



# Retailer Training

INDIANA'S PACE PROGRAM

# What is PACE?

- ▶ Proactive
- ▶ Alcohol
- ▶ Compliance
- ▶ Enforcement

# What is the PACE Process?

- ▶ Identification of a problem business
- ▶ Notice to business of identified problems and PACE designation/status
- ▶ Corrective actions required
- ▶ Enforcement actions (if necessary)

## How is a problem business identified?

- ▶ Violent activity reported (shootings, fighting, etc.)
- ▶ Non-violent activity reported (noise complaints, loitering, littering, etc.)
- ▶ Repeat administrative violations
- ▶ Evidence of overserving patrons
- ▶ Community complaints

# How is a problem business notified?

- ▶ Notice of PACE designation (includes written notice from the ATC prosecutor)
- ▶ Recommended corrective actions
- ▶ Duration of PACE status
- ▶ Potential sanctions

# Example Corrective Actions

- ▶ Adjusting business hours (closing earlier than 3:00 a.m.)
- ▶ Increased security (hiring security personnel)
- ▶ Additional security measures (adding or enhancing existing security cameras)
- ▶ Changing closing procedures (“last call” an hour before service ends)
- ▶ Enforcement of a “banned” patrons list (maintaining a list of patrons who have created problems in past and refusing to serve them)

# Example Corrective Actions

- ▶ Increased coordination with local/state law enforcement
- ▶ Increased management presence
- ▶ Personnel in parking lot
- ▶ Procedures for intoxicated patrons
- ▶ Additional training with State Excise Officers

# Enforcement Actions

- ▶ Heightened Scrutiny
  - ▶ Increased law enforcement presence
  - ▶ Increased compliance checks by ISEP
- ▶ Heightened Sanctions
  - ▶ Fines
  - ▶ Suspensions
  - ▶ Revocations



# Public Nuisance

What constitutes a public nuisance? IC 7.1-2-6-1:

(1) A room, a house, a building, a boat, a structure, an automobile, other vehicle, or place of any kind where an alcoholic beverage of any type is sold, possessed, manufactured, bartered, or given away in violation of law or a rule of the commission.

(2) A place where alcoholic beverages are kept for sale, barter, or gift in violation of law or in violation of a rule of the commission, and all alcoholic beverages and all other property kept in and used in maintaining a place.

(3) The business property of a person who knowingly or intentionally sells, possesses, manufactures, barter, or gives away alcoholic beverages in violation of law or a rule of the commission.

# Public Nuisance

► 905 IAC 1-27-2:

“If a licensed premises becomes a public nuisance, or the licensed premises becomes the scene of acts or conduct which are prohibited by the Indiana Penal Code (IC 35-41-1-1), or by criminal laws of the United States, the premises shall be subject to the sanctions specified in IC 7.1-2-6-1 through IC 7.1-2-6-14.”

# Violations for PACE Status

- ▶ Sales to Intoxicated Persons (IC 7.1-5-10-15): A person who, knowing that another person is intoxicated, sells, barter, delivers or gives away an alcoholic beverage to the intoxicated person commits a Class B misdemeanor.
- ▶ Note: Businesses and servers may be held liable for damages that result from selling or furnishing alcohol to intoxicated persons.

# Violations for PACE Status

- ▶ Sales/furnishing to minors (IC 7.1-5-7-8): It is a Class B misdemeanor for a person to recklessly, knowingly, or intentionally sell, barter, exchange, provide or furnish an alcoholic beverage to a minor.
- ▶ However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction, and a Level 6 felony if the consumption, ingestion, or use of the alcoholic beverage is the proximate cause of serious bodily injury or death of any person.

# Closing Time & Legal Service Hours

- ▶ Permittees are required to ensure that no alcoholic beverages are consumed on premises more than 30 minutes past closing time (905 IAC 1-10-2).
- ▶ Permittees are required to ensure that all alcoholic beverages to be cleared no longer than 30-minutes after closing. (905 IAC 1-10-1). Specifically, all alcoholic beverages must be cleared from all tables including the bar top.
- ▶ **Note: Alcoholic beverages are permitted to be served between the hours of 7:00 a.m. and 3:00 a.m. the following day.**

# Contact Information

Indiana Alcohol and Tobacco Commission

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