

**Alcohol Enforcement Working Group
Report Published Pursuant to Proviso 48.20
October 30, 2009**

Proviso 48.20 of the FY09-10 South Carolina Appropriations Act states the following:

48.20. (SLED: Alcohol Laws) The department shall convene a working group of state and local law enforcement officials to develop recommendations for improving the enforcement of state statutes relating to the selling, purchasing, and possession of alcohol beverages. The working group shall be comprised of the Director of the State Law Enforcement Division or his designee, the Director of the Department of Public Safety, or his designee, two sheriffs, one from a county with a large population and one from a county with a small population, or their designee, appointed by the South Carolina Sheriff's Association, and two police chiefs, one from a city or municipality with a large population and one from a city or municipality with a small population, appointed by the Municipal Association of South Carolina. The working group may seek input from the South Carolina Hospitality Association, the South Carolina Association of Convenience Stores and other entities as deemed necessary. By November 1, SLED must publish on its homepage the recommendations of the working group for strengthening and improving: 1) the enforcement of these laws, 2) the cooperation between state and local agencies regarding these laws, 3) the statewide support of SLED in enforcing these laws, and 4) the use of alcohol related fees collected by SLED.

In response to Proviso 48.20, SLED convened a working group comprised of representatives from the following entities who met on three (3) occasions to address the requirements of the proviso:

- State Law Enforcement
- County Law Enforcement
- Municipal Law Enforcement
- South Carolina Sheriff's Association (SCSA)
- South Carolina Commission on Prosecution Coordination (SCCPC)
- Department of Alcohol, and Other Drug Abuse Services (DAODAS)
- Department of Revenue (DOR)
- South Carolina Crime Victims' Council (SCCVC)
- South Carolina Association of Convenience Stores (SCACS)
- South Carolina Retail Association
- Mothers Against Drunk Driving (MADD)
- Hospitality Association of South Carolina (HASC)
- ABC Stores of South Carolina
- South Carolina Beer Wholesaler's Association (SCBWA)
- Wine and Spirits Wholesalers Association (WSWA-SC)

The Alcohol Enforcement Working Group recommends the following alcohol enforcement items, as enumerated in Proviso 48.20, be given consideration:

By November 1, SLED must publish on its homepage the recommendations of the working group for strengthening and improving:

1) the enforcement of these [alcohol enforcement] laws;

- Encourage more involvement by the industry in reporting administrative violations of alcohol laws.
- Strengthen training efforts for retailers and others in the industry regarding alcohol laws in South Carolina.
- Develop a checklist of requirements that could be used by retailers to ensure compliance with Title 61 provisions (South Carolina alcohol laws).
- Continue to strengthen the SLED Joint Enforcement Team (JET) concept of training local law enforcement in administrative alcohol violation enforcement.
- Consider changing state statute to allow municipal and county law enforcement (LE) to enforce administrative provisions of Title 61 outside of the JET Program.
- Consider developing a system whereby violations other than administrative violations could be considered by DOR when reviewing alcohol license renewals. At this time, DOR only knows of administrative violations. Such a system would require DOR to revise its workflow to allow violations other than administrative violations to be used in the process for considering license suspensions and revocations. Development of this system would require a review of any constitutional or statutory issues that may affect the adoption and implementation of this new process.
- Encourage more substantial enforcement of existing Title 61 laws rather than writing additional/new alcohol enforcement laws.
- Consider restoration of base funding to July 1, 2007 levels to all agencies charged with enforcing, administering, or prosecuting Title 61 requirements.
- Consider whether Title 61 alcohol regulatory operations should reside at SLED while being mindful of the need for funding attached to this function to remain at SLED.

2) the cooperation between state and local agencies regarding these [alcohol enforcement] laws;

- Within available resources, encourage increased local law enforcement participation in the SLED JET Program.
- Better coordinate alcohol enforcement efforts in South Carolina by creating regional “Alcohol Enforcement Task Forces”, with participation by the JET and Alcohol Enforcement Team (AET) programs, and with SLED Alcohol Enforcement Agents leading the Task Force efforts.
- Encourage SLED and DAODAS to collaborate on JET and Alcohol Enforcement Team (AET) efforts to identify and share best practices, combine training resources, and achieve maximum efficiencies in both programs with a focus on increasing alcohol enforcement efforts throughout the state.
- Consider the possibility of Administrative Law Court (ALC) holding court in various judicial circuits to reduce the need for local law enforcement to travel to Columbia for prosecution of JET Program cases. Implementation of this would likely require additional state funding to accommodate increased travel and personnel requirements that would arise for ALC and Department of Revenue (DOR) personnel.

- Hold a meeting with all interested parties to discuss Driving Under the Influence (DUI) issues and available DUI data and statistics, and the need for more resources to provide a more accurate picture of DUI arrests and DUI collisions in our state.
- Consider implementing multi-agency data systems coordination for Title 61 violations written. This would allow a more complete view and assessment of all alcohol enforcement information available statewide. One such project is currently being designed as a collaborative effort between SC.Gov/SC Interactive personnel and SLED Regulatory Operations and Alcohol Enforcement personnel.
- Consider expansion of the JET Program; consider providing feedback to the local community in an effort to encourage participation in the JET program and support of the SLED alcohol enforcement mission.
- Consider additional training for JET Program participants. This training is currently being taught for four to six hours per class. SLED is proposing that the training be increased to 16 hours per class.
- Consider streamlining processes associated with alcohol enforcement, administration, and prosecution to best utilize the resources available for this effort.

3) the statewide support of SLED in enforcing these [alcohol enforcement] laws;

- Consider restoration of base funding to July 1, 2007 levels to SLED (and all other agencies charged with enforcing, administering or prosecuting Title 61 requirements).
- Consider creating a dedicated funding stream at SLED for alcohol enforcement.
- Consider participation by industry to achieve a revenue solution to replace funds lost by SLED to FY07-08 and following budget cuts.
- Consider that SLED has experienced substantial cuts to budget and personnel, and that the level of alcohol enforcement cannot be expected to be at the same level as in prior years when funding was not as significant an issue as it is in FY09-10.

4) and the use of alcohol related fees collected by SLED.

- Continue to use fees received pursuant to Title 61 to offset the cost of SLED alcohol regulatory and enforcement operations; especially important in light of the approximately 32% cuts to SLED's base budget over the past two years.