Abstract

Context
A disproportionate number of impaired drivers come from licensed establishments, as opposed to their own homes or other private venues. “Last Drink” programs focus liquor licensing enforcement on high-risk establishments in an attempt to reduce impaired driving and other alcohol-related incidents. Pursuant to the program, the police ask impaired driving suspects where they were drinking. If a licensed establishment is named, the information is forwarded to licensing officials for follow-up action.

Objectives
This paper outlines the rationale for implementing Last Drink programs and summarizes the limited research on their impact. It describes Ontario’s mandatory Last Drink program and the preliminary results of the pilot project on which it was based.

Key outcomes
A large percentage of impaired drivers in the Ontario pilot project came from a small percentage of the licensed venues. The Alcohol and Gaming Commission of Ontario (AGCO) described the program’s preliminary results as “encouraging on multiple fronts,” and Mothers Against Drunk Driving (MADD) Canada and other safety organizations endorsed it. Ontario subsequently introduced a mandatory province-wide Last Drink program.

Discussion and conclusions
Last Drink programs appear to temporarily improve serving practices in the targeted venues. However, it is unclear if these initiatives have a lasting impact on the targeted establishments, the broader hospitality industry or the incidence of impaired driving.

Introduction
Licensed venues account for about 20% of total alcohol consumption in Canada (Babor et al., 2010, p. 32), but play a far greater role in impaired driving. A similar pattern is evident in the United States and Australia. For example, one American study reported that between two-thirds and three-quarters of intoxicated drivers stopped by police had their last drink at a licensed establishment (Stewart & Sweedler, 2007, p. 4), while another American study put the figure at up to 50% (Moore, 2007, p. 177). In New South Wales, approximately 50% of impaired driving offenders had been drinking in a licensed premise prior to the offence (Rydon, Stockwell, Syed, & Jenkins, 1993, p. 339). Not surprisingly, licensed establishments are similarly overrepresented in alcohol-related crashes (Willingham & Mosher, 2013, slide 31).

An early Ontario roadside survey reported that while only 6% of the drivers were coming from bars or taverns, they accounted for 16% of the drivers with BACs between .05% – .08%, and 16% of those with BACs above .08% (Single & McKenzie, 1992, p. 3). In a 2001
Alberta nighttime roadside study, drivers coming from bars and taverns were five times more likely to be legally impaired than drivers coming from all other locations (Belton, Voaklander, MacDonald, & Jhangri, 2001, p. 3). Similar results were evident in the 2003, 2008 and 2010 British Columbia roadside surveys (Beirness & Beasley, 2011). Moreover, binge drinking (i.e. consuming five or more standard drinks in a single sitting), which strongly correlates with impaired driving, is commonplace in licensed establishments, particularly bars and taverns (Rydon et al., 1993).

**Enforcing liquor licence legislation**

It has long been illegal in Canada for licensed establishments to serve alcohol to patrons who are or appear to be intoxicated, or to permit “drunkenness” on the premises. These stringent prohibitions date from colonial times and remain subject to potentially severe penalties. Moreover, even in the absence of a charge, licensing officials have broad administrative authority to suspend or revoke a licence if the licensee has breached the liquor act, its regulations or any conditions of the licence. Finally, the police and liquor licence inspectors are authorized to enter and search any licensed premises without a warrant, demand documentation and seize evidence of any offence. Licensing officials clearly have broad investigatory powers and ample legal authority to ensure compliance with the legislation.

Some studies indicate that increased enforcement in licensed establishments reduces the number of over-served patrons and impaired drivers originating from these venues. A Swedish project involving enhanced licensing and police enforcement increased the rate of service denial to intoxicated patrons from 5% in 1996 to 47% in 1999, and then to 70% in 2001. Moreover, crimes in the intervention area fell an estimated 29% compared to a slight increase in the control area (Wallin, Lindewald, & Andreasson, 2004, pp. 409 & 411).

Other studies on enhanced enforcement are more equivocal. For example, one study stated that “targeted responsible beverage service programs combined with enforcement may have an impact on traffic safety” (Stewart & Sweedler, 2007, p. 5). Another study reported that “enhanced regulation and enforcement … cannot be relied on to prevent all, or even most, problems” (Mann et al., 2009, p. 12). A recent review concluded that “there is insufficient evidence to determine the effectiveness of over-service law enforcement initiatives as a means to reduce excessive alcohol consumption and alcohol-related harms” (Task Force on Community Preventive Services, 2011, p. 345).

The alcohol industry and others have suggested various alternatives to enhanced enforcement, such as self-regulation of marketing, industry accords and industry-sponsored responsible consumption campaigns. These measures have either proven to be ineffective or there is little evidence of their efficacy (Babor et al., 2010, pp. 159-162; Anderson, Chisholm, & Fuhr, 2009, pp. 2237-2239; Dejong, Atkin, & Wallack, 1992). While some research indicates that responsible beverage service programs have a positive effect, particularly when coupled with intensive enforcement (National Highway Traffic Safety Administration [NHTSA], 2013, pp. 1-46 & 1-47), other studies have not found these programs to be effective (Ker & Chinnock, 2008; Hughes, Furness, Jones, & Bellis, 2010, pp. 10-12).

**Last Drink programs**

*Introduction*

Last Drink programs can be designed to address various problems stemming from licensed
establishments, including alcohol-related violence and impaired driving. For example, when the police apprehend an impaired driver, they ask the driver where he or she had been drinking. If the driver identifies a specific venue, that information is forwarded to the licensing authorities for follow-up. This may range from issuing a warning letter and increased visits by police and regulatory officials, to taking disciplinary action. These measures serve to encourage or force licensed establishments to improve their serving practices (Sim, Morgan, & Batchelor, 2005).

The international experience
There is limited research on the effectiveness of Last Drink programs. While there are some positive results in terms of the immediate effects of these programs, their lasting impact on hospitality industry practices and impaired driving remains to be determined.

Two American studies have reported positive short-term results. Washtenaw County, Michigan, initiated a Last Drink program in 1990. Enforcement was increased for 12 months and focused on the 10 most problematic establishments. The rate at which “pseudopatrons’ simulating intoxication” were refused service rose from 17.5% to 41.0% at the end of 12 months (McKnight & Streff, 1994, p. 82). The percentage of suspects arrested for impaired driving who reported coming from licensed establishments fell from 31.7% to 23.3% one year after the increased enforcement initiative began. This percentage remained largely unchanged in three comparison counties (p. 83).

A study of the impact of intensified enforcement on Washington State’s Last Drink program reported “mixed” results (NHTSA, 2008, p. 4). Although the authors detected no change in retail practices, there were two promising findings. First, the monthly average number of impaired driving arrestees who reported coming from a targeted venue decreased 36% following the intensive enforcement period (p. 9). The comparable decrease in the non-targeted (control) venues was 7% (p. 9). Second, the average BAC of arrestees originating from targeted establishments decreased from .135% to .127%, while there was a modest increase in the control establishments (p. 11).

In the mid-1990s, New South Wales implemented the “Alcohol Linking Program,” requiring the police to determine if suspects arrested for any offence had been drinking. If so, the police recorded where the suspect had his or her last drink and followed up with any named venues (Wiggers et al., 2004). A study of this program reported that 10% of the establishments accounted for 50% of the people involved in police-attended incidents arising from licensed venues. Following the adoption of an enhanced enforcement program, the number of intoxicated individuals coming from licensed venues who were arrested for an alcohol-related crime fell by up to 22%. The enhanced program involved more intensive enforcement, an audit of the establishment’s serving practices, individualized recommendations, and police follow up (p. 360). This study did not address the impact of the program on impaired driving.

Wellington, New Zealand implemented an enforcement program based on Last Drink information and police intelligence. A study on the impact of increased police and licensing enforcement in licensed establishments reported that it “may have contributed to a reduction in the number of highly intoxicated persons” (Sim et al., 2005, pp. ii-iii). During the intensified enforcement periods, disorder and violent offences decreased (p. 58). Again, the study did not address the impact of the intensified enforcement program on impaired driving.
In response to “unacceptably high” rates of impaired driving in the early 1990s, Peel Regional Police and licensing authorities initiated what became known as the “Last Drink Campaign.” Licensees named by intoxicated suspects were subject to closer scrutiny and progressive disciplinary action, which included sending licensees advisory letters and reference materials, conducting full investigations and initiating disciplinary action (Peel Regional Police, 1996, p. 4). In praising the program, both the police and licensing authorities noted that it allowed them to more efficiently use their resources and enforce liquor laws (p. 4). However, the program was not formally assessed, and no data were provided on whether it reduced the incidence of impaired driving in the region or the percentage of impaired drivers who were coming from licensed venues. Only one statement was made in this regard, namely: 19 impaired driving arrestees reported coming from a particular venue, and this number fell by 50% once the Last Drink program was fully implemented (pp. 4-5). While this was cited as an achievement, one could draw the opposite conclusion and question why this venue still had a liquor licence.

Several municipal police departments and the AGCO launched a large Last Drink pilot project in 2012. During this period, 3.6% (7 of the 196) of the identified licensed establishments accounted for 26.5% of the suspects who were either arrested for a federal impaired driving offence or given a provincial administrative licence suspension for having a blood-alcohol concentration (BAC) between .05% and .08% (O’Halloran, 2012, slide 8). The named establishments were subject to escalating AGCO interventions. As well, 22 establishments were added to the AGCO’s “Risk-Based Enforcement List,” resulting in increased inspections (slide 9). As with the Peel program, the police and licensing officials strongly endorsed the project without providing any data on its impact.

Based on the pilot project, the Ontario Chiefs of Police and the AGCO introduced a mandatory province-wide Last Drink program. As of August 6, 2012, all police were required to report to the AGCO any death or serious injury that could be linked to drinking at a licensed establishment or event, whether or not it was traffic related. The police were also encouraged to report to the AGCO any alcohol-related offence, such as impaired driving and public intoxication, which could be linked to an identified licensee (AGCO, 2012).

Conclusions

In Canada, a disproportionate share of impaired drivers apprehended by the police are coming from licensed premises, with much of the problem attributable to a small number of high-risk licensees. Last Drink programs are designed to identify these high-risk venues and subject them to increased scrutiny and enforcement. The limited research to date suggests that Last Drink programs can temporarily reduce service of alcohol to apparently intoxicated patrons and the number of impaired drivers leaving targeted establishments. It remains to be determined whether these positive results are due to the Last Drink program itself or to the intensive enforcement that accompanies it. Nor is it clear if Last Drink programs have an

1 The numbers reported in the presentation are inconsistent. Consequently, the numbers reported on slide 8 and 11 cannot be reconciled with those on other slides.

2 On a first report, a liquor inspector meets with the licensee to inform him or her of the incident. On a second report, an inspector meets with the licensee and reviews the prohibitions against permitting drunkenness and over-serving patrons. On a third report, an inspector meets with the licensee, and explains that the venue is being placed on the Risk-Based Enforcement List and will be subject to increased inspections. Moreover, a formal warning letter is sent to the licensee.
ongoing impact on the targeted venues, the broader hospitality industry or the incidence of impaired driving. While Last Drink programs have intrinsic appeal, the critical issue appears to be whether the police and licensing authorities are willing to use their broad enforcement authority to compel compliance.

References


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