

Safer Bars for a Safer Community Dayton, Ohio



Project Contact Person

Name Larry D. Faulkner
Position/Rank Major (Superintendent)
Address 335 West Third Street
City/State Dayton, Ohio
Phone 937 333-1145
Fax 937 333-1320
Email larry.faulkner@cityofdayton.org

Key Project Team Members:

- Major Larry Faulkner
- Off. William Parsons
- Off. Shawn Huey
- Off. Chad Jones
- Priority Board President Steve Seiboldt
- Downtown Dayton Partnership Director Sandy Gudorf

Safer Bars for a Safer Community

Summary

Scanning

Some bars and nightclubs in Dayton, Ohio's downtown have become significant community nuisances and negatively impact the City of Dayton as a whole. During the last five years, this problem can be traced to downtown's bargain priced storefront property, inexperienced bar and nightclub owners, and a lack of available state liquor enforcement resources. Recent economic conditions have increased the total number of bars located in downtown Dayton. These conditions increase the potential for problem bars and nightclubs to utilize an inordinate amount of police resources, hamper economic development downtown, and disturb downtown residents.

Analysis

An initial analysis demonstrated that bars and nightclubs account for 40% of all of downtown Dayton's violent crime. The assaults and subsequent disturbances stemming from poorly managed liquor permit holder premises also utilized an excessive amount of community resources. The resources required to resolve assaults at liquor premises routinely come from the police department, fire department, courts, and the community's medical system. Traditional police tactics used to address these issues failed to address many legitimate community concerns. The analysis also revealed that a surprising number of new bar or nightclub owners actually had little knowledge regarding bar operations or effective place management.

Response

In 2009, the downtown policing division created a program called Bar Safe to address problem liquor permit premises. The primary goal of Bar Safe is to create universal downtown

community expectations and obtain voluntary compliance by bar and nightclub owners. The secondary goal of Bar Safe is to reduce assaults at liquor establishments and reduce the resources required to handle those assaults. Multifaceted responses, based upon POP guides and industry best practices, were initiated to achieve those goals. Some of the primary responses include a downtown community discussion regarding expectations for bars and educating current and future bar management personnel.

Assessment

Bar Safe responses have succeeded in engaging the downtown community. Elected officials now encourage problem bars in other neighborhoods to obtain our training. Some downtown bars have closed because they were unable to meet community expectations—not because of police enforcement. An assessment of the crime statistics revealed a 50% reduction in serious assaults while minor assaults rose only slightly, even with an increase in downtown bars.

Safer Bars for a Safer Community

Scanning

Dayton is a Midwest city located in the Southwestern portion of the State of Ohio. Dayton has a population of 141,527, making it the sixth largest city in the state. Dayton is known as the birthplace of aviation, the home of the Wright Brothers, and the invention capital of the United States.

It is a strategic goal of Dayton city officials to draw patrons from the larger metropolitan area to visit the various downtown entertainment venues such as, Dayton Dragons minor league baseball stadium, restaurants, and art galleries found there. The city feels this marketing strategy will highlight Dayton as a great place to live, work and play. If visitors enjoy these entertainment venues, they are more likely to move downtown and thereby increase economic activity and vibrancy within the city's core.

As in many other cities, the recent downturn in the global economy has taken its toll on Dayton. A large number of manufacturing job losses and the burst housing bubble created a high vacancy rate throughout the city. Storefronts in the city's core suddenly became extremely cheap as downtown commercial property owners struggled with a vacancy rate of almost thirty percent in 2010 (April 2010 Gem Real Estate Group report). Although this has allowed many new technology driven and innovative business start-ups to locate in downtown Dayton, it has also become a cheap start-up location for bars and nightclubs. This attracted many new, inexperienced nightclub owners, causing a rise in serious assaults.

In fact, in 2008 there were 61 bars located in downtown Dayton. As storefront property leases became more affordable, the number of bars jumped to 80 by 2011. While many bars have come and gone, a bar's lifecycle has the potential to create large scale chaos and disorder before

it finally closes. This problem is amplified by entrepreneurs who have little bar experience and are not prepared for the competitive nature of the business. An entrepreneur's inability to draw customers sometimes leads him/her to host promotional events in order to generate customers and cash. (See Appendix A) In some cases, a promoter takes over the bar's entire operation for the scheduled event. Many unscrupulous promoters have little interest in maintaining order as they are not responsible for the facility nor the behavior standards required in a bars.

Several downtown bars earned a reputation for assaults and disturbances, which alarmed nearby residents. The media frequently covered Felonious Assault (serious physical harm) and simple assaults occurring at these nightclubs. Neighbors and city officials felt problem bars and nightclubs, along with negative media coverage, helped exacerbate a perception that downtown is unsafe, a persistent media theme not supported by crime figures. (See Appendix B) As the problem escalated, residents contacted the Dayton Police Department and City of Dayton officials with their concerns. The Ohio Liquor Control Unit commonly handles issues like these; however, as a result of their declining resources, they are only able to handle the most egregious violations, leaving local jurisdictions to resolve these problems themselves.

Analysis

An analysis of the 2008 end of year statistics revealed a steady increase of aggravated (serious) assaults from 2004 to 2008. (See Appendix C) The Crime Prevention unit gathered information and crime statistics associated with all bars in the downtown business district. They analyzed crime maps, crime reports, and citizen complaints to determine which occurrences could be directly attributed to bars. The more focused analysis of the 61 downtown bars revealed seven bars accounted for 40% of all aggravated assaults in 2008 and 60% of the calls to these locations were directly related to violence. (See Appendix D)

The crime prevention unit identified stakeholders beyond the obvious suspect and victim. These included bar owners, bar managers, bar staff, patrons, police, fire, hospitals and the judicial system; all of which are necessary to bring these issues to final resolution. Furthermore, the economic impact of these violent altercations is immeasurable. Employers noted that this also impacts them directly via their employees' inability to return to work, worker's compensation claims, and civil liability. This problem also harms employees through loss of wages and emotional trauma.

The crime prevention unit engaged the community by conducting meetings and interviews with stakeholders. Several themes and trends started to appear, including: lack of effective place management by bars; minimal bar and community cooperation; minimal awareness of community concerns by bar owners; and negative bar and police interactions when incidents did occur at some bars and nightclubs. Another reemerging theme downtown was that many entrepreneurs, who started new bars or nightclubs, actually had little knowledge regarding bar operations and effective customer management practices. These entrepreneurs had the potential to create a great deal of community harm before they either learned about these issues or went out of business. Less recognized is the negative impact upon the overall downtown businesses and residential community by the negative publicity. The news media is quick to sensationalize any violent crime in downtown. (See Appendix E) Dayton's downtown community felt that negative publicity decreases business revenues for all bars and negatively impacts housing market pricing in Dayton's downtown district. After assessing all participants who were involved directly or indirectly, the crime prevention unit determined that everyone had either a personal or financial motivation to be involved in the problem solving process.

Additional roundtable discussions were held, which included citizen groups, key partners, community controllers, and relevant police command and line staff. The crime prevention unit provided the statistical data on the problem; solicited ideas from above parties; and exchanged theories regarding the issue. These discussions led to an awareness of the negative impact upon the community's quality of life that mismanaged bars create.

In the past, problem bars have been addressed by utilizing patrol saturation, enforcement blitzes, and DUI checkpoints. Our discussions, however, led to a new awareness of how these tactics failed to address community concerns, quality of life issues, and the violence occurring at downtown bars. This understanding led us to attempt to solve these problems with a new approach that is more inclusive and works in cooperation with both the community and downtown bar owners.

Response

The downtown crime prevention unit began studying community inclusive solutions that succeeded in other cities. The research included relevant Problem Oriented Policing Guides for Police (POP Guides) such as Assaults in and Around Bars/2nd Edition. It also included a review of other POP guides related to bar issues, best practices suggested by the International Association of Chiefs of Police (IACP), and relevant Federal Bureau of Investigation (FBI) recommendations to local jurisdictions. The crime prevention unit also studied the literature from the successful practices employed by the New York City Police Department and other locations.

The Central Patrol Operations Division's response was dubbed "Bar Safe" by the project team (Central Patrol Operations Division's crime prevention unit who designed this program). Bar Safe's primary goal is to create widely accepted community expectations for bars. (See

Appendix F) Well communicated community expectations typically lead to broad support and voluntary compliance by the liquor permit holders themselves. Therefore, the first and most important task of our initiative is to engage both the community and the bars in solving this downtown issue. Due to the ever-rising number of liquor permits issued downtown, widely accepted community standards and voluntary compliance by bars are essential.

The secondary goal of this program included reducing assaults at bars and the resources required to handle them. This goal was designed to reduce the primary harms (injuries, community alarm, and community resources necessary to manage the issues across a broad spectrum of public services) and secondary harms (negative publicity and its impairment to downtown's economic development). These goals were to be achieved, in large part, through community education. This education would reach professionals already working downtown in liquor permit holder premises and new entrepreneurs who want to start new bars or nightclubs downtown. Additionally, this goal was to be achieved, in smaller part, through enforcement of existing liquor laws and rules.

With the goals and newly gathered data in place, the Bar Safe team began the program by enlisting community support for this effort. Wide acceptance and support for this program was achieved through emphasizing bar issues at community meetings for the following downtown groups:

1. Downtown Dayton Partnership (See Appendix G)
2. Oregon Business Association
3. Oregon Historical Association (residential neighborhood association adjacent to Oregon entertainment/business area)
4. Downtown Priority Board (citizen board that sets priorities for government downtown)

General crime statistics were shared with these groups during meetings by either the division commander or the crime prevention officers. The Bar Safe team reviewed crimes and assaults at the most problematic nightclubs and bars. The team's information engaged these groups through training sessions and began to educate them regarding various liquor permit holder problems. (See Appendix H)

Members of the citizen and business groups were also strongly encouraged to visit downtown at night and observe firsthand the issues being discussed at their meetings. Many did so and reported back to their groups what they had observed. This turned into a powerful tool to achieve strong citizen participation.

From the research to best practices, the Bar Safe team created a training program for bar owners, managers, and their staff to address assaults in downtown bars and nightclubs. The downtown crime prevention unit selected one bar with significant issues to conduct a pilot program. We gained support from the owner and presented this program to both him and his bar staff. Statistical data in early 2009 showed that the pilot program was working: crime rates and calls for service were significantly lowered by about 50%. (See Appendix I) The bar owner, well known within the local business community, endorsed the bar program to other bar owners.

A formal Bar Safe Program was adopted by the downtown district commander and subsequently endorsed by the first recipient bar owner. The team then developed a more in-depth training program. The top seven bars with the highest statistical violent crime rates were invited (all downtown bars were welcome to attend, but these seven were personally invited) and received the more in-depth training program. The training program also received positive coverage from the local news media, which increased the program's popularity among bar and nightclub owners.

The Bar Safe project team's more in-depth eight hour program in 2009 included:

- Good neighbor agreements (agreements between community and bars regarding bar practices and conduct)
- Communication strategies to diffuse hostile or belligerent patrons
- Civil liability and use of force issues for bouncers and doormen
- Selection practices for hiring bouncers and door personnel (who typically perform security functions)
- Aggressive behavior identification models to be utilized by floor staff to identify problem patrons
- Over pouring issues (amount of alcohol served to a patron in a drink)
- Liquor permit laws
- Best Practices for situations that frequently arise (taken from the large body of literature on this subject)
- Liquor permits and community relations (public relations)

Other organizations were recruited to partner with the Bar Safe team, and several groups enthusiastically agreed to assist us during these training sessions.

1. Heidelberg Distributors—A liquor distribution company presented a block of training that enables bar staff to spot intoxicated patrons
2. Bevinco—A private company that teaches a block regarding the dangers and financial impact to bar owners for employee/bartenders over pouring liquor into mixed drinks for customers
3. Ohio Liquor Investigative Unit—Liquor law enforcement practices

4. Dayton Law Department—Liquor permit legal responsibilities and liquor permit holders' legal responsibilities

In our effort to reach new bar and nightclub entrepreneurs, Sinclair Community College allows us to present specially designed Bar Safe training sessions for their students enrolled in the college's Hospitality Management Associate Degree program. This is an important innovation because of the many inexperienced entrepreneurs and bar managers that downtown police officers currently encounter. The project team will now appear as one of the regularly scheduled academic classes and present the training to Hospitality Management students. It is the team's hope that this response will reduce future liquor permit holder problems and create a broader base of knowledge regarding place management at liquor establishments.

The formal City of Dayton business permit process, via support eventually gained from the Dayton City Commission for this project, strongly encourages new bars (before the city will issue a business license to operate) to attend one of our Bar Safe training sessions. This response helps us engage new entrepreneurs in preventive and effective place management even before their doors open.

Another unique response involves the community. If bars fail to comply with community expectations, community members set a meeting in which community representatives attend and explain to the bar owner the problems they have identified (informal process). They also communicate their expectations for the bar's operation. This remains a powerful tool to convince bars to comply with best bar management practices without direct police enforcement actions. Some of these meetings are even held privately and without police intervention. If a bar or nightclub continually fails to meet community expectations, the community is willing to

submit letters to the Dayton City Commission to object to its State of Ohio liquor license renewal (formal process). (See Appendix J)

The project team did discover a problem with the implementation of the responses. 2009 statistics showed the total simple assaults in downtown rose to 218 as compared to the 173 assaults in 2008. This result, however, is consistent with data found in similar programs in other cities (source: Assaults in and Around Bars, POP Guide 1/2nd Edition). Further analysis revealed in 2009 that our seven identified problem bars were responsible for only sixteen serious assaults (Felony Assaults) as compared to thirty in 2008. This was a significant reduction of almost 50%.

The analysis revealed the simple assault rise at bars was a response to our newly formed partnerships with downtown bars and nightclubs. The “Bar Safe” training directed the bars to call the police right away if problems developed in their establishment—and they did so. A more detailed analysis revealed that a large number of reported crimes was actually a pushing and shoving match and resulted in both parties being barred from the nightclub. Due to departmental policies, this generated two criminal reports, showing a victim and a suspect twice for each incident (commonly called cross complaints). This reporting practice skewed the results. We adjusted the response by training our officers in a police version of the Bar Safe training program.

Assessment

The primary goal of creating community expectations and obtaining voluntary compliance succeeded beyond the project team’s expectations. The following evidence is presented to support this substantial claim:

- Since the program's implementation, we now have additional quarterly meetings that involve city commissioners, economic developers, city law departments, and representatives from the previously named community groups
- The pressure from community groups and the bars inability to meet community expectations has led to the closing of two liquor establishments since 2008. These establishments stopped doing business on their own with minimal Dayton Police enforcement actions
- Pressure from community groups caused at least one other facility to make major changes to its format and method of operation
- One facility's new liquor permit was denied in the Oregon Historical District—an unprecedented move by the State of Ohio. This occurred after neighbors mobilized and attended the liquor permit hearing at our state's capital (Columbus, Ohio) and voiced their fears regarding oversaturation
- The City Commission now directs problem bars that come to their attention (citywide) to attend our Bar Safe training sessions
- Other citizen groups in different neighborhoods in the city are asking for the training. A special community training block has just been crafted after repeated community requests for this information
- The Dayton City Commission now receives written objections of liquor renewal permits directly from citizen groups rather than just from the police
- Some citizens have become very sophisticated regarding this process and now gather information on their own.

- The press (broadcast and print) have run fewer stories regarding problem locations and are now requesting liquor permit holder statistics provided to community groups
- We have just completed (2011) a larger best practices manual for bars, which will be distributed to neighborhood groups and to liquor permit premises

A year to date review, completed at the end of 2009, revealed a significant impact by the police department on liquor related assaults in the community. In early 2010, a spike in simple assaults was observed in a quarterly review for the downtown bars. The problem was found to be the same seven bars previously identified. The crime prevention unit investigated the rise and found there was a large turnover of staff and management at some of these facilities. These seven bars have been retrained, and incidents at their facilities have slowed as a result.

The police must assume the responsibility for determining if the training and best practices are actually being implemented by bars and nightclubs. Failure to follow through by the liquor permit premises must be documented and reported by night beat officers—and then conveyed back to the community. We have just crafted an easy to use checklist for the officers in order to standardize follow-up and formalize this process. (See Appendix K)

Additionally, even with a moderate rise in simple assaults, the number of liquor permits issued by the State of Ohio for the downtown area has risen steadily. We now train new bar owners and their staff. This strategy, and the training performed by the police crime prevention unit at Sinclair Community College, seems to be paying dividends by reducing disorder at newer liquor permit premises. Without this training program in place and continual engagement by the downtown community, this problem could have a more severe impact on downtown through oversaturation and increased crime (Scribner, R., Mackinnon, D. & Dwyer, J.: “The risk of assaultive violence and alcohol availability in Los Angeles County” 1995). Currently, only one

of the newer bars is on the list of the seven most problematic bars, having the most assaults downtown. At this time, the majority of downtown citizen organizations and businesses remain amenable to considering new bars and nightclubs—depending upon their location. New bars, however, are now clearly informed of community expectations by the police and the surrounding neighborhood before their doors are opened for business.

Finally, at least one bar in the top seven has repeatedly failed to meet community standards. Last month, the community mobilized to formally object to this bar's liquor license renewal. (See Appendix L) The community, through the above mentioned downtown community groups, mobilized and addressed this issue with the Dayton City Commission. The commissioners voted unanimously to author an official objection to the State of Ohio in order to prevent this facility's liquor license renewal. Ultimately, the state will decide if the permit holder can renew its liquor license. The same groups have now committed to traveling to Columbus, Ohio (state capitol) to testify at subsequent liquor license renewal hearings. This process occurred with minimal police enforcement action and is an excellent example of one of the formal processes developed by this project.

By far, the best measure of success is an engaged downtown that works closely with the police to achieve voluntary compliance to set community standards. The community also works closely with the police to monitor bars. Additionally, the project team developed a multifaceted approach; (See Appendix M) obtained cooperation from the vast majority of bar owners, and developed a workable process to formally object to bars that repeatedly ignore community standards. Finally, citizens monitor the number of new permits and are willing to mobilize to prevent permit holder over saturation and its associated problems. Overall, the ongoing project has clearly been a success even during a temporarily shrinking economy.

Appendix A

**ICE ATTACK SHAWTY & LENLO
PRESENT...**

CAMPUS CRASHERS

4-30-11

**WE FLEXXIN TILL
3 IN DA' MORNING**

SECURITY STRICTLY ENFORCED
EARLY ARRIVAL IS SUGGESTED

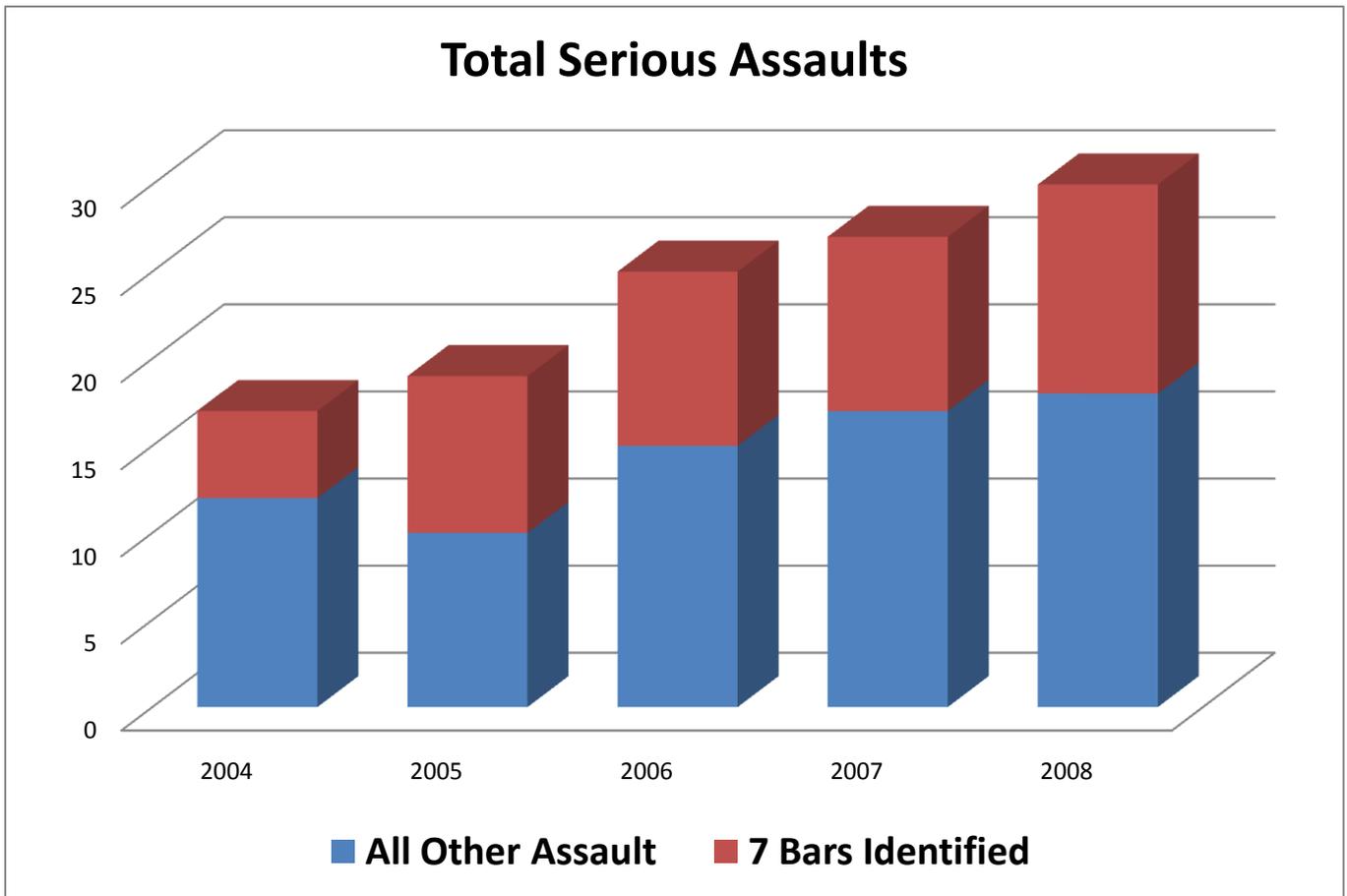


@UPTOWNLENLO @UPTOWN_ICY

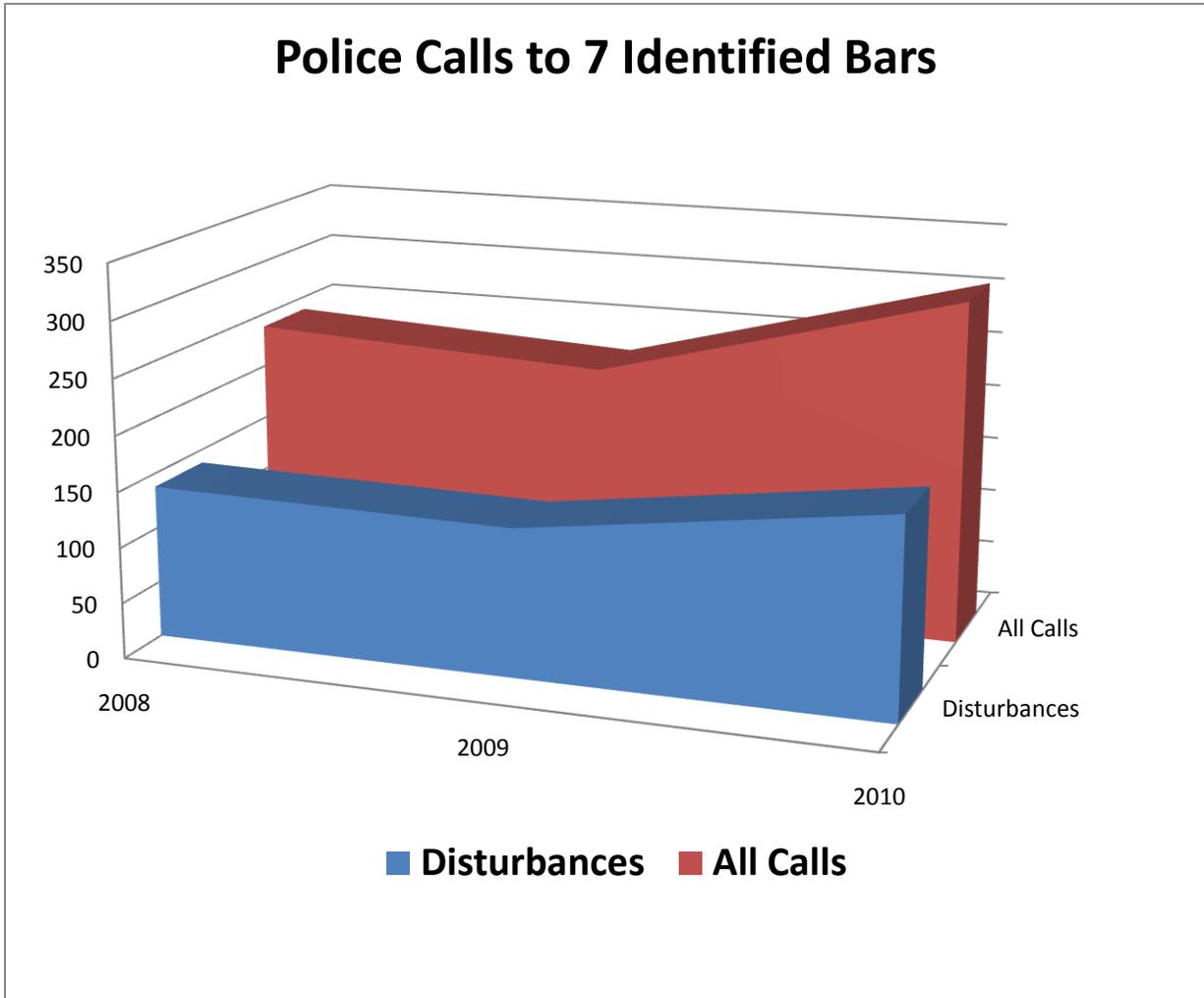
Appendix B



Appendix C



Appendix D



Appendix E

Dayton Daily News

'A List Lounge' shooting suspect named

By [Doug Page](#), Staff Writer

Updated 5:01 PM Thursday, July 8, 2010

DAYTON — Police are looking for a 24-year-old man in connection with the July 5 downtown shooting at the A List Lounge on South Ludlow Street.

Homicide Sgt. Gary White said a felony warrant has been issued for DeAngelo J. “Dino” Johnson who has addresses in Trotwood and Dayton. The victim was shot 13 times with a large-caliber handgun during an altercation in front of the lounge as patron’s were awaiting entrance.

Police found Jamahl Moore, 21, in front of the lounge surrounded by a crowd. He had been shot in both legs, the groin, back and arm. He was taken to Miami Valley Hospital, which declined to release a condition.

“It’s a miracle he survived,” White said.

Johnson is described as 5-foot-11 black male, 170-pounds with short hair, a wispy mustache and chin hair.

At the time of the shooting, the lounge’s bouncer told police he was checking the ID of a young woman when “two guys started jumping on man behind the young woman,” according to the police report. The bouncer tried to break up the fight when one of the men opened fired. The bouncer told police he went back into the lounge.

A second person had a minor wound to his leg either from a bullet that ricocheted or from debris kicked up by a bullet, according to police.

According to court records, Johnson is facing felonious assault with a deadly weapon and felonious assault causing serious harm charges. His criminal record includes a 2005 arrest for carrying a concealed loaded weapon. He was placed in an intervention program and probation, which he completed in 2008.

Police ask those with information about the shooting to call 333-1190.

Contact this reporter at (937) 225-2290 or dpage@DaytonDailyNews.com.



Deangelo Jamar Johnson, aka Dino, is being sought by police for the July 5 shooting at the A-List Lounge in downtown Dayton.

Appendix F

Bar Safe Training Cover Letter

By William C. Parsons & Shawn Huey

Bar Safe is a program designed to train bar owners and managers to more effectively manage their establishments in an effort to reduce the number of assaults and other targeted crimes in and around their liquor permit establishments, by utilizing a number of effective strategies.

GOALS OF BAR SAFE TRAINING

- To increase cooperation and improve communication between permit holders and law enforcement.
- To improved Law Enforcement response to and monitoring of Liquor Permit establishments.
- To improve liquor permit environment through **C**rime **P**revention **T**hrough **E**nvironmental **D**esign.
- To train permit holders in a series of best practices for handling a variety of bar related issues.
- To train permit holders in communication techniques to better deal with irate & intoxicated, customers.
- To familiarize bar mangers and staff with T.I.P.S (Training for intervention Procedures)
- To familiarize bar managers and staff with the dangers of over pouring.
- To make permit holders aware of the most common liquor violations & how to avoid committing them.
- To make Permit holders aware of the various methods a liquor permit maybe objected to or removed

Bar Safe Partners



B E ▼ I N C O



Appendix G

May 19, 2011



To Whom It May Concern:

On behalf of the Downtown Dayton Partnership (DDP), I am pleased to write this letter in support of the Dayton Police Department's Bar Safe Program. This program helps make our downtown a safer, more desirable place for people to visit and be entertained.

Having a downtown that serves as a regional entertainment destination is important to the economic wellbeing of the Dayton area, as more and more people are looking for active, vibrant and diverse urban cores where they can find numerous entertainment options within walkable distances. The DDP, a nonprofit organization committed to the growth of downtown Dayton, partnered with the public and private sectors to develop the Greater Downtown Dayton Plan, a strategic blueprint for the future of our center city. The Plan emphasizes strengthening existing assets and designing an urban environment that provides opportunities for memorable and engaging experiences. The existence of numerous establishments where people can socialize with friends, listen to live music, dance and just plain have fun is an example of the types of arts and entertainment-related strategies supported by the Plan.

Of course, it's critical those establishments be safe, and the Dayton Police Department's Bar Safe Program has helped immensely with this. The program is an outstanding example of proactive police work to deter problems before they begin. Also, by reaching out to our bar and tavern owners, the Dayton Police Department serves as a true community partner in the effort to create a more vibrant downtown with inviting entertainment options for visitors. All this is part of the long-term effort to promote downtown as a premier regional destination.

The future belongs to those regions taking urban revitalization seriously. It is those regions that will continue to attract high-value jobs and creative, young professionals – and the businesses and organizations that want to employ them. Outdoor patios and other establishments help establish Dayton as a vibrant urban center, attractive to investors, residents, employers and visitors.

Sincerely,

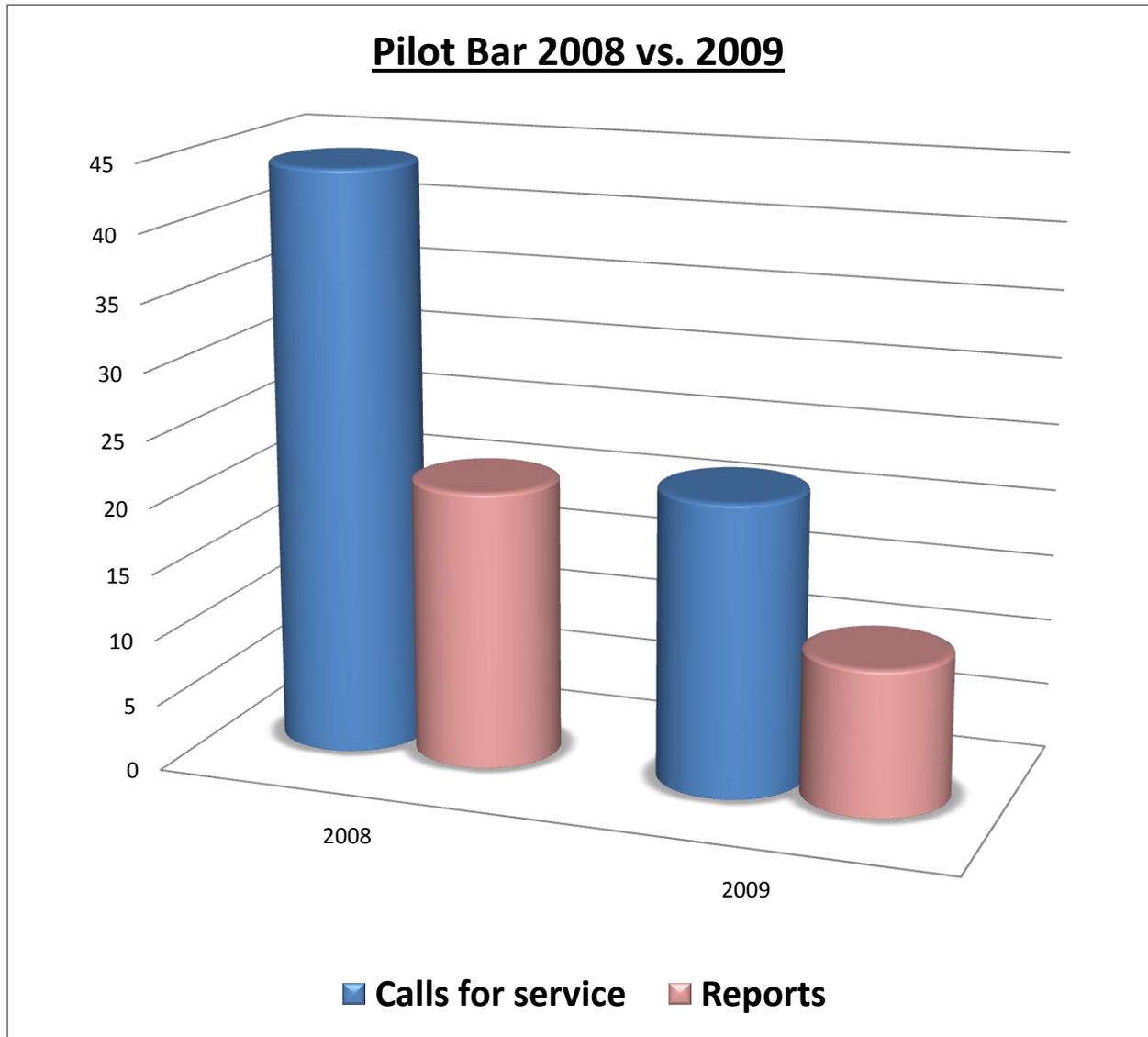
A handwritten signature in black ink that reads "Sandra K. Gudorf". The signature is written in a cursive, flowing style.

Sandra K. Gudorf
President, Downtown Dayton Partnership

Appendix H



Appendix I



Appendix J

Community options for dealing with a problem liquor permit premises



www.com.ohio.gov/liqr

COMMUNITY OPTIONS FOR DEALING WITH PROBLEM LIQUOR PERMIT PREMISES

There are three ways a community may cease liquor permit privileges at a problem premises. These methods include:

- Local option election;
- Padlock procedures to close a nuisance permit premises;
- Local legislative authority objections to the annual renewal of a liquor permit.

Local Option Election to Affect an Entire Election Precinct

A local option election involves ceasing alcoholic beverage sales of all liquor operators in the precinct. Sections 4301.32, 4301.33, 4301.34, 4301.35, 4301.36, 4301.37, 4301.39, 4301.40 and 4305.14 of the Ohio Revised Code are the applicable laws dealing with local option elections affecting an entire voting district.

A local option election allows the voters of a particular election precinct to decide if the sale of beer, wine and spirituous liquor shall be permitted within the precinct. Note: It is extremely important to comply with all of the time limits, filings, petitions, etc., as required by these statutes.

More information regarding local option elections can be obtained from local Boards of Elections. Instructions for local option petitioners are available by calling the Secretary of State's Office at 614/466-2585.

Padlock Procedures to Close a Nuisance Permit Premises

An option which is of special importance to local officials and residents is the padlock procedure. By establishing that a permit premises is a nuisance, it may be ordered closed for one year.

Sections 3767.01, 3767.03 and 3767.05 of the Ohio Revised Code define what constitutes a nuisance and set forth the procedures to be used in seeking to padlock such a location. This type of action is brought in the local court system and may be instituted by any of the following:

- The Ohio Attorney General;
- The director of law of any municipal corporation or township;
- The solicitor of any village;
- The county prosecuting attorney;
- Any person who is a citizen of the county in which the nuisance exists.

A padlock action may be brought against any building, room, etc., where alcoholic beverages are manufactured, sold or possessed in violation of law and against all property kept and used maintaining it. Violation of law includes sales to an underage person, and any food stamp or drug violation.

After such an action is filed, if it appears to the satisfaction of the court that such a nuisance does exist, a temporary injunction may be issued restraining the defendant from conducting or permitting its continuance until the conclusion of the trial. The court may also preliminarily restrain the defendant from removing or interfering with any of the property that is the subject of the action.

If, at the trial's conclusion, the court finds that the material allegations of illegality are proven, the padlocking of the property for one year may be ordered.

A certified copy of the judgement shall be filed with the Board of Elections in the county in which the nuisance exists. This filing would allow electors the ability to exercise a site-specific local option election for the permit premises declared a nuisance. However, no election shall be conducted until all appeals have been exhausted.

Further, the Division of Liquor Control is required to deny the issuance, renewal or transfer of any retail liquor permit if the applicant has been found to be maintaining a nuisance at the premises where the permit is sought.

Before undertaking a padlock proceeding, the following points should be considered.

1. Section 3767.04 of the Ohio Revised Code provides that all nuisance actions must be brought in the common pleas court of the county where the nuisance is located.
2. Local law officials or prosecuting attorneys are usually in a better position to initiate such action due to two factors:
 - a. The action must be brought in the local court system.
 - b. The probable witnesses are most likely either local residents and/or local law enforcement officials. Such familiarity and local nature of witnesses makes case preparation much more convenient and thorough.

3. Finally, these types of cases often take a great deal of time.

The equitable burden of proof in proving the existence of a nuisance is higher than the normal administrative burden before the Liquor Control Commission.

Local Legislative Authority Objections to the Annual Renewal of a Liquor Permit

Although not required by law, the Division of Liquor Control informs legislative authorities that they may object to annual permit renewals. They must adopt a resolution stating the reason for objecting and forward a copy to the division no later than 30 days before the expiration date of the permit. It must be accompanied by a statement from the chief legal officer that they have reviewed the resolution, and in their opinion it is based on substantial legal grounds.

For more detailed information regarding renewal objection procedures, please see the division's publication "How to Object to the Issuance of a Liquor Permit," or call the Licensing Office at 614/644-2431, or see the division's web site at www.com.ohio.gov/liqr

Ohio Department of Commerce
Division of Liquor Control

John Kasich, Governor
David Goodman, Director

1-800-750-0750 (TTY/TDD)
An Equal Opportunity Employer
& ADA Service Provider

Revised 1/11

Appendix K

 DAYTON POLICE DEPARTMENT LIQUOR PERMIT HOLDERS INSPECTION AND REPORT FORM CENTRAL PATROL OPERATIONS DIVISION	
DIBRS# _____	
ADDRESS _____	
TIME STARTED _____	
TIME ENDED _____	
OFFICER (S) _____	
PERMIT HOLDER _____	
PERMIT # _____	
PERMIT CLASS _____	
PERMIT HOLDER AGENT (S) _____	
OPERATIONAL PRACTICES	
	ALLOWED INSPECTION OF ESTABLISHMENT? 4301.1.1.79
	OPERATING WITHIN THE PHYSICAL AREAS DESCRIBED ON THE PERMIT? 4301.1.02
	POSSESS ORIGINAL CONTAINERS THAT HAVE BEEN DILUTED? 4301.68
	PERMIT SOLICITING A PATRON FOR AN ALCOHOLIC BEVERAGE? 4301.1.1.59
	PERMIT SOLICITING OF MONEY OR ANYTHING OF VALUE FOR ANYONE ELSE? 4301.1.1.59
	PERMIT UNDERAGE (21) CONSUMPTION? 4301.63, 4301.69
SANITARY CONDITIONS	
	IS ESTABLISHMENT CLEAN, SANITARY AND ORDERLY? 4301.1.1.17
	IS THERE PROPER RESTROOM FACILITIES FOR MEN AND WOMEN (CLASS D PERMIT)? 4301.1.1.17
	IS THERE 3 COMPARTMENT SINKS? 4301.1.1.28
	IS THERE HOT AND COLD RUNNING WATER? 4301.1.1.28
	IS THERE CLEAN BEER AND WINE DISPENSING EQUIPMENT? 4301.1.1.28
	IS THERE FOREIGN MATTER IN BOTTLES?
	IS THERE ANY OPEN CONTAINERS IN REFRIGERATED CONTAINERS?
SERVING	
	Don't furnish two or more servings of an alcoholic beverage when only one is ordered. 4301.1.1.50(A)
	Don't give away food in connection with the sale of alcoholic beverages except snacks, pretzels, hors d'oeuvres, roasted nuts, popcorn or similar morsels.
	Do maintain a schedule of prices to be effective for at least one month for all alcoholic beverages to be served and or consumed on your permit premises.

Appendix K (cont.)

	Don't sell an unlimited number of servings of alcoholic beverages during a set period of time for a fixed price.
	Don't sell any alcoholic beverage after 9p.m. at a price less than the regularly charged price.
	Don't encourage or permit any game or contest that involves drinking or the awarding of alcoholic beverages.
	Don't increase the volume of alcoholic beverages contained in a serving without increasing proportionately the price.
	Don't give away any alcoholic beverages.
	Don't allow spirituous liquor in a class C-1, C-2, D-1 or D-2 permit holder.
	Don't permit any alcoholic beverage sold for consumption on the premises to be removed.
PERMIT STATUTES AND RULES	
	Do display your permit in a conspicuous place on the licensed premises.
	Don't allow anyone to own or operate your business/permit privileges without consent.
	Don't transfer, assign or pledge your permit to anyone operating business without prior approval.
APPLICATION: NEW & RENEWAL	
	Do post minor warning signs on all permit premises where consumption is allowed.
	Do post firearms warning signs on all permit premises where consumption is allowed.
SELLING INSTRUCTIONS	
	Do allow any person employed by a permit holder to handle beer or liquor in seal containers.
	Do allow any person employed by a permit holder to handle beer or liquor, empty bottles while cleaning.
	Don't allow anyone under 18 to handle beer or liquor in connection with wholesale or retail sales.
	Don't allow anyone under the age 21 to sell beer or liquor across the bar.
	Don't allow anyone under the age of 19 to sell beer or liquor when acting as a waiter or waitress.
	Don't sell beer or liquor to anyone under the age of 21.
	Do sell only to your members if you are a D-4 permit.
	Don't sell any alcoholic beverages to an intoxicated person.
	Don't sell intoxicating liquor on Sundays unless permitted.
	Don't sell any alcoholic beverage after 2:30 a.m. or before 5:30a.m. on any day, regardless of permit.
ADVERTISING AND DISPLAY	
	Do display the brand name or the name of the manufacturer or beer or wine on dispensing apparatus.
	Don't advertise brand names of alcoholic beverages on the outside of your establishment.
	Don't participate in an advertising program with your distributor or manufacturer.
	Don't engage in merchandising that is contingent upon the purchase of alcoholic beverages.
VIOLATIONS AND RECOMMENDATIONS	

Appendix L

Dayton Daily News

Liquor license renewals draw police objections

By Mark Fisher and Lucas Sullivan, Staff Writers

Updated 9:12 PM Friday, April 15, 2011

DAYTON — Dayton police officials have objected to the renewal of the liquor licenses of three Dayton bars, including one that was the site of a fatal shooting earlier this month.

The Dayton City Commission will decide next week whether to file a formal objection with state liquor-control officials to the license renewals of Cold Beer & Cheeseburgers, 33 S. Jefferson St.; The 88 Club, 219 N. Patterson Blvd.; and the Big E Bar, 1938 N. Main St., the site of the shooting. The Ohio Liquor Control Commission has the final say on whether the licenses to sell liquor will be renewed.

The City Commission, based on the police department's recommendations, wants to block the license renewals unless the bars make sweeping changes to how they operate. Bar owners from all three bars heard the commission's warning Wednesday that if they do not agree to reduce incidents involving police at their businesses, the city will formally object to their liquor license renewals at a meeting next week.

"We take this quite seriously and these bar owners should too," Commissioner Nan Whaley said. "These businesses are not being singled out for any other reason than police and neighborhoods are objecting to their license renewal because they are the worst of the bunch."

A shootout at the Big E Bar on April 1 killed one person and wounded three others. Prior to the shooting, the bar paid a fine for a sale of alcohol to an underage person, and there are further citations pending with the Liquor Control Commission for improper conduct relating to illegal sale or possession of drugs, according to Dayton City Attorney John J. Danish.

In its proposed objection to the Cold Beer & Cheeseburgers liquor license renewal, the city of Dayton noted two sales to underage patrons in August and September 2010. Maj. Larry Faulkner, commander of the Dayton Police Department's Central Business District, said he and other police officials have made several suggestions to the bar's management of preventive measures, including checking IDs at the door, but the bar failed to take those measures.

In an email to Faulkner and Dayton Mayor Gary Leitzell Tuesday, Cold Beer & Cheeseburgers' owner, Robert Byers, acknowledged that the bar "has not implemented suggestions made to us. I will look forward to re-addressing these concerns." Byers promised he will "work with all concerned to make a better business. However, we also have financial constraints."

Whaley and Mayor Gary Leitzell urged the bar owners to meet with city officials and police to work out the issues.

Appendix M

Summary of Responses

General Requirements				
<i>Community Involvement</i>				
#	Response	How It Works	Works Best If...	Considerations
1	Create good neighbor agreement	A written agreement outlining expectations of the bar as outlined by the police and community	...ask the bar to outline current procedures as a starting point for agreement, then expound	This agreement is not binding by law
2	Hold quarterly meeting with bar	Regular meetings with bars are necessary to track effectiveness and relay information to bar	...meetings are held on standard days and late in the day to accommodate bar workers schedule	Time consuming for police especially if there is a large number of bars
3	Encourage bars community involvement	Bars create contact sheet with multiple methods of communications and attend local association meetings	...police create a clear and professional contact sheet for bar to fill out and give to association	Some bars do not want association input, or to take time to attend
<i>Police Involvement</i>				
#	Response	How It Works	Works Best If...	Considerations
4	Liquor permit objection	City attorney teaches bar owners about violations that could effect liquor permit issuance or renewal	...approach to this training is handled delicately as previous situations can create initial resistance	City attorney time is valuable, bar turnover demands several training sessions
5	New bar owner education	Partner with local college hospitality program to encourage education before bar owners open	...education with multiple avenues available; classes, online, books, etc	Education requires additional time and resources from new bar owner
6	Improve police response to bars	Train officers in "Bar Safe" philosophy to respond to problems more effectively	...officers have direct lines to Crime Prevention Unit to address more time consuming problems	Bars & police must adopt new philosophy at same time for communication to be effective
7	Distribute CPTED philosophy	Police & bars trained in general principals of CPTED to proceed past philosophy into action	...police & bars should be trained separately as the questions and interests are different	some may show resistance in adopting philosophy that may critique their business
Place Management				
<i>Image</i>				
#	Response	How It Works	Works Best If...	Considerations
8	Environment clean and adequately lit	Overall cleanliness and appearance guide behavior of patrons; signage, lighting, and bar must be well kept	...staff uses customer comments and secret shoppers to monitor overall appearance	Financial constraints make it difficult to make major renovations; daily upkeep is suggestion
9	Monitor marketing message	Marketing must be directed to the target demographic and monitored to measure patron draw	...the bar considers the long term effects on changes in patron demographics and stays one step ahead of potential issues	Some may have poor understanding of effective directed marketing or have an undefined market or demographic
10	Control contracted promotions companies	Teach bar managers strategies for dealing with promoters and provide promoter with rules and checklists	...if promotion company has previous local experience to produce reliable references	Refusing the services of a promotion company could be viewed as refusing money

Appendix M (cont.)

<i>Access Control</i>				
#	Response	How It Works	Works Best If...	Considerations
11	Train door personnel	Assess patrons intoxication, agitation level, and attitude; Check ID and dress. Build rapport and enforce rules	...the staff possesses good judgment skills and understand policies and rules	Door personnel will be friendly but firm and must liaise the management and police when incidents occur
12	Setup vestibule for entry process	Establish a quiet location to conduct ID check and patron assessment	...better lighting is used in this area to see patrons as they enter	Must be secure and free from distractions
13	Rope line outside vestibule	Keeps patrons from blocking sidewalk, controls movement and allows door staff time to assess patron	...additional staff member is able to monitor line outside and view behavior before entering vestibule.	Weather and crowd size
14	Check for weapons	Door staff can use magnetometer, search items (purses/bags), or pat down	...well posted signage explains policy and procedure for weapons search	Expensive equipment and/or time consuming procedure; also search could offend new patrons
<i>Best Bar Practices</i>				
#	Response	How It Works	Works Best If...	Considerations
15	Managing intoxication in bar	Bartenders trained to recognize signs of intoxication; procedures in place to monitor over-pouring and alcohol inventory	...managers have same training as staff to ensure training is being used to prevent incidents	turnover may cause some to work until training is held; then employees costs are a concern
16	Use of force / civil liability for floor staff	instruction taught by certified instructor to ensure proper enforcement is taken by floor staff	...training is standardized for all floor staff to ensure teamwork during disturbance	Bar policy should be more restrictive than local laws covering the use of physical force
17	Selection & hiring of security personnel	A list of suggested criteria and interview questions are provided to assist bar owners in the selection of qualified security / floor staff	...management impresses the importance of this process so the security selected is seen as elite	To obtain qualified individuals more interviews will have to be completed
18	Standardized response for the bar	Train managers to adopt standardized written policies for responding to situations and enforce policies	...policies are reviewed and copies distributed to all parties involved	Policy can change with time, management, and police procedures.
19	Communication training for all bar staff	Tactical communication training for all bar staff to handle situations with patrons more effectively	...communication training is repeated several times throughout a calendar year	This training can be expensive and staff may show a resistance to attend
20	Entertainment & lighting	responsible entertainment required to properly progress the crowd in and out of bar	...dance floor and/or room accent lighting follows entertainments progression	professional entertainment and lighting can be expensive