

July 5, 2013

Shawn Walker  
Director of Enforcement Control  
Department of Alcoholic Beverage Control  
2901 Hermitage Road  
Richmond, VA 23220

RE: Elizabeth Daly

Dear Mr. Walker,

As you know, I represent the area that includes the University of Virginia. I have been following with great interest and concern the aftermath of the April 11, 2013 incident involving the agents of the Department of Alcoholic Beverage Control (ABC). I have lived in this community for over 30 years, and do not recall an incident like this during that time. I appreciate the role that ABC plays in enforcing the laws against underage purchase, possession, and consumption. But I am concerned about the apparent overreaction of the agents during the April 11 event.

I appreciate the willingness of the agency to conduct a thorough investigation and examination of protocols and policies. I believe that one of your proposed changes, that is the requirement of a uniformed officer be present at the scene of an arrest, makes sense. I wish to be thoroughly briefed on the investigation and any policy initiatives that are taken in the aftermath of this incident review.

In discussing the incident with my constituents and with colleagues in the legal community, a number of questions and concerns have surfaced. They include the following:

1. Did the law enforcement activity of April 11, 2013, comply with the ABC expectation and policies?
2. Is there, or should there be, a uniform set of protocols that field agents utilize to determine whether, and under what conditions, they should detain the occupants of motor vehicles while investigating an offense like underage possession of alcohol, which usually does not require an arrest and instead usually involves issuing a summons if a violation is detected.

3. What is the department policy and training involving the unholstering of firearms during an incident of this type, and were firearms actually unholstered during this event?
4. What standard of suspicion is utilized by field agents in determining whether to approach a citizen for the purpose of conducting a law enforcement inquiry?
5. To what extent is it necessary to have as many agents as were present that night at the location to enforce the policies of the department?

I understand that you have received many inquiries about this matter, but I hope that you will keep me informed of the investigation as it unfolds and of any changes in policy that you will be making as a result of this incident.

Sincerely,

David J. Toscano

Cc: The Honorable Marla G. Decker, Secretary of Public Safety  
W. Curtis Coleburn, III, COO, Department of Alcoholic Beverage Control  
Elizabeth Daly