



COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

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THIRTY-FOURTH DISTRICT

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July 5, 2013

Virginia Department of Alcoholic Beverage Control  
ATTN: Mr. W. Curtis Coleburn, III  
2901 Hermitage Road  
Richmond, Virginia 23220

Dear Mr. Coleburn:

I am writing to you about the reported arrest of a University of Virginia (UVA) 20-year-old student, Ms. Elizabeth Daly, on or about April 11, 2013 by agents of the Virginia Department of Alcoholic Beverage Control. We all appreciate the role that ABC plays in enforcing our laws on underage drinking, and recognize that college campuses certainly are a likely place for such activity to be going on. However, it is important that common sense practices be employed in such situations. I appreciate that ABC has a different account of what occurred, but now that the charges have been dismissed, I respectfully request that there be some additional review.

As no doubt you know, the news accounts of this arrest have raised considerable concern about the safety of the young woman involved, as well as concerns about the general practices and procedures of ABC in this matter and in similar situations.

According to the reports of this case, Ms. Daly purchased a 12 pack of LaCroix sparkling water and ice cream. Reports indicate that she was confronted by an agent wearing plain clothes in the parking lot. The agent apparently believed that she had purchased beer but it is not clear on the basis for that assumption. Additionally, it is reported that one agent jumped on the hood of her car and another agent allegedly drew a gun. Ms. Daly had reportedly just left UVA's annual "Take Back the Night" vigil with her friends and had purchased the water and food for a sorority benefit.

It seems understandable that a young woman, who had purchased sparkling water and was confronted with such a situation upon getting to her car in the parking lot, would be genuinely frightened and make every effort to flee such a scene. As we all know, assaults on college campuses do occur and we all make efforts to educate and warn young women to be careful and take precautionary measures when necessary. And given these young women had just attended a "Take Back the Night" vigil, there is no doubt that their sensitivities to possible danger were heightened.

Ms. Daly reportedly called 911 and drove away, apparently grazing two plain-clothes officers as she tried to escape from what she perceived as a dangerous situation. She also has said she was

heading to the police station to report the incident but was stopped by marked police vehicles with flashing lights before she got to a police station. The agents soon discovered that she had not purchased beer, but still charged her with three felonies: one count of eluding police and two counts of assaulting a law enforcement officer. A 911 call made by Ms. Daly that has been released does seem to reflect the ambiguity of the situation also.

This case, as reported, raises a number of issues and questions. I would appreciate if you could clarify some of the questions I have received and give guidance on common practices in these instances:

1. Why were seven (7) agents at this location and/or required for this arrest?
2. What are the common practices or procedures for arrest in such a situation? Are there attempts to make arrests in the store after the point of purchase or just outside the store rather than in a dark parking lot where it might be difficult for a customer to determine with whom they are interacting given these officers are in plain-clothes and not uniformed officers?
3. Are there standard practices and policies for the Department of Alcoholic Beverage Control?
4. What are the standard policies for use of a weapon?
5. Considering the facts surrounding this incident---a woman justifiably fearful for her safety who had committed no crime--- why were three felony charges filed against her?
6. What actions, if any, has the Department of Alcoholic Beverage Control taken to avoid future incidents of this nature?
7. Given the agents were in plain clothes is there an attempt to keep them close to the stores so there is a clear understanding that they are operating in an official capacity?

I understand all of the charges have now been dropped, however this case still raises a number of concerns about a number of practices of ABC in general and if there is a need to change any of the general practices in this area of the law. Given that young women on college campuses could certainly be subject to any number of dangerous situations, it is important to have procedures in place that reflect recognition of those concerns.

Thank you for your attention to this matter.

Sincerely,



Barbara Comstock

CC: The Honorable Robert F. McDonnell