

# Intoxication Assessment Tool

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## Policy statement and principles

The assessment of intoxication is the cornerstone of most enforcement activity relating to the sale and supply of alcohol. Police have collaborated with our partner agencies and the industry to produce a guide to assessing intoxication. The Intoxication Assessment Tool provides a good practice process using descriptive indicators that will ensure a consistent approach to assessing intoxication is possible.

The key, critical points for staff to note are:

- The definition of intoxication.
- What is best practice for collecting evidence of intoxication?

## What

The definition of intoxication is an important inclusion in the Sale and Supply of Alcohol Act 2012. Knowledge of the definition and skill in identifying intoxicated persons is essential in enforcing the main provisions of this act.

## Why

Proving intoxication is subjective in that it is a personal evaluation by the Police officer. However, by providing a good practice process using descriptive indicators contained in the assessment tool, a consistent approach to assessing intoxication is possible.

The intoxication assessment tool provides a guide for all those involved in the application of the Sale and Supply of Alcohol Act 2012 when assessing intoxication.

## Definition

Intoxication is now defined under section [5](#) (interpretation) of the Sale and Supply of Alcohol Act 2012 as:

"Where a person is observably affected by alcohol, other drugs, or other substances (or a combination of two or all of those things) to such a degree that two or more of the following are evident:

- a. appearance is affected
- b. behaviour is impaired
- c. co-ordination is impaired
- d. speech is impaired."

When two of the four indicators are present, the patron is deemed to be intoxicated.

The headings for the four categories were re-ordered when the intoxication assessment tool was formulated, to make an acronym SCAB, to which the tool is usually referred.

## Background

The intoxication assessment tool was the result of collaboration between Police, Health Promotion Agency, Hospitality New Zealand, the Trinity Group and the New Zealand Institute of Liquor Licensing Inspectors. It was developed to provide a common reference tool to assist in assessing if a person is under the influence of alcohol or intoxicated as defined in the Act.

The indicators on the Intoxication Assessment Tool are replicated on the Police Patron Report which must be used by Police employees when assessing intoxication during licensed premises compliance checks.

The process of assessing a patron's level of intoxication is a process that should be familiar to all front-line police staff, and is an industry standard that duty managers and licensees are aware of and also use.

A person is deemed to be intoxicated when two of the four indicators are present and police evidence should describe the observations of each indicator.

It should also be noted that not everyone who consumes alcohol in a bar becomes intoxicated and it is important to not allow the quantity of alcohol consumed to be an indicator of intoxication.

There are also certain medical conditions which may lead to indicators not dissimilar to those describing intoxication, such as a

diabetic who may smell of alcohol but has not consumed any. The first thing that an assessment must cover off is the fact that alcohol has been consumed.

Noting when the patron was served and by whom is important for identifying offences involving intoxication.

## Collecting evidence

Police must provide evidence of demonstrable intoxication to satisfy the Alcohol Regulatory and Licensing Authority or the court, that a person was intoxicated on licensed premises.

## Assessment of intoxication

Stage	Description
1	<p>Whilst conducting licensed premises compliance checks, Police may become aware of a person they suspect as being intoxicated. This may be by way of interaction with a patron where their speech is assessed, or an observation of their behaviour or by information supplied by other patrons or staff.</p> <p>Evidence of their intoxication should be recorded from this point on to provide a cumulative assessment of their intoxication. This will via the patron report which can be submitted in evidence at a hearing of the District Licensing Committee (DLC) or Alcohol Regulatory &amp; Licensing Authority (ARLA).</p>
2	<p>The patron who is suspected of being intoxicated in the bar is spoken to by Police, thus the assessment of speech occurs. Further evidence of intoxication is collected by that officer, such as impairment of speech and balance, co-ordination, appearance and behaviour. When two of the four indicators are present, the patron is deemed to be intoxicated.</p>
3	<p>Police have no power to remove a patron from the premises. This is the domain of the duty manager. The patron is brought to the attention of the manager, who then may remove the patron to a quieter location, usually outside the premises, so an assessment may take place.</p> <p>Best practice is the have a second police officer, or a regulatory partner such as a Liquor Inspector or MoH representative, conduct an independent assessment, which acts as a peer review of the original assessment.</p> <p>The duty manager should also be invited to make their own assessment, and this must be recorded in the duty manager notes section of the patron report.</p> <p>The Intoxication Assessment Tool was developed to assist the industry in understanding the indicators of intoxication. It is not unusual for the duty manager to disagree with the Police assessment.</p> <p>By both parties using the same language and indicators it should reduce disagreements between Police and Duty Managers (and Licensees).</p>
4	<p>It is important to note that a patron is not committing an offence by being intoxicated on licensed premises, and as such powers of police such as demanding the name and details of the patron cannot be used. The patron is left in the hands of the duty manager, who should be a responsible host and arrange safe transport.</p>
5	<p>Once a patron has been assessed as intoxicated, they cannot be allowed on licensed premises. The duty manager commits an offence of allowing intoxication on premises if they do not remove the patron, or allow them to return. Once the patron is removed, they should be observed to be certain they do not re-enter, either that premises or another one nearby.</p>

## Conclusion

This chapter was designed in consultation with Police, Licensing Inspectors, Hospitality NZ, Health Promotion Agency (HPA) and various industry representatives.

For the purposes of licensed premises compliance checks, intoxication must be assessed by Police using Licensed Premises Patron report.

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Indicators may include but are not limited to

<b>SCAB</b>	<b>SOBER</b>	<b>INFLUENCED</b>	<b>INTOXICATED</b>
SPEECH	Coherent, clear speech, normal tone/volume, may be talkative	May be overly talkative, opinionated and interrupts. May stumble with words, becoming loud. Inappropriate language, jokes, comments	Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible
COORDINATION	Coordinated, balanced, standing without help or support	Slowed or delayed reactions, Swagger or occasional staggers or sways	Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand un-aided or sit straight
APPEARANCE	Tidy, clear eyes, alert	Vacant or blank expression, smell of alcohol on breath, may look untidy	Bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled
BEHAVIOUR	Behaving sensibly but may be more relaxed	Over friendly or withdrawn, inappropriate or risky actions, annoying, fading attention, belligerent, increased consumption rate	Seriously inappropriate actions or language, aggressive, rude, argumentative, obnoxious, behaviour affecting other customers
	<b>Monitor &amp; serve responsibly</b>	<b>Intervene</b>	<b>Deny and remove</b>