City of Boston
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Licensing Board

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Daniel R. Green

THE LICENSING BOARD FOR THE CITY OF BOSTON'S UPDATED ADVISORY REGARDING SAFETY CONCERNS AND BEST PRACTICES IN NIGHTCLUBS AND OTHER LICENSED ESTABLISHMENTS RELATIVE TO SPIKED DRINKS

Issued: March 17, 2023

The primary goal of the Licensing Board for the City of Boston (the "Board") is to ensure the safety, security, health, and welfare of patrons at all of our licensed premises. The Board regulates more than 3,000 licensed premises in the City of Boston, approximately 1,400 of which hold licenses to sell alcoholic beverages. Locally, nationally, and internationally, there have been an increased number of reports of illicit, non-consensual drugging occurring at bars, nightclubs, and other nightlife venues. Specifically, there has been a reported uptick in cases of drinks being spiked or "roofied."

The Board takes these reports and allegations seriously, and therefore updates its Advisory, originally issued on November 22, 2021, to remind Licensees of obligations and best practices related to patron safety.

1. Licensees are responsible for operating a business that is safe for its patrons and free of illegal activity.

2. Licensees must ensure that all employees are adequately trained for their positions. This training should include alcohol awareness training for all staff. All staff should be trained in recognizing and preventing sexual assault.

3. Licensees should establish Safety and Security Plans, regardless of whether one has been formally required by the Board.

    a. Safety and Security Plans should, at a minimum, include the following:

        i. an overview of the operations/security at the licensed premise,

        ii. the locations of security cameras,

        iii. training policies and procedures,

        iv. policies and procedures regarding inspection of identification, dispersal of patrons, and

        v. information as to how to address reports of illegal activity.

    b. Safety and Security Plans should be specific and contain information as to how to protect patrons from anyone exhibiting predatory behavior in and around alcohol.

        i. Staff, including bartenders, should stay aware of all unattended drinks and remove any drink that seems abandoned or intercepted.

ii. Staff, including bartenders, should stay aware of the amount of consumed alcohol of guests and take note of any abrupt changes in behavior or behavior that is inconsistent with the amount of alcohol consumed.

c. Safety and Security Plans should include steps to take when staff notices a patron exhibiting vulnerable behaviors.

i. Staff, including bartenders, should engage with any patrons exhibiting vulnerable behavior and confirm with the patron that they have friends with them and a safe ride home.

ii. Staff, including bartenders, should take notice of any patron exhibiting predatory behavior and engage with that person and ask them to discontinue any harassing or potentially dangerous behavior.

iii. Staff, including bartenders, should always respond to suspicions and/or complaints made by staff or guests about a person that seems vulnerable or a person that is exhibiting predatory behavior.

iv. Staff, including bartenders, should be aware of the following predatory behaviors: solo guests watching, approaching or pestering strangers; a person leaving as a vulnerable person is also leaving; a sober patron buying drinks for an intoxicated person; a patron that lingers in a potential predatory space.

4. Licensees should call 911 or otherwise notify police to report suspicious or predatory behavior and when a problem patron or severely intoxicated patron is ejected.

5. Licensees must ensure that their employees call 911 to report criminal activity or serious medical emergencies such as drug overdoses or severe impairment. Licensees will not incur any disciplinary measures from the Board simply for calling 911 or reporting an incident to the police.

6. Licensees must make clear to all managers, employees, and private contractors that they are expected to cooperate with police officers, officials, and investigators following a reported incident.

7. It is recommended that Licensees install functioning and properly maintained surveillance cameras mounted to show patrons entering and exiting licensed premises, entering and exiting restrooms, as well as positioned to provide coverage for blind spots, entrances, exits, service areas, hallways, stairways, and dance floors. Licensees should maintain video recordings for at least 30 days, and should immediately provide recordings to the Boston Police Department and the Board upon request.

8. Licensees should post information in conspicuous places reminding patrons of how to protect themselves and encouraging patrons to seek drug testing if they believe they have been a victim of a drugging incident. This information should include, among other things, a reminder to patrons not to accept drinks from strangers and not to leave any drink uncovered or unattended. Additional information to post can include awareness of non-medical indicators of a drugged drink, such as a change in the color of a drink, sinking ice cubes, excessive bubbles, or foggy appearance of a drink.

Failure to adhere to any of the above, previously issued orders or advisories currently in effect, the Rules and Regulations of the Board and the Alcoholic Beverages Control Commission, and the laws of the Commonwealth of Massachusetts regarding the sale and service of alcohol will result in disciplinary action from the Board including, but not limited to, the immediate suspension of any license issued by the Board.

Any questions should be directed to the Board's Executive Secretary, who can be reached at (617) 635-4170 or danny.green@boston.gov.

For the Board,

Daniel R. Green

Daniel R. Green, Esq.
Executive Secretary