



## NEWS RELEASE

**Contact:** Rebecca V. Gettings  
**Phone:** 804-213-4419  
**Email:** rebecca.gettings@abc.virginia.gov  
**Date:** November 7, 2013

---

### **ABC Releases Its Review of Charlottesville Incident: Two Agents Violated Agency Policy During the Operation**

**RICHMOND** – The Virginia Department of Alcoholic Beverage Control has concluded that two agents violated department policy during an April 2013 incident involving three University of Virginia students in Charlottesville. The conclusion was reached following an internal review and an independent investigation conducted by the Virginia State Police that included interviews with the students, agents involved, witnesses and others. The incident also led to ABC adopting 14 additional policy or procedure changes focused on preventing similar incidents occurring in the future.

“ABC deeply regrets this terribly unfortunate incident, which we know has resulted in anguish and concern not only for those immediately involved, but for the community at large,” said ABC Board Chairman J. Neal Insley. “We apologize to the young women, their families and the Charlottesville community. Although we reserved comment while the State Police conducted their independent investigation, don’t mistake our silence for a lack of concern or a lack of action.”

ABC has taken corrective action with the agents involved, but state human resources policy prohibits the release of individual personnel information and the results of disciplinary proceedings.

“We cannot undo the circumstances surrounding this incident,” Insley said. “We can only do our best to learn the lessons from this experience, and modify our policies, practices and training to ensure a similar incident does not occur in the future. ABC Enforcement has learned many valuable lessons from the circumstances surrounding this difficult situation and its leadership is confident that the measures put in place will prevent such situations from happening again.”

Virginia Secretary of Public Safety Bryan Rhode commented, “My office has monitored this situation closely, and I have examined both the State Police investigation and the full ABC review. I am satisfied that ABC has thoroughly scrutinized the April 11 incident in Charlottesville, taken appropriate action in regards to violations of policy, and that the extensive training and procedural reforms should significantly help in preventing an incident like this from ever occurring again.”

The Charlottesville Circuit Court issued an expungement order that prohibits ABC from discussing details of the event or the investigation. The expungement order requires that all police records relating to the incident be sealed. Pursuant to the Code of Virginia and regulations of the Department of Criminal Justice Services, expunged records have to be placed in a secure location in a closed, separate file, unsealed only by order of the court. By statute, it is unlawful for any person having or acquiring access

to an expunged court or police record to open or review it or to disclose to another person any information from it without an order from the court that ordered the record expunged. Violation of this provision is a Class 1 misdemeanor.

In early July, ABC announced a policy change requiring a uniformed officer be assigned to similar operations to assist in interactions with the public. In a review of the State Police investigation, ABC announced 14 additional policy or procedure changes which have been adopted, including, among others:

- Agents will attempt to contact suspected violators as close as possible to the point of purchase, make every effort to contact them in well-lit areas, and avoid making contact after an individual reaches a vehicle, if possible.
- Agents have received and will continue to receive training in how to recognize and react to situations that might require de-escalation or disengagement.
- Through training and other reinforcement, ABC will promote a reasonable, common-sense philosophy regarding the correlation between the seriousness of an offense and the agents' response, ensuring the response is proportional to the suspected offense.
- Agents will be issued point-of-view cameras to be worn during operations.
- ABC will work with members of the Virginia Association of Chiefs of Police and the Virginia Sheriff's Association to form an advisory committee to review policies and procedures and make recommendations, including methods to strengthen relationships and coordination between ABC Enforcement and local law enforcement agencies.

On the night of April 11, three young women left the Harris Teeter grocery store in Charlottesville's Barracks Road Shopping Center. A female plainclothes ABC agent, looking for underage alcohol possession, observed the women and suspected they were underage and in possession of beer. The agent and her partner approached the vehicle the women entered, displayed their badges and requested identification. Four additional agents nearby, some of whom had just arrived from working another assignment, responded and surrounded the vehicle. As the events unfolded, one agent landed on the hood of the vehicle, one drew a handgun, and a third struck a window with a flashlight. Fortunately, no one was seriously injured.

"It is always the responsibility of law enforcement to deescalate a situation whenever and however possible," Insley said. "That's why we're focused on training, procedures and guidelines to ensure the appropriate actions are taken in situations such as these, and the steps taken do not spiral in a direction that is unsafe for our agents, and most importantly, for the citizens we are sworn to protect."

The agents' actions do not appear to have violated any legal standard, Insley said. The agent initiating the stop possessed reasonable suspicion that the women were underage and in possession of alcohol, and therefore had the legal authority to detain them in an attempt to confirm or dispel her suspicion.

Some of the actions taken by ABC agents, however, clearly violated established ABC policies, he said.

Like most police agencies, ABC's firearms policy forbids drawing a weapon unless the agent is authorized to use it. Its policy dealing with encounters with vehicles provides that unless faced with some threat

other than contact with the vehicle, an agent should not use force, but should get out of the way of the oncoming vehicle. Therefore, the agents should not have unholstered a weapon or struck a window with a flashlight. Another policy prohibits the use of a flashlight as a use of force.

Insley also said that ABC agents represented the government, and it was their responsibility to make sure that their response was reasonable and proportional to the suspected crime.

“Our commitment to the public is to insure that our agents fulfill this important responsibility, but in this instance, we failed,” he said. “For 79 years prior to April 11, the dedicated men and women of ABC Enforcement have enforced the criminal laws of the commonwealth without this kind of occurrence. It is my belief that the policy, procedure, and training measures we are implementing will see that record continue in the future.”

The ABC review can be found on ABC’s website at: <http://www.abc.virginia.gov/newsrel/pressrel.html>

###

The Virginia Department of Alcoholic Beverage Control (ABC) Bureau of Law Enforcement oversees 16,000 ABC licensed establishments while the Hearings and Appeals Division considers more than 700 cases each year. The agency also provides alcohol education and prevention programs for people of all ages. ABC is a major source of revenue for the commonwealth, contributing \$1.7 billion to the general fund in the last five years. The agency currently operates 344 state stores. Now in its 80th year, ABC remains committed to progress and innovation in carrying out its control, service and revenue mission.

Web: [www.abc.virginia.gov](http://www.abc.virginia.gov)

Facebook: Virginia Department of Alcoholic Beverage Control

YouTube: [www.youtube.com/vaabc](http://www.youtube.com/vaabc)

Twitter: @VirginiaABC