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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 13, 2015

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Submission of Memo on Potential Early Closing of Bars

Dear Honorable Members:

Please find enclosed a memorandum that was submitted to me by John Sullivan the project coordinator for the *Stop DWI* program in Central Police Services. As the conversation in our region furthered on the ramifications of closing bar establishments at 2:00 AM instead of 4:00 AM I requested that John produce a memo on the subject. The purpose was to use pertinent data to allow the dialogue on the subject to be well informed.

I have been made aware that your Honorable Body intends on having a public hearing on the matter and I hope this information can assist you in your deliberations. Should your Honorable Body require further information, I encourage you to contact John Sullivan at Central Police Services.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jr
Enclosure

cc: John Sullivan, Central Police Services



MEMORANDUM COUNTY OF ERIE DEPT. OF CENTRAL POLICE SERVICES

TO: Mark C, Poloncarz, Erie County Executive

FROM: John Sullivan

DATE: November 12, 2015

RE: Review of potential early closing time for bars

A review of available studies shows the following:

- Closing earlier has no effect on Alcohol related motor vehicle crashes or fatalities. This is supported by local data in Erie County.
- Closing earlier will not reduce the number of DWI arrests but may shift the time of those arrests to an earlier hour.
- One study showed an *increase* in DWI's among younger drinkers after closing hours were made earlier. This is known as "drinking to beat the clock" effect and is a phenomenon among younger consumers. Last minute consumption may also increase the BAC exiting drivers.
- Closing times can have an effect of DWIs, DWI crashes, and average BAC but it would require significantly greater restriction than the two hour reduction being considered. For example closing entire days, i.e. no sales on Sunday or Saturday, or closing at 11:00pm instead of 4:00am may have an effect. But no one is suggesting this.

One cannot promise fewer DWIs and crashes by closing earlier. Experience and data don't support it. Other factors such as disregard for well-known BAC limits, failure to plan ahead for a ride home after drinking, irresponsible service to intoxicated patrons, and patron decisions to drink too much in the first place, are more influential than closing hours.

Quality of life issues, such as public drunkenness, noise, and other forms of injuries are another question. Conclusions from studies about DWI arrests indicate that closing earlier will migrate, not mitigate, these problems. Without comprehensive measures,

they will still occur, but earlier.

As with any regulatory response, promulgation of rules alone will be irrelevant unless accompanied by additional enforcement and education efforts. Studies acknowledge that where reduction in negative events occurred, results were mediated by enforcement action and education.

Closing earlier will have no direct impact on the incidence of DWI. But it appears that this is a discussion more about the character of a neighborhood: Shall it be a residential or entertainment district? If both will be present, what is the right mix and how will a balance be maintained?