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# Governor orders changes in ABC enforcement

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Posted: Wednesday, March 25, 2015 1:45 pm

By MICHAEL MARTZ Richmond Times-Dispatch

Gov. Terry McAuliffe has ordered the first round of changes in how the [Virginia Department of Alcoholic Beverage Control](#) enforces state law — and more change is on the way after the second allegation of excessive force against a University of Virginia student in two years.

McAuliffe issued an executive order Wednesday that requires ABC's law-enforcement bureau to report to the agency's chief operating officer; reach agreements with local law-enforcement departments in communities with universities and colleges over policing standards; and force agents to undergo immediate training on use of force, cultural diversity, community policing, and dealing with youth.

In addition, the governor ordered [Secretary of Public Safety Brian J. Moran](#) to convene a panel to make recommendations by Nov. 15 on any further policy changes at ABC.

However, McAuliffe did not comment on the latest incident involving ABC agents, who [arrested 20-year-old U.Va. student Martese R. Johnson](#) outside of a



Andrew Shurtleff

State officials continue to investigate the arrest of 20-year-old U.Va. student **Martese R. Johnson** by ABC agents outside of a pub in Charlottesville on March 18.

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Charlottesville pub early March 18 and pushed him facedown on the pavement, bloodying his face and triggering his accusations of racial bias. The governor ordered state police to investigate the incident the same day.

“Recent events involving special agents of the Virginia Department of Alcoholic Beverage Control in Charlottesville have underscored longstanding concerns about the agency’s Bureau of Law

Enforcement and exposed the need for more extensive training and oversight,” the executive order states.

“While we must await results from the investigations by [Virginia State Police](#) and the Office of the Commonwealth’s Attorney in Charlottesville before drawing conclusions about that particular incident, it is not too soon to take proactive steps to improve ABC’s Bureau of Law Enforcement,” it adds.

The governor’s executive order was applauded by legislators who have expressed concern over ABC law-enforcement priorities and behavior, including the arrest of another U.Va. student two years ago after agents mistook her purchase of water for beer.

“It’s very clear the governor believes it is a very important issue to tackle,” said House Minority Leader [David J. Toscano, D-Charlottesville](#). “I think he is doing all he can within his powers to bring attention to and change some of the ways they do business.”

Toscano and other legislators expect the General Assembly to take action next year either to remove or curtail ABC law-enforcement powers that date to the end of [Prohibition](#).

“I continue to believe that it is going to be necessary to remove arrest powers from the ABC police, at least as to people not involved in the sale or distribution of alcohol,” said Sen. [A. Donald McEachin, D-Henrico](#), chairman of the Senate Democratic Caucus.

However, other lawmakers cautioned against a rush to judgment on the latest incident in Charlottesville or passing legislation to remove ABC law-enforcement power and give them to state police.

“State police don’t want it, No. 1,” said Del. [David B. Albo, R-Fairfax](#), one of the sponsors of legislation adopted this year to turn ABC into an independent authority that answers to the governor’s office on law enforcement. “They’re not going to be going into restaurants to make sure the liquor-to-food ratios are fulfilled.”

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Johnson, a third-year student and member of the U.Va. Honor Committee, was accosted by ABC agents outside [Trinity Irish Pub](#) after he was turned away from admission to the restaurant. Kevin Badke, the pub's managing owner, expressed concern about Johnson's ID card after the student gave the wrong ZIP code in his native Chicago.

Badke said Johnson did not appear to be intoxicated or belligerent moments before the confrontation with ABC agents stationed outside the restaurant. Johnson's lawyer, [Daniel Watkins](#), said the ID was valid.

Watkins, an attorney at [Williams Mullen](#) law firm in Richmond, said Wednesday the governor's actions "illustrate that we all share a common belief: It is important for all law-enforcement agencies to act within the bounds of the law.

"Increased training, transparency and accountability are good for law enforcement as well as the communities they serve," he said. "We will continue taking part in the legal process and cooperating with the governor's investigation to ensure that justice is served."

A video of Johnson's bloodied face and accusations of racial bias went viral on the Internet and put ABC back into an unwanted spotlight.

The state reached an [out-of-court settlement last year with U.Va. student Elizabeth Daly](#) of Henrico County, whose arrest by ABC agents who mistook her purchase of water for beer drew national attention to the post-Prohibition agency.

The state paid more than \$200,000 to Daly. She had filed a lawsuit over her treatment by plainclothes agents, one of whom drew a gun on her and two sorority sisters outside of a Harris-Teeter store in Charlottesville two years ago, while another agent attempted to smash the windshield of Daly's SUV with a flashlight.

Johnson's arrest is under investigation by state police for potential criminal charges and an administrative review of the agents' actions. The findings will be submitted to [Charlottesville Commonwealth's Attorney Dave Chapman](#) for any criminal charges and to Moran for any administrative actions.

Moran's panel will include Ryant Washington, a former Fluvanna County sheriff whom McAuliffe appointed last year as special adviser to the governor on enforcement at ABC, and Travis G. Hill, who became chief operating officer of the agency in October.

Until the governor issued the executive order, the ABC law-enforcement bureau reported to Washington and the agency board of directors, not Hill, who the order said "is responsible for the day-to-day management of all ABC functions."

ABC said in a statement Wednesday that Washington "has already begun work to implement strategic improvements in training and other areas for the enforcement divisions and is developing additional steps to meet the

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requirements outlined in the governor's Executive Order 40."

The order requires the panel to report to the governor no later than Nov. 1 on any changes it believes necessary to ABC's "mission, structure, policies, and training."

ABC's 130 agents, many of whom are former local or state law-enforcement officers, already receive training through the [Department of Criminal Justice Services](#), but the order requires all agents to undergo "immediate retraining ... in the areas of use of force, cultural diversity, effective interaction with youth, and community policing."

The order sets a deadline of Sept. 1 for the retraining.

The order also requires the ABC law-enforcement bureau to update or enter into agreements with local law-enforcement agencies in communities with colleges or universities "with the goal of improving collaboration, communication, and delineation of expectations regarding enforcement activities performed by ABC special agents in those communities."

Legislators in both parties and chambers have sought to focus ABC enforcement on alcohol laws and regulations governing licensed retail establishments, manufacturers, and wholesale distributors rather than on underage possession and consumption of alcohol.

"For the most part, it would be the local authorities enforcing those laws," Toscano said.

Albo called the rush to judgment in the Johnson case "objectionable," particularly in light of a [now-debunked story in Rolling Stone magazine](#) about an alleged gang rape at a U.Va. fraternity.

However, he said, "There is nothing in the executive order I find objectionable. It's all good government."

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**Mark Russell** · Top Commenter · Nutrition Assistant at Augusta Health

Well it is at least a start. Clearly though there is no sense of urgency. A recommendation for ABC agents to wear body cams was made over 1 1/2 years ago and while agency's in other states have implemented them, Virginia still studies them with no end in sight. And now it's going to take 8 months for a blue ribbon panel to make recommendations for further ABC changes? How ridiculous this sounds. Restructure the ABC to take effect in mid 2018? For some reason this all sounds like a bunch of politicians looking out for their own political asses instead of doing the business of the people. Very disheartening.....:(

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**Ginger Walters** · Top Commenter · Old Dominion University

In the restaurant incident I mentioned in another post, at least some were wearing cams with guns strapped to their legs. It's appalling! This occurred in NC. I think the incident in Charlottesville is the tip of the iceberg, and this is just VA. I think it's getting a lot of attention because it's the second egregious incident within 2 years. There's a good book called The Rise of the Warrior Cop that I read just recently. It discusses the militarization of law enforcement. I feel like we're on a slippery slope. Can you imagine the long term impact on our young people when they're treated this way?

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**Gene Baskette** · Top Commenter · Coastal Carolina University

How about eliminating them period! Local LEO can police this issue. I mean we have an entire police agency that pretty much just issues misdemeanor summonses. The entire ABC organization should be eliminated, and laws revamped. Did you know if you move to VA from another state and you bring in more than a gallon of alcohol you can be charged with illegally transporting liquor? Your vehicle can be seized and you arrested. It's just asinine.

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**Mark Russell** · Top Commenter · Nutrition Assistant at Augusta Health

I'd be in favor of letting them root out stills, which still exist in Va., but even that would still overlap the Feds.....Btw virtually all states have laws regarding transportation of alcohol, including yours.

[Reply](#) · [Like](#) · 19 hours ago



**Ginger Walters** · Top Commenter · Old Dominion University

Yep, and if you're stopped for a minor traffic violation, the police are within their rights to bring out a drug sniffing dog with absolutely no probable cause, as long as they can get the dog there relatively quickly. I believe our rights, and particularly the rights of young adults, are being chipped away.

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**Mark Russell** · Top Commenter · Nutrition Assistant at Augusta Health

Actually they do need probable cause, however it has been my experience that they simply make something up and that always flies with a judge, sadly.

[Reply](#) · [Like](#) · 1 · about an hour ago



**Steven Browning** · Top Commenter

A picture is worth a thousand words.....and that being said, is certainly applicable in this incident. I call for an investigation into this incident by the Federal Government. Period. The State Police work for the Governor, and that in itself could taint a full and impartial investigation surrounding the arrest.

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**Valorie N Gregg Barkley** · Top Commenter

It would have been better if he called off the ABC from non-production investigations altogether. The only state I have read where the alcohol bureau has such zealot enforcement is Indiana where apparently their excise police are every where alcohol is served it seems. Just another reason to privatize the ABC and eliminate their policing powers all in one go.

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**Jackie Rawlings** · Top Commenter

As the rush to judgement against a college kid few remembered the ABC agents arrested a minority student for what the agents said was alcohol and the Judge of course agreed the girl be held. Oops it was clearly a water bottle with the name of the water company on the bottle. Well as some say mistakes happen and being in jail with a criminal arrest is not really that bad. Well it seems the law written calls that illegal arrest. Yes the girl sued and won but not much was reported only the arrest made headlines. Well now another black student arrested because of an over racist ABC agent. Yes again a Judge believed the ABC agents story with the arrest of this kid. Oops another mistaken arrest. Who's next.

[Reply](#) · [Like](#) · 18 hours ago



**Mark Russell** · Top Commenter · Nutrition Assistant at Augusta Health

Unless you mean "minority" because she was a girl, she was white. Few people have characterized this incident as racist. In fact, it was Mr. Johnson hollering "f\*\*\*ing racists and I've seen few, if any, comments anywhere characterizing this as a racial issue. No, I really don't detect any racism here. I do believe ABC agents are generally equal opportunity abusers.

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**Jackie Rawlings** · Top Commenter

[James Rawlings](#) · Top Commenter

Mark Russell women are considered minorities as we watch how many are allowed the same opportunities as men. Now I do understand the how some Americans believe there is no racism in America and never has been because this treatment is common and the way we are in America.

[Reply](#) · [Like](#) · 16 hours ago[Mark Russell](#) · Top Commenter

Nutrition Assistant at Augusta Health

Ms. Rawlings, I assumed you thought she was black because later in your statement you said "Well now another black student arrested". I made no mention of anyone believing there was no racism in America. In fact, I do believe that racism is a huge issue in America, and on the part of most, if not all races. Having said that, my comment stands as it is written, I personally don't believe it has played a role in this particular incident, I might be wrong, but that seems to be the opinion of virtually everyone that has commented on story's regarding incident over the last week.

[Reply](#) · [Like](#) · 16 hours ago[View 5 more](#)[Clint Rose](#) · Top Commenter

Thomas Jefferson High School, Richmond, VA

Cities like Charlottesville have their local police department, the University police officers, and the VA State Police to handle alcohol violations by the public. C'ville and most other localities in VA do not need the 4th department, the ABC Police, to enforce underage drinking, dui, public intoxication, etc involving the public. The other 3 police agencies are well trained to handle these violations. If the ABC Police need to arrest someone- let it be a manufacturer, distributor or retailer.

[Reply](#) · [Like](#) · Edited · 18 hours ago[Ginger Walters](#) · Top Commenter

Old Dominion University

I've said it once and will say it again, a lot of these problems are directly correlated with our archaic and unreasonable underage drinking laws. Stop treating these young adults like minors. When noncompliance with a law is as high as it is with underage drinking laws, seems to me there's a problem with the law. These young folks are not criminals. And just how far are we willing to go to enforce prohibition?

[Reply](#) · [Like](#) · 3 hours ago[Peter A. Iovino](#) · Columbus School of Law

I'm not a big fan of McAuliffe's, but he's right on this one. I especially appreciated his withholding judgment on the Charlottesville case until the investigation is complete.

[Reply](#) · [Like](#) · 13 minutes ago[Ron Melancon](#) · Top CommenterPresident\Founder at [Www.dangeroustrailers.org](#)

Let's hope that this is not just all talk and no action and next year they will once again smash people's heads into the ground . Why do we even have ABC police at all? Let the local police who know how to communicate and not smash people heads into the

ground.

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**James Byrd McIntyre** · Top Commenter

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