

7 ALCOHOL MANAGEMENT: BOON OR BOONDOGGLE?

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Abstract

Amongst the many crowd management concerns, alcohol is possibly the biggest in the US. Thousand of intoxicated fans put themselves and others in harms way on a daily basis. Over the past ten years the major sport leagues in the US have taken steps to reduce the number of intoxicated fans getting into stadiums and develop strategies to minimize the impact on others. This study throws light on the current state of this problem in the US, by conducting an online survey of a convenient sample of events hosting facilities. The findings showed that alcohol is sold at most facilities, most facilities enforced alcohol policies, and most facilities limited beer sales to two beers per transaction. Unique to the US is tailgating which was found at 50% of the responding facilities, but there was significant divergence in who was responsible for monitoring the parking lot where tailgating was occurring. While US facilities were highlighted in the study, the implications impact alcohol policies all over the world.

Key words: *alcohol, training, policies, fans, liability*

Over the past several years the media in the United States (US) has focused its attention on several events involving drunken fans who attend National Football League (NFL) games. Several episodes led to this increased attention including an incident involving an inebriated fan who after leaving a football game held at the NFL's New York Giants stadium was involved in a serious car accident several hours later. The vehicle driven by the intoxicated fan struck a car containing a mother, father and young female child. The mother was seriously injured and the two year old child was crippled for life (Coffey, 2005). Some individuals opposed to serving alcohol at sporting events have used this tragic event as a lightning rod to highlight the evils associated with sport and alcohol. On the flip side are those who argue that this was an isolated case involving one fan's inappropriate conduct. The plaintiff's counsel in the New York Giants stadium case (Verni v. Harry M. Stevens, 2006), which produced a \$105 million (USD) verdict against the concessionaire, successfully argued that a stadium should be held to the same standard as a bar that serves alcohol (Coffey, 2005). The attorney also argued that the stadium fostered a culture of drinking. On appeal, the appellate court overturned the verdict and said it was inappropriate to try and focus on a "drunken culture" at the stadium and that the only relevant issue was whether the intoxicated driver was served when he was visibly intoxicated (Gottlieb, 2007).

One of the biggest concerns with selling alcohol is the impact intoxicated fans have on crowds, whether those sitting around an intoxicated fans or other drivers sharing the road with an intoxicated fan.



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This article will examine some of the critical issues surrounding the impact of alcohol at US sporting events with an emphasis on what the US industry does to manage the alcohol sales process and if such attempts are sufficient to provide as safe an environment as possible. While this article focuses on what is being undertaken in the US, it should be specifically noted that numerous countries have already developed significant policies and procedures to handle intoxicated fans. However, the US is burdened by a litigious society that tries to find liability against financially strong companies whenever possible.

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Alcohol Management Literature

Sport facility managers need to be concerned about alcohol sales at sporting events due to the potential for inappropriate conduct by intoxicated individuals. Such conduct can range from swearing and fighting to driving under the influence of alcohol. Intoxicated behavior can occur before or after fans enter a facility, which can impact crowd management procedures.

Fan violence associated with sport events and possible intoxication has been around for years. Several well-documented events in the US included a "10-cent Beer Night" during a 1974 Major League Baseball (MLB) between the Cleveland Indians and the Texas Rangers. The game attracted a very large crowd who were allowed to purchase up to six beers per fan each time they visited the concession stands (Steinbach, 2004). Numerous arrests and fights broke out during the game.

Similarly, in 1979, Mike Veeck, the son of Chicago White Sox owner Bill Veeck, created a promotion called "Disco Demolition Night". Fans who brought a disco record to the game received a discounted ticket and the records were to be blown up in between games during a double-header (two back-to-back games held on the same day) with the Detroit Tigers. The White Sox had hoped the promotion would result in a slight increase in the number of tickets sold, but numerous fans showed up for the game. The game quickly sold out resulting in thousands of people milling around outside the stadium. Many spectators inside the stadium became intoxicated and when the records were blown up these individuals stormed the field. As a result of damage to the field and the thousands of intoxicated fans on the field the umpires forced the team to forfeit the second game.

In 2000, an intoxicated fan at a MLB game between the Chicago Cubs and the Los Angeles Dodgers stole a hat from a Los Angeles Dodger pitcher and the ensuing altercation resulted in 16 Dodgers climbing into the stands to fight with fans. The players were suspended for a combined 84 games and fined \$72,000 for their part, but the fans were primarily to blame.

In response to the incident Wrigley Field changed its policy to stop selling beer in the middle of the 6th inning rather than at the top of the 7th inning (Steinbach, 2004). Baseball games normally last nine innings.



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One of the ugliest alcohol related incidents occurred in 2005 during a National Basketball Association (NBA) game between the Detroit Pistons and Indiana Pacers. Ron Artest, a player with the Indiana Pacers, had a cup of beer thrown at him by a fan. Facility managers had prohibited the sale of bottled beer to avoid inebriated fans from throwing the bottles. Therefore, beers were sold in cups and one of these was thrown at Artest. Artest entered the stands to find the person who threw the cup of beer. Additional players entered the stands and a small melee ensued with punches and even a chair being thrown.

As a result of the incident the NBA reduced the size and number of beers a patron could purchase and required teams to announce before each game what is appropriate fan behavior and the penalties for misbehaving ("Directive to take effect after All-Star break," 2005). Teams also communicated their "fan code of conduct" on a regular basis through their web pages, signs, and advertisements to help educate fans concerning appropriate conduct.

Besides fan education, team administrators have undertaken other strategies to deal with unruly fans. In response to some incidents, teams have increased police presence or hired more alcohol compliance officials. For example, MLB's Boston Red Sox increased their alcohol supervisors from five to nine after an incident involving a fan and New York Yankees player ("Red Sox beef up security," 2005). The NFL, recognizing the need for proactive measures halted alcohol sales at end of third quarter for day games, halftime for night games, but has not stopped alcohol sales in premium seating areas (Curley, 2006). These rules show that while alcohol has played a role in various incidents in the United States, sport administrators are taking steps to minimize alcohol related issues.

In a previous study facility managers reported that alcohol related issues were the number one underlying cause for arrests (48%), followed by assaults (15%) (Ammon & Fried, 1998). A poll conducted in 2009 by Turnkey Sports Polls found that of 1,100 senior level sport industry executives in the US, alcohol abuse by unruly fans was the number one threat to fan safety at major sporting events. The 62.19% of respondents greatly outpaced the next most frequently cited safety concern of "terrorist activity" which had on 18.73% of the responses (Turnkey Sports & Entertainment, 2009).

If the teams or venue operators cannot control fan conduct, fans can try to resolve issues themselves. Some fans confront others, sometimes politely and other times violently, while other fans pursue redress from the teams/facilities. In one case a father sued MLB's Colorado Rockies and their concessionaire (Aramark) alleging the defendants created a dangerous environment and failed to protect the plaintiffs from two intoxicated patrons who poured beer on the man and his son twice during a game.



During the lawsuit the father requested that the Rockies implement a five-year plan to monitor alcohol sales and provide additional security (Boeck, 2005).

Facility operators, team officials, and league administrators from the amateur through the professional ranks need to implement appropriate alcohol management solutions. One way these groups have attempted to address the problem includes researching how others have handled alcohol related issues.

Industry Research

Sport Alcohol Abuse. Survey respondents have reported that sport fans and college students in the US were more likely to engage in alcohol related activities. Such conduct is not always innocent as alcohol consumption led to 1,700 deaths among college age students in 2001. The results from one study found that 53% of college aged sport fans engage in binge drinking versus 38% for non-sport fans (Wieberg, 2005b).

In the United States millions of fans gather in the parking lots before sporting events eating, drinking and socializing before entering the stadium or arena. This is known as “tailgating.” Tailgating has evolved over the years into an experience that transcends games in the US. Some fans arrive days in advance in recreational vehicles to party with like minded fans. Some tailgaters party the entire day and never even enter the stadium. While tailgating is exceptionally prominent for college football, it is also seen before most NFL games as well. Researchers in a survey conducted at a large university in the eastern US (Virginia Tech), observed 275 individuals before four football games. The survey found that 84% of the tailgaters had consumed alcohol and 46% had a blood alcohol content (BAC) level over 0.08. A BAC of 0.08 is the minimum level in the US that indicates the individual is legally under the influence of alcohol (for operating a motor vehicle). Furthermore, almost one-third of the intoxicated tailgaters indicated that they would be driving after the game (Wieberg, 2005b).

The researchers in an earlier study (1982) concluded that between four to seven percent of all fans at sporting events consumed enough alcohol to be legally impaired. The survey was conducted at one event at Canada’s Exhibition Stadium. Unfortunately there was no indication as to how long the event lasted and what time of day it occurred-which would impact whether people were tailgating, thirsty, hungry, tired, etc. At a large stadium or arena this could represent several thousand fans. The researchers also concluded that the severity of the problem was directly related to the length of the sporting event. If the event was only for a short time there was less likelihood that fans would be drunk versus a double-header baseball game where there was a much greater likelihood that fans would drink more over an extended period (Single & McKenzie, 1991).

The 2004 Safe Celebration Study was undertaken to gauge fan behavior and alcohol concerns before, during, and after a collegiate game.

A majority (93%) of the respondents self reported that they engaged



in safe tailgating, 93% did not throw beverages, 92% did not fight with other fans, 82% felt they drank responsibly or in moderation during a game, and 86% did not rush onto the field after the game ("Unprecedented Survey," 2004). Such self-reported results contrast sharply with the same respondent's feelings of what occurs at games. For example 58% of the same respondents felt that fans fought with other fans, 49% felt that fans threw beverages, 47% thought fans threw items onto the field, 45% thought fans stormed the field, and 24% thought fans rioted at games. The survey of 986 college students also highlighted that more pre-game parties were held at a friend's house (56%) versus only 30% tailgating in a stadium parking lot ("Unprecedented Survey," 2004).

Alcohol Service Research. Research has also been conducted on the effectiveness of alcohol service training programs. The only published journal article focusing on alcohol service training was published in 1987 (Russ & Geller, 1987). The survey was conducted at two taverns so the findings may not necessarily translate to stadiums and arenas. Seventeen waiters and waitresses were trained and all passed the TIPS post training test. Training for Intervention ProcedureS (TIPS), and Techniques for Effective Alcohol Management (TEAM Coalition) provide training to individuals regarding effective alcohol service. These programs train a variety of individuals who serve alcohol or supervise/monitor those who serve alcohol.

The Russ and Geller (1987) study found that the trained wait staff more consistently and frequently asked for IDs, offered patrons food, offered patrons water and other non-alcoholic drinks, delayed serving patrons between drinks, and made drunk-driving related comments. After the TIPS training program none of the patrons served by the TIPS trained waiters exited the facility with a 0.10 BAC, while almost 50% of patrons served by untrained waiters had a BAC over 0.10. The problem with this study was the environment. A tavern is a more controlled environment compared to a stadium with 60,000 patrons. In addition, patrons were served at tables versus a queue with 10-20 people trying to purchase alcohol and rushing back to their seats.

Research has analyzed various alcohol management strategies implemented to minimize the possibility of alcohol related concerns. Facility managers employ searchers at the gates and doors of sport facilities to prevent alcoholic beverages from getting into the facility. In one survey, 81% of respondents indicated that fans entering the facility were monitored to prevent prohibited items such as bottles and cans from entering the facility (Ammon & fried, 1998). The same survey analyzed how patrons learned about the policy prohibiting items at the facilities and the results showed that 13% of stadiums used signage, six percent used public address announcements, and most facilities utilized multiple strategies (signage, announcements, fliers, and other combined techniques). The surveyed facilities that did not sell or allow alcohol into their facilities utilized security personnel, ushers, searches, uniformed officers, and the threat of revoking season tickets to prevent alcohol usage.



The survey also showed that “dry” facilities, where alcohol was not sold, also had a lower number of alcohol related arrests compared with facilities where alcohol was served (Ammon & Fried, 1998). However, preventing alcohol from being brought into the sport venues will not eliminate all risks.

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University campuses in the United States represented the primary area for significant alcohol reform. For example, Oregon State University’s (OSU) football stadium was alcohol-free for years, but in 2005 the university enforced the rule by automatically expelling anyone caught with alcohol in the facility. Such an action reduced assaults and fights dramatically. The effort was supported by 25 police officers and 10 public safety employees. During OSU’s six home games in 2005, 138 fans were ejected and 36 minors were cited for possessions of alcohol, several for assault and harassment, and eight for disorderly conduct. The University of Oregon also implemented the same policy and USC (University of Southern California) decided not to sell alcohol during home games at Los Angeles Coliseum which cost the team about \$1.8 million a year in lost revenue (Odegard, 2005).

In 1996 one major US university (University of Colorado) banned alcohol sales in the seating areas (alcohol was still sold in private suites and club areas). The number of game day arrests fell from 20 to 11 and the number of students referred to the judicial conduct office declined from 58 to 11. However, by 2005 the total game-day arrests rose to 45 and the judicial office had 48 referrals. The number of stadium ejections also doubled from 1995 to 2005. School officials tried to reduce these numbers by attempting to limit alcohol consumption before games, but such an effort can be very difficult to enforce (Steinbach, 2006).

However, on a global basis banning the sale of alcohol is not a new phenomenon. In 1980 Scotland’s government passed a ban on all alcohol inside stadiums. Similarly, international soccer organizations such as FIFA and UEFA banned alcohol sales at their events while the venues could still sell alcohol at certain locations during FA Cup Finals (Frosdick, 1998). While European venue managers sometimes banned alcohol sales and consumption within view of the field/pitch, other facilities allowed sales and some served as many as four drinks per transaction, compared to most US facilities that have policies that limited a maximum of two beverages per transaction (see results section below) (Frosdick, 1998). In 2004 Russia went a step further by banning alcohol consumption in all public places such as stadiums with the only exception being restaurants (Bush, 2004). Even with alcohol bans at most European facilities, fans often drink before an event and are already intoxicated when they arrive at the facility. As previously mentioned, in the United States, this phenomenon can be observed at numerous “tailgate” parties held in the venue parking lots before games where fans can become intoxicated before they even enter the facility.

If alcohol generates so many facility related concerns, why do facilities still sell alcohol? The reason is primarily financial. Alcohol sales generate significant revenue and can make fans happy.



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Fans want to enjoy alcohol while enjoying their game or event and alcohol sales often represent 70-75% of all concession revenue (Steinbach, 2004).

A survey of major US colleges in 2003 found that more than 25% of responding schools allowed alcohol sales at their events. Approximately one-third of the respondents also indicated they allowed alcohol advertising in their stadiums and game programs. In 2003, alcohol industry advertising during college sport-related television programs totaled \$52.2 million, which increased to \$66.2 million the next year (Wieberg, 2005a). Another 2003 US collegiate survey revealed that 70% of the programs had deals with beer companies that ranged from simple radio spots to deals worth almost half a million dollars (Lee, 2004). The beer advertising numbers decreased to 64% the next year which showed that it was hard for campuses to break from the needed alcohol advertising revenue (Wieberg, 2005b). The follow-up survey found that 54% of the top US collegiate programs had alcohol advertisements at facilities, both on and off campus, and at some private suites (Wieberg, 2005b). These sales occurred at various home games, conference championships, and bowl games.

One Washington DC based non-profit health research group, the Center for Science in the Public Interest (CSPI), launched a campaign in 2004 to eliminate alcohol in sports (Campaign for Alcohol Free Sports). Such an effort was launched to combat the over \$50 million alcohol manufacturers spent in 2003 to market their products to college sport fans (Lee, 2004). However, the \$50 million price tag on college sports pales in comparison to the \$291.7 million spent marketing to professional sport fans. By 2005, the CSPI had pledges from 246 institutions to limit alcohol advertising, but only five of the 65 members of the largest college athletics conferences in the United States had made a pledge (Wieberg, 2005a).

Alcohol Training

One of the major strategies for reducing alcohol related problems is training alcohol servers. Such training programs have been successful in reducing alcohol-related problems and increasing overall income. As previously mentioned, the two largest alcohol training programs are TIPS and TEAM.

TEAM Coalition has been working with its member partners since 1985 to make various events safer and more enjoyable through effective alcohol service training. The training attempts to develop a total facility alcohol management approach while working with managers, employees, concessionaires, and fans. TEAM training focuses on variables such as:

- Signs of impairment
- The liability associated with serving intoxicated patrons
- How and why it is important to follow facility policies and procedures
- How to evaluate guests and intervene when necessary
- What are the issues associated with blood alcohol levels
- What are appropriate seller/server guidelines and how to follow them (Team Training Guide, n.d.)



Prior to the 2003 baseball season, TEAM worked with all 28 MLB teams in North America to train an estimated 8,100 ticket takers, parking lot attendants, and security guards-which is part of the 12,000 staffers trained since 2002 ("Stepping up to the plate poster big success," 2003). TEAM also works with some brewers to help disseminate the message promoting responsible beer consumption. For example, Anheuser-Busch, Inc. has a program called Good Sport which presents a comprehensive action plan for promoting responsible fan behavior (Good Sport, 2004).

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Technology to the Rescue

Technology can also help solve some problems associated with individuals purchasing alcohol when underage or after already purchasing a significant amount of alcohol. QWEST developed a point-of-sale system that utilized data on the magnetic stripe on the back of driver's licenses. The technology allows a beer server to swipe a card and the machine will automatically determine if the patron is old enough to purchase alcohol and if the ID is valid. It can also be programmed to track alcohol purchases allowing a server to decide if an individual has purchased too many drinks and use the data as the basis for possibly cutting-off the patron. The technology was installed in various facilities such as the American Bank Center, where the concessionaire, Centerplate, adopted the system (Muret, 2006). Technology can help prevent problems because even trained individuals cannot stop every intoxicated fan or driver. Since experienced alcohol users/abusers can hide their signs of impairment, technology can give facilities another option for protecting fans.

A new technology shaping crowd management in the US is texting problems to a control location. In 2009 Every NFL stadium and several MLB stadiums had tapped into the system. The system empowers fans to report incidents from intoxicated patrons to fights so security can respond quickly. Such a system significantly increases the number of eyes monitoring a facility and allows fans to surreptitiously report abuse without confronting unruly fans (Muret, 2009).

Government Assistance

One defense that can be raised during a lawsuit is the defense that it is not illegal to have a BAC over 0.08 unless someone engages in illegal conduct such as indecent exposure, disorderly conduct, fighting, or drunk driving. Many fans have a BAC over 0.08, but do not exhibit any physical manifestations of their intoxication. This raises a viable defense that it can be in fact safer for intoxicated fans to be in a stadium or arena since facility employees can at least attempt to control and monitor activities occurring within the facility (Steinbach, 2006). Thus, an intoxicated fan who is sitting watching a game is not doing anything illegal and the facility should not be held responsible for their conduct. However, should the local government be responsible for the inebriate fans conduct after leaving the facility? This philosophy can best be seen in the efforts law enforcement agencies and other groups to reduce intoxicated driving.



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For many years a US organization called Mothers Against Drunk Driving (MADD) has been at the forefront of alcohol and driving related safety. From 1980 when MADD was founded through 2003, the number of alcohol related traffic fatalities has decreased approximately 44% from 30,429 to 17,013 (Kanable, 2005). By 2008 the number of alcohol related fatalities in the US declined again to 11,773 (Copeland, 2009). These numbers do not take into consideration all the “drunk driving” accidents and over a million tickets issued to those driving while under the influence. Thus, there are still numerous drivers tempting fate by driving while legally intoxicated.

Approximately 1.5 million individuals were arrested in 2002 for driving under the influence, but the National Highway Traffic Safety Administration (NHTSA) estimates that for each arrest there are 87 other instances of intoxicated drivers who are not caught (Kanable, 2005). One of the strategies that has been useful in deterring drunk drivers and identifying other criminal acts are road-side sobriety and check points. However, ten states (Idaho, Iowa, Michigan, Minnesota, Oregon, Rhode Island, Texas, Washington, Wisconsin, and Wyoming) have ruled that such checkpoints are illegal. Nonetheless, sobriety check points have been proven in at least one study to be more effective than just roving patrols. Even with checkpoints a trained officer only has a second or two to determine if a driver is possibly intoxicated. Such a short time period highlights the difficulty minimally trained concession workers when trained professionals with many years of full-time experience have a hard time spotting those with signs of impairment. To aid officers, new technology such as passive alcohol sensors which can be waved in front of a drivers face, similar to how a person can smell a driver's or a patron's breath (Kanable, 2005).

The involvement of police in the detection and reduction of alcohol related incidents has many facets. Law enforcement officials are often deployed in stadiums to help foster a safe environment. In the same vein, police presence can lead to problems with guests trying to rebel against authority. There is a fine line that team and venue managers, security personnel, and law enforcement officials need to straddle at sport facilities. This does not mean that the parties should not work together in the best manner possible to leverage each other's strengths and jurisdiction. A US television program called “Inside Edition” conducted an expose on “NFL communities at risk from game day boozing” (2003). The program highlighted that only five of the 51 police departments with an NFL stadium in their jurisdiction deployed additional DUI enforcement on game days. Only one of these five departments had ever conducted a sobriety check point in conjunction with a game, even though one-third of all the jurisdictions indicated they had a problem with football fans driving under the influence (Alcohol and sports-an unhealthy mix, 2005). It should be noted that intoxicated drivers is an especially critical concern in the US since few arenas/stadiums in the US are served by significant public transportation systems. That is why there are tens of thousands of drivers going to sport facilities and the emphasis on tailgating in these large parking lots.



Legal Theories

If a facility operator knows that alcohol related concerns might arise and they takes steps to reduce such concerns, the facility's potential liability can be greatly diminished (Ammon & Fried, 1998). Likewise, the failure to monitor alcohol can generate significant liability. The primary legal theory are known as "Dram Shop" laws or "Host Liquor Liability" laws. Under Dram Shop law a *commercial* seller of alcohol can be held liable if they sell alcohol to a visibly intoxicated person who later gets into an accident. Thus, liability is based on the fact that if the alcohol seller was responsible and knew someone was already intoxicated, they have an obligation to prevent the person from buying/consuming additional alcohol at that venue/establishment (Ammon, Southall & Blair, 2004).

Dram Shop liability can be based on common law or as passed by legislative bodies. In contrast, the host liquor liability law applies to individuals (not establishments) who provide alcohol to guests who are visibly intoxicated. The host can be liable for failing to prevent a person from drinking when they are visibly intoxicated or to allow intoxicated individuals to drive. Liability is predicated on the fact that the host should have known or that it was foreseeable that some who was drinking could cause injury to others. Under both laws, the proprietor or host will be liable if they sell/furnish alcohol to minors (Ammon et al. 2004). A minor normally refers to someone under age 18, but due to the minimum drinking age in the US being 21, it also refers to a drinker under age 21.

New Jersey Statute 2A:22A-5 (New Jersey Statute 2A:22A-5) forbids commercial establishments from selling alcohol to those who are visibly impaired and damages could be paid to both the intoxicated individual and a third party. If a social host serves a visibly intoxicated individual they are liable only to the injured suffered by a third party. For example, if someone who is intoxicated becomes involved in a traffic accident. The passenger/driver in the other car can sue the social host. The New Jersey legislature envisioned commercial (bar and restaurant) workers, not stadium concessionaires when they passed the legislation. Furthermore, the statute's language does not clearly define an alcohol service establishment.

The liability issues associated with selling alcohol at a sporting event were challenged in *Verni v. Lanzaro, et al.*, which was filed in a US court in October 2003 against a number of defendants including the NFL, New York Giants, New Jersey Sport & Exposition Authority (who manages the Giants' stadium), and Aramark (the concessionaire). Mr. Lanzaro was a fan who paid to attend a Giants football game. Lanzaro claimed he consumed 14 beers at the game. Lanzaro claimed that around half-time he bribed a concessionaire at the game to sell him six beers in violation of stadium policy regarding the maximum number of beers a person can purchase at one time. Lanzaro left the stadium during the second half of the football game and hours later was involved in a car accident that left the Verni's 2-year old daughter paralyzed. Lanzaro's blood alcohol level after the accident was .266 (more than three times the legal limit). The suit was brought pursuant to the New Jersey dram shop laws.

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The plaintiffs during the initial trial attempted to convince the jury that the venue manager and its concessionaire (Aramark) promoted a culture of intoxication. During the appeal the Court of Appeals concluded that this was a mistake. The Appellate court concluded that the only relevant issue was whether or not Aramark served Lanzaro while he was visibly intoxicated. By allowing the jury to consider the alleged drinking culture rather than whether a specific customer was served while visibly intoxicated, the trial court misinterpreted and expended the New Jersey dram shop law (Gottlieb, 2007).

The Verni case is not an isolated incident. A 2002 case involved an intoxicated fan who, while driving home from a National Hockey League (Minnesota Wild) hockey game, crashed his vehicle rendering him a paraplegic. The plaintiff's BAC was measured between .27 and .37. Minnesota law prohibits a person from recovering medical costs for their own injuries sustained while driving under the influence of alcohol. The plaintiff's wife, however, attempted to recover household costs due to her husband's disability by using a Minnesota law that prohibited the sale of alcohol to someone who was obviously intoxicated. The plaintiff would have to prove that the defendants were liable for selling alcohol to a visibly intoxicated plaintiff (Steinbach, 2004).

Alcohol Management Survey

The previously discussed information identified a tremendous need within the facility management industry to better protect ticket buying spectators from the risks associated with the sale of alcohol at sport/entertainment events. Benchmarks are necessary in order to determine appropriate industry practices. Once these alcohol management practices are identified, industry benchmarks can be created and implemented by concerned facility managers. Only by surveying those individuals working in the facility management industry will these benchmarks be identified.

Population/ Procedures

The intent of this study was to assess current alcohol practices in sport/entertainment venues throughout the United States. Through this investigation data were analyzed with regard to facility size, classification of management, and geographical factors. A convenience sample of over 113 U.S. sport and entertainment venue managers were encouraged by industry publications and web notifications to fill out a multi-item questionnaire posted on the Internet by the International Association of Assembly Managers (IAAM). Seventy-four responses (65.5%) were collected.

Upon completing the review of literature and communicating with representatives from venues managers responsible for sport and entertainment events, crowd management personnel, as well as athletic department representative several areas of concern in stadium facility management were identified. These areas were "alcohol policies", "training of alcohol servers", "tailgating issues" and "search procedures".



Instrumentation

A previous study (Ammon, 1993) investigated risk and alcohol policies in selected municipal football facilities located throughout the US. His survey was selected by the researchers due to the similarities between the current study and Ammon's 1993 research. A small number of changes were made to the older survey to make it compatible with the current study. The edited survey was piloted by a panel of twenty experienced facility managers for their critical review. The edited survey instrument was analyzed to determine if it accurately and reliably measured alcohol management issues and to determine face validity. In order to accomplish the purpose of this study all data was collected, analyzed and reported using descriptive statistics. The survey was divided into six sections. Section A asked for demographic information while section B pertained to information about the specific facility. Sections C, D, E, and F were components of a larger heading: "risk management." Section C pertained to alcohol policies, section D focused on training alcohol servers, section E identified problems with tailgating, and section F asked for information regarding patron search procedures.

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Results

Respondent Information. Of the survey's 74 respondents 45 (60.8%) identified themselves as "facility managers," while seven (9.5%) selected the "operation manager" option. "Owners" were self-identified by two (2.7%) respondents while one (1.3%) listed himself as a "concessions manager". Nineteen of the respondents (25.7%) classified themselves as "other."

Facility Information. Six types of facilities were identified by the respondents as to where they worked. Thirty-one (42%) of the respondents said they managed an arena, whereas 17 (23%) managed a stadium. Sixteen (21.6%) worked in a variety of facilities such as convention centers, performing art centers, theaters and "Sportsplexes." An additional 10 (13.5%) identified their work place as "other."

Three distinguishing features about the venues were identified by the respondents. First, when describing the number of events scheduled per year 30 (40.5%) had less than 50. Twenty-seven (36.5%) scheduled between 51 and 100 events, while seventeen (23.1%) booked more than 100 events per year.

Second, the total annual attendance at these events varied tremendously. Forty (54%) of the facilities had less than 500,000 spectators per year. Sixteen (21.6%) of the facilities had between 501,000 and one million fans attend events in their facilities. The remaining 18 (24%) had over 1,000,000 fans attend their events on an annual basis.

The number of full-time employees was the third distinguishing feature that distinguished the facilities. Twenty-eight (37.8%) of the facilities employed between 21 and 30 employees. Twenty (27%) utilized between 31-40 full-time employees. Nineteen (25.7%) retained twenty or less full-time workers and seven (9.5%) hired over 40 full-time employees.



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Alcohol Policies. The respondents indicated that 62 (83.8%) of their facilities sold alcohol at their events, while 12 (16.32%) did not sell alcohol. Respondents were also asked to report the type of alcohol sold at the facility. Fifty-seven (77%) of the respondents indicated they sold beer, and 68.9% (51) reported they sold wine. Forty-one (55.4%) of the respondents answered they sold hard alcohol, while 12 (16.2%) again reported that they did not sell any type of alcohol.

While 12 of the respondents did not sell alcohol the alcohol policies at the other facilities was enforced through training in 23 (31%) of the facilities while 20 (27%) used written policies. Twelve (16.2%) mentioned that the policy was enforced by managers or supervisors. Another seven (9%) listed "other" and "undercover investigators" as their response.

When asked about the maximum number of beers sold during any transaction fifty-seven (77%) said two. Three (5%) said three, and one (1.4%) said one. Twelve stated "non-applicable" since they did not serve alcohol. Twenty-four of the respondents (32.4%) stated that the largest sized beer sold at their facility was 16-ounce. Eleven (14.9%) of the respondents sold beers in 20-ounce cups and plus an additional eleven used 12-ounce containers. Nine (12%) sold 24-ounce beers, five (6.8%) sold 32-ounce and one (1.4%) sold 64 ounce beers.

Fifty-two (70.2%) respondents indicated that alcohol sales are halted at a specific time during an event, while 10 (13.5%) responded that they do not have a specific shut-off time. The policy was enforced by managers or supervisors at 30 (40.5%) of the facilities. An additional 12 (16.2%) responded that the policy was implemented through "written policy." Only seven (9.5%) stated that the policy was enforced through "training." The remaining three (4%) facilities reported that the policy was enforced by "other" methods.

Training of Alcohol Servers. Results of this study revealed that 44 (59.5%) of respondents answered alcohol sellers were certified by national organization, whereas 18 (24%) indicated alcohol sellers were not certified by any national organization. Twelve (16.2%) responded "not applicable" to this question. The respondents were also asked to indicate what type of certification alcohol servers were required to have. Of the respondents whose alcohol servers were required to have certification 30 (40.5%) responded that alcohol servers are required to be TIPS trained and 22 (29.7%) indicated that alcohol servers must be TEAM trained. LEAD (Licensee Education on Alcohol and Drugs) training and Good Sport Program training were required by three (4%) of the respondents. Only one (1.4%) facility required their servers to be trained by the Safe Ride Program. It was interesting to note that 23 (31%) of the respondents listed either "other" or "not applicable" as their response.

Thirty-six (48.6%) of the respondents indicated they provide additional training than previously mentioned to their alcohol servers while 24 (32%) did not. Fifty (67.6%) of the respondents utilized



inspectors, such as supervisors, undercover investigators and police to monitor alcohol sales, while 25 (33.8%) reported they utilized undercover alcohol compliance personnel to monitor the sale of alcohol.

Tailgating Issues. Respondents indicated that 37 (50%) allowed tailgating in their parking lots. Forty-six (62%) of the respondents stated they patrolled their parking lots before each event, and forty-five (60.1%) responded they patrolled their parking lots after each event. Twenty-nine (39.2%) of the respondents indicated that police are primarily responsible for patrolling the facilities parking lots while 16 (21.6%) revealed that “facility personnel” are responsible. Private security or crowd management companies were used by 10 (13.5%) of the respondents, four (5%) used the sheriff’s department and 14 (18.1%) used “other”.

Search Procedures. Sixty-four (86.4%) of the respondents indicated that alcoholic beverages were confiscated before a patron entered the facility, and 60 (80.8%) reported that intoxicated fans were denied entry into the facility. Four (5.5%) responded that no attempt was made to prohibit inebriated patrons from entering their facility.

Discussion of Results

American society is thoroughly enamored with sports. Millions attend sporting events each year and most enjoy these popular events without incident. For many fans watching an athletic contest provides an opportunity to get out of the house, cheer for their local team, and socialize with similar minded individuals. The sale of alcohol has also become an important revenue generator for many sport and entertainment facilities. As previously discussed the sale of alcohol has been engrained in the fabric of our sport culture and alcohol sales have been estimated to represent 70-75% of all concession revenue (Steinbach, 2004). The results of this study provide supporting evidence as the respondents indicated that over 83% of sport facilities sold alcohol at their events.

Most of these “social” drinkers are responsible sport fans. However, a small minority is irresponsible and their social outings have become troublesome burdens for facility managers. Inebriated fans may not only create safety concerns for themselves, but their disruptive actions may also endanger others around them and create a crowd management nightmare. Legally, a land owner has a duty to supervise and monitor their premises (Restatement (Second) of Torts § 402A 1965). While it is impossible to shield a fan from all dangers, attempting to prohibit the interactions between intoxicated individuals and innocent spectators must become an integral component of any crowd management program.

A variety of policies have recently been enacted that may assist facility managers in trying to protect their fans as much as possible. Based on terrorism concerns the NFL began requiring fans to submit to pat-down searches before entering any NFL stadiums during the 2005 season.

One NFL team (the Tampa Bay Buccaneers) became embroiled in a lawsuit with a disgruntled fan (*Johnston v Tampa Sports Authority*, 2007).



The only other NFL stadiums faced with problems implementing the policy were the Chicago Bears and the San Francisco 49ers who both were sued for having searches. These strategies, and new techniques being developed on a regular basis, will impact alcohol and crowd management practices for years to come.

Alcohol Policy. The respondents indicated that policies have not changed dramatically since an earlier study conducted 16 years ago (Ammon, 1993). The majority of the respondents served beer in 12-20 ounce containers, limited the number of beers to two per transaction, and ceased the sale of alcohol at a specific point during events.

Alcohol Training. One item not discussed in previous research pertained to the type of training used to enforce an alcohol policy. While the majority (60%) indicated that their alcohol servers were certified by a recognized national organization nearly a quarter (24%) stated that their trainers were not trained. In light of recent litigation (Boeck, 2005; *Verni v Harry Stephens*, 2006) involving properly training alcohol servers it becomes paramount for all facility and concession managers to implement sport facility specific training policies.

Tailgating. The results from this study indicated that half (50%) of the respondents allowed tailgating. This data is noticeably less than found in a previous study (Miller & Gillentine, 2006) which found almost 70% of the surveyed facilities had alcohol consumption related tailgating policies. One explanation for the discrepancy is the current study surveyed municipal public assembly facilities while the previous study only reviewed NCAA Division-I university athletic facilities. The intercollegiate facilities all had programs that played football. Only 23% of the current study's respondents managed a football stadium, while 40% managed an arena. Little, if any, research exists on the prevalence of tailgating at various sporting events, but it is safe to assume that tailgating occurs more often at football games.

The current respondents also indicated that over 60% had individuals patrolling their parking lots before and after the athletic events. A similar number (60%) mentioned that the patrols consisted of uniformed police or facility personnel.

Entrance to facility. Similar to previous studies (Ammon, 1993; Ammon & Fried, 1998) over 80% of the respondents indicated alcoholic beverages were confiscated at the facility entrance and intoxicated patrons were denied admittance. A previously mentioned study (Miller & Gillentine, 2006) found that 47% of the surveyed intercollegiate stadiums prevented fans from being readmitted to the game once they have left the facility. Enforcing these policies will help to promote spectator safety, increase revenue generation for the facility and assist in limiting potential litigation.



Through screening patrons, a facility can reduce the number of weapons, projectiles (such as bottles and fruits), and reduce the threat of a terrorist attack. However, 20% of the facilities unnecessarily exposed fans to additional risks by not checking patrons.

Recommendations

Insight gained from this study may provide facility managers with relevant information when designing and implementing benchmarks for the sport facility industry. However, further studies of risk factors at sport facilities should be conducted. Perhaps these studies will provide additional areas for facility managers to investigate. After reviewing the data from this study the researchers propose the following recommendations:

1. Petition elected officials to alter "Dram Shop" laws so that stadiums, arenas and other large public assembly facilities have more defined criteria than commercial bars or restaurants.
2. During the specific season (football, basketball, hockey, etc...) conduct weekly meetings between facility managers, law enforcement officials and concessionaires to create seamless overlapping areas of responsibility. This will help to ensure that intoxicated patrons are identified and reduce problems in the crowd.
3. Utilize hand stamps to identify those fans that begin to exhibit signs of intoxication. Any attempt to purchase additional alcoholic beverages would alert concessionaires and law enforcement officials.
4. Provide inebriated individuals with an area where they could sober up. It takes approximately one hour for the average fan to metabolize the alcohol found in two 12-ounce beers (Steinbach, 2004).
5. Demand appropriate identification from all fans to prevent serving minors.
6. Limit each person to a maximum of two alcoholic beverages served at any given purchase time.
7. Begin the sale of alcohol no earlier than one hour before the event starts. In addition, select a specific time before the event ends to cease the sale of alcohol. This type of policy provides fans with less time to buy alcohol and additional time to possibly sober-up before leaving the facility.
8. Place closed circuit television (CCTV) cameras in the parking lots as well as at each facility access point to monitor the ingress and egress of the fans. These cameras will assist in identifying inebriated individuals as they enter or leave the facility. If an intoxicated patron attempts to enter the facility an official monitoring the camera can notify the gate personnel to refuse admittance. If the patron is leaving the facility the same monitor can notify parking lot personnel to restrain the intoxicated fan from driving.



9. Establish check points on major roadways outside the facility. These check points would serve as a proactive reduction technique to decrease intoxicated drivers.

Conclusion

Sport facility managers have been forced to recognize that the sale and consumption of alcohol can create significant crowd related concerns. Even though alcohol consumption is an integral component of sport/entertainment scene in the US, alcohol is abused by many fans. In addition, spectators can become intoxicated due to poorly trained vendors and some become inebriated outside the venue without ever purchasing alcohol from a facility vendor.

The arguments initially proposed by the plaintiff's attorney in the Verni case highlight the potential liability faced by facility and concession managers. A successful appeal would have made facility managers liable for the unlawful actions undertaken by patrons who arrived at the facility in an intoxicated condition or who brought alcohol into the facility.

Litigation permeates the facility management industry in the US. During the course of these lawsuits a variety of experts testify about "industry standards" with no proof that the industry actually follows the claimed standards. For example, an expert witness may claim the industry practice is to conduct facility inspections on a daily basis. However, very few facilities may actually conduct daily inspections and most might only have weekly or pre-event inspections.

Therefore the intent of this study was to collect specific data that would identify current industry practices in the area of alcohol management. Understanding these practices will allow facility managers to establish benchmarks pertaining to proper alcohol management and determine the appropriate risk management strategies to reduce the liability from the sale of alcohol at sport/entertainment facilities.

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