

# Legally Speaking...

## Drunk & Disorderly = Danger

*“First you take a drink, then the drink takes a drink, then the drink takes you.”*

*- F. Scott Fitzgerald (1896 - 1940)*

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Early this year, a patron at a bar in Iowa was hit in the head with a baseball bat when an argument escalated into a fight. Two others were also injured. The victims were taken to an area hospital where they were treated for their injuries.

Later this spring, a city councilman was arrested and charged with simple assault after he got into a tussle with other patrons at a bar. It wasn't the councilman's first brush with the law. His criminal record includes three drunken driving convictions, time behind bars and a \$1,500 fine for refusing a sobriety test.

What do the incidents have in common? The individuals had been over-served while imbibing alcoholic beverages in Iowa licensed establishments. Both incidents demonstrate an association between intoxication and aggressive behavior in public settings. Moreover, criminal activity on the licensed premises and serving a patron who is or appears to be intoxicated are both violations of Iowa law.

Intoxicated patrons are a predictor of harm in and around licensed establishments. Continued service to intoxicated patrons often leads to violent behavior in the bar or drunken driving incidents after leaving the establishment. When officers receive multiple calls to a licensed establishment because of violent and aggressive patrons, public disorder and injuries, chances are the licensee is over-serving the patrons.

Unfortunately, some licensees and patrons believe that a bar should be a safe haven for being intoxicated as long as the person who has too much to drink doesn't drive home. Nothing can be further from the truth.

“A person shall not sell, dispense, or give to an intoxicated person, or one simulating intoxication, any alcoholic liquor, wine, or beer.”

*Iowa Code § 123.49(1)*

When licensees are granted the privilege of selling and serving alcoholic beverages, they accept a public trust that they will do so responsibly. In a front-line position, licensees and their employees must be much more than just pourers and sellers of alcoholic beverages. Rather, licensees must take a proactive approach by continually evaluating their management practices to ensure compliance with the laws and rules governing the licensee. Licensees should assess their employees, marketing practices and premises on an ongoing basis.

### *I. Employees*

Licensees and employees are encouraged to participate in a server training program. The training helps change the drinking environment by educating and changing the behavior of the sellers and servers of alcoholic beverages. The programs educate staff about the legal and social responsibilities of serving alcohol as well as how to effectively intervene when problems occur.

Licensees should also maintain adequate staffing levels at all times. The em-

ployee-to-patron ratio is necessary to effectively monitor patron drinking and to prevent the intoxication that spawns negative behavior.

### *II. Marketing Strategies*

Promotions such as happy hours and discounts on alcoholic beverages lead to intoxication and increase the risks of aggression. Bars that offer “all-you-can-drink” specials or an unlimited quantity of alcohol for one low price encourage intoxication. Since many of the specials are “time-limited,” patrons are essentially encouraged to order their next drink before they have consumed the first.

Licensees are encouraged to promote slower consumption by offering and promoting low alcohol and non-alcohol drinks at lower prices and by ensuring that bottled or tap water is available at reasonable or no cost. Providing reasonably priced food or free snacks throughout operating hours will also slow patron intoxication and may help to attract more diverse and less aggressive patrons.

### *III. Licensed Premises*

Attractive, well-maintained establishments suggest that licensees care about their property and will not tolerate patron behavior that is disorderly and violent. Licensees should strive for a floor plan that maintains good traffic flow thereby reducing opportunities for accidental bumps and spilled drinks. Lighting should be adequate to observe patron activities and occupancy limits should be observed at all times.

### *IV. Closing*

F. Scott Fitzgerald's words should serve as a reminder to both consumers and licensees to imbibe with moderation and serve with responsibility. At the point of intoxication, decisions are often made more by the alcohol than by the consumer. Responsible licensees will make sure their consumers are not put in that compromising position. Don't let the drink take the drinker, and equally important, don't let the drink take you, ■