

## 502 OLCC DUII INFORMATION AND ALCOHOL-RELATED CRASH PROGRAM

### A. PURPOSE

The purpose of the Oregon Liquor Control Commission's (OLCC) Driving Under the Influence of Intoxicants (DUII) and Alcohol Related Crash Program is to reduce the problems of sale or service of alcohol to visibly intoxicated persons by notification, assessment education and intervention with licensees.

### B. GOALS

1. To identify, through patterns of DUII reports, premises that may be over serving alcohol to patrons.
2. To reduce over service through notification, education and other compliance building methods where over service patterns are established.

### C. OVERSIGHT

The OLCC DUII and Alcohol Related Crash Program will be managed by the East Metro Enforcement Unit manager.

### D. CRITERIA

1. Law enforcement agencies (LEA) send the Commission Alcohol Related Incident Reports (ARI) on DUII reports (ORS 471.703) in accordance with ORS 471.703. Though ORS 471.703 requires LEAs to send reports under limited circumstances (refer to statute), it is to the LEAs' benefit to send more reports than is required by statute. The Commission records the information when:
  - a. The driver names a licensed premises as the last place of drinking; and
  - b. There is a Blood Alcohol Content (BAC) of .08 or higher; or
  - c. The driver refused to take a breath test, or
  - d. The police ordered a blood draw to determine the driver's BAC  
or
  - e. A crash occurred resulting in injury or property damage.
2. These reports provide the following information:
  - a. Name of premises licensed by the Commission

- b. Name of driver suspected of DUII, including date and time of arrest.
- c. Driver's BAC, test refusal or blood draw
- d. Injury or property damage (if any)
- e. Law enforcement agency and case number

## **E. PROCESSING THE INFORMATION**

1. Designated regional staff will:
  - a. Review the DUII report to determine if it qualifies for our program, see CRITERIA D1.
  - b. Enter the information, except for the name of the driver, into the DUII Information System, see CRITERIA D2.
  - c. Provide DUII report to District Inspector, Lead Worker or manager for review.
2. Designated regional staff generates and sends to licensees:
  - a. Letter 1 – Any DUII report with a BAC of .20 or higher (DUII Letter).
  - b. Letter 2 – Three (3) or more DUII reports with BAC's of .16 or higher reported during the calendar quarter (Quarterly Letter)
  - c. Letter 3 – Any DUII report where a crash occurred regardless of the driver's BAC or whether or not property damage or injuries occurred.
3. All letters will include: statement of the law; offer of education; and notice that undercover observations to ensure compliance may occur. A copy of the letter will be placed in the premises' file.
4. Letters will be printed immediately after the DUII report is entered into the DUII Information System.
5. A copy of each letter will be provided to the District Inspector, Lead Worker or Regional Manager.
6. East Metro Enforcement Unit support staff will make a copy of the Monthly DUII Report and Quarterly DUII Report available to OLCC Commissioners, Regional Managers, law enforcement and other interested parties.

## F. COMPLIANCE

1. District Inspector Assignments for follow up:
  - a. Premises that receive a Quarterly Letter
  - b. Any DUII report with a .16 BAC where a crash occurred and there was a serious injury. Serious injury is defined as at least one person involved in the crash requiring transportation to a hospital.
  - c. Any DUII crash involving the death of a person.
2.
  - a. Inspectors will conduct assessments and/or investigations as assigned in F1 for follow-up and document their investigation on an Intake/Compliance Action Report and may refer the premises for undercover observations.
  - b. Inspectors will provide and document training for licensees as needed.
3. If the District Inspector determines the DUII report is not related to the premises listed, the designated regional staff will be notified and the DUII report may be removed from the premises' DUII history.
4. The Regional Manager will:
  - a. Review Monthly DUII Report and Quarterly DUII Report from DUII and Alcohol Related Crash Program.
  - b. Ensure that DUII reports match the criteria outlined in F1 are assigned and completed.
  - c. Have discretion to assign cases for further assessment and/or investigation.
  - d. Sign each letter that is sent to the licensee.
5. A licensee may contest the assignment of a DUII report to their premises by writing to the Regional Manager. The letter will be assessed and a determination will be made by the manager whether or not the assignment will remain in the premises file or removed from the licensee's record.

**Reference:** ORS 471.403  
DUII Report  
Letter 1  
Quarterly Letter (Letter 2)  
Crash Letter (Letter 3)