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HOUSE RESOLUTION NO. 67

Offered January 8, 2014
Prefiled January 8, 2014

Encouraging the Virginia Department of Alcoholic Beverage Control to consistently observe agency policies and protect constitutional rights in interactions with the public.

Patron—Toscano

Referred to Committee on Rules

WHEREAS, on the evening on April 11, 2013, in Charlottesville, six agents of the Virginia Department of Alcoholic Beverage Control (ABC) approached the vehicle of three University of Virginia students as part of an undercover operation; and

WHEREAS, the ABC agents suspected that the students were under the age of 21 and had purchased alcohol; the students had actually purchased a case of water; and

WHEREAS, unsure about whether the plainclothes agents were law-enforcement officers, the students became frightened and drove away; the driver of the vehicle was arrested, despite having called 911 to report the incident and request police assistance; and

WHEREAS, during the incident, two of the agents violated ABC policies and escalated the situation unnecessarily; one agent unholstered his firearm without authorization or cause and another struck the vehicle with a flashlight; and

WHEREAS, the Fourth Amendment of the United States Constitution protects against unreasonable searches and seizures without probable cause; and

WHEREAS, while the ABC agents may have acted upon reasonable suspicion that the students possessed alcohol, it is not clear that they had probable cause to detain and search in this instance; and

WHEREAS, following a review of the incident, ABC instituted 14 new policies on interaction with the public during operations; and

WHEREAS, as part of these policy changes, ABC focused on working to ensure that agents can be readily identified as law-enforcement officers by the public during operations; and

WHEREAS, in an effort to ensure reasonable and proportional responses to a variety of situations, ABC also emphasized training on de-escalation and disengagement tactics; and

WHEREAS, continued review and enforcement of agency policies and procedures will allow the Virginia Department of Alcoholic Beverage Control to uphold the highest standards in carrying out its duty to serve the Commonwealth, and additional opportunities for training will help its agents to better serve and protect the public in the future; and

WHEREAS, the actions of the ABC agents on April 11, 2013, in Charlottesville were excessive and inconsistent with constitutional protections which the agency generally extends to citizens of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Department of Alcoholic Beverage Control be encouraged to consistently observe agency policies and protect constitutional rights in interactions with the public; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Shawn Walker, the director of enforcement of the Virginia Department of Alcoholic Beverage Control, requesting that the director of enforcement further disseminate copies of this resolution to representatives of the agency so that they may be apprised of the sense of the Virginia House of Delegates in this matter.

10/6/22 8:9