies and practices.

The pattern alone isn't sufficient to sanction any establishment, but it is sufficient to let local tavern owners know there's a problem that bears watching.

Increasingly, communities, businesses and service providers use data to provide improved and efficient service. Data can also help prevent and reduce alcohol-related problems. The Whoville Police Department working with [name of law enforcement agencies and other partners] is using data collected during drunk driving arrests to prevent over-serving at local bars, taverns and restaurants. When law enforcement agencies can identify patterns of over-serving and work with licensees to correct the situation, they create a powerful tool that can help to prevent alcohol-related injuries and deaths, such as from falls, assaults and drunk driving.

The majority of licensees are not named in any given compilation, but a handful of licensees may show a troubling pattern of over-serving. Law enforcement follow-up before a problem gets worse or tragedy occurs provides licensees with helpful feedback and law enforcement with an understanding of the situation.

Compiling POLD data at regular intervals throughout the year and using it to identify local serving problems is an effective low-cost way of keeping your community safer and healthier. We are pleased that our law enforcement is doing all they can to keep our community safer.