

Alcohol, Tobacco, & Other Drugs

Prevention Measures

*(Zero Adult Provider, Best Practices,
Server Training, Social Host)*

Lieutenant J.D. Carlson
Albert Lea Police Department



Lessons Learned Conference
April 21, 2010

Prevention Efforts

- ∅ Illegal Consumptions
- ∅ Compliance Checks
- ∅ **ZAP Program**
- ∅ Best Practice
- ∅ Server Training
- ∅ Social Host



2006–2008 Minnesota Impaired Driving Facts

∅ **34% of DWIs** in Freeborn County are age *24 & younger (+4% from 2005–2007 data)*.

- | DWIs Freeborn County
 - 556 Total of all ages
 - | 57 Underage 20 & younger
 - | 131 Age 21–24
 - | 368 Age 25 & older

YEAR	<u>Illegal Consumption</u> <18			<u>Illegal Consumption</u> >18			TOTAL	<u>Adult Providers</u>	<u>Social Host</u>
	ALPD	FCSO	Sub-total	ALPD	FCSO	Sub-total		ALPD/FCSO	ALPD
2003	70	17	87	137	53	190	277	0	
2004	96	17	113	169	32	201	314	7	
2005	82	33	115	174	92	266	381	33	
2006	54	26	80	143	46	189	269	22	
2007	100	25	125	162	52	214	339	18	
2008	50	11	61	118	40	158	219	12	
6 yr AVG	75.33	21.5	96.83	150.5	52.5	203	299.83	15.33	
2009	65	16	81	129	71	200	281	9 (7/2)	13
08-09 +/-	23%	31%	25%	9%	45%	21%	22%	-25%	N/A
7 yr AVG	73.86	20.71	94.57	147.43	55.14	202.57	297.14	14.43	13
ALPD	65+129=194		6yr AVG	225.83	-14%				
FCSO	16+71=87		6yr AVG	74	15%				

Zero Adult Provider

Best Practices
10-26-06
Server Trng

Avg
2003-2006

Social Host
1-1-09

Avg
2003-2007

Juvenile (< 18) Penalties

∅ 1st Offense

- | Voluntary Diversion– 90 day Program
- | Alcohol Insight education class, 6 hours
- | Must be first offense
- | Case dismissed if successfully complete

OR

- | mandatory court appearance– Adjudicated Delinquent
- | 6 months supervision
- | Up to 20 hours community work service
- | Chemical use pre–assessment and follow recommendations
- | No chemical use
- | submit to random testing

Juvenile Penalties continued

∅ 2nd offense

- | mandatory court appearance
- | 6 months supervision
- | 20 hours community work service
- | Chemical use pre-assessment and follow recommendations
- | No chemical use
- | submit to random testing

∅ 3rd offense

- | same as 1st and 2nd offense plus commitment to a alcohol program/half way house.

Adult penalties – Illegal Consumption

∅ Currently, all Illegal Consumption citations are “Payable offenses”. Fine is \$182.00 for citations, first or subsequent. Effective 8/1/09

∅ 1st Offense option– ZAP Diversion.
Mandatory court appearance–\$78.00
Offer a stay of Acceptance \$60.00
probation

No same of similar

Self-administered chemical use
evaluation, .04–.08, over .08 CDC

6 month probation

Dismissal at the of one year if all
conditions are met.

Zero Adult Provider

- ∅ The police, courts, and community formed a coalition to address these concerns. The coalition focused efforts on a stronger, more effective law enforcement response to youth access to alcohol in the City of Albert Lea & Freeborn County, and a streamlined response to underage drinking in the court system, which required change at the county level.

Partners

- ∅ Albert Lea Police Department
- ∅ Freeborn County Sheriff's Department
- ∅ Freeborn County Court Services
- ∅ Freeborn County Judges
- ∅ Albert Lea Medical Center
- ∅ Fountain Centers
- ∅ Freeborn County Chemical Dependency Center
- ∅ Freeborn County Public Health

Partners Continued

- Ø Albert Lea School District
- Ø Alden–Conger School District
- Ø Glenville–Emmons School–District
- Ø Albert Lea City Attorney’s Office
- Ø Freeborn County Attorney’s Office
- Ø Freeborn County Human Services
- Ø Alden Police Department
- Ø Minnesota Institute of Public Health

Law Enforcement Changes

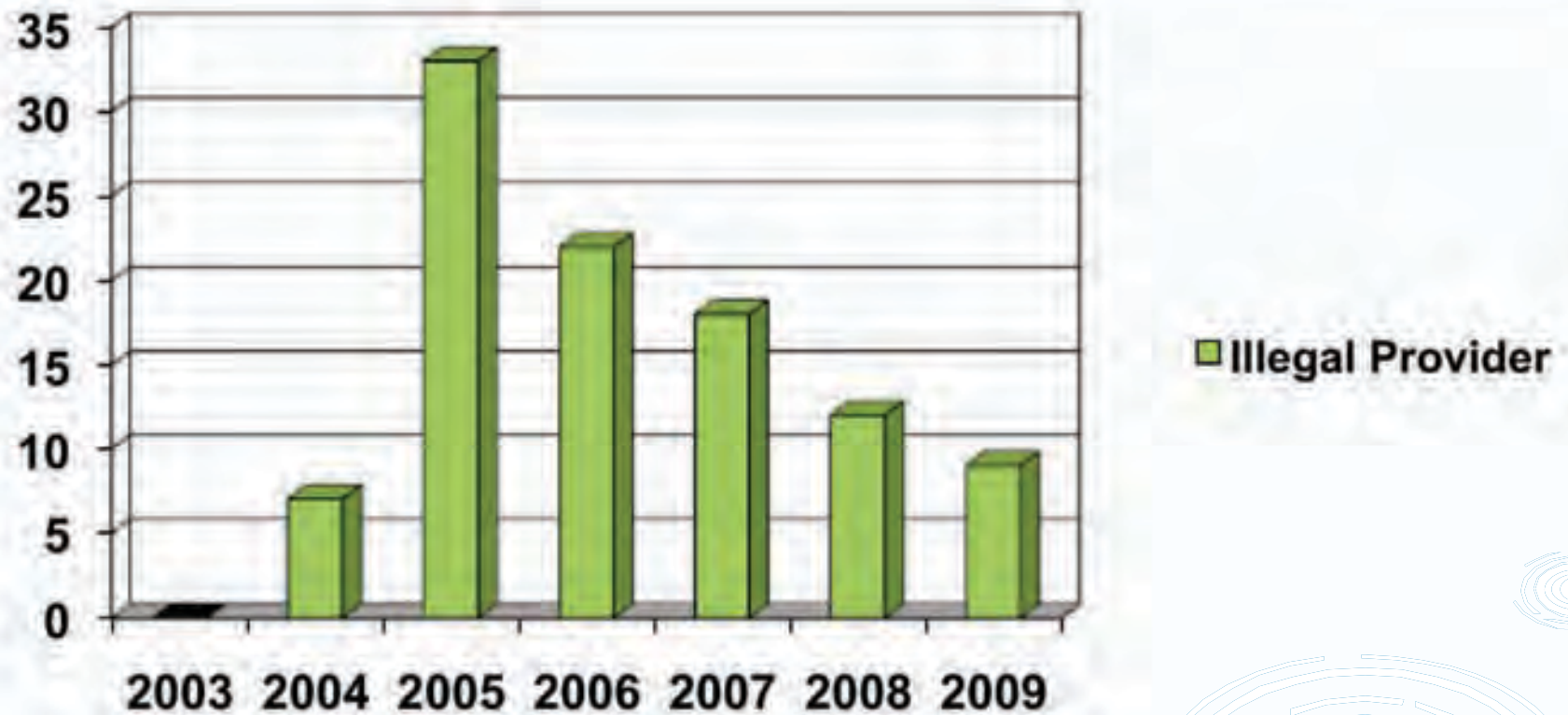
- Ø Officers agreed that an underage drinking party needed to be treated as a crime scene.
- Ø Officers know that their goal at an underage drinking party was to find out where the alcohol came from.

Furnishing Alcohol

Proposed Recommendations

- Ø Arrested and booked
- Ø Mandatory court appearance/PSI
- Ø Serve 30 days in jail or 60 days home monitor
- Ø 180 days in jail, stayed
- Ø 2 years probation
- Ø Chemical evaluation with CDC and follow recommendations
- Ø No use of alcohol or other mood altering substances
- Ø \$120 probation fee and \$900 court reimbursement fee, plus \$203 in costs or 22 days STS

Illegal Providers



Best Practices

- ∅ The City Council supports a voluntary Best Practices Program. The program's purpose is to encourage liquor license holders to voluntarily undertake practices that will help avoid sales to underage buyers. A licensed establishment that participates in the program will be subject to a modified schedule of presumptive penalties.
- ∅ A licensed establishment that participates in the program will be subject to a modified schedule of presumptive penalties.

Participation Agreement

No.	Selected	Points	Item Description
Mandatory			
1)	X	25	75% of servers attend Alcohol Server Awareness Training within 60 days of hire.
2)	X	25	Internal program in place for on-going training of new and current employees.
3)	X	25	Identification checks required for anyone appearing to be 40 years of age or younger.
Discretionary Items (Must choose 25 Points)			
4)		12 1/2	Yearly meeting between operating managers and police dept. personnel.
5)		12 1/2	Program provided for rewarding employees who catch underage persons attempting to purchase.
6)		12 1/2	Use of automated identification card scanner system.
7)		12 1/2	Submit to inspections/investigations to ensure criteria are being met.

Presumptive Penalties

License Type	1st Violation	2nd Violation	3rd Violation	4th Violation
On-Sale	\$250 + 1 day suspension	\$500 + 3 days suspension	\$1000 + 10 days suspension	Revocation
Off-Sale, Club	\$375	\$750 + 1 day suspension	\$1000 + 6 days suspension	Revocation
On-Sale, 3.2 and beer/wine	\$175 + 1 day suspension	\$350 + 3 days suspension	\$750 + 10 days suspension	Revocation
Off-Sale, 3.2	\$125 + 1 day suspension	\$250 + 3 days suspension	\$500 + 10 days suspension	Revocation

Presumptive Penalties for establishments in the Best Practices Program

License Type	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation
On-Sale	\$250	\$250 + 1 day suspension	\$500 + 3 days suspension	\$1000 + 10 days suspension	Revocation
Off-Sale, Club	\$175	\$375	\$750 + 1 day suspension	\$1000 + 6 days suspension	Revocation
On-Sale, 3.2 and beer/wine	\$175	\$175 + 1 day suspension	\$350 + 3 days suspension	\$750 + 10 days suspension	Revocation
Off-Sale,		\$125 + 1 day suspension	\$250 + 3 days	\$500 + 10 days	Revocatio

Incentives to discourage sale to underage buyers

- Ø All people who sell or deliver alcoholic beverages should check the identification of anyone who appears to be 40 years old or younger. If a liquor licensee wishes to make this a requirement in its establishment, the City will provide notices to be posted.
- Ø Incidents that can be verified by the Police Department, the City will provide a reward of \$50 to a person who:
 - checks identification,
 - discovers an underage person attempting to purchase alcoholic beverages,
 - and cooperates with the City in attempting to obtain a conviction.

Social Host Ordinance Positives

- ∅ Helps to provide safe environment for adolescents and children ,
- ∅ Helps deter alcohol use among underage drinkers,
- ∅ Helps to prevent DUI and related accidents, injuries and loss of life,
- ∅ Helps to prevent acquaintance rape, and other alcohol related violence,
- ∅ Helps to save taxpayer's money through decreased burden of payment of treatment and other social services,
- ∅ Helps to send the proper message that we as a community value the lives our young people!

Social Host

ORDINANCE 120, 3d

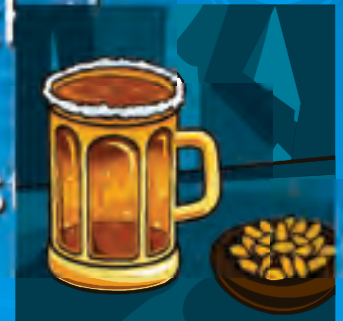
Introduced by Councilor Marin

Purpose and Findings. Discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under twenty-one (21) years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

Prohibit Acts

∅ It is unlawful to:

- | Host or allow an event or gathering (*3 or more*),
- | Residence, premise, private or public property,
- | Where alcohol or alcoholic beverages are present,
- | When the person knows or reasonably should know that an underage person will or does consume any alcohol or,
- | Underage person possess any alcohol with intent to consume,
- | The host person fails to take preventative s



A person is criminally responsible if

- ∅ They intentionally aid, advise, hire, counsel, or conspire with others to commit the act.



A person who hosts the event

- Ø Or gathering does not have to be present at the event to be responsible.



Exceptions

- ∅ Underage person with parents solely at parent's household,
- ∅ Legally protected religious observances,
- ∅ Employment purposes,
- ∅ Retail intoxicating liquor or 3.2% malt liquor licen



Penalty

- ∅ Social Host – Violation of this ordinance is a *Misdemeanor*,
- ∅ Adult Provider – **GROSS MISDEMEANOR.**



Other communities with Social Host Ordinance

∅ Albert Lea (Jan
2009)

∅ *Chaska* (1st in MN,
2007)

∅ Austin (Nov 2009)

∅ Mankato

∅ Minneapolis (Feb 2010)

∅ Mower County (Jan
2010)

∅ South St. Paul

∅ Redwing

∅ Waseca

∅ 46 *as of* April 2010



Supporters

Ø *Social Host ordinances are strongly endorsed and supported by national prevention organizations such as CADCA and SAMHSA as an evidenced-based environmental prevention strategy.*

Ø FC-PIP FREEBORN COUNTY PARTNERS IN PREVENTION

┆ Working to reduce substance use and abuse among youth in Freeborn County

Ø District 241

Ø Freeborn County Chemical Dependency Center

Ø Freeborn County Corrections

Ø Freeborn County Public Health

Ø Riverland Community College

Ø ***Your community's youth equally appreciate your support.***

Social Host research

Ø University of Minnesota

- | <http://www.epi.umn.edu/alcohol/policy/hostliab.shtm#1>

Ø Faris & Faris Law Office

- | <http://www.faris-faris.com/socialhostlaw.html>

Ø Bench & Barr of Minnesota

- | http://www2.mnbar.org/benchandbar/2007/dec07/social_host.htm

Why Social Host?

- ∅ Holds people accountable who provide the place,
- ∅ Provides law enforcement an effective tool,
- ∅ Additional piece to the underage drinking puzzle



Moving Forward

∅ Billboards

- | Collaborative of Officers
- | Positives rather than negative!

∅ Prevention Collecting Cards

- | Access to target audience (Elementary School)