



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

**DOT HS 807 719
Final Report**

November 1989

Evaluation of the New York State 21 Enforcement Program

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Technical Report Documentation Page

1. Report No. DOT HS 807 719	2. Government Accession No.	3. Recipient's Catalog No.	
4. Title and Subtitle Evaluation of the New York State 21 Enforcement Program		5. Report Date November 1989	
		6. Performing Organization Code	
		8. Performing Organization Report No.	
7. Author(s) Anne T. McCartt, Mark C. Hammer, and Anne M. Dowling		10. Work Unit No. (TRAIS)	
9. Performing Organization Name and Address Institute for Traffic Safety Management and Research 260 Washington Avenue Albany, New York 12210		11. Contract or Grant No. DTNH22-88-R-05125	
		13. Type of Report and Period Covered	
12. Sponsoring Agency Name and Address U. S. Department of Transportation National Highway Traffic Safety Administration 400 Seventh Street, SW Washington, DC 20590		14. Sponsoring Agency Code	
15. Supplementary Notes Conducted under subcontract to the New York State Governor's Traffic Safety Committee			
16. Abstract The 21 Enforcement Program was initiated by the New York State Liquor Authority (SLA) to encourage increased enforcement of the 21-year-old alcohol purchase age law. Under this law, a person providing an alcoholic beverage to an underage person is subject to criminal charges; if the crime takes place in an establishment licensed to sell alcoholic beverages, the establishment is subject to sanctions by the SLA. The level of 21 enforcement conducted by police agencies in three program counties increased substantially during the program period, July-December 1987, when compared to a pre-program period; dramatic increases occurred in the number of servers and sellers arrested for 21 violations and the number of establishments referred to the SLA. Similar increases did not occur in two comparison counties. The positive changes during the program were not sustained by any of the police agencies during a post-program period. Generally, the 21 enforcement conducted by agencies that regularly used underage persons as undercover agents was more productive and cost-effective than the enforcement conducted by other agencies. The managers of establishments licensed to sell alcohol perceived that enforcement and the risk of arrest for 21 violations had increased. Most managers were also aware of the use of underage agents and stated that they had begun to proof patrons more strictly. Although the program produced extremely positive enforcement results, the measures of the program's impact on drinking and driving by underage persons produced mixed results. This may indicate that the program was implemented too briefly or that many of the underage persons who drink and drive obtain alcoholic beverages from others.			
17. Key Words Drinking Age Laws, Enforcement of Drinking Age Laws, Underage Agents		18. Distribution Statement Document is available to the U.S. public through the National Technical Information Service, Springfield, VA 22161	
19. Security Classif. (of this report) Unclassified	20. Security Classif. (of this page) Unclassified	21. No. of Pages	22. Price

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EXECUTIVE SUMMARY

This report presents an evaluation of the "21 Enforcement Program," an innovative program to increase enforcement of New York's 21-year-old alcohol purchase age law. The program was implemented by the New York State Liquor Authority from July through December 1987; 18 local law enforcement agencies in three counties participated in the program.

Under New York's law, it is illegal for a person to sell, deliver, or give away an alcoholic beverage to any person actually or apparently under the age of 21. Prior to 1989, however, New York's laws did not prohibit the possession and consumption of alcoholic beverages by underage persons, although an underage person was in violation of the law if he or she attempted to purchase the alcoholic beverage through fraudulent means. In 1989, the New York State Legislature empowered enforcement officers to confiscate an alcoholic beverage from an underage person. The underage person may be issued a summons and subsequently fined, but no criminal charge is made.

Violations of New York's Alcoholic Beverage Control Law and the applicable sections of the Penal Law are criminal offenses, and law enforcement agencies have the primary responsibility for the enforcement of the purchase age laws. When an underage person is served or sold an alcoholic beverage in an establishment licensed to sell alcoholic beverages, the holder of the alcoholic beverage license is also subject to disciplinary action by the State Liquor Authority. The 21 Enforcement Program was based on the premise that compliance with the 21 law is best achieved by responding to violations of the law with criminal sanctions directed at the server or seller and administrative sanctions directed at the establishment. The goal of the program was to reduce drinking and driving by persons under 21 years of age.

The program was designed primarily to assist local police agencies in increasing their enforcement of the 21 law and developing more efficient and effective methods of enforcement. The increased enforcement effort was to be coupled with a public information and education effort directed at licensees and their employees. In addition, the State Liquor Authority encouraged the participating police agencies to employ an innovative investigative strategy that used underage persons as undercover agents in the investigation and prosecution of licensees found to be violating the law.

The program's effectiveness and impact were tested in each of the three program counties through comparisons of several measures prior to, during, and following the program's implementation. Changes in these measures were then compared to any changes in two comparison counties.

The evaluation produced the following key findings:

- The 21 Enforcement Program was responsible for a substantial increase in 21 enforcement by the program police agencies during the six-month program period, and this increased enforcement produced dramatic increases in the number of servers or sellers arrested for violations of the 21 law and the number of establishments referred to the SLA for violations of the law. Increased enforcement activities did not continue after the program ended.
- Despite the large increases in referrals resulting from the program, most of the referrals for violations of the 21 law during the three study periods reached disposition by the SLA in a timely fashion, and most of the charges were sustained. The majority of the penalties included the forfeiture of the establishment's bond and the suspension of the establishment's license to sell alcoholic beverages.
- Generally, the enforcement activities conducted by the agencies that used underage agents on a regular basis were more productive and cost-effective than the enforcement activities conducted by the agencies that used underage agents on a very limited basis or not at all.
- The program appeared to have resulted in a perception among the managers of licensed establishments in the three program counties that the level of 21 enforcement had increased and that the perceived risk of arrest for 21 violations had also increased. In addition, three-quarters of the managers were aware of the use of underage agents in 21 enforcement, and there were indications that many establishments had taken steps to reduce potential violations by their employees.
- Analyses of alcohol-related crashes involving a driver under 21 years of age did not provide strong evidence that the 21 Enforcement Program had an impact on the extent of drinking and driving involving underage persons. Analyses of arrests of underage persons for drinking and driving, however, indicated that the program may have had some impact on arrests in two of the three program counties.

In addition to these findings that relate specifically to the success of the program in achieving its stated objectives, the evaluation resulted in a number of unanticipated findings related more generally to the 21 law and its enforcement.

It is believed that the unavailability of data on the disposition of arrests or summonses for violations of the 21 law may indicate that the prosecution or adjudication of these cases is not a high priority. This is an issue of great concern, since any specific or general deterrent effects achieved through increases in arrests and summonses would very likely dissipate if the charges are not upheld or do not result in substantial penalties. Further efforts should be undertaken to document the disposition of these cases.

The issue of entrapment in relation to the use of underage agents arose at several points in the evaluation. Although the SLA provided to each program police agency a set of procedures that was designed to prevent the entrapment or appearance of entrapment of an employee of an establishment, this approach generated a great deal of controversy in the communities where the

underage agent approach was extensively used. Although the controversy likely contributed to an increased awareness of 21 enforcement and the risk of apprehension for violations of the 21 law, continuing community opposition to the use of underage agents might render the approach infeasible on a long-term basis.

The very low level of 21 enforcement in the absence of a special enforcement program is difficult to explain. According to the program agencies, the most common problems confronted in 21 enforcement are that the enforcement is seen as harassment of servers and sellers, that other police business is more pressing, that courts are unwilling to convict and punish violators, and that the SLA does not follow up on referrals. Most of the police agencies indicated that they would favor a law that would also, or exclusively, punish underage persons who purchase or consume alcohol. In recognition of the difficulties inherent in enforcing the 21 law as originally formulated, the New York State Legislature in 1989 passed two laws placing more of the burden for compliance with the law on underage persons. The first law made it illegal for an underage person to possess an alcoholic beverage, and the second law increased the penalties imposed on an underage person who attempts to purchase an alcoholic beverage through fraudulent means.

The evaluation indicated that some of the lack of compliance with the 21 law by establishments may be attributable to a lack of knowledge about the law. In a survey of licensed establishments, one-third of the managers felt that they had inadequate knowledge about the law. In addition, most of the managers indicated that it is difficult to distinguish between a falsified identification and a legitimate one, and many did not know what types of identification were legally acceptable. These findings suggest that training about the law and ways to improve compliance may be indicated for the owners and employees of licensed establishments.

It is not clear why the very positive results of the immediate and intermediate impact evaluations did not translate into similar positive changes in the measures related to drinking and driving involving underage persons. It is possible, however, that changes in drinking and driving would only result from an intensive, sustained 21 enforcement effort. The failure to identify a significant positive impact from the program may also indicate that a large proportion of the underage persons who drink and drive do not purchase alcohol themselves but obtain the beverages from others. If this in fact is the case, enforcement of the 21 law that focuses primarily on the owners and employees of licensed establishments may have only a marginal impact on drinking and driving.

1. INTRODUCTION

In 1987 New York State undertook an innovative program to facilitate the increased enforcement of New York's 21-year-old alcohol purchase age law. This program was developed by the New York State Governor's Traffic Safety Committee, the New York State Liquor Authority, and the New York State Division of Criminal Justice Services, and implemented by the State Liquor Authority in conjunction with local law enforcement agencies in three counties. The "21 Enforcement Program" made approximately \$300,000 in '402' funds available to the State Liquor Authority for the coordination and administration of the program and for disbursement to local law enforcement agencies for increased enforcement of the 21 law and public information and education efforts. A total of 18 local enforcement agencies from three counties participated in the program, which was implemented from July through December 1987.

Through an Innovative Alcohol Countermeasure Evaluation Support grant from the National Highway Traffic Safety Administration, in Fall 1988 the Institute for Traffic Safety Management and Research undertook an administrative and impact evaluation of the 21 Enforcement Program. This report presents the results of the Institute's evaluation. In this chapter the statutes pertaining to the 21-year-old alcohol purchase age and the background of the 21 Enforcement Program are discussed.

New York State Alcoholic Beverage Purchase Age Law

In New York State alcoholic beverages may be purchased in establishments licensed by the State Liquor Authority (SLA). The SLA has the power to issue, revoke, cancel, or suspend licenses or permits to sell alcoholic beverages and has the discretion to limit the number of licenses of each class issued. Establishments licensed to sell alcoholic beverages are classified according to whether they are permitted to sell alcohol for on-premise or off-premise consumption, and whether they are licensed to sell beer, wine, liquor, or a combination of these beverages. The most common types of off-premise establishments include grocery stores, convenience stores, and drug stores, which may sell only beer, and liquor stores, which may sell only wine and liquor. On-premise establishments include bars, restaurants, and clubs; these establishments may be licensed for only beer and/or wine or may hold a full license allowing them to serve liquor as well.

Effective December 1, 1985, New York State raised the minimum alcoholic beverage purchase age from 19 years to 21 years. This followed an increase in the purchase age from 18 years to 19 years in December 1982. Historically, New York has taken a different approach from other states in controlling the consumption of alcohol by underage persons. Before 1989, New York's laws did not prohibit the possession and consumption of alcoholic beverages by underage persons. Collectively, however, the laws regulated all means of access to alcoholic beverages by regulating 1) licenses to traffic in alcoholic beverages; 2) the persons who serve, sell, or otherwise provide alcoholic beverages to underage persons; 3) social host liability; and, 4) dram shop liability. In combination, the intent of New York's statutes has been to control and regulate access and consumption by underage persons without making underage persons subject to criminal charges for the possession or consumption of alcohol.

Prior to 1989, the underage person was in violation of the law only if he or she purchased or attempted to purchase an alcoholic beverage through fraudulent means or provided alcohol to another person under 21 years of age. It should be noted, however, that during the 1989 legislative session, the State Legislature enacted two statutes directed at encouraging compliance with the 21 laws among young persons. The first statute made it illegal for persons under 21 years of age to possess alcoholic beverages, except under extremely limited circumstances. The statute added a new section, Section 65-c, to the Alcoholic Beverage Control Law that empowers enforcement officers to confiscate the alcohol: The underage person may be issued a summons and subsequently fined, but no criminal charge is made. A second statute strengthened the penalties that can be imposed on persons under 21 years who attempt to purchase alcohol beverages through fraudulent means. Section 65-b of the Alcoholic Beverage Control Law was amended to provide for a ninety-day suspension of the driver's license of a person under the age of 21 who attempts to purchase alcohol through fraudulent means.

At the time the 21 Enforcement Program was conducted, six provisions of the Laws of New York State regulated the purchase and sale of alcoholic beverages by persons under the age of 21, as follows:

- 1) Alcoholic Beverage Control Law, Section 65.1, makes it unlawful for a licensed establishment to sell, deliver, or give away an alcoholic beverage to any person actually or apparently under 21.
- 2) Alcoholic Beverage Control Law, Section 65-a, makes it an offense for any person to misrepresent the age of a person under the age of 21 for the purpose of inducing the sale of any alcoholic beverage to such person.
- 3) Alcoholic Beverage Control Law, Section 65-b, makes it an offense for a person under 21 to purchase or attempt to purchase an alcoholic beverage through fraudulent means, e.g., forged driver's license.
- 4) General Obligations Law, Section 11-100 (1) provides that any person who is injured by reason of the intoxication of any person under 21, may sue for damages against any person who knowingly caused such intoxication by unlawfully furnishing or procuring alcoholic beverages for such person with knowledge that such person was under the age of 21.
- 5) Penal Law, Section 260.20(4), makes it a misdemeanor for a person other than a parent or guardian to sell or to cause to be given or sold any alcoholic beverage to a person less than 21.
- 6) General Obligations Law, Section 11-101, commonly referred to as the "Dram Shop Act," provides for a right of action and recovery for injuries caused by the illegal sale of intoxicating liquor to any intoxicated person.

Under Section 65 of the Alcoholic Beverage Control Law, even if a person appears to be older than 21, a server or seller commits a violation by providing an alcoholic beverage to such person if he or she is, in fact, underage. Unlicensed persons such as social hosts who are subject to the Penal Law provision against furnishing alcoholic beverages to persons under 21 are also legally accountable if the person is in fact under age. The primary exception to the purchase age law is for a parent or guardian serving his or her child in the home. It is, however, illegal for a licensed premise to serve a person under 21 even if accompanied by a parent or guardian.

Violations of the Alcoholic Beverage Control Law and the Penal Law are criminal offenses. Therefore, local law enforcement agencies have the primary responsibility for the enforcement of the purchase age laws. Generally, the individual who sells, serves, or otherwise provides an alcoholic beverage to an underage person is in violation of the law. The holder of the liquor license is also subject to disciplinary action by the State Liquor Authority (SLA). It is the responsibility of the SLA to investigate alleged violations of the Alcoholic Beverage Control Law, SLA rules, and applicable provisions of the Penal Law and to impose administrative sanctions on any licensee who is found to violate these statutes or rules.

A brief discussion of the sequence of events following the detection of a 21 violation by the police may aid in the understanding of the terminology and evaluative criteria used in this report. A person serving or selling an alcoholic beverage to an underage person may be charged with a Class A misdemeanor under the Alcoholic Beverage Control Law, Section 65, or with a Class B misdemeanor under the Penal Law, Section 260.20(4). A Class A misdemeanor is the more serious offense and carries stiffer penalties. When the police have evidence that a person has served, sold, or otherwise provided an alcoholic beverage to an underage person, the police may either arrest the person or issue a summons. In both cases, the person charged must appear at a court hearing for adjudication of the case.

When an enforcement agency finds an employee of a licensed establishment in violation of the Alcoholic Beverage Control Law or the applicable sections of the Penal Law, a report, or "referral," is filed with the appropriate SLA regional office. The regional offices, located in Albany, Buffalo, and New York City, are responsible for the licensing of establishments in their respective regions, as well as for the investigation of alleged violations of the Alcoholic Beverage Control Law, SLA rules, and applicable sections of the Penal Law. Each referral is investigated by an investigator in the SLA regional office. The investigator then forwards the referral, together with additional information gathered on the case, to a trial examiner within the regional office. The trial examiner prepares the case for presentation to the SLA Board of Commissioners and makes a recommendation regarding whether there is sufficient evidence to sustain the charge. If the allegation appears to be substantiated, the SLA may initiate administrative proceedings against the holder of the alcoholic beverage license for the establishment. The SLA Board of Commissioners can overrule the determination of the trial examiner and sets the penalty if the charge is sustained.

If there is insufficient evidence to sustain the charge, the charge may be withdrawn, the licensee may be sent a letter of advisement or warning, or the case may be filed pending the occurrence of future violations. If the charge is sustained, the possible penalties include forfeiture of the establishment's bond; immediate and/or deferred suspension of the license to traffic in alcoholic beverages; revocation of the license; closure of the establishment in the case of a liquor or wine store; or a combination of these penalties. Most frequently, the penalty is a combination of forfeiture of the bond and immediate and/or deferred license suspension. The sanctions become increasingly more severe with repeated violations and eventually the alcoholic beverage license may be revoked. All actions of the SLA Board of Commissioners are subject to judicial review in the Supreme Court of New York State and its Appellate Divisions.

New York's approach to controlling underage drinking has been somewhat controversial. Some owners of licensed establishments within the state feel that they carry the burden of the law when the underage person is actually the party at fault. The law has also created problems for the enforcement community. In order to convict a person of violating the 21 law, it is not sufficient for a police officer to find an underage person consuming alcohol. Rather, the evidence must point very strongly to the person who provided the alcohol. Ideally, the police officer should observe the sale or provision of the alcoholic beverage to the minor, but gathering this type of evidence may require an involved and protracted investigative effort. Furthermore, some enforcement agencies may feel enforcement of the 21 law is unproductive because violators of the 21 law are not aggressively prosecuted. Difficulties in prosecution may result because the underage person is unavailable or unwilling to testify. It is also possible that some prosecutors or judges may view the severity of the penalties for 21 violations to be unduly harsh. In a limited effort to track arrests for violations of the 21 law through the courts in New York City, the SLA found that most of the arrests resulted in dismissal, adjournment in contemplation of dismissal, or reduction of the charge to disorderly conduct.

There has also been some sentiment among the enforcement community that the SLA does not process 21 cases in a timely fashion. The SLA has at times been hampered by a shortage of investigators. In addition, the SLA's administrative process is made more cumbersome when the local enforcement agency has not arrested the alleged violators or has not accumulated a solid base of evidence.

Purpose of the 21 Enforcement Program

The 21 Enforcement Program grew out of the concerns of the SLA and the New York State Governor's Traffic Safety Committee that the 21 law was not being vigorously or effectively enforced. The program was based on the premise that compliance with the 21 law is best achieved by responding to violations of the law with both criminal and administrative sanctions. That is, the individual serving the underage person should be subjected to criminal proceedings, while the SLA should impose administrative sanctions on the licensee. The program was designed primarily to assist local enforcement agencies in increasing their enforcement of the 21 law and developing

more effective and efficient methods of enforcement. This enforcement effort was to be coupled with a media campaign to educate licensees and their employees about the 21 law and to increase the perception that the law is being strictly enforced.

Recognizing that 21 enforcement through traditional approaches could be very time-consuming and inefficient, the SLA proposed an innovative investigative strategy that used underage agents in the investigation and prosecution of licensees found to be violating the law. It was suggested by the SLA that an underage agent approach could be carried out with far fewer police officers than either the "task force" or "sweep" approach, in which officers visit a number of establishments and check the identification of all patrons, or surveillance operations, in which officers wait to observe the chance occurrence of a violation of the 21 law. The underage agent approach is an undercover operation in which an underage person enters an establishment and attempts to purchase an alcoholic beverage, while police officers wait in close proximity. The SLA also believed that the use of underage agents would facilitate the prosecution of violators, since the underage person involved in the investigations would agree in advance to participate in the prosecution, and the circumstances of the purchase would be carefully controlled. Therefore, the SLA encouraged the agencies participating in the 21 Enforcement Program to use the underage agent approach and viewed the program as an opportunity to assess the effectiveness of this approach.

The counties of Erie, Nassau, and Onondaga were selected by the SLA to participate in the program. A total of 18 local enforcement agencies in these counties conducted the program during the six-month period from July to December 1987.

Organization of the Report

This report presents an administrative and impact evaluation of the 21 Enforcement Program. Chapter 2 presents the evaluation plan, and Chapter 3 provides a description of the proposed 21 Enforcement Program. The results of the administrative evaluation are presented in Chapter 4, and the results of the impact evaluation are presented in Chapters 5-9. The concluding chapter summarizes the key findings of the evaluation and discusses the implications of these findings.

2. EVALUATION PLAN

The primary focus of the 21 Enforcement Program was increased enforcement of the 21 alcohol purchase age in establishments licensed to sell alcoholic beverages. A secondary focus was a public information and education effort to increase licensees' awareness of the provisions of the 21 law and the increased enforcement of the law. It was hoped that this increased awareness would lead to an increased perception of risk among the licensees and would thereby increase voluntary compliance with the law by licensees and their employees. The ultimate goal of the program was to reduce the incidence of drinking and driving among underage persons.

The evaluation of the 21 Enforcement Program included a review of the program design, an administrative evaluation, an immediate impact evaluation, an intermediate impact evaluation, and an impact evaluation. This chapter describes the general evaluation design and each of the evaluation components.

General Evaluation Design

The evaluation consisted of the following components:

- a general review of the goals of the 21 Enforcement Program and the activities planned to attain these goals
- an administrative evaluation of public information and education efforts and enforcement efforts conducted as part of the program
- an immediate impact evaluation of the results of the enforcement and public information and education efforts
- an intermediate impact evaluation of the effects of the program efforts on the reported attitudes and behaviors of the employees of licensed establishments
- an impact evaluation of the effects of the program on the drinking and driving behavior of drivers under 21 years of age

The evaluation approach was a pre-program/program/post-program design with comparison sites. The program's effectiveness and impact were tested in each program site through comparisons of several measures prior to, during, and following the program's implementation; changes in these measures were then compared to any changes in the comparison sites.

Program and Comparison Sites

Three counties were involved in the 21 Enforcement Program: Onondaga, Erie, and Nassau. The major police agencies in each of these counties participated in the program. Within general guidelines provided by the State Liquor Authority (SLA), each of the participating enforcement agencies developed its own special enforcement effort and a public information and education program. Therefore, the administrative data and, insofar as possible, the immediate impact data were analyzed for each enforcement agency.

The evaluation design included two comparison counties in which the 21 Enforcement Program was not undertaken. Based on the criteria used by the SLA to choose the three program counties, Monroe County and Dutchess County were selected as comparison counties. The comparison counties were similar to the program counties for the most salient variables but had no known special 21 enforcement efforts during the program period. Table 2.1 provides a demographic profile of the three program counties and the two comparison counties. Information on a number of variables related to traffic safety is also provided in the table.

Some of the immediate impact data and all of the data for the intermediate impact and impact evaluations were not available for the jurisdictions covered by the individual agencies. Therefore, these data were examined at the county level. This was considered appropriate because the program agencies represented all of the major local enforcement agencies in the counties. Changes in the measures of program effectiveness and program impact were examined for each program and comparison county individually.

Study Periods

The program period encompassed the six-month period from July 1 to December 31, 1987, when the program was implemented in the three program counties. To avoid any problems relating to the seasonal nature of some of the data, the pre-program period was July 1 to December 31, 1986. To identify any longer-term effects of the program, the program period was also compared to a post-program period, defined as the corresponding six-month period in 1988.

Table 2.1
Characteristics of the Program and Comparison Counties

	Program Counties			Comparison Counties	
	Erie	Nassau	Onondaga	Dutchess	Monroe
Population	1 mil	1.3 mil	461,000	261,000	720,000
Population density (#/square mile)	970.8	4604.8	591.0	304.8	1059.2
Alcoholic beverage licenses	2,732	3,213	1,205	741	1,619
Licensed drivers	630,000	987,000	304,000	171,000	470,000
Roadway miles	4,000	4,300	2,800	2,250	3,000
1987 Unemployment rate (%)	5.3	3.1	5.0	2.6	3.9
Large population center	yes	yes	yes	no	yes
Universities and colleges	10	10	6	5	6
Sufficient distance from other program sites	yes	yes	yes	yes	yes
1987 Alcohol-related arrests	3828	3329	2348	1793	2534
% state	7.1	6.2	4.3	3.3	4.7
1987 Alcohol-related arrests < 21 years	384	303	197	177	285
% state	6.7	5.3	3.4	3.1	5.0
1987 Alcohol-related arrests, avg. Blood Alcohol Concentration	.17	.15	.17	.16	.16
1987 Fatal crashes	98	122	43	44	61
% state	5.0	6.3	2.2	2.3	3.1
1987 Personal injury & fatal crashes	9,172	19,351	5,494	3,528	6,187
% state	4.7	9.9	2.8	1.8	3.5

Sources: New York State Department of Commerce; State Liquor Authority; Department of Labor; Education Department; Department of Motor Vehicles' Traffic Safety Law Enforcement and Disposition system, automated crash file, and drivers' license file.

Review of 21 Enforcement Program Design

The objective of the review of the 21 Enforcement Program design was to obtain a full and detailed description of the components of the 21 Enforcement Program and the specific tasks planned to reach the program's goals. This description was then used to monitor the activities undertaken and to assess the results achieved in attaining the goals of the program.

Information on the plan for the 21 Enforcement Program was gathered from a review of the program proposal submitted to the New York State Governor's Traffic Safety Committee by the SLA; the proposals submitted to the SLA by the 18 participating enforcement agencies; the guidelines issued by the SLA to the local enforcement agencies; and interviews with the SLA program staff. Based on the information gathered from these sources, a description of the proposed program was written. This description appears in Chapter 3 of this report.

Administrative Evaluation

The purpose of the administrative evaluation was to determine how and to what extent the components of the 21 Enforcement Program were implemented by each of the enforcement agencies participating in the program. The administrative evaluation addressed both the public information and education efforts and the enforcement efforts.

The following administrative evaluation questions were formulated:

- To what extent and in what manner did each program site implement a public information and education campaign to inform licensees about the provisions of the 21 law and the increased enforcement of the law?
- To what extent and in what manner was increased enforcement implemented by the enforcement agencies in each program site?
- To what extent did the enforcement activities conducted as part of the 21 Enforcement Program represent an increase in activities over the pre-program period, and to what extent were any increased efforts sustained during the post-program period?

The data for the administrative evaluation were collected from a number of sources, including vouchers submitted by the local enforcement agencies to the New York State Governor's Traffic Safety Committee; the SLA files on the program; data forms completed by each of the enforcement agencies involved in the program; and, when necessary, telephone conversations with the contact persons in the enforcement agencies. Data on 21 enforcement activities were also requested from the enforcement agencies in the comparison counties, but almost all of the agencies were unable to provide these retroactive data.

Two data collection forms were developed by the Institute staff and mailed to each of the enforcement agencies that participated in the 21 Enforcement Program. The form "21 Enforcement Project: Investigation Statistics," provided in Appendix A, included a set of items regarding investigations for sales of alcoholic beverages to minors that were conducted during the pre-program, program, and post-program periods. This form was also sent to the major

enforcement agencies in the comparison counties. The form "21 Enforcement Project: Public Information, Investigative Procedures, Problems and Attitudes," provided in Appendix B, requested detailed information on the types of public information and education efforts undertaken by the enforcement agencies and the results of these efforts, and information on the use of underage agents in 21 investigations. A few general questions relating to 21 enforcement were also included in the questionnaire.

The primary objectives of the administrative evaluation were to document that the program funds were expended on 21 enforcement and to ascertain whether 21 enforcement did, in fact, increase in each program site as a result of the program. Toward this end, for each enforcement agency the number of 21 investigations conducted during the pre-program period was compared to the number of investigations conducted during the program period. The numbers of investigations during the program period and the post-program period were also compared to determine whether the increased 21 enforcement efforts continued after the end of the program. Insofar as the data were available for the comparison counties, the enforcement activities undertaken in the program counties were compared to the enforcement activities in the comparison counties. The other data collected on the enforcement efforts were used to develop a description of the types of 21 enforcement undertaken at each program site. A secondary focus of the administrative evaluation was to develop a description of the public information and education activities undertaken by the enforcement agencies involved in the program.

Immediate Impact Evaluation

The immediate impact evaluation was undertaken to ascertain whether the increased 21 enforcement generated as a result of the program resulted in increases in 1) the number of servers and sellers arrested for violations of the 21 law, and 2) the number of licensed establishments referred to the SLA for violations of the 21 law. The immediate impact evaluation also examined the disposition of these cases by the courts and the SLA, and the nature of the penalties imposed. In addition, the results of the public information and education efforts were examined, in terms of the amount of media coverage generated by the increased enforcement efforts. Finally, to the extent possible, the productivity and cost-effectiveness of enforcement using underage agents were compared to the effectiveness and productivity of enforcement strategies that did not use underage agents.

The following research questions were addressed in the immediate impact evaluation:

- Did the increased enforcement efforts result in an increase in the number of alcohol servers and sellers arrested and convicted for violations of the 21 law?
- Did the increased enforcement efforts result in an increase in the number of licensees referred to and sanctioned by the State Liquor Authority for violations of the 21 law?
- Was 21 enforcement using underage agents more productive and cost-effective than 21 enforcement that did not use underage agents?
- What criminal and administrative sanctions were imposed for violations of the 21 law?

Only very incomplete data could be gathered on the arrests and summonses or the convictions of servers and sellers for violations of the 21 law. Although the New York State Division of Criminal Justice Services (DCJS) maintains an automated file of information on arrests and convictions by county and by arresting police agency, data on arrests for violations of the Alcoholic Beverage Control Law, Section 65.1, are not included in this file. The file contains information on arrests for Section 260.20(4) of the Penal Law, but since the arrest record contains the name of the individual charged, it is not possible to identify the arrests involving a particular establishment. Many arrests for Penal Law, Section 260.20(4), occur in such places as parks and involve the arrest of a person who has provided alcohol to an underage person. Furthermore, in the DCJS system if a person is convicted of more than one charge, only the most serious charge is recorded.

Consequently, arrest and conviction data were requested from the local enforcement agencies in the program and comparison counties, using a data collection form entitled "21 Enforcement Project: Investigation Statistics," provided in Appendix A. However, most of the agencies were unable to provide complete arrest data, especially for the pre-program and post-program periods. No agencies were able to provide complete and reliable data on the disposition of the arrests. In telephone conversations with Institute staff, Assistant District Attorneys in Erie County and Monroe County and a staff member in the Onondaga County District Attorney's office indicated that their offices did not maintain records on the dispositions of arrests for violations of the 21 law. They indicated that the only source of information would be the city, town, and village courts located in each county. The collection of information from these courts was outside the scope of this project, since there were approximately 65 local courts in Erie County alone.

The data relating to the referrals to the SLA were obtained from two primary sources: 1) the enforcement agencies involved in the 21 Enforcement Program and the key enforcement agencies in the comparison counties, and 2) the manual and computerized files of the SLA. The data from the local enforcement agencies were provided on the data collection form entitled "21 Enforcement Project: Investigation Statistics," provided in Appendix A. When necessary, follow-up telephone calls were made to the agencies' contact persons to obtain missing data. Information on referrals to the SLA and the disposition of these referrals was gathered primarily from paper files maintained in the three SLA regional offices and from files maintained at the SLA's central offices in New York City. In addition, data on the number of hours worked by the police officers and the costs involved were obtained from the vouchers submitted by the enforcement agencies to the Governor's Traffic Safety Committee.

The purpose of the analyses of the immediate impact data was to establish whether the special 21 enforcement generated by the program was more effective than the enforcement conducted prior to the program in apprehending violators of the 21 law. Since the data on arrests were very incomplete, the analyses focused primarily on referrals to the SLA. When the data were available, the changes in the number of arrests and referrals were examined at the agency level. The referral data were also examined at the county level, since a complete set of reliable data on referrals, including the disposition of referrals, was available from the SLA for each of the five study counties.

Within each program county, the effectiveness of the enforcement was measured through comparisons within each program county between the pre-program and program periods and between the program and post-program periods of the number of persons arrested or issued summonses for 21 violations, and the number of establishments referred to the SLA. It was anticipated that the number of arrests and referrals would increase in each program site during the program period and would remain above the pre-program level during the post-program period.

The immediate impact evaluation also examined whether increases occurred in the number of establishments sanctioned by the SLA; as was previously mentioned, data on the convictions of servers and sellers were not available. The sanction rate for referrals within each program county was compared for the three study periods. Finally, the immediate impact evaluation examined whether there was a change in the severity of the administrative penalties.

The same set of analyses were conducted for each of the comparison counties. If the program was implemented effectively and no comparable increase in enforcement occurred in the comparison counties, there would have been either no change in the number of summonses and arrests, referrals, and administrative sanctions in each of the comparison counties, or any increase would have been less than that which occurred in each of the program sites.

Finally, an attempt was made to determine if any differences among the program agencies in the cost-effectiveness or productivity of the 21 enforcement could be attributed to differences in the enforcement techniques employed, especially the use of underage agents.

Intermediate Impact Evaluation

A major objective of the 21 Enforcement Program was to produce a greater awareness among employees and owners of licensed establishments of the provisions of the 21 alcohol purchase age law and to create the perception among these persons that the 21 law was being vigorously enforced. Therefore, the intermediate impact evaluation examined the effects on licensees and their employees of the increased enforcement and public information generated by the 21 Enforcement Program.

The following research question was examined in this component of the evaluation:

- In what ways, if any, were licensees and their employees affected by the public information and education and enforcement efforts in terms of knowledge of the 21 law, the perceived risk of apprehension and punishment for violations of the law, and reported behaviors relating to the sale of alcoholic beverages to underage persons?

Information for this component of the evaluation was gathered through a mail survey, provided in Appendix C, of the more than 7,000 establishments licensed by the SLA in the three program counties. The primary purpose of the survey was to provide information on the perceptions of the managers of licensed establishments relating to the level and types of 21 enforcement over the past two years; the risk of arrest, conviction, and punishment to the

seller/server and the establishment for sales to minors; and the practices of the establishment in checking the identification of patrons. The survey also gathered information on the managers' knowledge and attitudes toward the 21-year-old purchase age law and the accessibility of alcohol to minors in their county. The responses from the completed questionnaires were coded and entered into a file on an Institute microcomputer. The data were tabulated and analyzed using the statistical software package SPSS/PC+. The results for the entire sample were compiled and analyzed by variables such as the type of establishment. In addition, the results were examined for differences among the three counties.

Impact Evaluation

The purpose of the impact evaluation was to assess the immediate and longer-term effects of the 21 Enforcement Program on drinking and driving by persons under the age of 21 years.

The impact evaluation addressed the following research questions:

- Were there significant reductions in drinking and driving among underage persons in the counties where the 21 Enforcement Program was implemented?
- If there were reductions in drinking and driving among underage persons, can these be attributed to the 21 Enforcement Program?

Since it is impossible to measure the frequency with which underage persons actually drink and drive, indirect measures of drinking and driving were used. Specifically, the impact evaluation examined the following two measures:

- the number of arrests for alcohol-related traffic offenses among persons under 21 years of age
- the number of alcohol-related crashes involving drivers under 21 years of age

Arrests for Drinking and Driving

As one measure of the program's impact on drinking and driving among underage drivers, arrests for alcohol-related traffic offenses were examined. The data set included data for each of the program and comparison counties for the pre-program (July-December 1986), program (July-December 1987), and post-program (July-December 1988) periods.

Source of Arrest Data - With the exception of the arrest data from the cities of Buffalo (Erie County) and Rochester (Monroe County) for the pre-program and program periods, the arrest data were obtained from the Traffic Safety Law Enforcement and Disposition (TSLE&D) system administered by the New York State Department of Motor Vehicles. Through the use of a uniform traffic ticket, the TSLE&D system allows for the computerized tracking of tickets from the time the tickets are printed to final disposition in the courts. The system provides information on variables relating to the circumstances of an arrest, such as the driver's blood alcohol concentration (BAC),

age, and gender; the day and time of the arrest; the arresting police agency; and complete information on the disposition of the case. The arrest information needed for the evaluation was drawn from the TSLE&D system.

The cities of Buffalo and Rochester did not become part of the TSLE&D system until 1988. Therefore, the Institute designed a special data collection form to collect information on arrests directly from the police agencies in these two cities. Where possible, the data provided by these police agencies were combined with the data obtained from the TSLE&D system. The data collection form for Buffalo and Rochester is provided in Appendix D.

In addition to the number of persons under 21 years of age arrested for an alcohol-related traffic offense, the data set included a breakdown of these arrests into the specific offenses, the BAC of the persons arrested, and the age and gender of the persons arrested. Files of the arrest data were built on the mainframe computer system of the Rensselaer Polytechnic Institute and were analyzed using the SPSSX software package.

Data Analyses - Within each program and comparison county, comparisons of the number of arrests were made for the pre-program and program periods and for the program and post-program periods. The number of persons under 21 years of age arrested in each of the three study periods was analyzed as a proportion of the total alcohol-related arrests for all ages in the county. These analyses allowed for an examination of the changes in the impact measure, arrests of underage persons, while controlling for changes in the general enforcement of the drinking and driving laws. Tests of the differences in the proportions between the time periods, using the Z statistic, were conducted to determine if any changes were statistically significant at the .05 level. The results for the comparison counties were compared to those for the program counties.

The primary research hypothesis was that the proportion of underage arrests for drinking and driving would decline during the program period in each of the program counties, while the proportion would either increase or remain at the same level in each of the comparison counties. The SLA and the Governor's Traffic Safety Committee hoped that the increased enforcement of establishments would be sustained after the 21 Enforcement Program ended, but it was not known at the time the program was undertaken whether the local agencies would be able to continue the intensive enforcement. Therefore, the analyses that compared the program period to the post-program period were somewhat exploratory in nature. If the intermediate impact evaluation found that the enforcement efforts directed at licensed establishments had been sustained during the post-program period, it was anticipated that any decrease in the proportion of arrests for drinking and driving of underage persons in the program counties during the program period would be sustained during the post-program period. It was anticipated that the proportion would increase or stay the same during the post-program period in each of the comparison counties.

To examine further whether any changes in the number of arrests of underage persons for drinking and driving could be attributed to the 21 Enforcement Program rather than to more widespread trends, a second set of analyses focused on the proportion of arrests of underage

persons in each county to the statewide arrests of underage persons. Tests of proportions using this measure were conducted for each program county and each comparison county to identify significant changes between the pre-program and program periods, and between the program and post-program periods.

In addition to these two sets of analyses relating to the impact of the program on arrests of underage persons for drinking and driving, the arrest data were analyzed by the age and gender of the drivers, the BACs of the drivers, and the types of violations. These analyses were intended to provide a profile of the underage persons involved in drinking and driving in each county.

Alcohol-Related Crashes

The analyses of crash data focused on the extent to which underage persons were involved in alcohol-related crashes during the three study periods. The data on traffic crashes occurring in New York State were acquired from the New York State Department of Motor Vehicles' automated crash files. The data were then analyzed on the mainframe computer system at the Rensselaer Polytechnic Institute, using original programs written in the BASIC computer language.

Because alcohol involvement in crashes is not reliably reported, surrogates of alcohol-related and non-alcohol-related crashes were used. The surrogates were based on the well-documented relationship between drivers with high BACs and certain types of crashes. The most reliable surrogates of alcohol-related crashes would be based on fatal crashes, since the severity of an accident is highly associated with alcohol involvement, but fatal crashes do not occur frequently enough at the county level to support any statistical analyses. Therefore, the surrogates were based on crashes involving either an injury or a fatality.

The following data were obtained for each of the three program and two comparison counties for the pre-program (July-December 1986), program (July-December 1987), and post-program (July-December 1988) periods:

Surrogates of Alcohol-related Crashes

- nighttime (6 p.m. - 6 a.m.) personal injury and fatal crashes involving drivers under 21 years of age
- single vehicle nighttime (6 p.m. - 6 a.m.) personal injury and fatal crashes involving drivers under 21 years of age
- single vehicle nighttime (6 p.m. - 6 a.m.) personal injury and fatal crashes involving male drivers under 21 years of age
- weekend nighttime (6 p.m. Friday - 6 a.m. Saturday and 6 p.m. Saturday - 6 a.m. Sunday) personal injury and fatal crashes involving drivers under 21 years of age

Surrogate of Non-Alcohol-Related Crashes

- daytime (6 a.m. - 6 p.m.) personal injury and fatal crashes involving drivers under 21 years of age

The methodology provided for a comparison of the pre-program period in each county to the program period and a comparison of the program period to the post-program period to determine whether a significant decrease occurred in the ratio of alcohol-related crashes to non-alcohol-related crashes. The statistical measure used was the log-odds ratio measure. This measure employs the Z statistic to test the significance of a change in a ratio between two time periods. A significance level of .05 was established for these analyses. The ratios were computed with each of the alcohol-related surrogates and the non-alcohol-related surrogate. To examine whether changes in the ratios in any of the program sites could be attributed to the program, the results for each of the program sites were compared to each of the comparison sites. The research hypothesis was that for crashes involving underage drivers, the ratio of alcohol-related crashes to non-alcohol-related crashes would decrease in each of the program sites during the program period and possibly during the post-program period, but would increase or stay the same in the comparison sites.

3. DESCRIPTION OF THE PROPOSED 21 ENFORCEMENT PROGRAM

This chapter provides a description of the proposed 21 Enforcement Program. The first section of the chapter provides a summary of the proposal submitted by the State Liquor Authority (SLA) to the New York State Governor's Traffic Safety Committee. The proposal established the goals and objectives for the program, the criteria for the selection of the program sites, and the guidelines that would be provided to the local enforcement agencies participating in the program. The second section of the chapter summarizes the proposals submitted by the local enforcement agencies to the State Liquor Authority.

State Liquor Authority Proposal

Proposed Goals and Objectives

The goal of the 21 Enforcement Program was the reduction of alcohol-related traffic crashes involving persons under 21 years of age. According to the proposal submitted by the SLA, the primary long-term objective of the program was to reduce the number of sales of alcoholic beverages to minors through increased voluntary compliance with the 21 law by retailers. The short-term objectives were: 1) to increase the level of knowledge of the 21 law among licensees and those who serve and sell alcoholic beverages; 2) to increase the perception that violators of the 21 law would be apprehended and penalized; and 3) to increase significantly the enforcement of the law in licensed establishments during the six-month period from July to December 1987, utilizing underage agents to the extent possible.

Selection of Program Sites

The central offices of the SLA are located in New York City. For administrative purposes, the SLA has divided the state into three geographical zones, with regional offices in New York City, Albany, and Buffalo. The regional offices are responsible for the licensing of establishments in their respective zones, as well as for the investigation of alleged violations of the Alcohol Beverage Control Law, the SLA rules, and the applicable sections of the Penal Law. The SLA proposed to fund the major enforcement agencies in one county within each of the three zones to perform special enforcement of the 21 law.

The primary aim in the selection of the program counties was to identify counties in which the program efforts would result in the maximum impact on drinking and on drinking and driving by persons under 21 years of age in New York State. Therefore, an important consideration was to select counties with a high incidence of violations of the 21 law, as reflected in the number of referrals to the SLA for violations of the 21 law, and a high incidence of arrests of persons under 21 years of age for drinking and driving. In addition, counties were sought that had a high concentration of underage persons, a major population center containing most of the alcoholic beverage licenses for the county, and sufficient media to disseminate news of the special

enforcement activities to most of the county's population. The SLA also hoped to identify counties in which a relatively small number of enforcement agencies had jurisdiction over most of the population. Finally, the counties needed to be sufficiently distant from one another to eliminate any contaminating effects of the other programs.

Based on these criteria, the SLA proposed that the counties of Erie, Nassau, and Onondaga serve as the program sites. Erie County and Onondaga County are the most populous counties within their respective zones. With the exception of some of the five counties comprising New York City, Nassau County is the most populous county within its zone. Although New York City contains a very large underage population, the funding available from the program was not believed to be sufficiently large to have an impact on the problem of underage drinking. In addition, relative to the number of licensed drivers, the problem of drinking and driving is not as serious a problem in New York City as it is in most of the rest of the state.

The SLA program director sent a letter to the chiefs of all of the local enforcement agencies in each of the three counties. This letter described the 21 Enforcement Program and invited the enforcement agencies to submit proposals to the SLA for participation in the program. Eighteen of the 22 agencies in the three counties subsequently agreed to participate in the program. These 18 agencies represented the major enforcement agencies in each of the program counties, including the county sheriff's office or other county-level enforcement agency and the major city, town, and village enforcement agencies in the county.

Program Administration and Oversight

Funding for this program was provided by '402 funds' from the U.S. Department of Transportation. The New York State Governor's Traffic Safety Committee administered the funds, while the SLA was responsible for the coordination and oversight of the program. Approximately \$300,000 was made available to the SLA for the coordination and oversight of the program and for disbursement to the local enforcement agencies.

It was the decision of the Governor's Traffic Safety Committee and the SLA that the funds would be used to establish a large number of relatively small programs rather than a small number of larger programs. It was believed that this approach would foster the implementation of a variety of enforcement strategies so that the relative effectiveness of different strategies could be determined. In addition, it was hoped that keeping the funding at a modest level would increase the likelihood that the programs would be continued with local funds after the program period, and that other jurisdictions would be able to adopt similar programs.

Program Guidelines

The SLA held the view that each local enforcement agency could best formulate its own method of operation within the unique context of its community governmental structure, particular alcohol and highway safety problems, and available resources. Therefore, the SLA provided very general guidelines to the local police agencies, with the stipulation that funds could only be used to enforce the 21 law. Suggested areas for expenditures included: 1) training local law enforcement personnel, 2) officer overtime pay, 3) training and paying of underage agents, 4) purchases of beverages during the investigations, and 5) incidental costs relating to investigative activities. An addendum to the contracts between the New York State Department of Motor Vehicles and each local enforcement agency provided specific requirements intended to ensure accurate record-keeping and correct billing procedures. This addendum is provided in Appendix E.

All of the agencies were required to 1) submit billing vouchers to the New York State Governor's Traffic Safety Committee through the SLA program director; 2) maintain a log of all of the establishments checked, the number of summonses issued, and the number of underage persons found to be present in each establishment; and 3) submit to the SLA copies of the police reports outlining the nature of the violations, the statements from the minors served, and copies of all of the summonses issued.

The importance of a strong public information and education campaign was conveyed to the local agencies. The aim of the campaign was to create an overall impression among the public, the licensees and their employees, and the enforcement and judicial communities that the SLA and the local police agencies were taking a consistently aggressive approach to enforcing the 21 law. The SLA believed that the degree of compliance with the law would be directly related to the perception of risk of being apprehended for violating the law. The SLA strongly recommended, therefore, that the local enforcement agencies publicize their efforts through such means as press conferences and press releases.

Investigative Procedures

The SLA suggested that, whenever possible, persons found to be serving or selling alcoholic beverages to minors should be issued summonses for Section 65.1 of the Alcohol Beverage Control Law, which prohibits the sale or provision of an alcoholic beverage to any minor actually or apparently under the age of 21, rather than for Section 260.20 of the Penal Law, which pertains to unlawfully dealing with a child. Finally, the agencies were encouraged to perform follow-up investigations of businesses found to be in violation of Section 65.1 of the Alcohol Beverage Control Law.

As previously noted, the SLA encouraged the local police agencies to use underage agents in investigating establishments. In this type of investigation the police would use a person under 21 years of age in their operation, with the underage person attempting to purchase an alcoholic beverage in a licensed establishment. The SLA provided a number of guidelines for the training and

deployment of these underage agents. These guidelines were intended to insure that the 21 investigations were conducted in such a way that a strong body of evidence would result and that it would not be construed that a seller or server had been entrapped. First, the SLA suggested that underage agents could be used in the following situations:

- where substantiation or observance of a minor's purchase is unfeasible
- when the number of complaints at a specific location indicates a propensity for sales to minors
- when a premise has a history of sales to minors and other investigative means have failed
- when the local enforcement agency lacks the manpower to conduct investigations using more traditional strategies

Second, the SLA provided guidelines for the recruitment of underage agents, as follows:

- The agent should be reliable and willing.
- The agent should be free of a criminal record.
- A certified copy of the agent's birth certificate should be placed on file.
- The agent should be 19 or 20 years old.
- The agent should look his/her age and not be dressed or made up to look older.

Finally, the following specific guidelines for conducting investigations with underage agents were suggested:

- The agent should be photographed and searched by the control officer before the agent attempts a purchase.
- The agent should be carefully instructed in how to answer the retailer's or server's questions. If asked, the agent should state that he/she does not have identification and should state his/her correct age.
- The agent should purchase a packaged beverage, as opposed to a beverage in an open container.
- The agent should not consume the beverage.
- The purchase should be witnessed by a police officer whenever possible to obtain independent corroboration of the transaction.
- The agent should be searched again immediately after each purchase, and he/she should sign a written statement immediately after each purchase.

Proposals of Local Agencies

Proposals were submitted to the SLA by each of the 18 agencies that participated in the 21 Enforcement Program. The 18 agencies included seven agencies from Erie County, seven agencies from Nassau County, and four agencies from Onondaga County. Each of the proposals included a statement of the problem of underage drinking in the community, the proposed goals and objectives, and the proposed program activities.

As previously noted, the three program counties were chosen by the SLA because they had high incidences of underage drinking and underage drinking and driving. This was partially attributable to the fact that each county has a large number of colleges and universities, which produces a large influx of underage persons into the county. The proposals submitted by the enforcement agencies further detailed the specific problems in their jurisdictions. Most of the agencies in Nassau County stated that underage persons usually obtained alcoholic beverages at convenience stores and frequently drank at parks and shoreline recreational areas. The consensus among the agencies in Erie County was that underage persons usually purchased alcoholic beverages at off-premise establishments, such as convenience stores or grocery stores. In addition, the Erie County Sheriff's Department cited falsified identification documents as a problem.

The most detailed problem statements were provided by the police agencies from Onondaga County. The City of Syracuse is the major population center in Onondaga County; the rest of the county is suburban or rural. According to the proposals submitted to the SLA, because Syracuse has an open container law and closes its parks at dusk, enforcement authorities believed that many underage persons were traveling from the city into the suburbs which have no such laws. Sixty-two percent of the establishments licensed to sell alcoholic beverages are located in the suburbs, and it was suggested that a number of discotheques and night clubs located in the suburbs still permit underage customers to drink. During the implementation of a previous program to enforce the 21 law, the Onondaga County Sheriff's Department found that half of the premises investigated were selling to minors.

The goals and objectives of the participating agencies were consistent with those in the SLA proposal. The primary objective of all of the programs was to bring about increased compliance with the 21 law on the part of retailers through highly visible increased enforcement efforts. The ultimate goal was to decrease alcohol-related traffic crashes among underage drivers. Fourteen of the 18 agencies proposed to publicize the program; most of these agencies indicated that this would involve informing the public about arrests for violations of the purchase age law through press releases.

Table 3.1 summarizes some of the relevant characteristics of the jurisdictions covered by each police agency and key elements of the proposed enforcement activities. In each county, the enforcement agency responsible for enforcement for the entire county, including areas not covered by any other local enforcement agency, participated in the program. In the counties of Erie and Onondaga, this agency was the Sheriff's Department. In Nassau County, this agency was the Nassau County Police Department. Clearly, there was considerable variation among the jurisdictions covered by the agencies in terms of the population density, the geographical area, and the number of licensees. There was also some variation in the proposed enforcement operations. This variation was consistent with the SLA's intention to allow the local agencies to develop their own implementation plans.

Ten of the 18 enforcement agencies indicated that they planned to use underage agents. The remaining eight agencies proposed to use either a surveillance approach or a "task force" approach, which involves entering an establishment and checking the identification of all of the customers. Five of the eight agencies that did not plan to use underage agents were located in Nassau County. These five agencies included the Nassau County Police Department, which had an established policy of not using underage agents.

Most of the agencies outlined very comprehensive enforcement efforts. Ten agencies specified the types of establishments they planned to investigate. Six of these agencies planned to check all licensees within their jurisdiction. One agency in Nassau County planned to check all establishments, with the exception of restaurants, and another agency in that county planned to investigate all "problem" premises. In Onondaga County, one agency planned to check all off-premise establishments, and another proposed to check all 24-hour stores.

As Table 3.1 indicates, five agencies had program budgets that exceeded \$20,000. Three agencies had budgets between \$5,000 and approximately \$12,000, and the remaining ten agencies received less than \$3,700. The funding levels were generally consistent with the populations of the jurisdictions.

4. ADMINISTRATIVE EVALUATION

This chapter presents an administrative evaluation of the two components of the 21 Enforcement Program: the enforcement activities and the public information and education efforts. The purpose of the administrative evaluation was to document to what extent and in what manner the two components of the program were implemented by the enforcement agencies, and to document to what extent the enforcement activities conducted as part of the program represented an increase over the pre-program period.

The chapter is divided into three parts. The first part summarizes the expenditures of the grant monies by the 18 participating enforcement agencies. The second part describes the special 21 enforcement activities undertaken by the agencies and compares the level of 21 enforcement during the program period with the pre-program and post-program periods. This part also includes an extensive discussion of the use of underage agents in the special 21 enforcement, and a discussion of the attitudes of enforcement personnel in the program agencies toward the 21 law and the law's enforcement. The final section of the chapter describes the public information and education efforts undertaken by the agencies participating in the program.

Program Expenditures

Information on the expenditure of grant funds by the local agencies was obtained from the vouchers submitted by the agencies to the New York State Governor's Traffic Safety Committee. In some cases, additional information on the number of hours worked during the program was collected directly from the local agencies.

A summary of the expenditures for the 18 agencies is provided in Table 4.1. Five agencies (the Erie County Sheriff's Department, the Nassau County Police Department, the Onondaga County Sheriff's Department, the City of Buffalo Police Department, and the City of Syracuse Police Department) expended more than \$20,000. The City of Syracuse Police Department had the largest expenditure, \$37,092. Three agencies expended between \$5,000 and approximately \$12,000, and nine agencies expended less than \$3,700. Although the Village of Lynbrook Police Department was approved for a grant in the amount of \$3,317 and the department reported that they conducted special 21 enforcement as part of the program, vouchers were not submitted by this agency. In all other cases, the police agency spent the total amount of grant funds received from the New York State Governor's Traffic Safety Committee.

Table 4.1 provides a percentage breakdown of the total expenditures into categories of police overtime, payment to underage agents, and purchases of alcoholic beverages during investigations. No agency expended grant funds for public information and education activities. The table also provides the number of hours of police overtime funded by the program. A breakdown of expenditures was not available for the Village of Hempstead or the Village of Lynbrook.

As was specified in the proposals submitted by the participating agencies, most of the funds were used to pay the overtime salaries of police officers. In addition to the costs of conducting investigations, these overtime costs included the costs of supervision and program coordination. A number of agencies also specified that these costs included time for the officers to provide court testimony for cases relating to the sale of alcoholic beverages to minors. The five agencies with grants exceeding \$20,000 funded between 789 and 1388 person-hours of 21 enforcement; the agencies with funding between \$5,000 and \$12,000 paid for 160 to 470 hours of police overtime; and the agencies with the smallest budgets funded between 56 and 179 hours of police overtime.

Five of the seven agencies in Erie County and three of the four agencies in Onondaga County used grant monies to pay underage agents to assist in investigations of establishments. Salaries for these agents accounted for two to 18 percent of these agencies' total program costs. Among the agencies with grants exceeding \$20,000, the Erie County Sheriff's Department and the City of Buffalo Police Department spent the largest proportion of their budgets on underage agents; the salaries for these agents accounted for approximately 14 percent of the total program costs. In Nassau County, only two agencies used underage agents but neither agency used grant funds to pay the agents. The Village of Rockville Centre Police Department reported a limited use of underage agents who were paid from departmental funds apart from the project, and the Village of Hempstead Police Department utilized an underage civilian employee of the police department.

The enforcement agencies using underage agents also expended funds for the purchase of beverages by these agents. In some cases, undercover police officers also purchased beverages during surveillance operations. The purchase of these beverages accounted for one to seven percent of the total expenditures for these agencies.

Table 4.1
21 Enforcement Program Expenditures by Agency

<u>Program Police Agencies</u>	<u>Total (\$)</u>	<u>Police Officers Hours</u>	<u>% Total \$</u>	<u>Underage Agents % Total \$</u>	<u>Alcohol Purchase % Total \$</u>
<u>Erie County</u>					
Sheriff's Department	23,698	789	79.7	13.4	6.9
Town of Amherst	2,839	160	79.3	17.6	3.1
City of Buffalo	33,905	1,189	84.4	13.9	1.7
Town of Cheektowaga	12,208	470	91.6	6.1	2.3
Town of Hamburg	2,759	128	98.4	0.0	1.6
Town of Orchard Park	1,914	64	95.0	3.9	1.1
Town of Tonawanda	5,040	278	100.0	0.0	0.0
Total	82,363	3,078	85.6	11.2	3.2
<u>Nassau County</u>					
Nassau County	33,878	1,116	100.0	0.0	0.0
Village of Freeport	3,000	138	100.0	0.0	0.0
City of Glen Cove	1,732	56	100.0	0.0	0.0
Village of Hempstead	3,663	NA	NA	NA	NA
City of Long Beach	5,073	160	98.2	0.0	1.8
Village of Lynbrook	0	---	---	---	---
Village of Rockville Centre	3,347	78	100.0	0.0	0.0
Total	50,693	NA	NA	NA	NA
<u>Onondaga County</u>					
Sheriff's Department	30,164	1,037	89.7	7.9	2.4
Town of Camillus	1,051	63	90.4	6.2	3.4
Town of Clay	3,328	179	100.0	0.0	0.0
City of Syracuse	37,092	1,388	96.9	1.7	1.4
Total	71,635	2,667	93.9	4.3	1.8

Source: Vouchers submitted by program police agencies to the New York State Governor's Traffic Safety Committee

Investigations of Violations of the 21 Alcohol Purchase Age Law

Number of Investigations

The primary activity undertaken by the participating enforcement agencies was conducting investigations of violations of the 21 alcohol purchase age law. The data on the number of investigations were obtained from data collection forms completed by each agency.

The wide variation in funding levels and in the types of enforcement strategies implemented by the agencies resulted in differences in the number of establishments checked by the individual agencies. In general, the number of investigations conducted by an agency was commensurate with its level of funding. Table 4.2 provides the number of investigations for sales to minors, together with the percentage of these investigations that used underage agents. The number of investigations ranged from 12 by the City of Glen Cove Police Department in Nassau County to 1,408 by the City of Syracuse Police Department. The City of Buffalo Police Department and the Sheriff's Departments in Erie County and Onondaga County also conducted large numbers of investigations; these agencies conducted 976, 474, and 566 investigations, respectively.

Overall, 1,972 investigations were conducted by all the participating police agencies in Erie County, while a total of 2,079 investigations were conducted by the participating agencies in Onondaga County. Since the data on investigations were not available for the Nassau County Police Department, the total number of investigations for Nassau County could not be calculated. Over 80 percent of the investigations in both Erie County and Onondaga County were conducted with the use of underage agents. Since the data were missing for the Nassau County Police Department, the percentage of investigations involving underage agents also could not be calculated for Nassau County. Although the Village of Freeport Police Department in Nassau County had stated in its proposal that it would use underage agents, none were actually used during the program. The Village of Rockville Centre Police Department had not stated an intention to use underage agents but used underage agents on a limited basis. Since only the Village of Rockville Centre and the Village of Hempstead police departments reported using underage agents, it can be assumed that the investigations using this strategy represented only a very small portion of the total investigations conducted in Nassau County.

Table 4.2		
21 Investigations Conducted by Program Agencies during the Program Period		
<u>Program Police Agencies</u>	<u>21 Investigations</u>	<u>Percent with Underage Agents</u>
<u>Erie County</u>		
Sheriff's Department	474	100%
Town of Amherst	95	100%
City of Buffalo	976	100%
Town of Cheektowaga	168	100%
Town of Hamburg	125	0
Town of Orchard Park	31	65%
Town of Tonawanda	103	0
Total	1,972	88%
<u>Nassau County</u>		
Nassau County	NA	0
Village of Freeport	31	0
City of Glen Cove	12	0
Village of Hempstead	67	100%
City of Long Beach	62	0
Village of Lynbrook	16	0
Village of Rockville Centre	39	18%
Total	NA	NA
<u>Onondaga County</u>		
Sheriff's Department	566	100%
Town of Camillus	22	100%
Town of Clay	83	0
City of Syracuse	1,408	78%
Total	2,079	81%
<i>Source: Program police agencies</i>		

Data were requested from the agencies that participated in the program on the number of investigations conducted during the pre-program (July-December 1986) and post-program (July-December 1988) periods, as well as during the program period (July-December 1989). The purpose of obtaining the pre-program data was to ascertain whether the special 21 enforcement conducted during the program did, in fact, represent an increase in 21 enforcement over the pre-program period. The collection of the post-program data was undertaken to determine whether the special enforcement continued after the program ended. Data on investigations during the pre-program and post-program periods were also requested from the major enforcement agencies in the two comparison counties. Eight agencies in the program counties and five agencies in the comparison counties were able to provide partial or complete data for these two time periods. These data are discussed in the following section.

Table 4.3

Number of 21 Investigations Conducted during the Pre-Program, Program, and Post-Program Period by Police Agencies in Program and Comparison Counties

	Pre-Program (July-Dec 1986)	Program (July-Dec 1987)	Post-Program (July-Dec 1988)
Program Police Agencies			
<u>Erie County</u>			
Sheriff's Department	NA	474	NA
Town of Amherst	NA	95	NA
City of Buffalo	40	976	38
Town of Cheektowaga	NA	168	NA
Town of Hamburg	NA	125	NA
Town of Orchard Park	7	31	4
Town of Tonawanda	32	103	143
<u>Nassau County</u>			
Nassau County	NA	NA	NA
Village of Freeport	NA	31	NA
City of Glen Cove	NA	12	NA
Village of Hempstead	NA	67	NA
City of Long Beach	NA	62	NA
Village of Lynbrook	11	16	7
Village of Rockville Centre	11	39	0
<u>Onondaga County</u>			
Sheriff's Department	3	566	1
Town of Camillus	0	22	0
Town of Clay	NA	83	NA
City of Syracuse	11	1,408	4
Comparison Police Agencies			
<u>Dutchess County</u>			
Sheriff's Department	8	12	41
<u>Monroe County</u>			
Sheriff's Department	57	10	22
Town of Gates	0	0	0
Town of Greece	0	0	1
Town of Irondequoit	NA	1	5

Source: Program and comparison police agencies

Each of the eight agencies in the program counties for which pre-program and post-program data were available demonstrated substantial increases in the number of 21 investigations during the program period, when compared to the pre-program period. Seven of the eight agencies showed large decreases in the number of investigations conducted during the post-program period. Only one program agency, the Town of Tonawanda Police Department, experienced an increase in investigations during the post-program period.

Of the five agencies in the comparison counties that provided data, only one agency conducted more investigations during the program period than during the pre-program period. When the program and post-program periods were compared, the number of investigations increased during the post-program period for four of the five agencies in the comparison counties.

Investigative Operating Procedures

An important component of the administrative evaluation was gathering information concerning investigative operating procedures, especially those procedures relating to the use of underage agents. This information was gathered through a questionnaire mailed to a designated contact person in each of the local enforcement agencies that participated in the program. All of the 18 participating agencies completed the questionnaire.

As explained earlier in this report, the State Liquor Authority (SLA) allowed the local agencies considerable discretion in the particular enforcement strategies used to enforce the 21 law. Although the SLA suggested that the agencies consider the use of underage agents, it was expected that enforcement strategies would vary among the agencies.

Table 4.4 provides information on the types of enforcement strategies used by the 18 enforcement agencies during the six-month program period. Most of the agencies used a combination of strategies. As was previously noted, ten agencies used underage agents in at least some of their investigations. Thirteen agencies reported that they conducted surveillance operations in which the officer waited in the police vehicle to observe the chance occurrence of a suspected violation of the 21 law. Eleven agencies conducted surveillance operations in which the officers were positioned inside the establishment. Eleven agencies also conducted sweep operations, in which officers visited a number of establishments and checked the identification of all patrons.

<p align="center">Table 4.4 Types of Investigative Strategies Used in 21 Enforcement by Program Agencies during Program Period</p>				
	Underage Agents	Surveillance from Car	Surveillance In Establishment	Sweep
Program Police Agencies				
<u>Erie County</u>				
Sheriff's Department	x		x	
Town of Amherst	x	x	x	
City of Buffalo	x		x	
Town of Cheektowaga	x			
Town of Hamburg		x	x	x
Town of Orchard Park	x	x		x
Town of Tonawanda		x		x
<u>Nassau County</u>				
Nassau County		x	x	x
Village of Freeport		x	x	
City of Glen Cove				x
Village of Hempstead	x	x		x
City of Long Beach		x	x	x
Village of Lynbrook		x	x	x
Village of Rockville Centre	x	x	x	x
<u>Onondaga County</u>				
Sheriff's Department	x			
Town of Camillus	x	x	x	x
Town of Clay		x		
City of Syracuse	x	x	x	x
<u>Total</u>	10	13	11	11
<i>Source: Program police agencies</i>				

The types of establishments that were investigated during the program period are presented in Table 4.5. Ten agencies conducted investigations of each of the types of establishments included in the table. All but one agency included both bars and convenience stores in their investigations. Fifteen agencies conducted investigations of grocery stores, and 13 conducted investigations of liquor stores. Eleven agencies checked restaurants.

Table 4.5					
Types of Establishments Investigated by Program Agencies during the Program Period					
	Bars	Restaurants	Convenience Stores	Grocery Stores	Liquor Stores
Program Police Agencies					
<u>Erie County</u>					
Sheriff's Department	x	x	x	x	x
Town of Amherst	x	x	x	x	x
City of Buffalo	x	x	x	x	x
Town of Cheektowaga	x	x	x	x	x
Town of Hamburg	x	x	x	x	x
Town of Orchard Park	x	x	x	x	x
Town of Tonawanda	x		x	x	x
<u>Nassau County</u>					
Nassau County	x	x	x	x	x
Village of Freeport	x		x		
City of Glen Cove	x		x		
Village of Hempstead	x		x	x	x
City of Long Beach	x	x	x	x	
Village of Lynbrook	x		x		
Village of Rockville Centre	x	x	x	x	x
<u>Onondaga County</u>					
Sheriff's Department	x	x	x	x	x
Town of Camillus	x		x	x	x
Town of Clay				x	
City of Syracuse	x	x	x	x	x
<u>Total</u>	17	11	17	15	13
<i>Source: Program police agencies</i>					

Use of Underage Agents

The reported use of underage agents in 21 enforcement before, during, and after the 21 Enforcement Program is shown in Table 4.6. Of the 18 agencies involved in the program, only five agencies reported using underage agents prior to the program. Five agencies reported that they used underage agents after the program ended.

Ten of the agencies reported that they used underage agents during the program. Five of the seven agencies in Erie County used underage agents; this included the two largest enforcement agencies, the Sheriff's Department and the City of Buffalo Police Department. In Onondaga County, underage agents were also used by the two largest agencies, the Sheriff's Department and the City

of Syracuse Police Department; in total, three of the four police agencies in Onondaga County used underage agents. It is the policy of the Nassau County Police Department that underage agents not be used, but two of the smaller agencies in Nassau County chose to use underage agents.

The ten agencies that used underage agents during the program were asked a number of questions relating to the use of the agents. The agencies recruited underage agents from a number of sources (Table 4.6). Underage agents were most commonly students recruited from criminal justice classes; six agencies used this source. Three agencies recruited from police explorer groups, three agencies used civilian employees of the police department, and two agencies recruited from the general public. One agency used the children of police officers or public officials, and one agency used juvenile offenders as underage agents. All of the agencies reported that the underage persons had volunteered to serve as agents.

Table 4.6 Sources for Recruitment of Underage Agents by Program Agencies during Program Period	
	Number of Agencies <u>Using Source¹</u>
Criminal Justice Students	6
Police Explorers	3
Police Employees	3
General Public	2
Other	2
¹ Ten program agencies used underage agents during the program; multiple responses permitted.	
Source: Program police agencies	

According to the information provided in Table 4.7, a total of 58 agents were used by the ten agencies during the program. Thirty-four of these agents were male. The underage agents ranged from 14 to 20 years of age. The hourly wages for the agents ranged from \$4.00 to \$8.00. The City of Syracuse did not pay the agents an hourly wage but covered their expenses, while the Village of Hempstead used an underage civilian employee of the police department as an underage agent.

Table 4.7
Gender, Age Range, and Salaries of 58 Underage Agents
Used during Program

<u>Program Police Agencies</u>	<u>Total Underage Agents</u>	<u>Male</u>	<u>Female</u>	<u>Age Range</u>	<u>Hourly Wage</u>
<u>Erie County</u>					
Sheriff's Department	13	4	9	14-19	\$8.00
Town of Amherst	4	4	-	18-20	\$5.00
City of Buffalo	16	7	9	16-20	\$8.00
Town of Cheektowaga	4	3	1	17-19	\$5.00
Town of Orchard Park	1	1	-	18	\$5.00
<u>Nassau County</u>					
Village of Hempstead	1	1	-	18	NA
Village of Rockville Centre	3	3	-	18-19	\$5.50 ¹
<u>Onondaga County</u>					
Sheriff's Department	6	3	-	16-19	\$4.00
Town of Camillus	3	3	-	19-20	\$4.50
City of Syracuse	7	5	2	16-19	\$5.00 ²

¹ Program funds not used.

² Volunteers used for the majority of investigations.

Source: Program police agencies

Table 4.8 provides additional information on the underage agents. The SLA had advised the local agencies to use persons who "looked their age" and who were not dressed or made up to look older. Four agencies said that their agents always looked their age, and six agencies said that they usually looked their age. Nine of the ten agencies reported that the agents were never made up with cosmetics or dressed to look older, while one agency said that agents were sometimes made to look older. When asked if the agents were reliable in terms of being prompt for assignments and court appearances, seven of the ten agencies stated that the young persons were always reliable, while the other three agencies said that the persons were usually reliable.

Table 4.8
Procedures for Use of Underage Agents by Ten Program Agencies

	Responses of Ten Program Agencies			
	Always	Usually	Sometimes	Never
Did these persons look their age?	4	6	--	--
Were they dressed or made up with cosmetics to look older?	1	--	--	9
Were these persons reliable (showed up for assignments and court dates on time)?	7	3	--	--
<i>Source: Program police agencies</i>				

The SLA also provided guidelines to the local agencies regarding procedures for the use of underage agents. These guidelines were intended to insure that a strong body of evidence would be built and to prevent the charge that the sellers or servers had been entrapped. Table 4.9 provides information on how frequently these guidelines were followed. The agencies reported that they generally followed the guidelines regarding what the agents were instructed to tell the retailers. In addition, the majority of agencies stated that an officer always or usually photographed the agent before each investigative tour, searched the agent before a purchase was attempted, witnessed the purchase, and monitored the conversation between the agent and the seller/server. These steps were taken to provide corroborating evidence for the underage agent's testimony. Most also stated that the agents were always or usually asked to sign a statement after the purchase. The SLA had recommended that the agents buy only packaged beverages to prevent the claim by the seller or server that the agent had tampered with the beverage by adding alcohol. Only half of the agencies usually or always instructed the agents to buy only packaged beverages. Finally, only half of the agencies searched the agents after a purchase was made.

<p align="center">Table 4.9 Operating Procedures Relating to Underage Agents Used by Ten Program Agencies</p>				
	Responses of Ten Program Agencies			
	<u>Always</u>	<u>Usually</u>	<u>Sometimes</u>	<u>Never</u>
Photograph taken of agent before each investigative tour	4	2	3	1
Agents instructed to tell retailers, if asked, that they had no ID	9	-	-	1
Agents instructed to tell retailers their correct age if asked for ID	9	-	-	1
Agents searched by police immediately before attempting to buy alcohol	6	-	-	4
Purchases witnessed by police	8	2	-	-
Police officer monitored conversation between agents and seller/server	3	4	3	-
Agents searched by police officer after making a purchase	5	-	-	5
Agents instructed to buy only a packaged beverage	4	1	3	2
Agents asked to sign statement after purchase	6	2	1	1
<i>Source: Program police agencies</i>				

Problems in 21 Enforcement and Attitudes Toward the Law

The survey of the program enforcement agencies concluded with several questions on the attitudes of enforcement personnel toward the 21 law and the law's enforcement. It should be noted that not all 18 agencies responded to this set of questions.

The contact person from each of the agencies, including those agencies that did not use underage agents, was presented with a list of possible advantages of the underage agent approach and asked to indicate all that applied. The responses are summarized in Table 4.10. The most frequent responses, noted by 11 agencies, were that underage agents reduce the officer time needed for enforcement and that such a high profile approach raises the perception of risk of arrest among sellers and servers. Ten agencies also noted that the underage agent approach makes it possible to apprehend more violators, while eight agencies felt that the cooperation of the underage agent facilitates the prosecution of the violator and increases the likelihood of conviction.

In a similar fashion, the contact persons were asked to identify the disadvantages of the underage agent approach. These responses also appear in Table 4.10. The primary disadvantages noted were that good agents are hard to find; that retailers feel entrapped, resulting in ill feelings toward the enforcement community; that underage agents are not always dependable; and that the agent's parents sometimes refuse to allow the agent to make a sworn statement or to appear in court.

Table 4.10
Attitudes Among the Program Agencies Toward the Use of Underage Agents

	Number of <u>Agencies</u> ¹
In your opinion, what are the advantages of the underage agent approach?	
It is a high profile approach which raises the perception of risk of arrest among sellers and servers.	11
The officer time needed for enforcement is reduced.	11
It is possible to catch more violators.	10
The cooperation of the minor makes prosecution easier and conviction more likely.	8
The cooperation of the minor makes the paperwork easier.	6
The underage agent approach costs less.	5
In your opinion, what are the disadvantages of the underage agent approach?	
Good agents are hard to find.	8
The servers and sellers feel entrapped; the approach is not worth the ill feelings.	7
The underage agents are not always dependable	6
The agents' parents sometimes refuse to allow a sworn statement or court appearance.	6
The agents are sometimes known and recognized by the servers, sellers, or patrons.	4
Working with underage agents is more trouble than it is worth.	3
Police officers or the agency are reluctant to work with minors.	3
It is difficult to safeguard the security of underage agents.	3
¹ Fourteen agencies responded to these questions; multiple responses permitted.	
Source: Program police agencies	

The agency contact persons were given a list of potential problems with 21 enforcement in general and asked to indicate the problems confronted by their agencies. Of the 14 agencies that responded to the question, the problems reported by the most agencies were that enforcement was seen as harassment of store clerks and servers, that other police business is more pressing, that courts are unwilling to convict and punish sellers and servers, and that the SLA does not follow up on referrals (Table 4.11).

The contact persons in the police agencies were given a list of statements and asked which statement best described how members of their agency felt about the prosecution of persons arrested for selling and serving alcohol to minors. Nine of the 14 respondents to this question selected the statement that prosecution and conviction rates have not changed, but that it is the duty of the police to vigorously enforce the law (Table 4.11). Two persons indicated that their agency felt that the courts do not support police efforts by convicting persons arrested for selling or serving alcohol to minors.

Table 4.11
Attitudes Among the Program Agencies Toward the 21 Law and Its Enforcement

	<u>Number of Agencies¹</u>
In general, what problems are confronted by your agency in 21 enforcement?	
Enforcement is seen as "harassment" of store clerks or servers	8
Other police business is more pressing; there is not enough time to enforce the 21 law.	6
The SLA does not follow up on cases that are referred.	5
The courts are unwilling to convict and punish sellers or servers.	5
The District Attorney is unwilling to prosecute.	4
Enforcement of the 21 law creates hard feelings between the police and the community.	3
The agency is unable to get witnesses to testify.	2
21 enforcement is not productive; it is hard to catch violators.	2
Lenient penalties and loopholes in the law allow chronic offenders to remain in business.	1
¹ Fourteen agencies responded to this question, multiple responses permitted	
In general, how do members of your agency feel about the prosecution of persons arrested for selling or serving alcohol to minors?	
Prosecution and conviction rates have not changed, but it is the duty of the police to vigorously enforce the law.	9
The courts do not convict sellers or servers.	2
The District Attorney does not support police efforts; he/she is unwilling to prosecute sellers or servers.	1
The courts are punishing 21 violators more consistently than in the past and generally make 21 enforcement worthwhile from the standpoint of the police.	1
The SLA does not advise the police of the outcome of referrals.	1
<i>Source: Program police agencies</i>	

There was unanimous support for the 21-year-old alcoholic beverage purchase age among the officers from all 18 agencies. However, when asked to indicate whether the personnel in their agency would prefer a law that would also, or exclusively, punish underage persons who purchase or consume alcohol, officers from 14 of the 18 agencies said that they would be in favor of such a law (Table 4.12). The remaining four officers said that they supported the current law.

<p>Table 4.12</p> <p>Attitudes among Program Agencies toward Purchase versus Possession 21 Law</p>	
<p>What would you say is the overall opinion among enforcement personnel in your agency regarding the current 21 purchase age law in contrast to a law that would also, or exclusively, punish underage persons who purchase or consume alcohol?</p>	<p><u>Number of Agencies</u></p>
<p>prefer a law that would also punish underage purchasers and drinkers</p>	<p>14</p>
<p>support the current law as it stands - sellers and servers who violate the law should be held accountable to the fullest extent possible</p>	<p>4</p>
<p><i>Source: Program police agencies</i></p>	

Public Information and Education

One of the objectives of the 21 Enforcement Program was to generate publicity about the increased enforcement activities in order to raise the perception among licensees and their employees that the 21 law was being strictly enforced. The SLA hypothesized that a perception of heightened enforcement would increase the level of voluntary compliance with the law. The final section of this chapter presents information on the public information and education activities undertaken in conjunction with the program as well as information on the publicity resulting from these activities and the enforcement efforts in general. The information was obtained from two sources: a questionnaire sent to the participating enforcement agencies and a clipping file maintained by the SLA program director.

Prior to the initiation of the program, a press release from the SLA resulted in the publication of numerous articles in newspapers throughout the state notifying the public and the alcoholic beverage industry about the upcoming program. An article describing the program was published in a trade journal, the New York Licensed Beverage Journal. The clipping file maintained by the SLA program director contained numerous articles pertaining to the program that had been published in newspapers in each of the three program counties. Articles describing the program appeared in local newspapers prior to the implementation of the program. In addition, announcements of the arrests made for sales of alcoholic beverages to minors appeared in the newspapers in each area during and after the program period.

The most publicity appeared to have been generated by the enforcement activities in Erie County, where several agencies used underage agents in their 21 investigations. Throughout the program, newspapers published in Erie County carried a number of articles describing a heated debate over whether the use of underage agents constituted entrapment. Similar articles also appeared in newspapers in Onondaga County.

All of the 18 participating enforcement agencies completed the questionnaire items addressing the public information and education activities undertaken during the program. The responses to these questions are provided in Table 4.13. Four of the seven agencies in Nassau County contacted licensed establishments directly to inform them of the 21 Enforcement Program, compared to two of the seven agencies in Erie County and one of the four agencies in Onondaga County. The police agencies in Erie County and Onondaga County reported a more extensive effort to inform the media about the program than was reported by the agencies in Nassau County. None of the agencies in Nassau County contacted local newspapers, radio stations, or television stations, and only one agency in Nassau County reported that the 21 Enforcement Program received publicity that the agency did not generate. In Erie County and Onondaga County, all except one police agency reported that they notified the local newspapers about the special enforcement efforts. Only one of the 18 enforcement agencies contacted local radio stations, but two agencies in Onondaga County and two agencies in Erie County contacted local television stations. Finally, all but one agency in both Erie County and Onondaga County reported that the 21 Enforcement Program received publicity that was not initiated by the agency.

Table 4.13
Public Information and Education Activities by Program Agencies

	Program Counties		
	Erie	Nassau	Onondaga
	<u>(Agencies = 7)</u>	<u>(Agencies = 7)</u>	<u>(Agencies = 4)</u>
Did your police agency directly contact establishments licensed to sell alcoholic beverages to inform them of the 21 Enforcement Program?			
yes	2	4	1
no	5	3	3
Did your agency notify local newspapers about the special 21 enforcement?			
yes	6	0	3
no	1	7	1
Did your agency contact local radio stations about the program?			
yes	1	0	0
no	6	7	4
Did your agency contact local TV stations?			
yes	2	0	2
no	5	7	2
Did the 21 Enforcement Program receive any publicity that was not initiated by your agency?			
yes	6	1	3
no	1	6	1
<i>Source: Program police agencies</i>			

Summary

The 21 Enforcement Program involved an intensive effort to investigate licensed establishments for violations of the 21 alcohol purchase age law and a more limited public information and education effort. The program was implemented by 18 enforcement agencies in three counties from July to December 1987. Seven agencies in Erie County, seven agencies in Nassau County, and four agencies in Onondaga County received a total of \$204,691 to conduct the program.

The primary component of the program was the increased enforcement of the laws pertaining to sales of alcoholic beverages to minors. Approximately 94 percent of the program funds were spent on police overtime; collectively, the program agencies devoted more than 7,000 hours of police overtime to enforcement of the 21 law.

Approximately 2,000 establishments in Erie County and in Onondaga County were investigated. The total number of investigations conducted in Nassau County could not be calculated, because the data were unavailable for the Nassau County Police Department. Ten of the 18 participating police agencies used underage agents for 21 investigations. This strategy was used extensively by the agencies in Erie County and Onondaga County but was rarely used in Nassau County. The agencies utilizing this strategy generally followed the guidelines provided by the SLA.

Each of the eight agencies in the program counties for which pre-program and post-program data were available demonstrated substantial increases in the number of 21 investigations during the program period, when compared to the pre-program period. Seven of the eight agencies showed large decreases in the number of investigations conducted during the post-program period. Only one program agency, the Town of Tonawanda Police Department, experienced an increase in investigations during the post-program period.

Of the five agencies in the comparison counties that provided data, only one agency conducted more investigations during the program period than during the pre-program period. When the program and post-program periods were compared, the number of investigations increased during the post-program period for four of the five agencies in the comparison counties.

A secondary component of the 21 Enforcement Program was an effort to publicize the increased 21 enforcement and to inform the owners and employees of licensed establishments of the provisions of the 21 law. The purpose of this effort was to increase the perception that the law was being strictly enforced and that violators faced an increased risk of arrest. Seven of the 18 agencies contacted licensed establishments directly to inform them of the program. Nine agencies notified local newspapers; four agencies contacted television stations; and one agency contacted local radio stations. In addition, the program received considerable publicity that was not initiated by the participating agencies. Overall, the agencies in Erie County and Onondaga County reported a more extensive effort to inform the media about the program than was reported by the agencies in Nassau County.

Based on a questionnaire completed by the contact persons from all 18 agencies participating in the program, enforcement personnel support a law that would also, or exclusively, punish underage persons who purchase or consume alcoholic beverages. The agencies reported that the primary difficulties in conducting 21 enforcement were that sellers and servers of alcoholic beverages view the enforcement as harassment, that the courts are unwilling to convict and punish sellers and servers, and that the SLA does not follow up on reported violations of the 21 law. The most frequently cited advantages of the underage agent investigative approach were that it reduces the police officer time needed for enforcement, raises the perception of risk of arrest among sellers and servers, and makes it possible to catch more violators. The most frequently cited disadvantages were that good agents are hard to find and that the use of underage agents results in ill feelings because establishments believe they are being entrapped.

5. IMMEDIATE IMPACT EVALUATION: AGENCY RESULTS

This chapter and the following chapter present the results of the immediate impact evaluation. The primary purpose of the immediate impact evaluation was to determine whether the 21 Enforcement Program resulted in an increase in 1) the number of arrests of servers and sellers for violations of the 21 law, and 2) the number of referrals of licensed establishments to the State Liquor Authority (SLA) for violations of the 21 law. Generally, when a police officer detects a violation of the 21 law in a licensed establishment, the server or seller is arrested or issued a summons, and the establishment is referred to the SLA for administrative action. The immediate impact evaluation also examined the disposition of the referrals to the SLA, and the nature of the administrative penalties imposed. Finally, the cost-effectiveness and productivity of enforcement using underage agents were examined, relative to the effectiveness and productivity of enforcement that did not use underage agents.

Information on the referrals and arrests made by the program and comparison enforcement agencies was gathered directly from the agencies. This chapter presents these agency-level data and discusses the relative cost-effectiveness and productivity of the underage agent enforcement approach. Several of the agencies that participated in the program were unable to provide complete data on arrests and referrals for the pre-program and post-program periods. In addition, some of the agencies in the comparison counties were unable to provide complete data for any of the three study periods. Incomplete data are noted throughout the chapter.

In addition to the data on referrals obtained from the comparison and program enforcement agencies, a complete and reliable set of county data on referrals to the SLA and the disposition of these referrals was available from the SLA. These data were available for all three study periods and for all five study counties but were available only at the county level. However, it is believed that these referral data for the three program counties are largely reflective of the work of the program enforcement agencies, since the agencies represent most of the local enforcement personnel in these counties. Therefore, analyses of these data were undertaken and are presented in the following chapter.

Arrests for Violations of the 21 Law

As was explained in Chapter 2, very little information could be collected on the arrests of servers and sellers for violations of the 21 law made by the police agencies in the program and comparison counties, and no information on the disposition of these arrests for violations of the 21 law was available.

The data on arrests that were provided by the police agencies in the program and comparison counties appear in Table 5.1. Sixteen of the 18 program agencies were able to provide arrest data for the program period. The number of arrests varied widely among the agencies. Seven of the relatively small agencies made fewer than five arrests; three agencies made between ten and 50 arrests; two agencies made approximately 70 arrests; and four of the larger agencies made more

than 100 arrests. The largest number of arrests were made by the City of Buffalo (154 arrests) and the City of Syracuse (159 arrests). Four agencies in Monroe County provided comparison data for the program period on the number of arrests for violations of the 21 law. Three of these agencies made no arrests and the fourth agency made one arrest.

Nine of the 18 program agencies were able to provide arrest data for the pre-program and program periods. With only two exceptions, these agencies reported an increase in arrests from the pre-program period to the program period. In most cases, these increases were very substantial. The four large agencies for which data were available experienced dramatic increases. In Erie County, the City of Buffalo Police Department arrested 15 persons for violations of the 21 law during the pre-program period and 154 persons during the program period. The number of persons arrested by the Nassau County Police Department increased from one person during the pre-program period to 112 persons during the program period. In Onondaga County, the Sheriff's Department made no arrests during the pre-program period and 121 arrests during the program period, while the number of arrests made by the City of Syracuse Police Department increased from 11 during the pre-program period to 159 during the program period. Two of the small agencies in Nassau County reported a decline in arrests during the program period. The Village of Lynbrook Police Department made one arrest during the pre-program period but no arrests during the program period. The number of arrests made by the Village of Rockville Centre Police Department declined from three arrests to two arrests.

Four police agencies in the comparison county of Monroe were able to provide data for the pre-program and program periods. None of these agencies reported an increase in arrests between the pre-program period and the program period. The Monroe County Sheriff's Department reported six arrests for the pre-program period and one arrest during the program period. The other three agencies reported that they made no arrests during either of these two study periods.

Of the ten program agencies that provided data for both the program period and the post-program period, nine agencies reported declines in arrests between the program period and the post-program period. The tenth agency made no arrests in either period. Four comparison agencies from Monroe County provided comparison data for these two study periods. Two of these agencies made no arrests in either period, one agency made one arrest in both periods, and one agency made no arrests during the program period and four arrests in the post-program period.

Table 5.1
Arrests and Summonses for Violations of the 21 Law
by Program and Comparison Agencies
during Pre-Program, Program, and Post-Program Periods

	Pre-Program (July-Dec 1986)	Program (July-Dec 1987)	Post-Program (July-Dec 1988)
Program Police Agencies			
<u>Erie County</u>			
Sheriff's Department	NA	71	NA
Town of Amherst	NA	32	NA
City of Buffalo	15	154	7
Town of Cheektowaga	NA	68	4
Town of Hamburg	NA	0	NA
Town of Orchard Park	0	13	2
Town of Tonawanda	0	2	0
<u>Nassau County</u>			
Nassau County	1	112	11
Village of Freeport	NA	NA	NA
City of Glen Cove	NA	0	NA
Village of Hempstead	NA	NA	NA
City of Long Beach	NA	3	NA
Village of Lynbrook	1	0	0
Village of Rockville Centre	3	2	0
<u>Onondaga County</u>			
Sheriff's Department	0	121	0
Town of Camillus	0	12	0
Town of Clay	NA	3	NA
City of Syracuse	11	159	4
Comparison Police Agencies			
<u>Dutchess County</u>			
Sheriff's Department	NA	NA	21
<u>Monroe County</u>			
Sheriff's Department	6	1	1
Town of Gates	0	0	0
Town of Greece	0	0	0
Town of Irondequoit	0	0	4

Source: Program and comparison police agencies

Referrals to the SLA for Violations of the 21 Law

It is the responsibility of the SLA to impose administrative sanctions on licensees who violate the provisions of the Alcoholic Beverage Control Law and the SLA rules. Local enforcement agencies file referrals with the SLA for violations of the Alcoholic Beverage Control Law and applicable sections of the Penal Law. The 21 Enforcement Program was concerned specifically with violations of Section 65.1 of the Alcoholic Beverage Control Law, which prohibits the sale or provision of an alcoholic beverage to a person actually or apparently under the age of 21, and Section 260.20(4) of the Penal Law, which pertains to unlawfully dealing with a child. In guidelines provided to the local enforcement agencies involved in the 21 Enforcement Program, the SLA strongly suggested that enforcement personnel cite the more specific section of the Alcoholic Beverage Control Law rather than the Penal Law, Section 260.20.

Table 5.2 provides information on referrals made by the program agencies during the program period as a result of the special 21 enforcement. The table provides the total number of referrals for violations of the 21 law, and a breakdown of this total into the number for violations of Section 65.1 of the Alcoholic Beverage Control (ABC) Law and the number for violations of Section 260.20 of the Penal Law (PL). In addition, the table provides the number of referrals for other violations of the Alcoholic Beverage Control Law that resulted from the special 21 enforcement and the total referrals for all types of violations.

All of the 18 program police agencies provided referral data for the program period. Generally, the number of referrals corresponds to the number of arrests provided earlier in this chapter. Occasionally, an enforcement agency will refer an establishment without making an arrest. It is also possible that two arrests will result from one investigation but that only one referral will be made to the SLA. The number of referrals for violations of the 21 law during the program period totaled 352 for the program agencies in Erie County, 159 for the program agencies in Nassau County, and 294 for the program agencies in Onondaga County. Seven of the smaller agencies made fewer than five referrals for violations of the 21 law, and four of the larger agencies made more than 100 referrals during the six-month program period. It might be noted that during the program the Town of Hamburg Police Department in Erie County followed a strategy whereby no arrests or referrals were made for violations but retailers were advised about the stipulations of the 21 law and the resulting penalties for violations of the law.

In accordance with the guidelines provided by the SLA to the program agencies, almost all of the referrals were made for violations of Section 65.1 of the Alcoholic Beverage Control Law, rather than for Section 260.20 of the Penal Law. As a result of the 21 enforcement conducted as part of the program, seven referrals were made to the SLA for violations other than the sale of alcoholic beverages to minors. These seven referrals were all made by agencies in Nassau County.

Table 5.2**Referrals to the State Liquor Authority Resulting from 21 Investigations
by Agencies in Program Counties during the Program Period**

<u>Program Police Agencies</u>	<u>ABC 65.1</u>	<u>PL 260.20</u>	<u>Total 21 Violations</u>	<u>Other</u>	<u>Total Violations</u>
<u>Erie County</u>					
Sheriff's Department	71	-	71	-	71
Town of Amherst	32	-	32	-	32
City of Buffalo	154	-	154	-	154
Town of Cheektowaga	68	-	68	-	68
Town of Hamburg	0	-	0	-	0
Town of Orchard Park	13	-	13	-	13
Town of Tonawanda	14	-	14	-	14
Total	352	-	352	-	352
<u>Nassau County</u>					
Nassau County	108	2	110	4	114
Village of Freeport	1	-	1	-	1
City of Glen Cove	0	-	0	-	0
Village of Hempstead	43	-	43	-	43
City of Long Beach	1	2	3	-	3
Village of Lynbrook	0	-	0	1	1
Village of Rockville Centre	2	-	2	2	4
Total	155	4	159	7	166
<u>Onondaga County</u>					
Sheriff's Department	120	-	120	-	120
Town of Camillus	12	-	12	-	12
Town of Clay	1	2	3	-	3
City of Syracuse	158	1	159	-	159
Total	291	3	294	-	294
<u>Program Total</u>	798	7	805	7	812
<i>Source: Program police agencies</i>					

Data on the number of referrals for sales to minors for the pre-program, program, and post-program periods are provided in Table 5.3. Eight of the 18 police agencies in the program counties were able to provide data for the pre-program and program periods. When the program period is compared to the pre-program period, all of the agencies in the program counties of Onondaga and Erie for which data were available demonstrated very substantial increases in the number of referrals for sales to minors. The largest agency in Nassau County, the Nassau County Police Department, also reported an increase; 110 referrals were made during the program, compared to one referral during the pre-program period. Two other small agencies in Nassau County that provided both pre-program and program referral data made slightly fewer referrals during the program period. Of the ten program agencies for which post-program referral data were reported, all except one reported a decrease in the number of referrals made during the post-program period, when compared to the program period.

The four comparison agencies in Monroe County also provided referral data for the three time periods. Two of the agencies made no referrals during any of the study periods. One agency made no referrals during either the pre-program or program periods but made four referrals during the post-program period. The fourth agency reported that the number of referrals made during the program period decreased from the number during the pre-program period, while the number of referrals during the post-program period increased slightly over the program period.

It should be reiterated that much more complete and reliable information on referrals for the five study counties was obtained from the State Liquor Authority. This information is discussed in the following chapter.

Table 5.3
Referrals for Violations of the 21 Law
by Program and Comparison Agencies
during the Pre-Program, Program, and Post-Program Period

	Pre-Program July-Dec 1986	Program July-Dec 1987	Post-Program July-Dec 1988
Program Police Agencies			
<u>Erie County</u>			
Sheriff's Department	NA	71	NA
Town of Amherst	NA	32	NA
City of Buffalo	15	154	7
Town of Cheektowaga	NA	68	3
Town of Hamburg	NA	0	NA
Town of Orchard Park	0	13	1
Town of Tonawanda	2	14	0
<u>Nassau County</u>			
Nassau County	1	110	11
Village of Freeport	NA	1	NA
City of Glen Cove	NA	0	NA
Village of Hempstead	NA	43	17
City of Long Beach	NA	3	NA
Village of Lynbrook	2	0	1
Village of Rockville Centre	3	2	0
<u>Onondaga County</u>			
Sheriff's Department	3	120	1
Town of Camillus	0	12	0
Town of Clay	NA	3	NA
City of Syracuse	NA	159	NA
Comparison Police Agencies			
<u>Dutchess County</u>			
Sheriff's Department	NA	NA	21
<u>Monroe County</u>			
Sheriff's Department	25	2	7
Town of Gates	0	0	0
Town of Greece	0	0	0
Town of Irondequoit	0	0	4

Source: Program and comparison police agencies

Relative Cost-Effectiveness and Productivity of Program Agencies

One component of the immediate impact evaluation was an examination of the relative cost-effectiveness and productivity of the various program agencies and of the investigative strategies using underage agents. Table 5.4 provides a number of measures of cost-effectiveness and productivity for the 21 enforcement conducted by each of the 18 program agencies during the program period. These measures relate the time spent in 21 investigations and the program costs to the number of establishments investigated and the number of referrals that resulted. The program costs included officer overtime, the purchase of alcoholic beverages, and the salaries for underage agents. Table 5.4 also provides measures of the productivity and cost-effectiveness for the combined efforts of the police agencies in each of the three program counties, based on total costs, person-hours, activities, and results. It should be noted that the measures for Nassau County are based on the agencies that submitted the data; several agencies in Nassau County, including the Nassau County Police Department, did not provide all of the data requested. Finally, the table provides measures of productivity and cost-effectiveness for the overall program. Since each of these program measures is based on the agencies that provided data, the measures are not always reflective of the total efforts undertaken by the program agencies.

Productivity

The information provided in Table 5.4 indicates that there was wide variation among the agencies in the productivity and cost-effectiveness of their enforcement efforts. One measure of productivity was the average number of establishments that were investigated for each referral that was made. The number of establishments checked per referral ranged from 1.6 for the Village of Hempstead Police Department to 31.0 for the Village of Freeport Police Department. Although there was a great deal of variation in productivity among the individual enforcement agencies, the county totals for Onondaga County and Erie County were similar. The number of establishments checked per referral was 5.6 for all Erie County agencies and 7.1 for all Onondaga County agencies. The number of establishments checked per referral in Nassau County was 4.6, exclusive of the efforts of the Nassau County Police Department. The number of establishments checked per referral for all of the program agencies combined was 6.2.

The average amount of officer time spent on each investigation and the average amount of officer time per referral were also calculated as additional indicators of productivity. The average time required for the investigation of one establishment varied from 1.0 person-hour for the police agencies in the Town of Hamburg and the City of Syracuse to 4.7 person-hours for the City of Glen Cove. It should be noted that one of the two agencies with the lowest ratio of person-hours to establishments checked, the Town of Hamburg Police Department, had a policy whereby a warning was issued to an establishment and no arrests or referrals were made. Based on the agencies for which data were available, the number of person-hours per establishment checked was 1.5 for the overall program. The number of person-hours per establishment checked was 1.6 person-hours for the Erie County agencies and 1.3 person-hours for the agencies in Onondaga County. Based on the agencies in Nassau County that provided data, the number of person-hours per establishment checked was 3.0 person-hours.

Table 5.4

Productivity and Cost-Effectiveness of Program Agencies during Program Period

Program Police Agencies	Investigations Using Underage Agents (%)	Establishments Checked Per Referral	Person-Hours per Establishment Investigated	Person-Hours per Referral	Cost Per Investigation (\$)	Cost Per Referral (\$)
<u>Erie County</u>						
Sheriff's Department	100%	6.7	1.7	11.1	50	334
Town of Amherst	100%	3.0	1.7	5.0	30	89
City of Buffalo	100%	6.3	1.2	7.7	35	220
Town of Cheektowaga	100%	2.5	2.8	6.9	73	180
Town of Hamburg	0	No referrals	1.0	---	22	---
Town of Orchard Park	65%	2.4	2.1	4.9	62	147
Town of Tonawanda	0	7.4	2.7	19.9	49	360
Total	88%	5.6	1.6	8.7	42	234
<u>Nassau County</u>						
Nassau County	0	NA	NA	10.1	NA	308
Village of Freeport	0	31.0	4.5	138.0	97	3,000
City of Glen Cove	0	No referrals	4.7	---	144	---
Village of Hempstead	100%	1.6	NA	NA	55	85
City of Long Beach	0	20.7	2.6	53.3	82	1,691
Village of Lynbrook	0	No referrals	NA	NA	NA	NA
Village of Rockville Centre	18%	19.5	2.0	39.0	86	1,674
Total	33% ¹	4.6 ¹	3.0 ¹	13.3 ¹	80 ¹	319
<u>Onondaga County</u>						
Sheriff's Department	100%	4.7	1.8	8.6	53	251
Town of Camillus	100%	1.8	2.9	5.3	48	88
Town of Clay	0%	27.7	2.2	59.7	40	1,109
City of Syracuse	78%	8.9	1.0	8.7	26	233
County Total	81%	7.1	1.3	9.1	34	244
<u>Program Total</u>	82% ¹	6.2 ¹	1.5 ¹	9.6 ¹	40 ¹	254

¹Totals based on agencies for which data were available.

Source: Program police agencies

The number of person-hours per referral also varied widely, from 4.9 person-hours for the Town of Orchard Park Police Department to 138 person-hours for the Village of Freeport. The ratio of the number of person-hours to referral was 8.7 person-hours for the agencies in Erie County and 9.1 person-hours for the agencies in Onondaga County. The ratio was 13.3 person-hours for Nassau County, although only four agencies were able to provide these data. The overall program average was 9.6 person-hours.

Cost-Effectiveness

Two measures were developed to examine the cost-effectiveness of the enforcement efforts. The first measure was the average cost for the investigation of an establishment, based on the number of establishments checked and the total program costs. The second measure was the average cost per referral. Based on the 16 agencies for which data could be obtained, the average costs for the investigation of an establishment ranged from \$22 for the Town of Hamburg Police Department to \$144 for the City of Glen Cove Police Department. The overall program average was \$40.

The more important measure of cost-effectiveness was the average cost for a referral. The program costs per referral ranged from \$85 for the Village of Hempstead Police Department to \$3,000 for the Village of Freeport Police Department. The program cost per referral ranged from \$220 to \$334 for the five largest police agencies. The average cost per referral was \$234 for Erie County, \$244 for Onondaga County, and \$319 for Nassau County. The overall program cost per referral was \$254.

Relative Productivity and Cost-Effectiveness of Underage Agent Approach

Table 5.4 also indicates that the agencies that used underage agents generally were more productive and cost-effective in their 21 enforcement activities than the agencies that did not use underage agents. In an attempt to examine this issue in a more systematic fashion, Table 5.5 provides measures of productivity and cost-effectiveness for the group of enforcement agencies that used underage agents on a regular basis and the group of enforcement agencies that did not use underage agents on a regular basis. The Village of Rockville Centre Police Department, which conducted 18 percent of its investigations with underage agents, is included with the group that did not use underage agents on a regular basis. The group that regularly used underage agents includes the Town of Orchard Park, which conducted 65 percent of its investigations with underage agents, and the City of Syracuse, which conducted 78 percent of its investigations with underage agents. For each of the two groups of agencies, two measures were computed. The "agency mean" is the mean of the individual agencies' measures of productivity and cost-effectiveness. The "group total" measures are based on the combined efforts of the agencies in the group, including the aggregated costs, person-hours, referrals, and investigations for all of the agencies. For example, the group cost per referral was computed by dividing the total costs incurred by the agencies by the total number of referrals made by the agencies. Although the group total is heavily influenced by the very large agencies, it also includes the agencies that did not make any referrals.

It was necessary to exclude some of the agencies from the agency mean measures of productivity and cost-effectiveness when data were unavailable.

Using either the agency mean or the group total, the group that regularly used underage agents was much more productive and cost-effective than the group that rarely or never used underage agents. Based on the group totals, the agencies using underage agents spent an average of 1.4 person-hours per investigation and 8.2 person-hours per referral, compared to 2.2 person-hours per investigation and 16.0 person-hours per referral for the agencies that did not use underage agents. The cost per investigation and the cost per referral were much lower for the agencies using underage agents. The cost per investigation was \$38 for the agencies using underage agents and \$53 for the agencies that did not use underage agents on a regular basis. The cost per referral of the group using underage agents (\$218) was half the cost per referral of the other group (\$437). Finally, the agencies using underage agents conducted less than six investigations per referral, while the agencies who never used underage agents or used them on a limited basis conducted 20 investigations per referral.

While these analyses suggest that the use of underage agents in the enforcement of the 21 law results in a higher level of productivity and cost-effectiveness than more traditional strategies, the results must be interpreted cautiously. In addition to the fact that the number of cases is very small, most of the agencies that did not use underage agents are located in Nassau County, and there may have been other factors, specific to that county, that explain the differences in the levels of productivity and cost-effectiveness. For example, the salaries of police officers may have been higher for the agencies in Nassau County. There may also have been differences among the jurisdictions in the number of violators, which would also affect the number of investigations required to apprehend a violator. Most of the agencies that did not use underage agents were relatively small agencies, and the largest agency that did not use underage agents, the Nassau County Police Department, did not supply all of the required data.

Table 5.5
Comparison of Productivity and Cost-Effectiveness of Program Agencies Using Underage Agents
and Program Agencies Not Using Underage Agents

	Person-Hours per Investigation	Person-Hours per Referral	Cost per Investigation	Cost per Referral	Investigations per Referral
<u>Agencies Using Underage Agents on a Regular Basis</u>					
Agency mean ¹	1.9 (N=8)	7.3 (N=8)	\$48 (N=9)	\$181 (N=9)	4.2 (N=9)
Group total ²	1.4 (N=8)	8.2 (N=8)	\$38 (N=9)	\$218 (N=9)	5.7 (N=9)
<u>Agencies Not Using Underage Agents on a Regular Basis</u>					
Agency mean ¹	2.8 (N=7)	53.3 (N=6)	\$74 (N=7)	\$1,357 (N=6)	21.3 (N=5)
Group total ²	2.2 (N=7)	16.0 (N=8)	\$53 (N=7)	\$437 (N=8)	20.5 (N=7)

Note: For each measure, the "N" represents the number of agencies on which the measure was based.

¹ *The agency mean is the mean of the individual agency measures of productivity and cost-effectiveness.*

² *The group total is based on the combined efforts of the agencies using or not using underage agents, including the aggregated costs, person-hours, referrals, and investigations for all of the agencies.*

Source: Program police agencies

Summary

The immediate impact evaluation of the 21 Enforcement Program assessed whether the program resulted in 1) an increase in the number of servers or sellers arrested for violations of the 21 law, and 2) an increase in the number of licensed establishments referred to the SLA for violations of the 21 law. This chapter discussed the referrals and arrests made by the program and comparison police agencies during the three study periods.

One-half of the 18 program agencies were able to provide arrest data for the pre-program and program periods. With only two exceptions, these agencies reported an increase in arrests from the pre-program period to the program period. In most cases these increases were very substantial, especially for the larger agencies. Four police agencies in the comparison county of Monroe were able to provide data for the pre-program and program period. None of these agencies reported an increase in arrests between the pre-program period and the program period. Ten program agencies and four comparison agencies supplied arrest data for the program and post-program periods. Nine of the program agencies reported declines in arrests after the program ended, while one program agency made no arrests in either period. Two of the comparison agencies made no arrests in either period, one agency made one arrest in both periods, and one agency made no arrests during the program period and four arrests in the post-program period.

All of the 18 program agencies provided data on referrals to the SLA for the program period. The number of referrals for violations of the 21 law during the program period totaled 352 for the program agencies in Erie County, 159 for the program agencies in Nassau County, and 294 for the program agencies in Onondaga County. In accordance with the guidelines provided by the SLA to the program agencies, almost all of the referrals were made for violations of Section 65.1 of the Alcoholic Beverage Control Law, rather than for Section 260.20 of the Penal Law.

Eight of the program agencies supplied referral data for both the pre-program period and the program period. All of the agencies in Onondaga County and Erie County for which data were available demonstrated very substantial increases in the numbers of referrals for sales to minors. The largest agency in Nassau County, the Nassau County Police Department, also reported a very large increase, from one referral during the pre-program period to 110 referrals during the program period. Two other small agencies in Nassau County made slightly fewer referrals during the program period. Of the ten program agencies for which post-program and program data were available, all except one reported a decrease in the number of referrals during the post-program period.

Four comparison agencies in Monroe County provided referral data for the three study periods. Two of the agencies made no referrals during any of the study periods; one agency made no referrals during either the pre-program or program periods, but made four referrals during the post-program period. The fourth agency reported that the number of referrals made during the program period decreased from the number made during the pre-program period, while the number of referrals during the post-program period increased slightly over the program period.

In order to examine the relative cost-effectiveness and productivity of the 21 enforcement conducted during the program using underage agents, a number of measures were developed that related the time spent in 21 investigations during the program and the program costs to the number of establishments investigated and the number of referrals that resulted. A review of these measures for the program agencies indicated that there was wide variation among the agencies in the productivity and cost-effectiveness of their enforcement efforts. Generally, the enforcement by agencies that used underage agents regularly was more productive and cost-effective than the enforcement by agencies that used underage agents on a very limited basis or not at all. Specifically, the agencies that regularly used underage agents spent fewer person-hours per investigation and fewer person-hours per referral than the agencies that did not use underage agents. The cost per investigation and the cost per referral were also much lower for the agencies using underage agents. Finally, the agencies regularly using underage agents conducted less than six investigations per referral, while the agencies that never used underage agents or used them on a limited basis conducted 20 investigations per referral.

Although the underage agent investigative approach appeared to be more productive and cost-effective, the analyses of the relationship between the use of underage agents and the levels of productivity and cost-effectiveness should be interpreted cautiously. In addition to the fact that the number of cases was very small, some police agencies did not supply all the required data. Furthermore, most of the agencies that did not use underage agents were located in Nassau County, and there may have been other factors specific to that county that explain the differences in productivity and cost-effectiveness. For example, the salaries of the police officers in Nassau County may have been higher. There may also have been differences among the jurisdictions in the number of violators, which would also affect the number of investigations required to apprehend a violator.

6. IMMEDIATE IMPACT EVALUATION: COUNTY RESULTS FOR REFERRALS TO THE SLA

The previous chapter presented information on arrests of servers or sellers for violations of the 21 law and information on referrals to the State Liquor Authority (SLA) of establishments charged with violations of the 21 law. Referrals made by police agencies in the program counties and the comparison counties during the three study periods were included. However, some of the agencies in the program counties could not provide the referral data for the pre-program and post-program periods, and several of the agencies contacted in the comparison counties could not supply the number of referrals for any of the study periods.

This chapter provides a more complete set of data on referrals made to the SLA for the three program counties and the two comparison counties during the pre-program, program, and post-program periods. The data set includes information on the disposition of the referrals, as well as the number of referrals submitted to the SLA. Although the data for the program counties may include referrals made by agencies other than those that participated in the program, it is believed that the vast majority of referrals during each of the study periods were made by program agencies.

The chapter begins with a description of the data collection process involved in collecting information on referrals from the SLA. The analysis of this information is then presented.

Data Collection and Analysis

Although the SLA is in the process of implementing a computerized records system, only a few of the state's counties were included in the system when this evaluation was conducted. Therefore, most of the data on referrals were gathered from the manual files maintained by the SLA.

In the "paper" tracking system, when a referral is received at an SLA regional office, it is entered into a log, with information regarding the preliminary actions taken on the case. A record of each referral is also maintained in the SLA central offices in New York City.

Institute staff reviewed the logs from each of the three SLA regional offices for the three-year period from 1986 to 1988 and abstracted information on every referral for a violation of the 21 law in the five study counties. This information included the county and license number of the establishment, the SLA's case registration number, the date the referral was received by the State Liquor Authority, the source of the referral (e.g., a police department or a letter of complaint), the type of violation, and the initial action taken. The initial action might be to refer the case to the office of the trial examiner; to file a record of the case, if there had been no violations within the past five years; or to send a letter of warning to the licensee.

A data base of the information collected manually from the logs was built on an Institute microcomputer with the software package dBase IV. To obtain data on the disposition of the referrals, this file was matched against the SLA computerized system. Only a small portion of the dispositions were identified through this system. The majority of disposition data were acquired

from a review of the letters sent to licensees following the hearing by the SLA Board of Commissioners. The disposition, the date of disposition, and the date of the violation were taken from these letters and appended to the data base on referrals.

A listing of the cases for which dispositions had not been located in the manual or computer files was sent to the SLA program director. To verify that these cases were still pending, SLA personnel reviewed the licensees' histories located in the New York City office. Most of the cases were still pending at the time this report was prepared, but information on the dispositions of the other cases was forwarded to the Institute for inclusion in the data base.

Referrals to the SLA for Violations of the 21 Law

Table 6.1 provides information on the number of referrals to the SLA for violations of the 21 law for each of the program and comparison counties. In addition to the number of referrals for each of the three study periods, the table provides the number of establishments referred. More than one referral for a single establishment may result when more than one violation of the 21 law is found on a given date or when violations occur at the establishment on different dates. The source of almost all of the referrals was a police agency, but the SLA logs did not identify the specific police agency involved in a particular referral.

During the pre-program period (July-December 1986), there were 50 referrals in Onondaga County, 70 in Nassau County, and 80 in Erie County. In one of the comparison counties, Monroe County, there were 84 referrals, while in the second comparison county, Dutchess County, there were 11 referrals.

In each of the three program counties, very large increases occurred during the program period (July-December 1987) in the number of referrals and the number of establishments referred. The number of referrals increased from 80 to 397 in Erie County, from 70 to 165 in Nassau County, and from 50 to 297 in Onondaga County. These represented increases of approximately 400 percent in Erie County, 135 percent in Nassau County, and 500 percent in Onondaga County. There were comparable increases during the program period in the number of establishments referred.

Table 6.1 Referrals to the State Liquor Authority for Violations of the 21 Law for the Program and Comparison Counties			
	Pre-Program July-Dec 1986	Program July-Dec 1987	Post-Program July-Dec 1988
Program Counties			
<u>Erie County</u>			
Referrals	80	397	39
Establishments referred	71	363	37
<u>Nassau County</u>			
Referrals	70	165	73
Establishments referred	51	139	55
<u>Onondaga County</u>			
Referrals	50	297	9
Establishments referred	40	242	9
Comparison Counties			
<u>Dutchess County</u>			
Referrals	11	12	13
Establishments referred	8	10	11
<u>Monroe County</u>			
Referrals	84	33	38
Establishments Referred	71	29	33
<i>Source: New York State Liquor Authority</i>			

The substantial increases that occurred during the program period in the program counties did not occur in the comparison counties. The number of referrals in Monroe County fell from 84 during the pre-program months to 33 during the program months, while the number of referrals from Dutchess County increased marginally, from 11 to 12.

In each program county, the increase in the number of referrals that occurred during the program period was not sustained during the post-program period (July-December 1988). In fact, in Erie County and Onondaga County the number of referrals during the post-program period was substantially lower than the number during the pre-program period. In Nassau County, the number of referrals during the post-program period was less than half of the referrals made during the program and approximately equal to the number of referrals during the pre-program period. There were 13 referrals made by Dutchess County enforcement agencies during the post-program period, an increase of one referral over the program period. The number of referrals from Monroe County increased from 33 during the program period to 38 during the post-program period but was still less than half the number of referrals made during the pre-program period.

Table 6.2 provides a breakdown of the referrals made during the program period according to the type of establishment. At least half of the referrals in each of the program counties involved a violation by either a convenience store or a grocery store. After grocery stores, the type of establishment that was referred the most frequently was a bar or a restaurant. Referrals for bars and restaurants represented about one-quarter of the referrals in Onondaga County, one-third of the referrals in Erie County, and two-fifths of the referrals in Nassau County.

With the exception of three percent of the referrals in Monroe County, all of the referrals in the two comparison counties were the result of violations found in grocery stores, convenience stores, bars, or restaurants.

Table 6.2 Analysis of Referrals to the State Liquor Authority during the Program Period by Type of Establishment					
	Program Counties			Comparison Counties	
	Erie	Nassau	Onondaga	Dutchess	Monroe
Total referrals	397	165	297	12	33
% Grocery/convenience stores	50.4	49.7	57.2	75.0	60.6
% Bars, restaurants	34.0	40.6	24.6	25.0	36.4
% Liquor stores	12.8	2.4	11.8	---	---
% Drug stores	1.5	.6	5.4	---	3.0
% Breweries	---	6.7	.7	---	---
% Other	1.3	---	.3	---	---
<i>Source: New York State Liquor Authority</i>					

Comparison of Referrals to Number of Licensed Establishments

Table 6.3 provides a comparison of the number of establishments referred during the program period to the number of alcoholic beverage licenses in each county. The highest percentage of establishments that were referred occurred in Onondaga County, where one-fifth of all of the establishments were referred. In Erie County, the establishments that were referred represented 13 percent of the total establishments. In Nassau County, which had the largest number of establishments of the three program counties, approximately four percent of the establishments were referred to the SLA for a violation of the 21 law. In each comparison county, less than two percent of the licensed establishments in the county were referred during the program.

Table 6.3			
Comparison of Establishments Referred during the Program Period to Licensed Establishments			
	Licensed Establishments	Establishments Referred	Referred/ Total
Program Counties			
Erie County	2732	363	13.3%
Nassau County	3213	139	4.3%
Onondaga County	1205	242	20.1%
Comparison Counties			
Dutchess County	741	10	1.3%
Monroe County	1619	29	1.8%
<i>Source: New York State Liquor Authority</i>			

Comparison of Referrals from Program Agencies to County Referrals

The previous chapter presented information on the number of referrals made by the program and comparison police agencies, based on data submitted by the individual agencies. Table 6.4 provides a comparison of the number of referrals reported by the enforcement agencies participating in the 21 Enforcement Program to the total number of referrals from the county during the program period. Referrals resulting from the program agencies accounted for between 89 percent and 99 percent of the total referrals reported to the SLA by all of the agencies in the county. The number of referrals made by the agencies that submitted data in the comparison counties represented only a small proportion of the total referrals from the comparison counties. Therefore, for the comparison counties, the data obtained from the SLA are a much more complete representation of the 21 enforcement activities in those counties.

Table 6.4			
Referrals to the State Liquor Authority for Program Agencies and Program Counties during Program Period			
	Erie	Nassau	Onondaga
Total referrals for county	397	165	297
Referrals from program agencies	352	159	294
Percent from program agencies	88.7%	96.4%	99.0%
<i>Source: New York State Liquor Authority and program enforcement agencies</i>			

Disposition of Referrals

This section discusses the SLA's disposition of the referrals made by enforcement agencies from the five study counties during the pre-program, program, and post-program periods. Table 6.5 provides information on the disposition of the referrals to the SLA, as of May 30, 1989.

For each of the three program counties, between nine and 13 percent of the cases referred during the pre-program period were still pending. For the referrals made during the program period, the percentage that were still pending ranged from eight percent for Erie County to 12 percent for Onondaga County. A comparison of the pre-program and program periods indicates that the proportion of cases that resulted in a penalty was higher during the program period, while a decrease occurred in the percentage of referrals that resulted in a dismissal, the filing of the referral pending future violations, or a letter of warning. During the program period, the percentage of referrals that had been adjudicated and resulted in a penalty ranged from 78 percent for referrals from Nassau County to approximately 83 percent for both Erie County and Onondaga County. During the pre-program period, the percentage that resulted in a penalty ranged from 55 percent for Erie County to 74 percent for Onondaga County.

When the pre-program and program disposition data for the program counties were compared to the data for the comparison counties, the most striking difference was in the percentage of referrals that were still pending. For the referrals made during the program period in the comparison counties, more than one-third of the referrals were still pending as of May 30, 1989. More than one-third of the referrals made during the pre-program period by Dutchess County enforcement agencies were also still pending. In both of the comparison counties, a large majority of the referrals that had been adjudicated resulted in a penalty.

Some of the differences in dispositions between the program counties and the comparison counties for the program period may be attributable to the fact that the SLA made a special effort to process the referrals resulting from the 21 Enforcement Program in a timely manner. However, there may be other factors involved as well. According to the SLA program director, a referral may be pending after a long period of time for two major reasons. First, it is sometimes necessary for the SLA investigators to gather a substantial amount of evidence in addition to the evidence provided by the enforcement agency involved. Second, there may be problems with the long-term availability of witnesses, particularly when the witnesses are underage. Thus, it is possible that the use of underage agents by many of the program agencies, and the SLA's efforts to process the cases quickly, may have expedited the disposition of the referrals made by those agencies, and also contributed to the higher proportion of referrals resulting in a penalty.

The data on the dispositions for referrals from the post-program period were too incomplete to interpret in a meaningful fashion. As of May 30, 1989, about one-third of the referrals from the post-program period were still pending in Erie County and Nassau County, almost one-half of the referrals were still pending in Monroe County, and a majority of the referrals were pending in Onondaga and Dutchess Counties.

Table 6.5
Disposition of Referrals to the State Liquor Authority
for Violations of the 21 Law

	Pre-Program July-Dec 1986	Program July-Dec 1987	Post-Program July-Dec 1988
Program Counties			
<u>Erie County</u>			
Total Referrals	80	397	39
% Dismissed, Filed, Warning	32.5	8.8	33.3
% Penalty Imposed	55.0	83.4	35.9
% Pending	12.5	7.8	30.8
<u>Nassau County</u>			
Total Referrals	70	165	73
% Dismissed, Filed, Warning	22.9	12.1	17.8
% Penalty Imposed	68.5	78.2	46.6
% Pending	8.6	9.7	35.6
<u>Onondaga County</u>			
Total Referrals	50	297	9
% Dismissed, Filed, Warning	14.0	4.4	---
% Penalty Imposed	74.0	83.5	33.3
% Pending	12.0	12.1	66.7
Comparison Counties			
<u>Dutchess County</u>			
Total Referrals	11	12	13
% Dismissed, Filed, Warning	---	16.7	7.7
% Penalty Imposed	63.6	25.0	15.4
% Pending	36.4	58.3	76.9
<u>Monroe County</u>			
Total Referrals	83	33	38
% Dismissed, Filed, Warning	9.7	3.0	10.5
% Penalty Imposed	83.1	63.7	42.1
% Pending	7.2	33.3	47.4
<i>Source: New York State Liquor Authority</i>			

Penalties Imposed by the SLA for Violations of the 21 Law

Table 6.6 provides information for the three study periods on the administrative penalties imposed by the SLA on the establishments found guilty of violating the 21 law. The penalties that could be imposed included the forfeiture of the establishment's bond and/or suspension or cancellation of the establishment's license to sell alcoholic beverages. An establishment is required to post a bond at the time of license application. An establishment found guilty of a 21 violation may be forced to forfeit the bond it has posted if a monetary penalty is imposed.

It should be noted that some of the penalties summarized in Table 6.6 may apply to other violations in addition to the sale of alcoholic beverages to minors. It is the policy of the SLA to impose a single penalty when more than one violation is substantiated at one time. For example, an establishment that has been found guilty of the sale of an alcoholic beverage to a minor and a violation of another section of the Alcoholic Beverage Control Law, such as gambling, would receive a penalty covering both violations. It was not possible to identify the penalties that applied only to violations of the 21 law.

In each of the study counties, with the exception of Dutchess County, there was an increase over time in the percentage of penalties that included both the forfeiture of the bond and suspension of the alcoholic beverage license, and a decrease in the percentage of penalties that involved only the suspension of the license. During the program period, forfeiture of the bond and suspension of the license was the most frequently imposed penalty in all of the program counties. This penalty accounted for 78 percent of the penalties in Onondaga County, 56 percent of the penalties in Erie County, and 51 percent of the penalties in Nassau County. In Erie County and Onondaga County, the next most frequently imposed penalty was suspension of the license, while in Nassau County the forfeiture of the bond was the next most frequently imposed penalty. In the three program counties, the most severe penalty, a cancellation of the license and forfeiture of the bond, was imposed in one or two percent of the cases.

In Monroe County, thirty-eight percent of the penalties resulting from referrals made during the program period were license suspensions, and another thirty-eight percent included both bond forfeiture and license suspension. Nineteen percent involved only the forfeiture of the bond. In Dutchess County three referrals during the program period resulted in a penalty. One penalty was a forfeiture of the bond and license suspension, and the other two involved forfeiture of the bond and license cancellation.

Table 6.6
Analysis of Penalties Imposed by the State Liquor Authority
for Violations of the 21 Law

	Pre-Program July-Dec 1986	Program July-Dec 1987	Post-Program July-Dec 1988
Program Counties			
<u>Erie County</u>			
Total Penalties	44	330	14
% Bond forfeiture	11.4	15.1	---
% License suspension	43.3	27.3	---
% Forfeiture & suspension	45.3	56.4	71.4
% Forfeiture & license cancellation	---	1.2	28.6
<u>Nassau County</u>			
Total Penalties	48	129	34
% Bond forfeiture	14.6	27.9	2.9
% License suspension	37.5	19.4	2.9
% Forfeiture & suspension	39.6	51.1	88.2
% Forfeiture & license cancellation	8.3	1.6	5.9
<u>Onondaga County</u>			
Total Penalties	37	248	3
% Bond forfeiture	16.2	6.5	---
% License suspension	16.2	13.3	---
% Forfeiture & suspension	67.6	77.8	100.0
% Forfeiture & cancellation	---	2.4	---
Comparison Counties			
<u>Dutchess County</u>			
Total Penalties	7	3	2
% Bond forfeiture	---	---	---
% License suspension	57.1	---	---
% Forfeiture & suspension	42.9	33.3	100.0
% Forfeiture & license cancellation	---	66.7	---
<u>Monroe County</u>			
Total Penalties	69	21	16
% Bond forfeiture	21.7	19.0	---
% License suspension	43.5	38.1	12.5
% Forfeiture & suspension	29.0	38.1	87.5
% Forfeiture & license suspension	5.8	4.8	---
<i>Source: New York State Liquor Authority</i>			

Table 6.7 provides information on the severity of the penalties imposed by the SLA as a result of referrals made during the program period. The mean amount of the bond forfeitures was \$605 for Erie County, \$629 for Onondaga County, \$857 for Nassau County, \$875 for Monroe County, and \$1000 for Dutchess County. Of the three comparison counties, the amount of the bond forfeitures was highest for the referrals made from Nassau County; more than two-thirds of the forfeitures for Nassau County were \$1000 or more, compared to 43 percent for Erie County and 37 percent for Onondaga County. This may indicate that a greater proportion of the establishments referred from Nassau County had more prior violations than the establishments referred from the other counties.

Table 6.7 Amount of Bond Forfeitures and License Suspensions for Violations of the 21 Law during the Program Period					
	Program Counties			Comparison Counties	
	Erie	Nassau	Onondaga	Dutchess	Monroe
<u>Bond Forfeiture</u>					
Total Bond Forfeitures	240	104	217	3	12
% \$100-\$250	44.6	13.5	24.4	--	16.7
% \$500-\$700	12.1	15.4	37.8	--	--
% \$1000	43.3	67.3	37.3	100.0	83.3
% \$1500 or more	--	3.8	0.5	--	--
mean	\$605	\$857	\$629	\$1000	\$875
range	\$250-\$1000	\$250-\$2500	\$100-\$1500	\$1000	\$100-\$1000
<u>Immediate License Suspension</u>					
Total Immediate License Suspensions	141	47	84	1	13
% less than 10 days	0.7	4.3	4.8	--	7.7
% 10 days	65.2	46.8	56.0	--	38.5
% more than 10 days	34.1	48.9	39.2	100.0	53.8
mean	12.9	14.4	12.5	15.0	14.5
range	7-30	5-30	7-30	15	3-30
<u>Deferred License Suspension</u>					
Total Deferred License Suspensions	181	70	176	1	8
% less than 10 days	16.1	34.3	17.6	100.0	62.5
% 10 days	71.8	55.7	61.9	--	37.5
% more than 10 days	12.1	10.0	20.5	--	--
mean	10.0	9.2	10.7	7.0	8.1
range	5-30	5-22	5-32	7	7-10
Source: New York State Liquor Authority					

In addition to or in lieu of imposing the forfeiture of the establishment's bond, the SLA may suspend the alcoholic beverage license of an establishment found to violate the 21 law. The suspension may take place immediately or be deferred, pending the occurrence of another violation. In some cases, both an immediate and a deferred license suspension are imposed. Table 6.7 summarizes information on the number of days for which the licenses were suspended during the program period. For immediate license suspensions, the average length of time that the license was suspended was 14.4 days for Nassau County, compared to 12.9 days for Erie County and 12.5 days for Onondaga County. For deferred license suspensions, the mean length of the license suspension for Nassau County (9.2 days) was lower than for Erie County (10 days) or Onondaga County (10.7 days).

The number of penalties imposed as a result of referrals from Dutchess County during the program period was too small to allow for meaningful analysis. For Monroe County, the mean amount of the bond forfeiture, \$875, was higher than the mean amount for any of the program counties. The average length of the immediate license suspensions for referrals from Monroe County was 14.5 days, while the average time of suspension for deferred license suspensions was 8.1 days.

Time between 21 Violation and Disposition of Referral by the SLA

A final set of analyses relating to the disposition of referrals focused on the time that elapsed between the date of the violation and the date of the final disposition of the charge.

A review of the referrals for the five study counties during the program period indicated that about three-quarters of the referrals were received by the SLA within one week of the violation, and over 90 percent were received within three weeks. Table 6.8 provides information on the length of time between the date of violation and the date of disposition by the SLA, based on the violations of the 21 law that occurred during the program. Much of the information on the disposition of referrals from Nassau County was obtained from the SLA's computerized files, which did not contain the date of disposition. Therefore, the data reported for Nassau County in this table are very incomplete. In addition, the number of cases for Dutchess County was too small for meaningful analysis. The majority of referrals from each of the other three counties reached disposition within one year. Three-quarters of the referrals from Erie County and two-thirds of the referrals from Monroe County reached disposition within six months of the date of violation. Although less than one-third of the referrals from Onondaga County reached disposition within six months, 89 percent reached disposition within one year.

<p align="center">Table 6.8</p> <p align="center">Length of Time between the Date of Violation and the Disposition by the State Liquor Authority for 21 Violations Occurring during the Program Period</p>					
	Program Counties			Comparison Counties	
	Erie	Nassau	Onondaga	Dutchess	Monroe
Total cases reaching disposition	326	13	228	4	19
% Less than 3 months	33.7	7.6	0.4	---	21.1
% 3-6 months	43.6	30.8	28.1	---	42.1
% 6 months - 1 year	15.6	30.8	60.1	100.0	31.5
% Greater than 1 year	7.1	30.8	11.4	---	5.3

Summary

This chapter examined data on the referrals for violations of the 21 law made during the three study periods by all of the enforcement agencies in the program counties and comparison counties. The data were gathered from the SLA automated and manual files. For the three program counties, referrals from the participating police agencies accounted for between 89 and 99 percent of the referrals reported to the SLA during the program period.

During the program period, large increases occurred in the number of referrals to the SLA made by enforcement agencies in the program counties for violations of the 21 law. There were 397, 297, and 165 referrals from Erie, Onondaga, and Nassau counties, respectively, during the program period. Compared to the pre-program period, this represented increases of 400 percent, 500 percent, and 135 percent, respectively. A small increase of one referral over the pre-program period occurred in Dutchess County, while a decrease in referrals occurred in Monroe County. The increases occurring in the program counties, however, were not sustained during the post-program period.

During the six-month program period, the establishments referred to the SLA represented 20 percent of all of the licensed establishments in Onondaga County, 13 percent of the establishments in Erie County, and four percent of the establishments in Nassau County. In each of the comparison counties, less than two percent of the establishments were referred. In all five study counties, grocery stores and convenience stores were the types of establishments most frequently referred, followed by bars and restaurants.

From eight to 12 percent of the referrals from the program counties during the program period were still pending at the time the data for this report were compiled. Another 80 percent of the referrals from each program county resulted in a penalty. Four percent of the referrals from Onondaga County, nine percent from Erie County, and 12 percent from Nassau County resulted in a

dismissal, a filing of the case pending future violations, or an issuance of a warning letter. The majority of the penalties consisted of a suspension of the license to sell alcoholic beverages and the forfeiture of the establishment's bond.

Ninety percent of the referrals from the program counties during the program period were received by the SLA within three weeks of the date of the violation. The SLA reached dispositions for the majority of the referrals from each of the three program counties within one year.

7. INTERMEDIATE IMPACT EVALUATION: SURVEY OF LICENSEES

The Intermediate Impact evaluation examined a major objective of the 21 Enforcement Program: to increase voluntary compliance with the 21 law among the owners and employees of establishments licensed to sell alcoholic beverages. To examine the effectiveness of the program in reaching this target population and modifying behaviors, a mail survey was conducted of the establishments licensed to sell alcoholic beverages in the program counties. This chapter presents the results of this survey.

Objectives and Methodology

The objective of the mail survey of establishments licensed to sell alcoholic beverages was to assess 1) the level of knowledge of the 21 law, 2) perceptions and experiences relating to enforcement of the law, and 3) practices regarding the "proofing" of customers. The survey questionnaire was developed by the Institute staff in consultation with the State Liquor Authority (SLA) program director, other SLA staff, and several local police officers. A few items on the questionnaire were subsequently modified based on the results of the pre-test. A copy of the questionnaire is provided in Appendix E.

The names and addresses of the licensed establishments in the three program counties were obtained from the SLA, and questionnaires were mailed to the managers of all of these establishments, exclusive of wholesale distributors and establishments with seasonal licenses. Only one questionnaire was sent to facilities with more than one concession stand, such as ball parks and race tracks.

In addition to a tabulation of the responses for the entire sample, all of the survey items were analyzed by county. Selected items were also analyzed by the type of establishment, the establishment's past experience with 21 investigations, and by other variables as appropriate. Unless otherwise indicated, the term "statistically significant" refers to the chi-square test with a significance level of .05. Only the statistically significant results are reported.

Description of Respondents

Out of a total of 7,149 questionnaires mailed in April 1989, 1,346 (19%) were returned. The distribution of the respondents and the return rates by county appear in Table 7.1. The response rate varied from 13% for Nassau County to 24% and 23% for Erie and Onondaga counties, respectively.

Table 7.1
Survey Respondents by County

	<u>Number</u>	<u>Percent of Total Respondents</u>	<u>Number of Establishments</u>	<u>Response Rate</u>
Erie	655	48.7%	2732	24.0%
Nassau	416	30.9%	3212	13.0%
Onondaga	275	20.4%	1205	22.8%
Total	1346		7149	

Table 7.2 provides the distribution of the respondents by the type of establishment in which they were employed. This distribution was similar to the distribution for all establishments in the three counties. Half of the respondents were employed in a bar or restaurant, and one-quarter worked in either a convenience store (22%) or a grocery store (4%). Eleven percent of the respondents were employed in a liquor store. Establishments licensed to sell alcoholic beverages are classified according to whether they are permitted to sell alcohol for on-premise or off-premise consumption. About half of the responses from each county came from the managers of on-premise establishments, including bars, restaurants, and clubs. The remainder of the responses came from the managers of off-premise establishments, primarily convenience stores, liquor stores, grocery stores, and drug stores.

Table 7.2
Respondents by Type of Establishment

	(N = 1346)
	<u>%</u>
Bar/Restaurant	49.9
Convenience store	21.5
Liquor store	11.1
Club	5.3
Grocery store	4.1
Drug store	2.1
Other	6.0

Table 7.3 provides additional information on the survey respondents. The establishments managed by the respondents varied in size. About one-third of the respondents reported that there were less than four other employees in their establishment who sell or serve alcohol; one-third reported that there were four to seven other employees, and one-third reported that there were more than seven other employees. Seventy-one percent of the respondents said that none of the employees selling or serving alcohol were under 21 years of age.

Table 7.3 Other Employees Who Sell or Serve Alcohol	
<u>Number of Employees</u>	(N = 1304)
	<u>%</u>
0-3	36.2
4-7	32.1
8 or more	31.7
 <u>Number of Employees Under 21</u>	 (N = 1290)
	<u>%</u>
0	71.1
1 or more	28.9

The managers who returned the survey were predominantly male (79%). The mean age of the respondents was 44 years. Less than one percent of the respondents were under 21 years of age, and only 15 percent were under 30 years of age. Over half (57%) were 40 years of age or older. Almost all of the respondents (90%) had worked for at least two years as the manager or owner of their current establishment or a similar establishment in the same county.

Perceived Level of 21 Enforcement

One objective of the survey was to assess retailers' perceptions regarding the level of 21 enforcement activities in their communities and the likelihood of apprehension for violating the 21 law. As shown in Table 7.4, 62 percent of the respondents believed that there had been an increase in the enforcement of the 21 law over the past two years. Similarly, 67 percent felt that there was an increased risk of arrest for selling alcohol to a minor compared with two years ago. Very few respondents felt that the level of enforcement or the risk of arrest had decreased.

Table 7.4
Perceived Level of 21 Enforcement and Risk
of Arrest For Sales to Minors

How would you estimate the level of police enforcement of the 21-year-old alcohol purchase law in your area over the past two years?		(N = 1340)
	%	
increased over previous years	62.3	
no change from previous years	19.6	
non-existent or not aware of any	4.6	
decreased over previous years	1.0	
don't know	12.5	
How would you rate the risk of being arrested for selling to minors today as compared to two years ago?		(N = 1339)
	%	
greater risk	66.5	
about the same	20.9	
less risk	2.9	
don't know	9.7	

Three-quarters of those responding to the survey said that they were aware of the use of underage agents in 21 enforcement activities in their area (Table 7.5). The most frequently cited sources of information regarding the use of underage agents were the news media (36%), persons from other establishments (32%), and police visits to the respondent's establishment (20%). Less than one-third of the managers were aware of any other types of special enforcement of the 21 law.

Table 7.5	
Awareness of 21 Enforcement	
Over the past two years have you been aware of the use of underage "agents" by the police for attempted "buys" of alcoholic beverages in your area?	(N = 1342)
	%
yes	74.1
no	25.9
If yes, how did you first hear of this enforcement effort?	(N = 982)
	%
news media	35.5
person from another establishment	32.0
police visited establishment	20.1
co-worker	4.2
trade magazine	3.8
other	4.4
Have you been aware of any other types of special police enforcement of the 21-year-old alcohol purchase law in your area over the past two years?	(N = 1336)
	%
yes	30.6
no	69.4

The managers surveyed were asked whether their establishments had been the target of investigations for sales to minors and if so, whether underage agents were used in those investigations. Table 7.6 shows that over one-quarter of the managers reported that their establishments had been investigated for selling alcoholic beverages to minors and that underage agents were used in over three-quarters of these investigations.

Table 7.6	
21 Investigations of Survey Establishments	
Has your establishment been the target of investigations for violations of the 21 law?	(N = 1341)
	%
yes	26.4
no	55.4
don't know	18.2
If yes, were underage agents involved in the investigation(s)?	(N = 352)
	%
yes	81.8
no	10.5
don't know	7.7

When asked what they thought would happen to a person in their establishment who was arrested for selling alcohol to a minor, 65 percent of the respondents said that the person would be found guilty and fined; 12 percent thought that the person would be found guilty but there would be no penalty (Table 7.7). Fifteen percent of the respondents thought that the case would be reduced to a lesser offense or dismissed, or that the person would be found not guilty.

When asked what, if any, penalty would be imposed on the holder of the alcoholic beverage license of the establishment for the second offense within six months, 59 percent thought that the license would be suspended. Another four percent thought that the license would be suspended and a fine would be imposed. Twenty percent thought that only a fine would be imposed, and 14 percent thought that there would be no penalty.

Table 7.7
Knowledge of Penalties for Sales to Minors

If someone in your establishment sold alcoholic beverages to minors and was arrested, what do you think would happen to that person?		(N = 1300)
		%
person found guilty and fined	65.4	
person found guilty, no penalty	11.5	
case plea-bargained	7.3	
case dismissed	4.8	
person found not guilty	2.8	
person found guilty and imprisoned	1.3	
other	2.7	
don't know	4.2	
What, if any, penalty do you think would be imposed on the holder of the alcoholic beverage license of the establishment for the second offense within 6 months?		(N = 1323)
		%
license suspension/closure	59.3	
fine/bond forfeiture	20.2	
no penalty/warning letter	14.1	
fine and license suspension	3.9	
other	1.4	
don't know	1.1	

The managers who reported that their establishments had been investigated for sales of alcoholic beverages to minors were significantly more likely than those who had not been investigated to perceive an increased risk of arrest for sales to minors (Table 7.8). Similarly, the respondents who believed 21 enforcement had increased were more likely to believe that there was an increased risk of arrest than the respondents who did not believe enforcement had increased.

Table 7.8
Analysis of the Perceived Risk of Arrest
by Perceived Level of Enforcement and by Prior Investigation

	Perceived Level of 21 Enforcement		Previously Investigated	
	Increased (N = 790) %	Not Increased (N = 295) %	Yes (N = 340) %	No (N = 659) %
Greater risk of arrest	84.3	50.5	80.0	69.5
Same or less risk	15.7	49.5	20.0	30.5
	chi square = 129.44 p < .001		chi square = 12.04 p < .001	

Analyses by County

There were no significant differences in the level of awareness of either the use of underage agents or other strategies between the managers of on-premise and the managers of off-premise establishments or between those managers who held the alcoholic beverage license and those managers who did not hold the license. Significant differences were found in the responses of the managers from the different counties with respect to perceptions of the level of enforcement and the risk of arrest for selling alcohol to minors, and awareness of the use of underage agents. While the majority of all the respondents believed that the level of police enforcement of the 21 law had increased over the past two years, significantly fewer respondents from Nassau County (53%) than from Erie County (77%) or Onondaga County (85%) perceived that enforcement had increased (Table 7.9). Nine percent of the managers from Nassau County indicated that 21 enforcement was non-existent or that they were not aware of any, compared with four percent in Erie County and two percent in Onondaga County. Similarly, fewer respondents from Nassau County (62%) than from Onondaga County (78%) or Erie County (79%) perceived that the risk of arrest for selling alcohol to minors had increased over the same time period.

Table 7.9 Differences by County in the Perceived Level of 21 Enforcement and Risk of Arrest			
	Erie (N = 574) %	Nassau (N = 344) %	Onondaga (N = 240) %
Increased 21 enforcement	77.0	53.2	84.6
No change	17.8	36.6	12.9
Decreased enforcement	1.4	0.9	0.8
Non-existent/not aware of any	3.8	9.3	1.7
	chi square = 90.92, p < .001		
	(N = 598) %	(N = 342) %	(N = 254) %
Greater risk of arrest	78.8	61.7	78.3
Same or less risk	21.2	38.3	21.7
	chi square = 36.23, p < .001		

While over 90 percent of the respondents from both Erie County and Onondaga County were aware of the use of underage agents in 21 enforcement, only 36 percent of the respondents from Nassau County were aware of this strategy. In addition, only 22 percent of the managers from Nassau County were aware of any other types of 21 enforcement, compared to 33 percent and 35 percent of those from Onondaga County and Erie County, respectively (Table 7.10).

Table 7.10 Differences by County in the Awareness of 21 Enforcement Strategies			
	Erie (N = 648) %	Nassau (N = 408) %	Onondaga (N = 271) %
Enforcement with underage agents			
aware	91.5	35.5	91.1
unaware	8.5	64.5	8.9
	chi square = 460.97, p < .001		
	(N = 645) %	(N = 408) %	(N = 268) %
Other types of 21 enforcement			
aware	34.9	22.3	32.8
unaware	65.1	77.7	67.2
	chi square = 19.43, p < .001		

One of the most important measures in the evaluation of the 21 Enforcement Program was the number of establishments in each of the program counties that were investigated by the police for violations of the 21 law. As indicated in Table 7.11, a much smaller proportion of managers from Nassau County (11%) than from Erie County (32%) or Onondaga County (37%) reported that their establishments had been the target of investigations. Approximately 86 percent of the investigations in Erie County and Onondaga County were reported to have involved the use of underage agents, compared to only 46 percent of the investigations in Nassau County.

Table 7.11
Differences by County in
Investigations For Sales to Minors

	Erie (N = 644)	Nassau (N = 411)	Onondaga (N = 271)
	%	%	%
Establishment investigated	32.1	11.4	36.5
Establishment not investigated	50.5	69.1	46.2
Don't know	17.4	19.5	17.3
	chi square = 74.64, p < .001		
	(N = 206)	(N = 46)	(N = 99)
	%	%	%
(If establishment investigated)			
Underage agents involved	87.9	45.7	85.8
Underage agents not involved	5.8	39.1	7.1
Don't know	6.3	15.2	7.1
	chi square = 53.57, p < .001		

An analysis of reported investigations for the sale of alcoholic beverages to minors by county and by type of establishment is presented in Table 7.12. On-premise establishments include bars, restaurants, and clubs, while the most common types of off-premise establishments are convenience stores, grocery stores, and liquor stores. Thirty-eight percent, 30 percent and 12 percent of the managers of on-premise establishments in Onondaga County, Erie County, and Nassau County, respectively, reported that their establishments had been investigated for possible sales to minors. Over half of the managers of off-premise establishments in Onondaga County and Erie County reported that their establishments had been investigated, but only 17 percent of the managers of off-premise establishments in Nassau County reported having been investigated.

Table 7.12 Differences by County and Establishment Type in Investigations for Sales to Minors			
	Erie (N = 301) <hr/> %	Nassau (N = 182) <hr/> %	Onondaga (N = 120) <hr/> %
On-premise			
establishment investigated	29.9	12.1	37.5
establishment not investigated	70.1	87.9	62.5
	chi square = 28.91, p < .001		
	(N = 230) <hr/> %	(N = 149) <hr/> %	(N = 104) <hr/> %
Off-premise			
establishment investigated	50.9	16.8	51.9
establishment not investigated	49.1	83.2	48.1
	chi square = 50.66, p < .001		

Knowledge and Attitudes Relating to the 21 Law and Its Enforcement

Another series of questions dealt with knowledge and attitudes toward the 21 law and its enforcement. As shown in Table 7.13, almost all of the managers (94%) said that they believe it is illegal for a person under 21 years of age to purchase alcohol. This indicates that there is some confusion over the specific provision of the law which states that it is illegal to sell or provide alcoholic beverages to a person under 21 years. Almost all of the respondents (98%) were correct in believing that they have a legal obligation to refuse to sell alcohol to a person who appears to be under 21 years. Over two-thirds of the respondents disagreed with the statement that servers and sellers are frequently too busy to "proof" every young purchaser. However, the majority (57%) of respondents felt that servers and sellers should not be punished for selling alcohol to a minor.

Table 7.13
Knowledge and Attitudes Toward the 21 Law

It is illegal for a person under 21 to purchase alcoholic beverages.		(N = 1342)
		%
true		93.8
false		6.2
The server has a legal obligation to refuse alcohol to any person who appears to be under 21 years if that person has no ID.		(N = 1344)
		%
true		98.2
false		1.8
Servers are frequently just too busy to "proof" every young customer.		(N = 1327)
		%
strongly agree		6.6
agree		22.5
undecided		1.8
disagree		40.5
strongly disagree		28.6
Servers and sellers should not be punished for selling to a minor because the minor is really the guilty party.		(N = 1324)
		%
strongly agree		30.6
agree		26.7
undecided		6.3
disagree		25.8
strongly disagree		10.6

There was substantial disagreement over whether 21 enforcement should be increased; 54 percent of the respondents supported increased enforcement of the 21 law, while 39 percent did not (Table 7.14). Over half of those responding to the survey were opposed to lowering the purchase age to 19 years, and over two-thirds were opposed to lowering it to 18 years.

Table 7.14
Attitudes Toward 21 Enforcement and the Alcohol Purchase Age

Enforcement of the 21 law should be increased to help prevent drunk driving by underage drivers, even though it places a burden on establishments that sell alcohol.		(N = 1315)
	%	
strongly agree	17.0	
agree	36.6	
undecided	7.4	
disagree	24.0	
strongly disagree	15.0	
The alcohol purchase age should be lowered to 18 years.		(N = 1330)
	%	
strongly agree	14.1	
agree	12.0	
undecided	5.0	
disagree	32.7	
strongly disagree	36.2	
The alcohol purchase age should be lowered to 19 years.		(N = 1302)
	%	
strongly agree	14.4	
agree	25.0	
undecided	5.5	
disagree	26.8	
strongly disagree	28.3	

Analyses by County

As indicated in Table 7.15, there were significant differences among the three program counties in attitudes toward the 21 law and enforcement of the law. Generally, the responses from Erie County and Onondaga County were very similar; the responses from Nassau County, however, frequently differed from those of the other two counties.

Respondents from Nassau County (47%) were more likely than those from Onondaga County (39%) or Erie County (34%) to believe that servers and sellers should be punished for selling alcoholic beverages to minors. The managers from Nassau County (64%) were also more likely to favor increased 21 enforcement than those from Onondaga County (56%) or Erie County (54%). While the majority of respondents in all three counties were opposed to lowering the alcohol purchase age to 18 years, a larger proportion of the respondents from Nassau County (78%) than

from Onondaga County (72%) or Erie County (69%) opposed this measure. The differences among the counties in attitudes toward lowering the purchase age to 19 were not as great. Fifty-three percent to 59 percent of the managers from each county were opposed to this measure; these differences were not statistically significant.

Table 7.15
Differences by County in Attitudes
Toward 21 Law and Its Enforcement

	Erie (N = 602)	Nassau (N = 373)	Onondaga (N = 251)
Servers and sellers should not be punished.			
	%	%	%
agree	66.3	53.1	61.0
disagree	33.7	46.9	39.0
	chi square = 16.89, p < .001		
Enforcement of the 21 law should be increased.	(N = 583)	(N = 380)	(N = 240)
	%	%	%
agree	54.2	64.2	56.3
disagree	45.8	35.8	43.7
	chi square = 9.73, p = .008		
The alcohol purchase age should be lowered to 18 years.	(N = 610)	(N = 390)	(N = 249)
	%	%	%
agree	30.7	22.1	28.5
disagree	69.3	77.9	71.5
	chi square = 8.97, p = .011		

Analyses by Type of Establishment

There were also significant differences in attitudes toward the 21 law between the managers of on-premise establishments and the managers of off-premise establishments (Table 7.16). The managers of on-premise establishments were more likely to believe that servers and sellers should not be punished for violating the 21 law (65% versus 56%) and less likely to support increased enforcement of the 21 law (55% versus 61%). A larger proportion of the managers of on-premise establishments also supported lowering the alcohol purchase age to 18 years (31% versus 23%).

Table 7.16
Differences by Type of Establishment in
Attitudes Toward 21 Law and Its Enforcement

Servers and sellers should not be punished.	On-Premise Establishment (N = 683)	Off-Premise Establishment (N = 546)
	%	%
agree	64.9	56.2
disagree	35.1	43.8
	chi square = 9.15, p = .003	
Enforcement of the 21 law should be increased.	(N = 664)	(N = 543)
	%	%
agree	55.0	61.0
disagree	45.0	39.0
	chi square = 4.15, p = .042	
The alcohol purchase age should be lowered to 18 years.	(N = 692)	(N = 560)
	%	%
agree	31.1	23.0
disagree	68.9	77.0
	chi square = 9.63, p = .002	

Analyses by Perceived Level of 21 Enforcement and Prior Experience with Investigation

There were significant differences in the attitudes toward 21 enforcement and the appropriate purchase age between the managers whose establishments had been investigated for sales to minors and the managers whose establishments had not been investigated. The managers who reported that their establishment had been investigated were more likely to believe that servers and sellers should not be punished and that the purchase age should be lowered to 19 years (Table 7.17). These managers were also less likely to favor increased enforcement. The managers who perceived an increased level of 21 enforcement were more likely than the managers who did not perceive increased 21 enforcement to favor lowering the purchase age to 19 and less likely to favor increased enforcement.

Table 7.17				
Differences by Perceived Level of Enforcement and by Prior Investigation in Attitudes Toward 21 Enforcement and Purchase Age				
	Perceived Level of 21 Enforcement		Previously Investigated	
	Increased (N=771)	Not Increased (N=315)	Yes (N=324)	No (N=686)
	%	%	%	%
Servers should not be punished.				
agree	63.3	58.4	64.8	56.0
disagree	36.7	41.6	35.2	44.0
	chi square = 2.06 p = .152*		chi square = 6.74 p = .009	
21 enforcement should be increased.	(N=757)	(N=307)	(N=324)	(N=669)
	%	%	%	%
agree	53.2	67.1	48.8	63.4
disagree	46.8	32.9	51.2	36.6
	chi square = 16.59 p < .001		chi square = 18.62 p < .001	
Alcohol purchase age should be lowered to 19 years.	(N=762)	(N=318)	(N=325)	(N=682)
	%	%	%	%
agree	44.9	35.5	46.8	37.2
disagree	55.1	64.5	53.2	62.8
	chi square = 7.66 p = .006		chi square = 7.91 p = .005	
*Differences not statistically significant.				

Analyses by Whether the Respondent Is Also the Licensee

Differences in attitudes toward the 21 law were also examined for the managers who held the alcoholic beverage license for the establishment and the managers who did not hold the license. As shown in Table 7.18, the respondents who were the licensees of the establishments were more likely to feel that servers and sellers who violated the 21 law should not be punished (65% versus 54%) and to oppose increased 21 enforcement (46% versus 36%). Attitudes toward lowering the alcohol purchase age to 18 years or 19 years were not significantly different between the two groups of managers.

Table 7.18		
Differences in Attitudes Toward 21 Law and Its Enforcement by Whether Respondent is Licensee		
	Licensee (N = 774)	Not Licensee (N = 454)
Servers and sellers should not be punished.	%	%
agree	65.4	54.4
disagree	4.6	45.6
	chi square = 14.06, p < .001	
Enforcement of the 21 law should be increased.	(N = 751)	(N = 453)
	%	%
agree	54.5	63.6
disagree	45.5	36.4
	chi square = 9.26, p = .002	

Proofing Procedures

One series of questions was designed to determine whether managers were knowledgeable about the acceptability of various forms of identification as proof of age and to gather information on practices regarding the checking of identification, known as proofing. Table 7.19 shows the results of questions relating to different types of identification. Eighty-four percent of the respondents said that it is very difficult to distinguish a falsified identification from a legitimate one. This fact was reinforced repeatedly by comments written on the survey instrument by the respondents. Almost all of the managers knew that a valid state driver's license with a photograph was an acceptable form of proof of age, but only two-thirds knew that a military identification card was legally acceptable. Seventeen percent of those responding mistakenly thought that a valid student identification card with a photograph was a legal form of proof.

Table 7.19	
Knowledge and Attitudes Relating to Proof of Age	
It is often very difficult for a server to tell a fake ID from a real one.	(N = 1333)
	%
strongly agree	41.5
agree	42.5
undecided	3.0
disagree	9.8
strongly disagree	3.2
A valid state driver's license is a legally acceptable form of proof.	(N = 1342)
	%
true	95.0
false	5.0
A valid student photo ID is a legally acceptable form of proof.	(N = 1335)
	%
true	16.9
false	83.1
A military ID is a legally acceptable form of proof.	(N = 1329)
	%
true	67.1
false	32.9

Information regarding the proofing procedures followed by the respondents and other employees in their establishments appears in Table 7.20. Over three-quarters of the managers reported that employees in their establishments have proofed young prospective customers more strictly over the past two years than in the previous year. Two-thirds of the establishments have posted proofing procedures, and almost all of the managers (89%) said that their employees were routinely educated in standard proofing procedures.

Table 7.20
Practices Related to "Proofing"

Over the past two years, how strictly do you think the employees in your establishment have "proofed" young prospective purchasers compared to the previous year?		(N = 1325)
		%
about the same		19.9
more strictly/more frequently		79.4
less strictly/less frequently		0.7
Does your establishment have posted procedures for "proofing" young persons?		(N = 1327)
		%
yes		69.1
no		30.9
(For establishments with more than one employee who sells alcoholic beverages)...Do you or does someone else in your establishment routinely educate other employees regarding standard procedures to "proof" young persons attempting to buy alcohol?		(N = 1247)
		%
yes		89.0
no		11.0

Several sets of formal procedures have been developed by such organizations as retailers' associations to help retailers in complying with the laws regulating the sale of alcoholic beverages. The procedures do not necessarily deal exclusively or primarily with the issue of sales to minors. Familiarity with three of these specific sets of procedures was low; 16 percent of the managers indicated that their employees had been trained in "Techniques of Alcohol Management" (TAM), nine percent stated they had been trained in "Top Shelf," and eight percent said their employees had been trained in "Smart Choice" (Table 7.21).

Table 7.21		
Employee Training in Alcohol Management Procedure		
<p>(For establishments with more than one employee)...</p> <p>Several sets of procedures have been developed to help retailers in some areas in complying with the laws regulating the sale of alcoholic beverages. Examples are Techniques of Alcohol Management (T.A.M.), "Smart Choice," and "Top Shelf." Have employees in your establishment been trained in the use of the following techniques?</p>		
T.A.M.	(N = 876)	
	%	
yes	15.6	
no	84.4	
Smart Choice	(N = 841)	
	%	
yes	8.0	
no	92.0	
Top Shelf	(N = 836)	
	%	
yes	9.2	
no	90.8	

Finally, the respondents were asked if they had sufficient knowledge regarding the 21 law and its enforcement, proofing procedures, and the penalties for violating the law. While the majority of the managers replied that they were sufficiently knowledgeable, a sizable portion (31%) felt that they were not (Table 7.22). For those replying affirmatively, the most frequently cited sources of their information were the SLA (45%); the police (17%); and retailers' associations (14%).

Table 7.22	
Knowledge Related to the 21 Law	
Do you feel that you have sufficient knowledge regarding the 21 law and its enforcement, proofing procedures, and the penalties for violating the law?	(N = 1337)
	%
yes	69.0
no	31.0
If yes, what has been the main source of your information?	(N = 903)
	%
State Liquor Authority	44.6
police	17.1
retailers' association	13.7
news media	10.5
co-worker, friend, owner	10.4
other	3.7

Managers whose establishments had been investigated or who perceived that there had been an increase in the level of enforcement were significantly more likely than other managers to report that they had sufficient knowledge of the 21 law and related issues (Table 7.23). These managers also were more likely to have posted proofing procedures, to proof prospective customers more strictly than they had two years ago, and to engage in the routine education of other employees regarding proofing.

Table 7.23

Differences by Perceived Level of Enforcement and Prior Experience with Investigation in Knowledge and Behaviors Relating to Proofing

	Perceived Level of 21 Enforcement		Previously Investigated	
	Increased (N = 828) %	Not Increased (N = 336) %	Yes (N = 352) %	No (N = 737) %
Sufficient knowledge regarding 21 law	72.1	66.1	76.7	68.1
Insufficient knowledge	27.9	33.9	23.3	31.9
	chi square = 3.88 p = .049		chi square = 8.11 p = .004	
	(N = 828) %	(N = 329) %	(N = 353) %	(N = 728) %
Posted proofing procedures	73.3	63.8	80.5	64.0
No posted proofing procedures	26.7	36.2	19.5	36.0
	chi square = 9.74 p = .002		chi square = 29.48 p < .001	
	(N = 820) %	(N = 331) %	(N = 350) %	(N = 722) %
Proof young customers more strictly	86.6	71.0	89.4	75.8
Proof young customers about the same	13.4	29.0	10.6	24.2
	chi square = 37.94 p < .001		chi square = 26.90 p < .001	
(For establishments with more than one employee who sell alcoholic beverages)	(N = 783) %	(N = 313) %	(N = 277) %	(N = 531) %
routine education of employees on proofing	92.3	83.1	96.0	83.8
no routine education	7.7	16.9	4.0	16.2
	chi square = 19.79 p < .001		chi square = 24.60 p < .001	

Analyses by County

As shown in Table 7.24, relatively fewer persons from Nassau County reported that their establishments proof prospective customers more strictly than two years ago (71%), when compared to Erie County (83%) or Onondaga County (87%). There were no significant differences among the counties with regard to whether managers felt they had sufficient knowledge relating to the 21 law, whether the establishment had posted proofing procedures, and whether employees were routinely educated in proofing procedures.

Table 7.24			
Differences by County in Proofing Procedures			
	(N=637)	(N=398)	(N=266)
	%	%	%
Proof young customers more strictly	82.9	70.6	86.8
Proof young customers about the same	17.1	29.4	13.2
	chi square=33.0, p <.001		

Methods Used by Underage Persons to Obtain Alcohol

When asked how they thought most persons under the age of 21 usually obtain alcoholic beverages, only 14 percent of the respondents thought that minors usually buy alcoholic beverages themselves (Table 7.25). The most frequent response (81%) was that alcoholic beverages are usually obtained from older friends.

Table 7.25	
Method Used by Underage Persons to Obtain Alcohol	
How do you think most persons under the age of 21 in your community usually obtain alcoholic beverages?	(N = 1315)
	%
from older friends	80.6
they buy it themselves	14.1
from family members	4.3
other	1.0

Respondents were also asked to estimate the likelihood that an underage person without falsified identification would be able to purchase alcohol in several different types of establishments. As indicated in Table 7.26, the respondents felt that an underage person would be least able to purchase alcohol in a liquor store, and most able to purchase alcohol in a restaurant. Almost half of the respondents (46%) estimated that the chances that an underage person would be able to purchase alcohol in a liquor store were zero out of five; only 11 percent estimated the chances were at least three out of five. Forty-one percent of the respondents estimated that the chances of purchasing alcohol in a restaurant were at least three out of five, and only 16 percent estimated the chances at zero out of five.

Table 7.26
Perceived Ability of Underage Person to
Purchase Alcohol in Five Types of Establishments

Suppose a person under 21, without a fake ID, went into five of each of the following types of establishments in your community and tried to purchase alcoholic beverages. How many times out of five do you think he/she would be successful?

Number Purchases Out of 5 Attempts	Bars (N=1274) %	Restaurants (N=1262) %	Convenience Stores (N=1261) %	Grocery Stores (N=1261) %	Liquor Stores (N=1262) %
0	18.2	16.0	20.3	23.1	45.8
1-2	49.2	42.7	43.1	41.7	43.7
3-5	32.6	41.3	36.6	35.2	10.5

Differences by County

There were differences among the counties with regard to opinions on how minors usually obtain alcoholic beverages (Table 7.27). While the majority of respondents from each county said that minors usually obtain alcoholic beverages from older friends, respondents from Nassau County (22%) were more likely than the respondents from Erie County (11%) or Onondaga County (12%) to believe that young persons usually purchased alcoholic beverages themselves.

Table 7.27
Differences by County in Perceived Methods Used
by Underage Persons to Obtain Alcohol

	Erie (N=597) %	Nassau (N=376) %	Onondaga (N=258) %
Obtain alcohol from older friends	88.6	77.9	88.0
Buy alcohol themselves	11.4	22.1	12.0
chi square = 22.89, p < .001			

**Differences by Type of Establishment and Whether Respondent is Licensee
in Perceived Methods Used by Underage Persons to Obtain Alcohol**

As shown in Table 7.28, the managers of on-premise establishments were almost twice as likely as those of off-premise establishments to believe that minors usually buy alcoholic beverages themselves (19% vs. 10%). The managers who were also licensees were less likely than the other managers to believe that underage persons usually purchase alcoholic beverages themselves.

Table 7.28 Differences by Type of Establishment and Whether Respondent is Also Licensee in Perceived Methods Used by Underage Persons to Obtain Alcohol		
	On-premise Establishment (N = 685) %	Off-premise Establishment (N = 549) %
Obtain alcohol from older friends	81.0	90.3
Buy alcohol themselves	19.0	9.7
	chi square = 20.25, p < .001	
	Licensee (N = 777) %	Not Licensee (N = 454) %
Obtain alcohol from older friends	87.0	82.2
Buy alcohol themselves	13.0	17.8
	chi square = 4.96, p < .026	

Summary

To examine the effects of the 21 Enforcement Program on the attitudes and behaviors of the licensees and their employees, a mail survey was conducted of the establishments licensed to sell alcoholic beverages in the program counties. A total of 1348 managers of licensed establishments participated in the survey. This represented response rates of 24 percent for Erie County, 13 percent for Nassau County, and 23 percent for Onondaga County. Half of the respondents were managers of bars or restaurants, and one quarter were managers of convenience stores or grocery stores. Liquor stores comprised the largest group of the remaining types of establishments.

Approximately two-thirds of all respondents believed that an increase had occurred over the past two years in the level of enforcement of the 21 law and the risk of arrest for violations of the 21 law. Three-quarters of the respondents were aware of the use of underage agents in enforcement

activities in their area. One-quarter of all of the respondents said that their establishment had been investigated for sales of alcoholic beverages to minors and that underage agents were used in more than three-quarters of these investigations. Approximately two-thirds of the managers believed that a person arrested for selling alcohol to a minor would be found guilty and fined. More than four-fifths of the managers believed that the holder of the alcoholic beverage license of the establishment would be penalized with a license suspension and/or a fine.

Over half of all the managers supported increased enforcement of the 21 law and were opposed to lowering the alcohol purchase age to 19 years. Over two-thirds were opposed to lowering the purchase age to 18 years.

Several questions dealt with different types of identification as proof of age. Eighty-four percent of the managers said that it was often very difficult to distinguish between a falsified identification and a legitimate one. Only about two-thirds of the respondents knew that a military ID was a legal form of identification. Seventeen percent mistakenly believed that a student identification with a photograph was a legally acceptable form of identification.

Over three-quarters of the managers said that employees in their establishments check the identification of young customers more strictly than they did two years ago. The majority had posted proofing procedures (69%) and engaged in routine education of employees regarding proofing (88%).

When asked if they felt they had sufficient knowledge regarding the 21 law and its enforcement, proofing procedures, and penalties for violating the law, almost one-third of the managers replied negatively. For those responding affirmatively, the most frequently mentioned sources of information were the SLA (45%) and the police (17%).

Differences were found among the responses of the managers from the three program counties. The managers of establishments in Nassau County were significantly less likely than those from Erie County and Onondaga County to believe that the level of 21 enforcement and the risk of arrest for violations of the law had increased and to be aware of the use of underage agents. Only 11 percent of the managers from Nassau County reported that their establishments had been investigated for sales to minors, compared to 37 percent of the respondents from Onondaga County and 32 percent from Erie County. In addition, approximately half as many managers from Nassau County (46%) as from Erie County (88%) or Onondaga County (86%) said that underage agents were involved in these investigations.

The managers of Nassau County establishments were more likely to favor increased enforcement of the 21 law and the punishment of sellers and servers who violate the law and less likely to favor lowering the alcohol purchase age to 18 than were their counterparts in Erie and Onondaga counties. Although the respondents from Nassau County were twice as likely as those from the other two counties to say that underage persons usually purchase alcohol themselves, they were less likely to report that they proofed customers more strictly than they did two years ago.

8. IMPACT EVALUATION: ARRESTS FOR DRINKING AND DRIVING

The purpose of the impact evaluation was to assess the immediate and long-term effects of the 21 Enforcement Program on drinking and driving by persons under the age of 21 years. The impact evaluation addressed the following research questions:

- 1) Were there significant reductions in drinking and driving among underage persons in the counties where the 21 Enforcement Program was implemented?
- 2) If there were reductions in drinking and driving among underage persons, can they be attributed to the 21 Enforcement Program?

Since it is impossible to measure the frequency with which underage persons actually drink and drive, indirect measures of drinking and driving were used. Specifically, the impact evaluation examined the following two measures:

- the number of arrests for drinking and driving involving drivers under 21 years of age
- the number of alcohol-related crashes involving drivers under 21 years of age

The data sets obtained for both of these measures included data for each of the program and comparison counties for the pre-program (July-December 1986), program (July-December 1987), and post-program (July-December 1988) periods.

This chapter examines the first impact measure, arrests for drinking and driving involving drivers under 21 years of age. The analyses of alcohol-related crashes are presented in the following chapter. As noted in Chapter 2, with the exception of the pre-program and program data from the cities of Buffalo (Erie County) and Rochester (Monroe County), all arrest data were obtained from the New York State Department of Motor Vehicles' Traffic Safety Law Enforcement and Disposition system (TSLE&D). The arrest data for the cities of Buffalo and Rochester for the pre-program (July-December 1986) and program (July-December 1987) periods were obtained directly from the police agencies in these two cities. Where possible, the data provided by these local police agencies were combined with the data obtained from the TSLE&D system.

Two sets of impact analyses were conducted for each program and comparison county. First, the number of underage persons arrested for drinking and driving in the pre-program, program, and post-program periods were analyzed as a proportion of the total alcohol-related arrests for all ages in the county. These analyses provided an examination of the changes in the impact measure, while partially controlling for changes in the general enforcement of the drinking and driving laws.

The second set of analyses involved before/after comparisons of the number of arrests of underage persons for drinking and driving in each county as a proportion of the statewide arrests of underage persons for drinking and driving. These analyses were conducted to examine further whether any changes in the number of arrests in the program counties could be attributed to the 21 Enforcement Program rather than to more widespread trends.

For each of these two sets of analyses, two-tailed tests of the differences in the proportions, using the Z statistic, were conducted to determine if any of the changes were statistically significant. A significance level of .05 was established for these analyses.

In addition, the population of drivers under 21 years of age in each of the study counties was analyzed by the age, gender, and Blood Alcohol Concentration (BAC) of the drivers. In some cases, the BAC of a driver was not available either because the driver refused to submit to a chemical analysis of his or her blood or because the results of the chemical analysis were not reported. These analyses were intended to provide a profile of the underage persons involved in drinking and driving in each county.

Further analyses provided for a breakdown of the arrests into four types of violations. Two of these violations were Driving While Intoxicated (DWI) and the lesser offense of Driving While Ability Impaired (DWAI). A BAC of .06 percent or higher provides "prima facie" evidence of DWAI, while a BAC of .10 percent is "per se" evidence of DWI. A driver is generally charged with DWAI when a BAC below .10 percent is recorded. A police officer, however, may also elect to charge a person with DWAI if the BAC is .10 percent or slightly higher. The charge of DWAI would also apply to a driver who is believed to be impaired by drugs. The third type of violation applies to persons arrested under the "per se" law, which makes it an offense to operate a motor vehicle with a BAC of .10 percent or higher. It is common for a driver to be charged under both the DWI and per se provisions and then convicted of only one offense, although the driver can be convicted of both charges. Whether a person is charged with DWI, the per se violation, or both DWI and the per se violation is largely a matter of policy determined by the enforcement agency and/or the District Attorney.

Arrests for Drinking and Driving in the Program Counties

Erie County

Over eleven percent of the drivers arrested for drinking and driving in Erie County during the pre-program period were under the age of 21 years, compared to less than ten percent of the drivers arrested during both the program and post-program periods (Table 8.1). Between the pre-program period and the program period, the decline in the proportion of the drivers arrested who were underage was statistically significant ($Z=2.0$), while the change between the program period and the post-program period was not significant ($Z=-.3$).

As shown in Table 8.1, between 87 percent and 90 percent of the underage persons arrested for drinking and driving during the three study periods were male, and approximately two-thirds of the drivers were 19 or 20 years old.

<p align="center">Table 8.1</p> <p align="center">Persons under 21 Years of Age Arrested for Drinking and Driving by Age and Gender of Driver Erie County</p>			
	<u>Pre-Program</u> <u>July-Dec 1986</u>	<u>Program</u> <u>July-Dec 1987</u>	<u>Post-Program</u> <u>July-Dec 1988</u>
All Drivers	(N = 2,193)	(N = 2,044)	(N = 2,204)
% Under 21 Years	11.4%	9.5%*	9.8%
Drivers Under 21	(N = 250)	(N = 194)	(N = 216)
By Age: 16 Years	2.8%	4.1%	0.5%
17 Years	8.0%	7.2%	11.1%
18 Years	21.6%	25.8%	18.5%
19 Years	36.0%	33.0%	31.0%
20 Years	31.6%	29.9%	38.9%
By Gender: Men	87.6%	89.7%	86.6%
Women	12.4%	10.3%	13.4%
<p>* Statistically significant change identified between this period and the prior period.</p> <p>Source: New York State Department of Motor Vehicles' TSLE&D System and the City of Buffalo Police Department</p>			

An analysis of the types of violations involving persons under 21 years of age in Erie County indicated that approximately 93 percent of these drivers were charged with either DWI or with both DWI and having a BAC equal to or above the legal limit of .10 percent (Table 8.2). Based on the drivers for whom BAC information was available, between 64 percent and 79 percent of the drivers had a BAC between .10 percent and .19 percent. A sizable percentage of the drivers, however, had a BAC of .20 percent or greater. The percentage of drivers with a BAC of at least .20 percent ranged from 13 percent during the post-program period to 21 percent during the pre-program period.

Table 8.2

**Persons under 21 Years of Age Arrested for Drinking and Driving
by Type of Violation and Blood Alcohol Concentration (BAC)
Erie County**

	Pre-Program July-Dec 1986	Program July-Dec 1987	Post-Program July-Dec 1988
Type of Violation	(N = 250)	(N = 194)	(N = 216)
DWAI	6.0%	4.1%	3.7%
DWI	50.4%	37.6%	29.6%
Per Se	0.8%	2.1%	2.8%
DWI & Per Se	42.8%	56.2%	63.9%
BAC Level	(N = 160)*	(N = 134)*	(N = 168)
.00 - .05	1.9%	3.7%	1.2%
.06 - .09	12.5%	8.2%	7.7%
.10 - .14	30.0%	38.8%	41.1%
.15 - .19	34.4%	34.3%	37.5%
.20 - .24	18.1%	14.2%	11.3%
.25 +	3.1%	0.7%	1.2%

** Excludes data for the City of Buffalo. The BAC data provided by the City of Buffalo Police Department could not be sorted in this fashion, but the data indicated that the average BAC for drivers under 21 years of age arrested for drinking and driving in the City of Buffalo was .14 percent in both the pre-program and program periods.*

Source: New York State Department of Motor Vehicles' TSLE&D System and the City of Buffalo Police Department

Nassau County

Ten percent of the drivers arrested for drinking and driving in Nassau County in the pre-program period were under the age of 21, compared to less than eight percent of the drivers arrested in the program and post-program periods (Table 8.3). The decline in the proportion of drivers under 21 arrested for drinking and driving between the pre-program period and the program period was statistically significant ($Z=2.8$). The change in the proportion between the program and post-program period was not statistically significant ($Z=-.3$).

<p align="center">Table 8.3</p> <p align="center">Persons Under 21 Years of Age Arrested for Drinking and Driving by Age and Gender of Driver Nassau County</p>			
	<u>Pre-Program</u> <u>July-Dec 1986</u>	<u>Program</u> <u>July-Dec 1987</u>	<u>Post-Program</u> <u>July-Dec 1988</u>
All Drivers	(N=2,491)	(N=2,434)	(N=2,290)
% Under 21 Years	10.0%	7.7%*	7.9%
Drivers Under 21	(N=249)	(N=188)	(N=182)
By Age: 16 Years	0.4%	1.1%	1.6%
17 Years	6.4%	9.6%	6.0%
18 Years	28.5%	20.2%	19.8%
19 Years	24.9%	28.7%	34.1%
20 Years	39.8%	40.4%	38.5%
By Gender: Men	89.2%	86.2%	86.8%
Women	10.8%	13.8%	13.2%
* Statistically significant change identified between this period and the prior period.			
Source: New York State Department of Motor Vehicles' TSLE&D System			

Of the persons under 21 years of age arrested during the three study periods, between 86 percent and 89 percent were male. Approximately 40 percent of the drivers arrested during each study period were 20 years old, and between 25 percent and 34 percent were 19 years old (Table 8.3).

A breakdown of the arrests in Nassau County by the type of violation indicated a very different pattern than the breakdown of arrests in Erie County (Table 8.4). While the majority of the arrests in Erie County were for either DWI or for both DWI and the per se provision of the law, the majority of the persons arrested in Nassau County were charged only with violating the per se provision of the law. This difference between the two counties is likely attributable to differences in the policies of the police agencies involved rather than to differences in the circumstances of the arrest. The percentage of persons arrested for DWAI in Nassau County was also substantially greater than the percentage in Erie County. The percentage of persons arrested for DWAI in Nassau County ranged from approximately 15 percent during the post-program period to almost 25 percent during the pre-program period.

Table 8.4

**Persons under 21 Years of Age Arrested for Drinking and Driving
by Type of Violation and Blood Alcohol Concentration (BAC)
Nassau County**

	<u>Pre-Program July-Dec 1986</u>	<u>Program July-Dec 1987</u>	<u>Post-Program July-Dec 1988</u>
Type of Violation	(N = 249)	(N = 188)	(N = 182)
DWAI	24.5%	18.1%	14.8%
DWI	10.4%	11.7%	10.4%
Per Se	57.1%	61.2%	67.6%
DWI & Per Se	8.0%	9.0%	7.1%
BAC Level	(N = 221)	(N = 161)	(N = 155)
.00 - .05	0.0%	0.0%	1.3%
.06 - .09	26.7%	21.1%	14.2%
.10 - .14	41.6%	42.9%	51.0%
.15 - .19	28.5%	27.3%	27.7%
.20 - .24	2.7%	8.1%	4.5%
.25 +	0.5%	0.6%	1.3%

Source: New York State Department of Motor Vehicles' TSLE&D System

Based on the drivers for whom the BAC level was available, between 70 percent and 79 percent of the underage persons arrested in Nassau County during the three study periods had a BAC level between .10 percent and .19 percent (Table 8.4). A larger proportion of the drivers in Nassau County than in Erie County had a BAC below .10 percent; between 15 percent and 27 percent of the drivers in Nassau County had BAC levels below .10 percent. This may partly explain why the percentage of persons arrested for DWAI in Nassau County was larger than the percentage in Erie County.

Onondaga County

The proportion of drivers arrested for drinking and driving in Onondaga County who were under 21 years old was approximately 11 percent in both the pre-program and program periods (Table 8.5). In the post-program period the proportion of drivers under 21 was nine percent. Neither the change in the proportion of underage drivers arrested between the pre-program period and program period nor the change in the proportion between the program period and the post-program period was statistically significant ($Z = .5$ and $Z = 1.3$, respectively).

<p align="center">Table 8.5</p> <p align="center">Persons under 21 Years of Age Arrested for Drinking and Driving by Age and Gender of Driver Onondaga County</p>			
	<u>Pre-Program</u> <u>July-Dec 1986</u>	<u>Program</u> <u>July-Dec 1987</u>	<u>Post-Program</u> <u>July-Dec 1988</u>
All Drivers	(N = 1,109)	(N = 1,210)	(N = 1,230)
% Under 21 Years	11.5%	10.5%	9.0%
Drivers Under 21	(N = 126)	(N = 129)	(N = 111)
By Age: 16 Years	3.2%	3.9%	2.7%
17 Years	10.3%	9.3%	5.4%
18 Years	27.8%	21.7%	19.8%
19 Years	27.0%	32.6%	31.5%
20 Years	31.7%	32.6%	40.5%
By Gender: Men	86.5%	86.0%	88.3%
Women	13.5%	14.0%	11.7%
<p><i>Source: New York State Department of Motor Vehicles' TSLE&D System</i></p>			

Eighty-six to 88 percent of the underage persons arrested for drinking and driving in Onondaga County during the three study periods were male (Table 8.5). Between 59 percent and 72 percent were 19 or 20 years old.

As indicated in Table 8.6, the distributions of arrests by the type of violation were similar in all three program periods. In each study period, virtually all of the drivers under 21 years of age (98% or 99%) were arrested for either DWI or for both DWI and violating the per se provision. Table 8.6 also indicates that between 70 percent and 86 percent of the drivers for whom BAC information was available had BAC levels between .10 percent and .19 percent.

Table 8.6

**Persons under 21 Years of Age Arrested for Drinking and Driving
by Type of Violation and Blood Alcohol Concentration (BAC)
Onondaga County**

	<u>Pre-Program</u> <u>July-Dec 1986</u>	<u>Program</u> <u>July-Dec 1987</u>	<u>Post-Program</u> <u>July-Dec 1988</u>
Type of Violation	(N = 126)	(N = 129)	(N = 111)
DWAI	1.6%	0.8%	0.0%
DWI	86.5%	84.5%	79.3%
Per Se	0.8%	0.8%	0.9%
DWI & Per SE	11.1%	13.9%	19.8%
BAC Level	(N = 115)	(N = 112)	(N = 96)
.00 - .05	1.7%	1.8%	--
.06 - .09	15.7%	7.1%	5.2%
.10 - .14	42.6%	53.6%	41.7%
.15 - .19	27.8%	29.5%	44.8%
.20 - .24	9.6%	8.0%	6.3%
.25 +	2.6%	0.0%	2.1%

Source: New York State Department of Motor Vehicles' TSLE&D System

Arrests for Drinking and Driving in the Comparison Counties

Dutchess County

Approximately 13 percent of the drivers arrested for drinking and driving in Dutchess County during the pre-program period were under the age of 21, compared to 12 percent of the drivers arrested during the program period. The proportion of underage drivers arrested during the post-program period increased above both the program and the pre-program levels to 14 percent (Table 8.7). The changes between the pre-program period and the program period and between the program period and the post-program period were not statistically significant ($Z = .5$ and $Z = -1.1$, respectively).

<p align="center">Table 8.7</p> <p align="center">Persons under 21 Years of Age Arrested for Drinking and Driving</p> <p align="center">by Age and Gender of Driver</p> <p align="center">Dutchess County</p>			
	<u>Pre-Program</u> <u>July-Dec 1986</u>	<u>Program</u> <u>July-Dec 1987</u>	<u>Post-Program</u> <u>July-Dec 1988</u>
All Drivers	(N=917)	(N=1,020)	(N=859)
% Under 21 Years	13.1%	12.4%	14.1%
Drivers Under 21	(N=120)	(N=126)	(N=121)
By Age: 16 Years	3.3%	2.4%	3.3%
17 Years	11.7%	5.6%	9.1%
18 Years	24.2%	19.0%	14.0%
19 Years	25.8%	27.8%	38.8%
20 Years	35.0%	45.2%	34.7%
By Gender: Men	89.2%	83.3%	90.1%
Women	10.8%	16.7%	9.9%
<p><i>Source: New York State Department of Motor Vehicles' TSLE&D System</i></p>			

From 83 percent to 90 percent of the underage persons arrested for drinking and driving were men, and the majority of the underage drivers arrested in each study period were either 19 or 20 years old (Table 8.7).

Analyses by the type of violation indicated that the proportion of underage drivers arrested for either DWI or for both DWI and a violation of the per se provision ranged from 87 percent to 92 percent (Table 8.7). Based on the available data on BAC levels, approximately three-quarters of the drivers had a BAC level between .10 percent and .19 percent.

Table 8.8

**Persons under 21 Years of Age Arrested for Drinking and Driving
by Type of Violation and Blood Alcohol Concentration (BAC)
Dutchess County**

	<u>Pre-Program July-Dec 1986</u>	<u>Program July-Dec 1987</u>	<u>Post-Program July-Dec 1988</u>
Type of Violation	(N = 120)	(N = 126)	(N = 121)
DWAI	7.5%	10.3%	11.6%
DWI	39.2%	22.2%	15.7%
Per Se	0.8%	3.2%	1.6%
DWI & Per Se	52.5%	64.3%	71.1%
BAC Level	(N = 97)	(N = 100)	(N = 108)
.00 - .05	5.2%	2.0%	1.9%
.06 - .09	12.4%	16.0%	16.7%
.10 - .14	40.2%	54.0%	50.0%
.15 - .19	35.0%	19.0%	24.1%
.20 - .24	7.2%	8.0%	6.5%
.25 +	0.0%	1.0%	0.9%

Source: New York State Department of Motor Vehicles' TSLE&D System

Monroe County

Of the total number of drivers arrested for drinking and driving in Monroe County, the proportion of underage drivers arrested dropped from 12 percent in the pre-program period to ten percent in the program period (Table 8.9). The proportion then rose slightly in the post-program period. These changes in the proportion of underage drivers arrested for drinking and driving between the pre-program period and the program period and between the program period and post-program period were not statistically significant, ($Z = 1.9$ and $Z = -.5$, respectively).

<p align="center">Table 8.9</p> <p align="center">Persons under 21 Years of Age Arrested for Drinking and Driving by Age and Gender of Driver Monroe County</p>			
	<u>Pre-Program</u> <u>July-Dec 1986</u>	<u>Program</u> <u>July-Dec 1987</u>	<u>Post-Program</u> <u>July-Dec 1988</u>
All Drivers	(N = 1694)	(N = 1385)	(N = 1363)
% Under 21 Years	12.2%	10.0%	10.6%
Drivers Under 21	(N = 206)	(N = 138)	(N = 144)
By Age: 16 Years	2.9%	2.9%	1.4%
17 Years	15.5%	14.5%	9.7%
18 Years	20.9%	23.2%	21.5%
19 Years	25.7%	33.3%	29.9%
20 Years	35.0%	26.1%	37.5%
By Gender: Men	83.5%	83.3%	90.3%
Women	16.5%	16.7%	9.7%
<p><i>Source: New York State Department of Motor Vehicles' TSLE&D System and the City of Rochester Police Department</i></p>			

From 83 percent to 90 percent of the underage persons arrested for drinking and driving in Monroe County were men (Table 8.9). The percentage of the drivers who were 19 years old ranged from 26 percent to 33 percent during the three periods; the percentage of the drivers who were 20 years old ranged from 26 percent to 38 percent.

The distributions of arrests by the type of violation were almost identical for the three study periods (Table 8.10). More than one-quarter of the persons arrested were charged with DWI only, while 61 percent to 65 percent of the persons arrested in each period were charged with a combination of DWI and a violation of the per se provision. It should be noted that pre-program and program data for the types of violations were not available for the persons arrested by the City of Rochester Police Department.

Table 8.10

**Persons under 21 Years of Age Arrested for Drinking and Driving
by Type of Violation and Blood Alcohol Concentration (BAC)
Monroe County**

	Pre-Program July-Dec 1986*	Program July-Dec 1987*	Post-Program July-Dec 1988
Type of Violation	(N = 178)	(N = 120)	(N = 144)
DWAI	6.7%	6.7%	4.9%
DWI	27.5%	27.5%	28.5%
Per Se	4.5%	4.2%	2.1%
DWI & Per Se	61.2%	61.7%	64.6%
BAC Level	(N = 163)	(N = 104)	(N = 107)
.00 - .05	0.6%	1.0%	0.9%
.06 - .09	11.0%	13.5%	7.5%
.10 - .14	40.5%	35.6%	45.8%
.15 - .19	38.7%	35.6%	38.3%
.20 - .24	7.4%	12.5%	6.5%
.25 +	1.8%	1.9%	0.9%

** Excludes data for the arrests in the City of Rochester (28 arrests during July-December 1986 & 18 arrests during July-Dec 1987)*

Source: New York State Department of Motor Vehicles' TSLE&D System

BAC data for the persons arrested by the City of Rochester Police Department were also unavailable for the pre-program and program periods. Based on the available data from the other jurisdictions in Monroe County, a substantial majority of the persons arrested during each time period had BAC levels between .10 percent and .19 percent.

**Arrests for Drinking and Driving in the Study Counties
and Statewide Arrests for Drinking and Driving**

Additional analyses were conducted to determine whether any changes in the number of alcohol-related arrests in the three program counties could be attributed to the 21 Enforcement Program rather than to more widespread trends. These analyses related the number of arrests of underage persons in each of the five study counties to the total number of arrests of underage persons statewide.

Seven percent of the total number of underage persons arrested statewide for drinking and driving during the pre-program period were arrested in Erie County, compared to six percent of the underage persons arrested during the program period (Table 8.11). The proportion of underage drivers arrested during the post program period returned to the pre-program level of seven percent. However, neither of these changes was statistically significant ($Z = 1.1$ and $Z = -1.0$, respectively).

Table 8.11 Distribution of Persons under 21 Years of Age Arrested for Drinking and Driving in the Five Study Counties			
	Pre-Program July-Dec 1986	Program July-Dec 1987	Post-Program July-Dec 1988
Number of Drivers Arrested Statewide Under 21 Years*	3,598	3,091	3,135
<u>Program Counties</u>			
% Erie County	6.9%	6.3%	6.9%
% Nassau County	6.9%	6.1%	5.8%
% Onondaga County	3.5%	4.2%	3.5%
<u>Comparison Counties</u>			
% Dutchess County	3.3%	4.1%	3.9%
% Monroe County	5.7%	4.5%**	4.6%
* Excludes the City of New York and parts of Suffolk County			
** Statistically significant change was identified between this period and the prior period			
Source: New York State Department of Motor Vehicles' TSLE&D System and the Police Departments of the cities of Buffalo and Rochester			

Of the total number of underage drivers arrested statewide for drinking and driving, the proportion of drivers arrested in Nassau County dropped from seven percent in the pre-program period to six percent in the program period (Table 8.11). The proportion dropped slightly below six percent in the post-program period. Neither of these decreases was statistically significant ($Z = 1.4$ and $Z = .5$, respectively).

As shown in Table 8.11, approximately four percent of the total number of underage drivers arrested statewide for drinking and driving in each of the three study periods were arrested in Onondaga County. The small differences in these proportions were not statistically significant ($Z = -1.4$ and $Z = 1.3$, respectively).

Three percent of the total number of drivers arrested for drinking and driving statewide in the pre-program period were arrested in Dutchess County, compared to four percent of the drivers arrested in both the program and post-program periods. Neither the change between the pre-program and program periods nor the change between the program and post-program periods was statistically significant ($Z = -1.6$ and $Z = .4$, respectively).

Analyses indicate that almost six percent of the total number of drivers arrested statewide for drinking and driving in the pre-program period were arrested in Monroe County, compared to less than five percent of the drivers arrested in the program period or post-program period. The decline between the pre-program period and the program period was statistically significant ($Z = 2.3$); the change between the program period and the post-program period was not significant ($Z = -.2$).

Summary

This chapter examined the first impact measure, the number of persons under the age of 21 who were arrested for drinking and driving. The first set of analyses examined for each program and comparison county, during each study period, the number of underage persons arrested as a proportion of the total number of persons of all ages arrested for drinking and driving. A comparison of the pre-program and program periods indicated that statistically significant decreases occurred in the proportion of underage drivers arrested for drinking and driving in the two program counties of Erie County and Nassau County, while decreases that were not significant occurred in the other program county and the two comparison counties. No statistically significant changes occurred between the program and post-program periods in any of the five study counties.

The second set of analyses examined the number of arrests of underage persons in each county as a proportion of statewide arrests of underage persons. These analyses indicated that two of the three program counties, Erie County and Nassau County, experienced a decrease in the ratio between the pre-program period and the program period, while the third program county, Onondaga County, experienced an increase. However, these changes were not statistically significant. Of the two comparison counties, Monroe County experienced a statistically significant decrease, while Dutchess County experienced an increase that was not significant. None of the changes between the program period and the post-program period were significant.

In addition to the analyses of the impact of the 21 Enforcement Program on arrests for drinking and driving involving underage persons, the chapter presented a profile of the types of underage persons arrested for drinking and driving in each study county during the pre-program, program, and post-program periods. The five study counties were very similar in terms of the proportion of underage persons who were male and the age distribution. In each of the counties, between 83 percent and 90 percent of the underage persons arrested were male, and approximately two-thirds to three-quarters of the drivers were 19 or 20 years old. Very few 16-year-old or 17-year-old persons were arrested in any of the study counties.

There was some variation among the counties in the types of violations involved in the arrests. With the exception of Nassau County, most of the drivers in each county were charged with either DWI or with both DWI and a violation of the per se provision of the law. In Nassau County, however, the majority of underage persons were arrested only for violating the per se law; the proportion of underage persons arrested for DWAI was also substantially higher in Nassau County than in the other four counties. In each of the five counties, most of the underage persons arrested for drinking and driving had a BAC level between .10 percent and .19 percent. However, Nassau County had a larger proportion of persons arrested with a BAC between .06 percent and .09 percent, which may explain the fact that the proportion of persons arrested for DWAI was higher in Nassau County than in the other counties.

9. IMPACT EVALUATION: ALCOHOL-RELATED CRASHES

Chapter 8 presented analyses of one measure of the impact of the 21 Enforcement Program: arrests of persons under 21 years of age for drinking and driving. This chapter examines a second impact measure: alcohol-related crashes involving drivers under 21 years of age. In the absence of reliable data on alcohol involvement in crashes, a number of surrogates of alcohol-related and non-alcohol-related crashes were examined. The primary research hypothesis for these analyses was that the ratio of alcohol-related crashes to non-alcohol-related crashes would decrease in each of the program counties during the program period and the post-program period, but would increase or remain the same in the comparison counties.

The following surrogates of alcohol-related crashes and non-alcohol-related crashes were developed:

Surrogates of Alcohol-Related Crashes

- nighttime (6 p.m. - 6 a.m.) personal injury and fatal crashes involving drivers under 21 years of age
- single vehicle nighttime (6 p.m. - 6 a.m.) personal injury and fatal crashes involving drivers under 21 years of age
- single vehicle nighttime (6 p.m. - 6 a.m.) personal injury and fatal crashes involving male drivers under 21 years of age
- weekend nighttime (6 p.m. Friday - 6 a.m. Saturday and 6 p.m. Saturday - 6 a.m. Sunday) personal injury and fatal crashes involving drivers under 21 years of age

Surrogate of Non-Alcohol-Related Crashes

- daytime (6 a.m. - 6 p.m.) personal injury and fatal crashes involving drivers under 21 years of age

The data for these crash series were acquired from the New York State Department of Motor Vehicles' automated crash files.

For each study county, four ratios of alcohol-related crashes to non-alcohol-related crashes were constructed. Each ratio was based on one of the four surrogates of alcohol-related crashes and the single surrogate of non-alcohol-related crashes. To test the statistical significance of changes in each of these ratios, the log-odds ratio measure was used. This measure employs the Z statistic to test the significance of the difference in a ratio between two time periods. A two-tailed test of significance was used, based on a significance level of .05.

Crashes in the Program Counties

Erie County

Although analyses of the total personal injury and fatal crash experience in Erie County indicated that the number of crashes involving drivers under 21 years of age remained fairly constant in the pre-program and program periods, decreases occurred in three of the four alcohol-related surrogates (Table 9.1). There was a nine percent decrease in nighttime crashes, a ten percent decrease in single vehicle nighttime crashes, and a 16 percent decrease in single vehicle nighttime crashes involving a male driver. No change occurred in the fourth alcohol-related surrogate, weekend nighttime crashes, while a small increase occurred in the non-alcohol-related surrogate, daytime crashes. Based on the log-odds ratio measure, none of the changes in the ratios of alcohol-related crashes to non-alcohol-related crashes represented a statistically significant decrease.

Table 9.1
Personal Injury and Fatal Crashes
Involving a Driver under 21 Years of Age
Erie County

	Pre-Prog July-Dec 1986	Program July-Dec 1987	Post-Prog July-Dec 1988	Percent Change Prog vs. Pre-Prog.	Post-Prog vs. Prog.
Total	1,165	1,159	1,250	- 0.5%	7.9%
Daytime - 6am-6pm	621	643	714	3.5%	11.0%
Nighttime - 6pm-6am	524	477	513	- 9.0%	7.5%
Single Vehicle - 6pm-6am	188	170	136	- 9.6%	-20.0%*
Single Vehicle, Male Driver 6pm-6am	135	113	99	-16.3%	-12.4%
Weekend/Nighttime - 6pm-6am	208	208	212	---	1.9%
* Statistically significant change, based on log-odds ratio measure					
Source: New York State Department of Motor Vehicles' automated crash files					

When the post-program period was compared to the program period, daytime crashes increased by 11 percent, while the changes in the four alcohol-related surrogates were inconsistent. The number of single vehicle nighttime crashes decreased by 20 percent, and the ratio of single vehicle nighttime crashes to daytime crashes declined significantly ($Z = -2.6$). While a decrease also occurred in the number of single vehicle nighttime crashes involving a male driver, the change was not significant, based on the log-odds ratio. The increases in the number of nighttime crashes and weekend nighttime crashes were not significant.

Nassau County

An examination of the personal injury and fatal crash data for Nassau County indicates that the number of crashes involving a driver under 21 years of age decreased by less than one percent from the pre-program period to the program period, with a decrease of seven percent occurring between the program period and the post-program period (Table 9.2).

Table 9.2
Personal Injury and Fatal Crashes
Involving a Driver under 21 Years of Age
Nassau County

	Pre-Prog July-Dec 1986	Program July-Dec 1987	Post-Prog July-Dec 1988	Percent Change Prog vs. Pre-Prog.	Percent Change Post-Prog vs. Prog.
Total	2,678	2,660	2,472	- 0.7%	- 7.1%
Daytime - 6am-6pm	1,623	1,530	1,455	- 5.7%	- 4.9%
Nighttime - 6pm-6am	1,031	1,101	995	6.8%*	- 9.6%
Single Vehicle - 6pm-6am	197	208	197	5.6%	- 5.3%
Single Vehicle, Male Driver 6pm-6am	157	146	145	- 7.0%	- 0.7%
Weekend/Nighttime - 6pm-6am	411	410	384	- 0.2%	- 6.3%

* Statistically significant change, based on log-odds ratio measure

Source: New York State Department of Motor Vehicles' automated crash files

When the pre-program and program periods are compared, the number of daytime crashes involving a driver under 21 years of age dropped six percent, while the number of nighttime crashes increased seven percent. These changes resulted in a significant increase in the ratio of nighttime crashes to daytime crashes ($Z=2.2$). Both nighttime and daytime crashes declined during the post-program period, and there was no significant change in the ratio of night-to-day crashes.

An examination of the changes occurring in the three other surrogates of alcohol-related crashes indicated that two of the three surrogates declined during the program period, and all three declined during the post-program period. None of these changes, however, produced significant reductions in the ratio of alcohol-related to non-alcohol-related crashes.

Onondaga County

During the program period, a four percent increase occurred in the number of personal injury and fatal crashes involving drivers under 21 years of age in Onondaga County (Table 9.3). In the post-program period the number of crashes dropped two percent below the program level.

A comparison of the pre-program and program periods indicated that the number of daytime crashes increased ten percent, while the four surrogates of alcohol-related crashes decreased from five percent to twenty-seven percent. Based on the log-odds ratio measure, two of these declines were statistically significant. Single vehicle nighttime crashes declined by 25 percent, yielding a significantly lower ratio of single vehicle nighttime crashes to daytime crashes ($Z=-2.5$). Single vehicle, male driver nighttime crashes declined by 27 percent, resulting in a significant decrease in the ratio based on this surrogate ($Z=-2.3$).

Three of the four alcohol-related surrogates increased during the post-program period, while daytime crashes and the fourth alcohol-related surrogate, weekend nighttime crashes, experienced decreases. However, none of these changes were statistically significant.

<p align="center">Table 9.3</p> <p align="center">Personal Injury and Fatal Crashes Involving a Driver under 21 Years of Age Onondaga County</p>					
	Pre-Prog July-Dec 1986	Program July-Dec 1987	Post-Prog July-Dec 1988	Percent Change Prog vs. Pre-Prog.	Post-Prog vs. Prog.
Total	731	760	746	4.0%	- 1.8%
Daytime - 6am-6pm	433	477	453	10.2%	- 5.0%
Nighttime - 6pm-6am	289	275	280	- 4.8%	1.8%
Single Vehicle - 6pm-6am	120	90	100	-25.0%*	11.1%
Single Vehicle, Male Driver 6pm-6am	89	65	75	-27.0%*	15.4%
Weekend/Nighttime - 6pm-6am	138	127	118	- 8.0%	- 7.1%
* Statistically significant change, based on log-odds ratio measure					
Source: New York State Department of Motor Vehicles' automated crash files					

Crashes in the Comparison Counties

Dutchess County

In Dutchess County, the number of crashes involving a driver under 21 years of age increased nine percent between the pre-program period and the program period (Table 9.4). The number of crashes subsequently decreased in the post-program period, dropping four percent below the program level.

During the program period, similar increases occurred in the number of nighttime and daytime crashes. Daytime crashes increased by nine percent, while nighttime crashes increased by seven percent. There was also an increase of five percent in single vehicle nighttime crashes. Decreases of seven and eight percent occurred in the remaining two alcohol-related surrogates during the program period. Based on the log-odds ratio measure, none of the changes occurring in the four alcohol-related surrogates were statistically significant.

<p align="center">Table 9.4</p> <p align="center">Personal Injury and Fatal Crashes Involving a Driver under 21 Years of Age Dutchess County</p>					
	Pre-Prog July-Dec 1986	Program July-Dec 1987	Post-Prog July-Dec 1988	Percent Change Prog vs. Pre-Prog.	Post-Prog vs. Prog.
Total	510	554	532	8.6%	- 4.0%
Daytime - 6am-6pm	318	348	315	9.4%	- 9.5%
Nighttime - 6pm-6am	184	197	214	7.1%	8.6%
Single Vehicle - 6pm-6am	85	89	97	4.7%	9.0%
Single Vehicle, Male Driver 6pm-6am	63	58	70	- 7.9%	20.7%
Weekend/Nighttime - 6pm-6am	88	82	76	- 6.8%	- 7.3%
<i>Source: New York State Department of Motor Vehicles' automated crash files</i>					

A comparison of the program and post-program periods indicated that the number of daytime crashes declined by nearly ten percent. The changes that occurred in the surrogate measures of alcohol-related crashes were not consistent; three of the surrogates increased, and one surrogate, weekend nighttime crashes, decreased. None of the changes occurring during the post-program period were significant.

Monroe County

In Monroe County, the number of crashes involving a driver under 21 years of age increased by five percent from the pre-program period to the program period (Table 9.5). The number of crashes during the post-program period dropped by two percent from the program period.

Analyses of the nighttime and daytime crash experience showed that a two percent increase occurred during the program period in the number of nighttime crashes, while the number of daytime crashes rose by eight percent. The other three surrogates of alcohol-related crashes sustained decreases during the program period, ranging from one percent to 16 percent. None of the changes in the ratios of alcohol-related crashes to non-alcohol-related crashes between the pre-program period and the program period were significant.

Table 9.5
Personal Injury and Fatal Crashes
Involving a Driver under 21 Years of Age
Monroe County

	Pre-Prog July-Dec 1986	Program July-Dec 1987	Post-Prog July-Dec 1988	Percent Change Prog vs. Pre-Prog.	Change Post-Prog vs. Prog.
Total	924	973	955	5.3%	- 1.8%
Daytime - 6am-6pm	531	571	532	7.5%	- 6.8%
Nighttime - 6pm-6am	376	383	404	1.9%	5.5%
Single Vehicle - 6pm-6am	135	114	126	-15.6%	10.5%
Single Vehicle, Male Driver 6pm-6am	93	88	92	- 5.4%	4.5%
Weekend/Nighttime - 6pm-6am	162	160	159	- 1.2%	- 0.6%
<i>Source: New York State Department of Motor Vehicles' automated crash files</i>					

A comparison of the program period and the post-program period indicated that daytime crashes declined by seven percent. Three surrogates of alcohol-related crashes increased, while the fourth, weekend nighttime crashes, declined by less than one percent. None of these changes were statistically significant.

Summary

This chapter examined the impact of the 21 Enforcement Program on drinking and driving by persons under 21 years of age, based on the involvement of underage persons in alcohol-related crashes. It was hypothesized that the ratio of alcohol-related crashes involving underage persons to non-alcohol-related crashes involving underage persons would decline between the pre-program period and the program period. It was also expected that the ratio would further decline or stay at the same level during the post-program period, depending on whether the 21 enforcement efforts undertaken during the program were sustained.

One surrogate of non-alcohol-related crashes and four surrogates of alcohol-related crashes were used to construct four ratios of alcohol-related to non-alcohol-related crashes. The analyses of these ratios produced somewhat inconsistent results. Comparisons of the pre-program and program period crash experience for each county indicated that the results for Onondaga County

were the most positive. All four surrogates of alcohol-related crashes declined during the program period, while the surrogate of non-alcohol-related crashes increased. The declines in two of the surrogates of alcohol-related crashes were statistically significant. In Erie County, three of the four alcohol-related surrogates decreased and the non-alcohol-related surrogate increased, but the changes were not significant. In Nassau County, the only significant change during the program period was an increase in one of the alcohol-related surrogates. The changes that occurred in the various surrogates during the program period in the two comparison counties, Dutchess and Monroe, did not follow a consistent pattern, and none of the changes were statistically significant.

Analyses contrasting the crash experience of the program period with that of the post-program period produced inconsistent results for both the program counties and the comparison counties. Only one change during the post-program period was significant. In Erie County, the ratio of single vehicle nighttime crashes to daytime crashes decreased by 20 percent, a significant change from the program period.

Overall, the analyses of alcohol-related crashes involving a driver under 21 years of age did not lend strong support for the hypothesis that the 21 Enforcement Program had a positive impact on the extent of drinking and driving by underage persons.

10. CONCLUSION

This report has presented an evaluation of an innovative program to facilitate the increased enforcement of New York's 21-year-old alcohol purchase age law. The "21 Enforcement Program" was undertaken by the New York State Liquor Authority (SLA) in conjunction with local law enforcement agencies. A total of 18 local enforcement agencies from the three counties of Erie, Nassau, and Onondaga participated in the program, which was implemented from July through December 1987.

Historically, New York has taken a different approach from other states in controlling the consumption of alcohol by underage persons. In combination, the intent of New York's statutes has been to control and regulate access to and consumption of alcoholic beverages by underage persons without making underage persons subject to criminal charges for the possession or consumption of alcohol. Prior to 1989, an underage person was in violation of the law only if he or she attempted to purchase an alcoholic beverage through fraudulent means. In 1989, the New York State Legislature enacted a statute that made it illegal for persons under 21 years of age to possess alcoholic beverages, except under very limited circumstances. The statute empowers enforcement officers to confiscate the alcoholic beverage. The underage person may be issued a summons and subsequently fined, but a criminal charge is not made. The Legislature also increased the penalties imposed on underage persons who attempt to purchase alcoholic beverages through fraudulent means.

The primary responsibility for the enforcement of the purchase age law rests with local law enforcement agencies. Generally, the individual who sells, serves, or otherwise provides an alcoholic beverage to an underage person is in violation of the law. If an underage person is sold or served an alcoholic beverage by an employee of an establishment licensed to sell alcoholic beverages, the holder of the license is also subject to disciplinary action by the SLA.

New York's approach to controlling underage drinking has been somewhat controversial. Some owners of licensed establishments within the state feel that they carry the burden of the law when the underage person is actually the party at fault. The law has also created problems for the enforcement community. In order to convict a person of violating the 21 law, it is not sufficient for a police officer to observe an underage person consuming alcohol. Rather, the evidence must point very strongly to the person who provided the alcohol. Some enforcement agencies may also feel that enforcement of the 21 law is unproductive because violators of the 21 law are not aggressively prosecuted. Difficulties in prosecution may result because the underage person is unwilling or unavailable to testify, and some prosecutors or judges may view the penalties for 21 violations by servers or sellers as unduly harsh. There has also been some sentiment among the enforcement community that the SLA does not process 21 cases in a timely fashion.

The 21 Enforcement Program grew out of concerns of the SLA and the New York State Governor's Traffic Safety Committee that the 21 law was not being vigorously or effectively enforced. The program was based on the premise that compliance with the 21 law is best achieved by responding to violations of the law with both criminal and administrative sanctions. That is, the individual serving the underage persons should be subjected to criminal proceedings, while the SLA should impose administrative sanctions on the licensee of the establishment.

The 21 Enforcement Program was designed primarily to assist local enforcement agencies in increasing their enforcement of the 21 law and developing more effective and efficient methods of enforcement. The increased enforcement effort was to be coupled with a media campaign to educate licensees and their employees about the 21 law and to increase the perception that the law was being strictly enforced. The primary long-term objective of the program was to reduce the number of sales of alcoholic beverages to minors through increased voluntary compliance with the 21 law by retailers. The goal of the program was to reduce drinking and driving among persons under 21 years of age.

Recognizing that 21 enforcement through traditional approaches could be very time-consuming and inefficient, the SLA proposed an innovative investigative strategy that used underage persons as undercover agents in the investigation and prosecution of licensees found to be violating the law. It was suggested by the SLA that an underage agent approach could be carried out with far fewer police officers than more traditional investigative approaches. The SLA also believed that the use of underage agents would facilitate the prosecution of violators, since the underage person involved in the investigations would agree in advance to participate in the prosecution, and the circumstances of the purchase would be carefully controlled. Therefore, the SLA encouraged the police agencies participating in the 21 Enforcement Program to use the underage agent approach and viewed the program as an opportunity to assess the effectiveness of this approach.

Summary of the Evaluation

The program's effectiveness and impact were tested in each of the three program counties through comparisons of several measures prior to, during, and following the program's implementation; changes in these measures were then compared to any changes in two comparison counties, Monroe County and Dutchess County. The program period encompassed the six months from July to December 1987, when the program was implemented in the three program counties. To avoid any problems relating to the seasonal nature of some of the data, the pre-program period was July to December 1986. To examine any longer-term effects of the program, the program period was also compared to a post-program period, defined as the corresponding six-month period in 1988.

Administrative Evaluation

Seven police agencies in Erie County, seven agencies in Nassau County, and four agencies in Onondaga County received a total of \$204,691 to conduct the program. The primary program activity involved the investigation of establishments licensed to sell alcoholic beverages. Each of the eight program agencies for which data were available demonstrated substantial increases in the number of 21 investigations during the program period, when compared to the pre-program period. This level of activity, however, was not sustained beyond the program. The level of 21 enforcement in the comparison counties was very low throughout all three time periods.

It also appeared that the program resulted in substantial media coverage, especially in Erie County and Onondaga County. This coverage often focused on the issue of whether the use of underage agents constituted entrapment.

Immediate Impact Evaluation

The number of arrests of servers and sellers of alcoholic beverages and the number of referrals to the SLA were the measures for the immediate impact evaluation. Based on data provided by nine of the 18 program agencies, the number of arrests generally increased from the pre-program period to the program period. In most cases, these increases were very substantial, especially for the larger agencies. This increase in arrest activity was not sustained during the post-program period. No substantial changes in the number of arrests were reported by police agencies from the comparison counties.

All of the 18 program police agencies reported substantial numbers of referrals to the SLA for violations of the 21 law during the program period. All of the agencies in Onondaga County and Erie County for which pre-program data were available demonstrated very substantial increases in the number of referrals from the pre-program period to the program period, as did the largest enforcement agency in Nassau County. The number of referrals declined sharply when the program ended. The number of referrals from the comparison county police agencies remained at a consistently low level during the three study periods.

A complete set of county-level data on referrals confirmed that during the program period large increases occurred in the number of referrals for violations of the 21 law in each of the program counties. Compared to the pre-program period, there were increases of 400 percent, 500 percent, and 135 percent for Erie, Onondaga, and Nassau counties respectively, while the number of referrals did not increase in either of the comparison counties. The increases in referrals occurring in the program counties during the program period were not sustained during the post-program period.

During the six-month program period, 20 percent of all of the licensed establishments in Onondaga County, 13 percent of the establishments in Erie, and four percent of the establishments in Nassau County were referred to the SLA for violations of the 21 law. In each of the comparison counties, less than two percent of the establishments were referred. In all five study counties, grocery stores and convenience stores were the types of establishments most frequently referred for violations, followed by bars and restaurants.

Approximately 80 percent of the referrals from each program county during the program period had resulted in a penalty at the time the data for this report were compiled, and from four to eight percent of the referrals resulted in a dismissal, a filing of the case pending future violations, or an issuance of a warning letter. The remaining referrals had not yet reached disposition at the time of this report. The majority of the penalties consisted of a suspension of the license to sell alcoholic beverages and the forfeiture of the establishment's bond.

The SLA encouraged the participating police agencies to use underage agents in their enforcement activities. Generally, the 21 enforcement conducted by the agencies that used underage agents on a regular basis was more productive and cost-effective than the 21 enforcement conducted by the agencies that used underage agents on a very limited basis or not at all. Specifically, the agencies that regularly used underage agents spent fewer person-hours per investigation and fewer person-hours per referral and had a lower cost per investigation and a lower cost per referral. In addition, the agencies that used the underage agent approach conducted less than six investigations per referral on average, while the other agencies conducted an average of 20 investigations per referral.

Although the underage agent investigative approach appeared to be more productive and cost-effective than the more traditional approaches, this finding should be interpreted cautiously. In addition to the fact that the number of agencies was very small, some police agencies were unable to supply all the data required to conduct the analyses. Furthermore, most of the agencies that did not use underage agents were located in Nassau County, and there may have been other factors specific to that county that would explain some of the differences in productivity and cost-effectiveness.

In the opinion of the participating police agencies, the greatest advantages of the underage agent investigative approach were that it reduces the police officer time needed for enforcement, raises the perception of risk of arrest among sellers and servers, and makes it possible to catch more violators. The most frequently cited disadvantages were that good agents are hard to find and that the use of underage agents results in ill feeling because the employees of establishments believe they are being entrapped.

Intermediate Impact Evaluation

To examine the effects of the 21 Enforcement Program on the attitudes and reported behaviors of the owners of licensed establishments and their employees, a mail survey was conducted of the managers of the establishments licensed to sell alcoholic beverages in the program counties. The results of the survey were used in this component of the evaluation.

Approximately two-thirds of the respondents believed that an increase had occurred over the past two years in the level of enforcement of the 21 law and the risk of arrest for violations of the 21 law. Three-quarters of the respondents were aware of the use of underage agents in enforcement activities in their area. One-quarter of all of the respondents said that their establishment had been investigated for sales of alcoholic beverages to minors; underage agents were reportedly used in more than three-quarters of these investigations. Approximately two-thirds of the managers believed that a person arrested for selling alcohol to a minor would be found guilty and fined. More than four-fifths of the managers believed that the holder of the alcoholic beverage license of the establishment would be penalized with a license suspension and/or a fine.

Eighty-four percent of the managers said that it is often very difficult to distinguish between a falsified identification and a legitimate one. Over three-quarters of the managers said that the employees in their establishments check the identification of young customers more strictly than they did previously. When asked if they felt they had sufficient knowledge regarding the 21 law and its enforcement, proofing procedures, and penalties for violating the law, almost one-third of the managers replied that they did not.

Important differences were found among the responses of the managers from the three program counties. These differences were consistent with the different levels of increased enforcement and publicity generated in the counties. For example, the managers of establishments in Nassau County were significantly less likely to believe that the level of 21 enforcement and the risk of arrest for violations of the law had increased and were less aware of the use of underage agents than the managers from Erie County and Onondaga County, where there had been greater increases in enforcement and the program received more publicity.

Impact Evaluation

The immediate impact evaluation found that the 21 Enforcement Program resulted in a dramatic increase in the number of arrests and referrals for violations of the 21 law, and the intermediate impact evaluation found that managers of licensed establishments in the program counties perceived that the risk of arrest had increased. Therefore, it was anticipated that the level of drinking and driving involving persons under 21 years of age would decrease in the program counties during the program period, while the level of drinking and driving involving persons under 21 years of age in the comparison counties would increase or stay the same. Since the effects of the 21 Enforcement Program on investigations, arrests, and referrals relating to the 21 law did not appear to be sustained during the post-program period, it was anticipated that the 21 Enforcement

Program would not have any effects on the level of drinking and driving during the post-program period. Therefore, the following summary of the impact evaluation focuses solely on changes between the pre-program period and the program period.

In the first set of analyses of arrests for drinking and driving, the number of underage persons arrested in each study county was examined as a proportion of the number of persons of all ages arrested for drinking and driving in the county. A comparison of the pre-program and program periods indicated that statistically significant decreases occurred in the proportion of underage drivers arrested for drinking and driving in the program counties of Erie County and Nassau County, while decreases occurred in the other program county and the two comparison counties that were not significant. The second set of analyses examined the number of arrests of underage persons in each county as a proportion of statewide arrests of underage persons. These analyses indicated that the changes between the pre-program and program periods in the three program counties and in Dutchess County were not statistically significant, while Monroe County experienced a statistically significant decrease.

In the absence of reliable data on alcohol involvement in crashes, a number of surrogates of alcohol-related and non-alcohol-related crashes were examined. The results for Onondaga County were the most positive. All four surrogates of alcohol-related crashes in this county declined during the program period, while the surrogate of non-alcohol-related crashes increased. The declines in two of the alcohol-related crash surrogates were statistically significant. None of the changes in crashes in Erie County were significant, while in Nassau County the only significant change during the program period was an increase in one of the ratios of alcohol-related to non-alcohol-related crashes. The changes that occurred in the various surrogates for the two comparison counties did not follow a consistent pattern, and none of the changes were statistically significant. Overall, the analyses of alcohol-related crashes involving drivers under 21 years of age did not lend strong support for the hypothesis that the 21 Enforcement Program had a positive impact on the extent of drinking and driving involving underage persons.

Discussion

The evaluation of the 21 Enforcement Program produced several very clear positive findings relating to the success of the program in achieving its primary immediate objective, the increased enforcement of the 21-year-old purchase age law in establishments licensed to sell alcoholic beverages. Furthermore, it appeared that the program caused an increased perception of risk of arrest among managers of licensed establishments for violations of the 21 law and that most establishments had taken steps to reduce potential violations by their employees. The differences among the program counties in the reported attitudes and behaviors were consistent with the differences among the counties in the extent to which enforcement increased. The evaluation, however, was not able to identify a positive impact on drinking and driving among underage persons. In addition to these findings, the evaluation resulted in a number of unanticipated findings related to other aspects of the 21 law and its enforcement and to other countermeasures directed at drinking and driving by persons under 21 years of age. These findings are discussed below.

Although there has been some sentiment among the enforcement community that the SLA does not process 21 cases in a timely fashion, most of the referrals for violations of the 21 law during the three study periods reached disposition by the SLA in a timely fashion. This was especially true for the referrals during the program period despite a substantial increase in the number of cases. In fact, efforts by the SLA to dispose of these referrals expeditiously resulted in somewhat lower dismissal rates for the program period. Most of the charges were sustained, and the majority of the penalties that were imposed included the forfeiture of the establishment's bond and the suspension of the establishment's license to sell alcoholic beverages.

One of the key premises of the 21 Enforcement Program was that compliance with the 21 law is best achieved by responding to violations of the law with both criminal and administrative sanctions. Although the 21 Enforcement Program produced substantial increases in the number of servers and sellers arrested or issued summons for violating the 21 law, the Institute was unable to obtain data on the disposition of these cases. The conviction data would have been of great interest, because some members of the enforcement community believe that arrests for violations of the 21 law seldom result in convictions. The fact that neither the enforcement agencies nor the District Attorneys in the program counties were able to provide the conviction data may indicate that the prosecution and adjudication of these arrests is not a high priority. Although the collection of data from the local courts could not be undertaken within the scope of this project, it is believed that this effort would yield useful additional information regarding the actual consequences to servers and sellers. Any specific or general deterrent effects of increased enforcement would very likely dissipate over time if the charges are not upheld or do not result in substantial penalties.

An important aspect of the program was the use of the underage agent approach in investigations of establishments. While the results should be regarded cautiously, the evaluation found that this approach appeared to be superior in terms of productivity and cost-effectiveness to the more traditional approaches. The issue of entrapment in relation to the use of underage agents emerged at several points in the evaluation. Entrapment is a greater concern for the local enforcement agencies than for the SLA, because the rules of evidence are less stringent in SLA deliberations. However, in developing the 21 Enforcement Program, the SLA recognized the importance of the issue of entrapment. In encouraging the participating police agencies to use the underage agent investigative approach, the SLA provided specific procedures designed to prevent the entrapment of an employee of an establishment, or the appearance of entrapment. For example, the procedures specified that underage agents should look their age and respond truthfully to queries from servers or sellers.

The use of underage agents is a very sensitive issue among licensees, some of whom feel that the burden of the 21 purchase age law falls unfairly on them and their employees. In Erie County and Onondaga County, where the underage agent approach was extensively used, the approach generated a great deal of controversy. This controversy likely contributed to an increased awareness of 21 enforcement and the risk of apprehension for violations of the 21 law, thereby serving as a deterrent to future violations. If the reaction of the public is extremely negative, however, the use of the underage agent approach might not be feasible on a long-term basis. The

1989 passage of a law making it illegal for an underage person to possess an alcoholic beverage might also necessitate a review of the feasibility and even the legality of the underage agent approach.

One very clear finding of the administrative and immediate impact evaluations was that the program was responsible for the substantial increase in enforcement of the 21 law that occurred. Not only did the intensive enforcement effort cease at the end of the program, in most cases the level of 21 enforcement after the program was lower than the level before the program began. It was also evident that none of the comparison agencies were actively involved in 21 enforcement during any of the three study periods. The reasons for the low level of 21 enforcement in the absence of a special program are not entirely clear. According to the program police agencies, the most common problems confronted in 21 enforcement are that enforcement is seen as harassment of servers and sellers, that other police business is more pressing, that courts are unwilling to convict and punish violators, and that the SLA does not follow up on referrals. All 18 agencies expressed support for the 21-year-old alcoholic beverage purchase age. However, the majority favored a law that would also, or exclusively, punish underage persons who purchase or consume alcohol.

It is important to place the evaluation of the 21 Enforcement Program within the broader context of alcohol and highway safety programs in New York State. New York State has recognized the problem of drinking and driving among young persons as one of its most serious highway safety problems, and the state has developed a multi-faceted approach to deal with the problem. A key component in this approach has been the 21-year-old alcohol purchase age law. In its original formulation of the law, New York chose to place a large share of the burden of compliance with the law on the establishments licensed to sell alcohol. This approach was partly adopted in an attempt to avoid subjecting underage persons to criminal charges. In addition, because licensed establishments are subject to administrative sanctions that may affect their viability as a business, it was believed that the establishments would have a substantial stake in abiding by the law. As explained at various points in this report, however, the 21 law has been difficult to enforce in licensed establishments. In addition, it is believed that many persons obtain alcoholic beverages from older friends or family members rather than attempting to buy them themselves, and the enforcement of the law outside of licensed establishments has been even more problematic, especially in such places as dormitories or parks. In recognition of the difficulties of enforcing the 21 law, the 1989 statutory revisions to the 21 purchase age law placed more responsibility on underage persons. It became illegal for underage persons to possess alcohol, and the penalty imposed on an underage person for the purchase of an alcoholic beverage through fraudulent means was increased.

The evaluation also revealed the possibility that the lack of compliance with the law by licensed establishments may be partially attributable to inadequate knowledge of the law's provisions on the part of the employees of establishments. One-third of the respondents to the survey of managers said that they had inadequate knowledge of the 21 law and its enforcement, proofing procedures, and penalties for violating the law. Eighty-four percent of the managers

reported that it is often very difficult to distinguish between a falsified identification and a legitimate one, and many did not know what types of identification were legally acceptable. Since a law cannot be effective if it is not understood, these findings point to the need for further training of employees of licensed establishments.

In addition to the 21 purchase age law, a second component of New York's approach to combating drinking and driving by underage persons is the stiff penalties placed on young drivers who are convicted of drinking and driving. New York has identified the sanctions involving a driver's license as an important deterrent in reaching underage drivers. In New York, the first drinking and driving offense by a person under 21 years of age results in the revocation of the driver's license for one year. The second offense results in the revocation of the driver's license for one year or until the person is twenty-one years old, whichever time period is longer.

A third component of New York's effort to combat drinking and driving among young persons is a number of public information and education programs. Some of these programs, such as Governor Mario Cuomo's Athletes Against Drunk Driving program, have been organized at the state level by the Governor's Traffic Safety Committee. Many other programs are community efforts, often sponsored by the New York State STOP-DWI program, which provides for county-based alcohol and highway safety programs financed with the fines collected from persons convicted of drinking and driving. Although the efforts funded by the STOP-DWI program have focused largely on educational programs aimed at young persons, this evaluation indicates that local STOP-DWI programs should also consider sponsoring training programs for employees of licensed establishments or funding police agencies specifically to enforce the 21 law.

Despite the various efforts to reduce drinking and driving by persons under 21 years of age, the analyses of alcohol-related arrests in this report indicate that between eight to 14 percent of the alcohol-related arrests in the five study counties during the three study periods involved persons under 21 years of age. Although the immediate and intermediate impact evaluations produced extremely positive results, the impact evaluation of the program's effects on drinking and driving among underage persons was less positive. It is not clear why the very positive results of the immediate and intermediate impact evaluations did not translate into similar positive changes in the measures related to drinking and driving involving underage persons. It is possible, however, that changes in drinking and driving would only result from an intensive, sustained 21 enforcement effort. Such an effort may be necessary to convince licensed establishments that the risk of apprehension for violating the 21 law is real and consistent. If enforcement decreases, it would be expected that licensees would feel that less risk was involved in violating the law. The failure to identify a significant positive impact on drinking and driving may also indicate that a large proportion of the underage persons who drink and drive do not purchase alcoholic beverages themselves. If, in fact, a large proportion of underage persons obtain alcoholic beverages from others, the enforcement of a 21 law that focuses primarily on the owners and employees of licensed establishments may have only a marginal impact on drinking and driving.

APPENDIX A

21 ENFORCEMENT PROJECT: INVESTIGATION STATISTICS

Contact Person:

Telephone Number:

Agency:

Number of sworn police officers _____ (fulltime) _____ (parttime)
 Number trained in 21 Enforcement _____ (fulltime) _____ (parttime)

	July 1-Dec 31 <u>1986</u>	July 1-Dec 31 <u>1987</u>	July 1-Dec 31 <u>1988</u>
INVESTIGATIONS FOR SALES TO MINORS			
Number of premises ^{Note 1} investigated:			
On-premise	_____	_____	_____
Off-premise	_____	_____	_____
TOTAL	_____	_____	_____

Number of investigations resulting from:			
Complaint	_____	_____	_____
Surveillance	_____	_____	_____
Spot check	_____	_____	_____
Other	_____	_____	_____
TOTAL	_____	_____	_____

Number of investigations using underage agents	_____	_____	_____

Note 1: Count subsequent investigations of the same premise as separate investigations.			

REFERRALS TO SLA FOR SALES
TO MINORS

Number premises referred for:			
ABC 65.1	_____	_____	_____
PL 260.2	_____	_____	_____
Other ABC ^{Note 2}	_____	_____	_____

Number of SLA referrals			
Related to arrests,			
DATs & summonses	_____	_____	_____
Not rel. to arrests	_____	_____	_____
DATs or summonses	_____	_____	_____

Note 2: Include under "Other ABC" those referrals made as a result of investigations for sales to minors but where there were no violations for slaes to minors.

July 1-Dec 31	July 1-Dec 31	July 1-Dec 31
<u>1986</u>	<u>1987</u>	<u>1988</u>

ARRESTS AND DISPOSITIONS ^{Note 3}Number of actions taken for
violation of ABC 65.1

Arrests	_____	_____	_____
DAT's	_____	_____	_____
Summonses	_____	_____	_____
TOTAL	_____	_____	_____

Disposition of ABC 65.1 cases
conviction-ABC 65.1
conviction-lesser offense
conviction-more serious
offense
ACD/Dismissed
pending

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Actions taken for violation
of PL 260.2

Arrests	_____	_____	_____
DAT's	_____	_____	_____
Summonses	_____	_____	_____
TOTAL	_____	_____	_____

Disposition of PL 260.2 cases
Conviction-PL 260.2
Conviction-lesser offense
Conviction-more serious
offense
ACD/Dismissed
Pending

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Note 3: Dispositions resulting from summonses, arrests and desk appearance tickets (DAT) issued during the above 6 month periods.

Please return to: Mark Hammer
Institute for Traffic Safety
260 Washington Ave.
Albany, New York 12210

518-449-3233

APPENDIX B

21 ENFORCEMENT PROJECT

**PUBLIC INFORMATION, INVESTIGATIVE PROCEDURES,
PROBLEMS & ATTITUDES**

Contact person:

Telephone:

Agency:

PUBLIC INFORMATION AND EDUCATION

1. Did your police agency directly contact establishments licensed to sell alcoholic beverages to inform them of the 21 Enforcement Project?

_____ yes
_____ no

If yes, was this contact by (Check all that apply.)

_____ telephone
_____ mail
_____ visiting establishments
_____ other (specify) _____

When did you contact the establishments? (Check all that apply.)

_____ before project
_____ during project
_____ after project

2. Did your agency notify local newspapers about the special 21 enforcement?

_____ yes
_____ no

If yes, how much coverage did the project receive?
(Please indicate if no coverage received.)

total number of articles _____
time period covered _____ weeks

Were any articles relating to the special enforcement project published that your agency did not initiate?

_____ yes
_____ no

Do you have copies of any of these articles and will you send them to the Institute?

_____ yes
_____ no

3. Did your agency contact local radio stations about the project?

_____ yes
_____ no

If yes, how much coverage did the project receive? (Indicate if none.)

total number of messages _____
time period covered _____ weeks

4. Did your agency contact local TV stations?

_____ yes
_____ no

If yes, how much coverage did the project receive? (Indicate if none.)

total number of TV spots _____
time period covered _____ weeks

5. Did your agency initiate any other forms of public information & education relating to the project?

_____ yes
_____ no

If yes, please describe _____

6. Did the 21 Enforcement Project receive any publicity that was not initiated by your agency?

_____ yes
_____ no

If yes, please indicate the type of media and describe content.

7. Were project funds expended for any public information efforts by your agency?

_____ yes
_____ no

If yes, how much? _____
for what purpose? _____

8. Did your agency expend any other funds, apart from grant monies, for public information efforts relating to the special 21 enforcement?

☐ yes
☐ no

If yes, how much? _____

for what purpose? _____

UNDERAGE AGENTS

9. Prior to your agency's participation in the 21 Enforcement Project, did your agency use underage agents in enforcing the 21 law?

☐ yes
☐ no
☐ don't know

10. Did your agency use underage agents as part of the 21 Enforcement Project?

☐ yes
☐ no (Skip to Question 30)

11. How many underage agents were used? _____

12. How many were: male _____ female _____

13. Were they paid? _____ If yes, how much per hour? _____

14. What sources did you use to identify persons to serve as underage agents?
 (Check all that apply.)

☐ criminal justice students
☐ police explorers groups
☐ juvenile offenders
☐ advertisements to the general public
☐ other (specify) _____

15. Were all of the underage agents that you used voluntarily willing to participate?

☐ yes
☐ no

16. Were these persons reliable (showed up for assignments and court dates on time)?

☐ always
☐ usually
☐ sometimes
☐ never

17. Were they all free of criminal records?

☐ yes
☐ no

18. How old were these agents? from _____ to _____ years

19. Did these persons "look their age"?

☐ always
☐ usually
☐ sometimes
☐ never

20. Were they dressed or made up with cosmetics to look older?

☐ always
☐ usually
☐ sometimes
☐ never

21. Was a photograph taken of each agent immediately before each investigative tour?

☐ always
☐ usually
☐ sometimes
☐ never

22. Were agents instructed to tell retailers, if asked, that they did not have IDs?

☐ always
☐ usually
☐ sometimes
☐ never

23. Were agents instructed to tell retailers their correct ages, if asked for an ID?

☐ always
☐ usually
☐ sometimes
☐ never

24. Immediately before entering an establishment to attempt a buy, were agents searched by a police officer to confirm the amount of cash they were carrying and that they had no alcoholic beverages on their person?

☐ always
☐ usually
☐ sometimes
☐ never

25. Were purchases witnessed by a police officer?

☐ always
☐ usually
☐ sometimes
☐ never

26. Was a police officer able to monitor the conversation between the agent and seller/server?

☐ always
☐ usually
☐ sometimes
☐ never

27. Were agents searched immediately after the buy?

☐ always
☐ usually
☐ sometimes
☐ never

28. Were agents instructed to buy only a packaged beverage?

☐ always
☐ usually
☐ sometimes
☐ never

29. Were agents asked to sign a written statement immediately after the buy?

☐ always
☐ usually
☐ sometimes
☐ never

CONTINUED ON NEXT PAGE

THE REMAINING QUESTIONS ARE TO BE ANSWERED BY ALL AGENCIES

30. Since the completion of the project has your agency used underage agents in conducting 21 enforcement?

_____ yes
 _____ no

31. What other methods of investigation were used during the project?
 (Check all that apply.)

_____ surveillance--officers observed sale from car
 _____ surveillance--officers observed sale from inside establishment
 _____ "sweep"--officers entered establishment & checked IDs
 _____ other (specify) _____

32. For any and all methods of investigation, what types of establishments were targeted for investigations? (Check all that apply.)

_____ bars
 _____ restaurants
 _____ convenience stores
 _____ grocery stores
 _____ liquor stores
 _____ all establishments
 _____ generally only establishments with histories of ABC violations
 (specify types) _____
 _____ other (specify) _____

33. In your opinion, what are the advantages of the underage agent approach?
 (If more than one response is selected, please rank your choices in order of importance, with #1 being the most important)

_____ reduces officer time needed for enforcement
 _____ makes it possible to catch more violators
 _____ cooperation of minor makes paperwork easier
 _____ cooperation of minor makes prosecution easier/conviction more likely
 _____ cost savings
 _____ high profile approach raises perception of risk of arrest among
 sellers and servers
 _____ other (specify) _____

CONTINUED ON NEXT PAGE

34. In your opinion, what are the disadvantages of the underage agent approach?
(If more than one response is selected, please rank your choices in order of importance, with #1 being the most important.)

☐ good agents are hard to find
☐ working with underage agents is more trouble than it is worth
☐ retailers feel entrapped--approach not worth the ill feelings
☐ officers or agency reluctant to work with minors
☐ difficult to safeguard security of underage agents
☐ underage agents are not always dependable
☐ agents sometimes known and recognized by servers/sellers/patrons
☐ agent's parents sometimes refuse to allow sworn statement or court appearance
☐ other (specify) _____

GENERAL

35. In general, what problems are confronted by your agency in 21 enforcement?
(If more than one response is selected, please rank in order of importance, with #1 being the most important.)

☐ enforcement seen as "harassment" of store clerks/servers
☐ creates hard feelings between police and community--does more harm than good
☐ SLA does not follow up cases
☐ unable to get witnesses to testify
☐ DA unwilling to prosecute sellers/servers
☐ courts unwilling to convict & punish sellers/servers
☐ other police business more pressing--not enough time to enforce 21 law
☐ not productive--hard to catch violators
☐ other (specify) _____

36. In general, how do persons in your agency feel about the prosecution of persons arrested for selling or serving alcohol to minors? (Check ONE BEST answer.)

☐ prosecution & conviction rates have not changed, however it is the duty of the police to vigorously enforce the law
☐ DA does not support police efforts/unwilling to prosecute
☐ courts do not support police enforcement/do not convict
☐ courts are more consistently punishing 21 violations than in the past and generally make 21 enforcement worthwhile from a police standpoint
☐ other (specify) _____

37. What do you think the alcohol purchase age should be?

- ☐ 21
- ☐ 19
- ☐ 18
- ☐ other (specify) _____

38. What would you say is the overall opinion among enforcement personnel in your agency regarding the current 21 purchase age law in contrast to a law that would also, or exclusively, punish underage persons who purchase or consume alcohol?

- ☐ support the current law as it stands--sellers & servers who violate the law should be held accountable to the fullest extent possible
- ☐ prefer a law that would also punish underage purchasers & drinkers
- ☐ prefer a law that would punish underage purchasers & drinkers but not the sellers & servers, since the purchasers are really at fault

OTHER COMMENTS

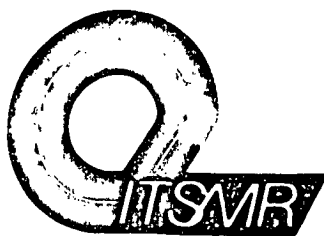
On the back of this form, please make any other comments relating to the project or enforcement of the 21 law in general.

Thank you for your help in supplying this information. At the conclusion of the project, you will be sent a full report.

If you have any comments about this survey or the project, please feel free to contact Mark Hammer or Anne McCartt at (518) 449-3233.

Please return the completed survey to:

Institute for Traffic Safety
260 Washington Avenue
Albany, New York 12210



APPENDIX C

INSTITUTE FOR TRAFFIC SAFETY MANAGEMENT AND RESEARCH
260 Washington Avenue, Albany, N.Y. 12210 (518) 449-3233

April 1989

Dear Manager:

The Institute for Traffic Safety Management and Research, affiliated with the State University of New York, is conducting a study of the 21 year alcoholic beverage purchase age law and how it is enforced. The law provides for the imposition of penalties on retailers who sell alcohol to minors, and allows for the prosecution of sellers and servers when a patron of their establishment is subsequently involved in a drunk driving crash. We realize that enforcement of the law has caused problems for retailers in some areas of New York State.

We are very interested in the effects of enforcement of the law on establishments that sell alcoholic beverages and the difficulties encountered in complying with the law. Therefore, we are contacting managers and owners of establishments that sell alcoholic beverages to obtain some information about how they deal with minors who attempt to buy alcohol, and about their attitudes and experience relating to the purchase age law and its enforcement. Your establishment has been selected to take part in this study. We ask that either the manager or the owner of your establishment fill out the survey and return it within one week in the postage-paid envelope provided.

By participating in this project, you can join the effort by local enforcement agencies, the State Liquor Authority, and the State University of New York to work together to study the problems created by both underage drinking and enforcement of the purchase age law. We urge you to take part in this important study and assure you that your participation is completely voluntary and anonymous. Please do not sign your name to the survey. If you would like to receive a summary of the findings, please send a postcard with your name and address (under separate cover) to the Institute and request "21 Enforcement Summary."

Your cooperation in this effort is greatly appreciated. Should you have any questions related to this survey, please contact the Institute at 518-449-3233.

In the Brackets to the Left of Each of the Following Statements, Please Indicate Whether You Strongly Agree (SA), Agree (A), Disagree (D), Strongly Disagree (SD), or are Undecided (U).

**For Office
Use Only**

- | | | |
|---------|--|---------------|
| [] | Servers and sellers should not be punished for selling to a minor because the minor is really the guilty party. | _____
(11) |
| [] | Servers are frequently just too busy to "proof" every young purchaser. | _____
(12) |
| [] | Enforcement of the 21 law should be increased to help prevent drunk driving by underage drivers, even though it places a burden on establishments that sell alcohol. | _____
(13) |
| [] | The alcohol purchase age should be lowered to 18 years. | _____
(14) |
| [] | The alcohol purchase age should be lowered to 19 years. | _____
(15) |
| [] | It is often very difficult for a server to tell a fake ID from a real one. | _____
(16) |

Please Indicate Whether You Think Each of the Following Five Statements is True or False by Circling "T" or "F".

- | | | |
|---------|--|---------------|
| [T F] | The server has a legal obligation to refuse alcohol to any person who appears to be under 21 years if that person has no ID. | _____
(17) |
| [T F] | It is illegal for a person under 21 to purchase alcoholic beverages. | _____
(18) |
| [T F] | A valid student photo ID is a legally acceptable form of "proof". | _____
(19) |
| [T F] | A valid state driver's license is a legally acceptable form of "proof". | _____
(20) |
| [T F] | A military ID is a legally acceptable form of "proof". | _____
(21) |

For the Remaining Questions, Please Check the ONE Best Answer or Fill in the Blank

How would you estimate the level of police enforcement of the 21 year old alcohol purchase age law in your area over the past two years?

- | | | |
|---------|----------------------------------|---------------|
| [] | non-existent or not aware of any | _____
(22) |
| [] | no different from previous years | |
| [] | increased over previous years | |
| [] | decreased over previous years | |
| [] | don't know | |

Over the past two years have you been aware of the use of underage "agents" by the police for attempted "buys" of alcoholic beverages in your area?

(23)

- ☐ yes
- ☐ no
- ☐ don't know

If yes, how did you first hear of this enforcement effort?

(24)

- ☐ trade magazine
- ☐ TV/radio/newspaper
- ☐ police visited your establishment
- ☐ co-worker
- ☐ person from another establishment
- ☐ other (specify) _____

Have you been aware of any other types of special police enforcement of the 21 year old alcohol purchase law in your area over the past two years?

(25)

- ☐ yes
- ☐ no
- ☐ don't know

If yes, how did you first hear about this enforcement effort?

(26)

- ☐ trade magazine
- ☐ TV/radio/newspaper
- ☐ police visited establishment
- ☐ co-worker
- ☐ person from another establishment
- ☐ other (specify) _____

To your knowledge, has your establishment been the target of investigations for violations of the 21 law (regardless of whether violations occurred)?

(27)

- ☐ yes
- ☐ no
- ☐ don't know

If yes, were underage "agents" involved in the investigation(s)?

(28)

- ☐ yes
- ☐ no
- ☐ don't know

How would you rate the risk of being arrested for selling to minors today as compared to two years ago?

(29)

- ☐ about the same
- ☐ more risk
- ☐ less risk
- ☐ don't know

Over the past two years how strictly do you think the employees in your establishment have "proofed" young prospective purchasers compared to the previous year?

(30)

- ☐ about the same
- ☐ more strictly/more frequently
- ☐ less strictly/less frequently
- ☐ don't know

If someone in your establishment sold alcoholic beverages to minors and was arrested, what do you think would happen to that person?

(31)

- ☐ the case would be dismissed, and there would be no penalty
- ☐ the person would be found not guilty
- ☐ the person would be found guilty, but there would be no penalty
- ☐ the person would be found guilty and fined
- ☐ the person would be found guilty and imprisoned
- ☐ the case would be plea-bargained to a lesser offense
- ☐ other (specify) _____

What, if any, penalty do you think would be imposed on the holder of the alcoholic beverage license of the establishment for the second offense within 6 months?

(32)

- ☐ none
- ☐ fine or bond forfeiture
- ☐ letter of warning
- ☐ license to sell alcoholic beverages would be suspended/revoked
- ☐ establishment would be closed
- ☐ other (specify) _____

How do you think most persons under the age of 21 in your community usually obtain alcoholic beverages? (Check the one best answer.)

(33)

- ☐ from older friends
- ☐ they buy it themselves
- ☐ from family member
- ☐ other (specify) _____

Suppose a person under 21, without a fake ID, went into five of each of the following types of establishments in your community and tried to purchase alcoholic beverages. How many times out of five do you think he/she would be successful? (Check the number of times for each location.)

	Number successful purchases out of 5 attempts						
	0	1	2	3	4	5	
bars	—	—	—	—	—	—	(34) _____
restaurants	—	—	—	—	—	—	(35) _____
convenience stores	—	—	—	—	—	—	(36) _____
grocery stores	—	—	—	—	—	—	(37) _____
liquor stores	—	—	—	—	—	—	(38) _____

Do you feel that you have sufficient knowledge regarding the 21 law and its enforcement, proofing procedures, and the penalties for violating the law?

(39) _____

- ☐ yes
☐ no
☐ don't know

If yes, what has been the main source of your information?

(40) _____

- ☐ police
☐ State Liquor Authority
☐ retailers' association
☐ co-worker/friend
☐ owner of establishment
☐ news media
☐ other (specify) _____

Does your establishment have posted procedures for "proofing" young persons?

(41) _____

- ☐ yes
☐ no
☐ don't know

Do you or does someone else in your establishment routinely educate other employees regarding standard procedures to "proof" young persons attempting to buy alcohol?

(42) _____

- ☐ yes
☐ no
☐ don't know

Several sets of procedures have been developed to help retailers in some areas in complying with the laws regulating the sale of alcoholic beverages. Examples are Techniques of Alcohol Management (T.A.M.), "Smart Choice," and "Top Shelf."

Have employees in your establishment been trained in the use of the following techniques?

"T.A.M."

- ☐ yes
☐ no
☐ don't know

(43)

"Smart Choice"

- ☐ yes
☐ no
☐ don't know

(44)

"Top Shelf"

- ☐ yes
☐ no
☐ don't know

(45)

For Statistical Purposes We Would Like to Obtain Some Information About You and the Establishment in Which You Work. Please Check the Best Answer or Fill In the Blank:

What type of establishment do you own or manage?

(46)

- ☐ bar &/or restaurant (on premise liquor)
☐ convenience store/small grocery
☐ large grocery store
☐ restaurant (beer & wine only)
☐ liquor/wine store
☐ drug store
☐ private club (liquor)
☐ other (specify) _____

In which county is your establishment located?

(47)

- ☐ Onondaga
☐ Erie
☐ Nassau
☐ other (specify) _____

How many other persons in your establishment sell or serve alcohol? _____

(48-50)

How many of these persons are under 21 years old? _____

(51-53)

What is your age? _____

(54-55)

Are you ☐ male ☐ female?

(56)

How long have you worked as manager or in another capacity in this
or a similar establishment in the same county?

(57)

- ☐ less than one year
- ☐ one to two years
- ☐ more than two years

Do you personally hold the alcoholic beverage license for your establishment?

(58)

- ☐ yes
- ☐ no
- ☐ don't know

Thank you for your participation.

**Please return the questionnaire in the
postage-paid envelope provided to:**

APPENDIX D

21 ENFORCEMENT PROJECT**ARRESTS FOR ALCOHOL-RELATED TRAFFIC OFFENSES**

Contact Person: _____

Telephone Number: _____

Agency: _____

Number of sworn police officers _____ (full-time) _____ (part-time)
 Number trained in 21 Enforcement _____ (full-time) _____ (part-time)

	July 1-Dec 31 1986		July 1-Dec 31 1987		July 1-Dec 31 1988	
	Total	Under 21	Total	Under 21	Total	Under 21
Number of drivers arrested for:						
V&T 1192.1	_____	_____	_____	_____	_____	_____
V&T 1192.2	_____	_____	_____	_____	_____	_____
V&T 1192.3	_____	_____	_____	_____	_____	_____
V&T 1192.2 and 3	_____	_____	_____	_____	_____	_____
V&T 1192.4	_____	_____	_____	_____	_____	_____
V&T 1193A	_____	_____	_____	_____	_____	_____
V&T 511.2	_____	_____	_____	_____	_____	_____
V&T 511.2A2	_____	_____	_____	_____	_____	_____
V&T 511.2AA	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____

Number of drivers arrested
under 21 years old

By age - 16 or under

17

18

19

20

By gender - Men

Women

Average BAC

APPENDIX E

ADDENDUM TO CONTRACTS WITH AGENCIES

To ensure continuity, record keeping and correct billing, agencies funded by this Grant shall adhere to the following:

1. All Billing Vouchers shall first be submitted to the "21" Project Director, who shall review and transmit to GTSC for reimbursement.
2. Agencies funded by this Grant shall keep a log of all SLA Licensed businesses checked, number of summonses issued and to whom, and number of underaged persons present during inspection. Nothing in this section shall prohibit the funded agency from taking action for violations detected during "Underaged Enforcement."
3. Funded agencies shall submit to the New York State Liquor Authority a copy of the police report outlining violations, statements from minors served, and copies of all summonses issued when violations are detected.
4. Whenever possible, violators found to be serving minors shall be issued summonses for 65.1 ABC. This crime specific section is in keeping with the legislative intentions as opposed to the use of 260.20 PL, Unlawful Dealing with a Child.
5. Whenever possible, funded agencies should try to return to all businesses found to be in violation. This action will separate isolated violators from habitual repeat offenders.

6. The SLA Director of the "21" Enforcement Project shall be responsible for all Grant reporting and periodically will check with the funded agency's Coordinator for statistics necessary for aforementioned reporting.
7. Unless otherwise specified, all funded agencies will be operational under the Terms and Conditions of the Grant from July 1, 1987 through December 31, 1987.