

VENTURA POLICE DEPARTMENT

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MISSION STATEMENT

The Ventura Police Department is committed to the protection of life and property by providing the highest quality service through community involvement and problem solving.

In compliance with the Americans with Disabilities Act, this document is available in alternate formats by calling 805.339.4400 or 805.642.0184 (TDD).

Frequently Asked Questions

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Answer:

The age of an employee serving alcohol depends on the type of license of the business.

Type 42 (On-Sale Beer & Wine – Public Premises) and **Type 48** (On-Sale General – Public Premises) all employees must be over 21 all the time.

Type 41 (On-Sale Beer & Wine – Eating Place) and **Type 47** (On-Sale General – Eating Place) employees whose main function is that of serving food may be 18+. Employees whose main function is serving alcohol must be 21+.

Type 20 (Off-Sale Beer & Wine) and **Type 21** (Off-Sale General) any person selling alcohol must be 18+ unless they are “under the continuous supervision of a person 21 years of age or older.”

25663. (a) Every person who employs or uses the services of any person under the age of 21 years in or on that portion of any premises, during business hours, which are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

(b) Any off-sale licensee who employs or uses the services of any person under the age of 18 years for the sale of alcoholic beverages shall be subject to suspension or revocation of his or her license, except that a person under the age of 18 years may be employed or used for those purposes if that person is under the continuous supervision of a person 21 years of age or older.

- Name of the person
- Date of birth
- Physical description
- Photograph
- Currently valid (i.e. not expired)

Examples of legally acceptable I.D.’s:

- Driver’s license
- State-issued I.D. card
- Federal military I.D. card (except newer ones, which don’t have a physical description)

Examples of unacceptable I.D.’s:

- Temporary driver’s license
- Non-photo driver’s license
- Birth certificates
- School I.D. cards
- Work I.D. cards
- U.S. immigrant cards
- Matricula Consular cards
- Selective Service Act registration certificates
- Any acceptable I.D. that is expired, altered, borrowed, stolen, counterfeited or forged
- Two or more unacceptable I.D.’s may not be combined to make one acceptable I.D.
- Passport

Question:

How old does an employee have to be if they are going to serve alcohol?

ABC Programs

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Inspections

One of my duties is to perform inspections of on-sale and off-sale alcohol licenses in the City of Ventura. While conducting inspections I look for various ABC offenses and local code enforcement issues. All licensed businesses are subject to inspections by police. Police may inspect any area of the licensed premises – including offices, drawers, safes, etc. For example, one item I may look for at an off-sale facility (such as a liquor store) is the type of coverage or signage displayed in the facility’s windows. ABC law states that no more than 30% of the windows can be covered by signage, or other materials, which may impede the view into and out of the facility at one time. This is done as a matter of safety so public safety personnel will be

able to see into a facility in the event of an incident or altercation. During an inspection I may also look for mandatory signage as required by State law. Mandatory signage includes visible or prominent display of a business’ alcohol permit fee, alcohol license, underage tobacco warnings, no loitering, and no open container signage.

You can learn more about the inspection process and my position by watching a short video on our website at www.venturapd.org. Once there click on “ABC Officer” under the “Operations” section of our website and scroll to the bottom of the page. This short video describes the ordinance, the ABC position, and goes along with me as I conduct inspections on businesses in the City of Ventura.

ALCOHOL SAFETY NEWSLETTER

Introduction



Officer Patrick Lindsay

Hello, my name is Officer Patrick Lindsay and I would like to welcome you to the first edition of the *Alcohol Safety Newsletter* – Ventura Police Department’s Alcohol Law Enforcement Newsletter. The purpose of this newsletter is to

educate business owners and employees about commonly asked questions regarding sales of alcohol, keep you informed of alcohol enforcement events and programs, answer some of your frequently asked questions, and provide additional information on topics of interest to the various alcohol establishments in the City of Ventura. Our hope is to provide this newsletter quarterly and in the meantime I welcome your feedback, suggestions, and input as to how we can make this newsletter more valuable to you.

In the City of Ventura we have over 300 alcohol establishments. To date, I think I have personally met over 100 of you. My hope is to meet each of you personally and to establish a mutually beneficial relationship. Until we meet I would like to take this opportunity to tell you about myself and my role as the ABC (Alcohol Beverage Control) Officer for the City of Ventura.

I have been with the Ventura Police Department for a little over six years now. I worked as a Patrol Officer for two years and most recently served as a School Resource Officer (SRO). I enjoyed my time as an



SRO as it allowed me to interact with students, parents, teachers, and the community on a variety of levels. It was very rewarding to make a difference in the lives of our youth and to inspire and mentor students. In January of this year I became our Department’s first ABC Officer. It is my responsibility to oversee all ABC licenses and alcohol sales permits within the City of Ventura. I work with businesses to assist with ABC rules and regulations, licensing, liquor sales, employee sales of alcohol, making sure businesses understand and are in compliance with the annual alcohol permit, enforce non-compliant businesses, educate local businesses regarding such issues as underage drinking and sales to minors, and oversee entertainment permits. Additionally, I assist ABC with compliance, education, and enforcement efforts.

The Ventura Police Department is committed to working with alcohol establishments to ensure that businesses are aware and in compliance of state and local laws related to the sales of alcohol. It is our belief that 100% compliance by businesses will dramatically impact the safety and quality of life in the City of Ventura. I encourage you to contact me with any questions or concerns you may have. I can be reached at 805.339.4453, via e-mail at plindsay@ci.ventura.ca.us, or look us up on the web at www.venturapd.org.

Officer Patrick Lindsay



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Responsible Business Practices

The primary goal of the alcohol enforcement officer is to work with alcohol outlets so they may be more successful. For example, I may have resources available to help owners and managers reduce the liabilities associated with the sales of alcohol.

Business owners and managers can take various steps to ensure their business is in compliance with state and local laws.

The best way to protect your business is to employ responsible business practices. Safe and responsible business practices help promote comfortable and safe environments for your customers. Additionally, responsible business practices should be distributed to each employee.

Below are some guidelines to consider when adopting written policies for your business:

- Provide policies that do not conflict with existing laws
- Include ideas from your managers and employees
- Be clear and specific
- Provide each employee with a copy
- Have employees sign a statement of understanding
- Reinforce policies with training
- Conduct regular meetings to discuss issues regarding the policies
- Hold employees accountable for policies with performance reviews
- Provide rewards to employees who exemplify the policies

Licensee Education on Alcohol and Drugs (L.E.A.D. Program)

In my position I have had the opportunity to talk with several business owners and I am encouraged to hear how many of you have taken the necessary steps to reduce youth access to alcohol. Many businesses have aggressive policies that discourage minors from making attempts to purchase alcohol from their establishment. Some of the tactics I've seen are posting signs in conspicuous places that indicate, "ID required if you appear under age 30," and refusing service to individuals that are unable to provide adequate identification. For most licensees, the best practice in helping to reduce youth access to alcohol is to send their employees to a class/seminar on responsible server training.

The California Department of Alcoholic Beverage Control (ABC) currently conducts the L.E.A.D. program. The mission of the L.E.A.D. program is to provide high quality, effective and educationally sound training on alcohol responsibility and the law to California retail licensees and their employees. This is a free, voluntary prevention and education program for retail licensees, their employees and applicants. The program was first established in 1991 and since this time more than 100,000 people have been trained.

ABC currently conducts the L.E.A.D. training once a month at the Ventura Police Department. You can sign up for the training by calling 805.564.7717, or for additional information please visit www.abc.ca.gov.

ABC Programs

In coordination with ABC, the Ventura Police Department, and the City of Ventura, I am in charge of overseeing and coordinating a variety of alcohol programs. The intent of these programs is to alert the public and liquor licensees of the increased scrutiny by law enforcement and to educate young people and liquor licensees about the penalties of trying to purchase, possess, or consume alcoholic beverages.

Minor Decoy

This program allows law enforcement agencies and ABC to use persons under 20 years of age as decoys for the purposes of purchasing alcoholic beverages from licensed premises. The use of underage decoys to check whether licensees are selling alcohol to minors shows a drop in the illegal activity when the minor decoy program is repeatedly used. Law

enforcement agencies around the State have resumed using decoy programs since the State Supreme Court, in 1994, unanimously ruled the practice was constitutional and not entrapment.

Decoy Shoulder Tap

"Shoulder Tap" is a common method used by persons under the age of 21 to solicit persons to purchase and furnish them with alcoholic beverages. The Shoulder Tap Program is an enforcement program used by ABC and local law enforcement agencies. The program uses underage decoys, under the direct supervision of law enforcement officers to conduct such solicitations in front of off-sale licensed premises. The person who is seen furnishing an alcoholic beverage to the decoy is arrested.

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Alcohol Safety NEWSLETTER



Frequently Asked Questions about the Alcohol Permit Ordinance and Fees

Since the inception of the **Alcohol Permit Ordinance and Fee** in October of 2005 I have received a number of questions from alcohol licensees in the City of Ventura. Here are a few of the most commonly asked questions and answers.

Question:

How does the new City Ordinance impact the operation of alcohol retailers?

Answer:

This is a great question and one that I am asked quite often. The new City Ordinance affects the operation of alcohol retailers on a variety of levels. All new and existing alcoholic beverage establishments (ABE) shall be operated in conformance with the following standards pursuant to San Buenaventura Municipal Code (SBMC) Chapter 24.460:

- Compliance with the State's Alcohol Beverage Control Act.
- Nuisance Conditions. The ABE will be active in discouraging and correcting objectionable conditions that constitute nuisances on-site and on adjacent sites.
- Litter and Graffiti. The ABE shall maintain a litter free area within (20) feet of the premises and remove any graffiti within (48) hours following receipt of violation.
- Mode of Alcoholic Beverage Sales. Alcoholic Beverage sales from drive-up or walk-up service windows shall be prohibited.
- Signs. All signs required by the Alcoholic Beverage Control Act shall be posted as required by the ABC not withstanding sign regulations in SBMC Chapter 24.420.

For On-sale Establishments:

- The selling of alcoholic beverages for consumption off the premises is prohibited except where alcoholic beverages are sold for consumption on an adjoining public sidewalk pursuant to a permit issued in the manner provided by SBMC Chapter 24.477.
- Any entertainment provided at the establishment shall be carried out in a manner authorized by any dance hall or entertainment permit issued pursuant to SBMC Chapter 10.450 and shall not be audible more than (50) feet from the boundary of the property containing the establishment unless otherwise expressly authorized by the permit.

For Off-sale Establishments:

- The placement of a temporary sign on a window or the transparent portion of any door of an ABE requires a directors permit and shall be allowed on the first floor only, shall not cover more than 40% of a window or transparent portion of the

door; and may be used for no more than 90 days each calendar year. Permanent signs on a window or transparent portion of a door require design review.

- The operator of the ABE shall not allow any consumption of alcoholic beverages on-site or adjacent areas.
- The sale of beer or malt beverage products in containers greater than (32) ounces in volume is prohibited. This standard is not intended to restrict kegs or other containers of two or more gallons that clearly dispense multiple servings.

Question:

Who is responsible when a minor is found drinking in an on-sale ABC establishment?

Answer:

It is the responsibility of an employee, and the licensee, to ensure that a person who is served alcohol be 21 years or older. According to Section 25658(a) of the Business & Profession Code, every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

Section 25658(d) any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

Section 25665, any licensee under an on-sale license issued for public premises, as defined in Section 23039, who permits a person under the age of 21 years to enter and remain in the licensed premises without lawful business therein is guilty of a misdemeanor.

If any of the above sections are violated, the California Department of Alcoholic Beverage Control may take administrative action.

Sale to minors:

- 25658(a) & 25658(d).....15 day suspension
- 2nd violation within 36 months25 day suspension
- 3rd violation within 36 monthsRevocation

Minor(s) on public premises:

- 2566510 day suspension

Question:

What form of identification is required by law to obtain a person's true age?

Answer:

Typically, a bona fide I.D. is one document that contains all of the following:

- Issued by a governmental agency

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Alcohol Safety NEWSLETTER

