

item # 4-1

**City of Carson City
Agenda Report**

Date Submitted: 6/24/08

Agenda Date Requested: 7/03/08

Time Requested: Consent Agenda

To: Mayor and Supervisors

From: Carson City Sheriff's Office

Subject Title: Action to approve the acceptance of the FY09 Enforcing Underage Drinking Laws grant in the amount of \$15,000.00

Staff Summary: The Nevada State Juvenile Justice Programs Office awards grant funds to state and local units of government for a wide variety of programs which are designed to reduce alcohol use among juveniles.

Type of Action Requested: (check one)

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve the acceptance of the FY09 Enforcing Underage Drinking Laws grant in the amount of \$15,000.00.

Explanation for Recommended Board Action: This grant will fund overtime to conduct law enforcement operations designed to reduce underage drinking such as controlled juvenile party dispersal, fake identification checks, third party purchaser intervention, juvenile DUI prevention/apprehension and special events control.

Applicable Statute, Code, Policy, Rule or Regulation: N/A

Fiscal Impact: There is no financial impact to the city as this is a no-match grant and includes the costs of overtime and associated training.

Explanation of Impact: See above

Funding Source: The funds for this project have been obtained through the Nevada State Juvenile Justice Programs Office.

Alternatives: No participation in the grant

Supporting Material: Grant Award and application, which includes a full description of the project.

Prepared By: Kathie Heath, Business Manager

Reviewed By:

(Department Head)

(City Manager)

(District Attorney)

(Finance Director)

Date:

Date:

Date:

Date:

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

GRANT AGREEMENT ENFORCING UNDERAGE DRINKING LAWS

LAW ENFORCEMENT APPLICANT:
OPERATIONS CONTACT PERSON:
ADDRESS:

Carson City Sheriff's Office
Deputy Jarrod Adams
911 E. Musser
Carson City, Nevada 89701
(775) 887-2020

PHONE:

E-MAIL:
FISCAL OFFICER :

Jadams@ci.carson-city.nv.us
Kathie Heath
Kheath@ci.carson-city.nv.us

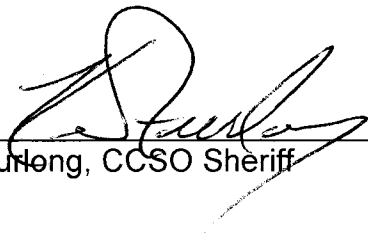
AMOUNT OF AWARD:
PROJECT PERIOD:

\$ 15,000
6/01/08- 5/31/09

PURPOSE OF FUNDING: To conduct alcohol sale compliance checks, and other law enforcement operations to reduce underage drinking, which may include: controlled juvenile party dispersal, fake identification checks, third party purchaser intervention, juvenile DUI prevention/apprehension, and special events control.

GRANT REQUIREMENTS:

- Complete the attached Course of Action for enforcement activities for this grant period.
- Notify the Community Council on Youth if there is any change to the Course of Action submitted.
- No more than one supervisory level officer will be involved with each compliance check team. A team should be limited to two officers and two minors.
- The CCSO will submit the required reporting forms provided.



Ken Furlong, CCSO Sheriff

6/20/08

Date

Eric Ohlson, CCOY Executive Director

Date

COURSE OF ACTION

ENFORCING UNDERAGE DRINKING LAWS OPERATIONS 2008-2009

1. **Law Enforcement Agency:** Carson City Sheriff's Office

2. **Number of establishments with Liquor Licenses:** On premise 111
Off premise 52

3. **Please ATTACH a copy of your jurisdiction's local ordinance governing sale of alcohol to minors. Have there been any problems enforcing this ordinance, and/or are there any plans to change this ordinance?**

The ordinance was recently adopted by the Liquor Board on June 5, 2008. The Sheriff's Office does not anticipate any problems enforcing the ordinance.

4.13.190 Unlawful to serve minors.

1. It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise provide liquor to any person under the age of twenty-one (21) years or to allow or permit any person under the age of twenty-one (21) years to possess or consume liquor in or upon the licensed premises.

2. Any person who knowingly and willfully violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by imprisonment in the city jail for not more than six (6) months, or by a fine or not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment.

3. In any criminal prosecution or in any proceeding for ~~[the suspension or revocation]~~ disciplinary action against ~~[of]~~ a liquor licensee based upon violation of this section, proof that the defendant licensee, or his agent or employee, demanded and was shown, immediately prior to providing liquor to a person under the age of twenty-one (21) years, bona fide documentary evidence of age and identity of the person, issued by a federal, state, county or municipal government, or subdivision or agency thereof, containing the name, birthdate, and photograph of the person, is a defense to the prosecution or proceeding for the suspension or revocation of a liquor license.

4. Does your local Liquor Control Board (City Supervisors/County Commissioners) have a set procedure for responding to businesses that repeatedly sell alcohol to minors? If so, please describe or attach a copy of the administrative policy.

Penalties that may be imposed upon a licensee by the Board for criminal citations issued within any six-month period that are related to the sale of liquor at the license premises:

- a. First offense, the person violating the criminal statute shall be issued cited. The Sheriff's Department shall notify the Development Services Department of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license for the location at which the criminal citation was issued will also be issued an administrative citation in the amount of \$100.00 and will be notified by registered mail, sent by the Development Services Department, of the date and time of the occurrence and the name of the person to whom a citation was issued for violating a criminal statute.
- b. Second offense, the person violating the criminal statute shall be cited. The Sheriff's Department shall notify the Development Services Department of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license will be notified by registered mail, sent by the Development Services Department, of the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license shall also be notified by registered mail that they must attend the next regularly scheduled Carson City Liquor Board meeting. The Carson City Liquor board may issue a fine of up to \$500.00 for a second offense to the holder of the liquor license and require mandatory alcohol server training within three months of the hearing.
- c. Third offense, the person violating the criminal statute shall be cited. The Sheriff's Department shall notify the Development Services Department of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license will be notified by registered mail, sent by the Development Services Department, of the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license shall also be notified by registered mail that they must attend the next regularly scheduled Carson City Liquor Board meeting. The Carson City Liquor Board may issue a fine of \$1,500.00 for a third offense to the holder of the liquor license and also may suspend or revoke the liquor license.
- d. Emergency suspension, if four or more criminal citations are issued within any six-month period related to the sale of liquor at the licensed premises,

the Sheriff, his designee, or the Board shall suspend the liquor license of the license holder until the next meeting of the Carson City Liquor Board.

- 5. Compliance check operations are a REQUIRED* component in this grant project. Given the number of liquor licensees in your jurisdiction, and funding available, what is the plan for conducting compliance check operations? Include number of agency staff and how minor decoys are identified/selected and trained. Important: Include the plan for how the minor decoys will be covered by insurance.**

The Carson City Sheriff's Department will conduct one compliance check a month for a twelve-month period. Two Deputies, two Reserves and two minor decoys work each compliance check. Decoys are recruited from the guidance counselor at the High school and also from the local Stand Tall group. The Decoys must have no history of alcohol problems. The Decoys are trained during a pre event briefing. On each compliance check, the Decoys sign a time sheet and they are paid for working the detail. This places the decoys under the City's insurance.

- 6. What is you agency's procedure for establishments that pass compliance checks?**

The businesses that pass the compliance checks are listed in a press release, issued to the local newspaper. Give aways are sometimes handed out if they are available. In December every year, the Stand Tall group makes letters and Christmas stockings that are delivered to the businesses that have passed the compliance checks

- 7. What is your agency's procedure for establishments that fail compliance checks?**

The subject who served the alcohol to the minor is cited criminally. The Liquor License holder is fined civilly and they face possible Liquor License revocation. The business is re checked the following month.

8. If your agency plans to conduct other underage drinking laws enforcement strategies, please place a check next to the operation(s), and briefly describe why those operation(s) were selected, and strategies for implementation in the space provided.

Third Party Purchaser Intervention	X	Fake ID Interventions	X
Juvenile Party Dispersal	X	Special Events Control	X
Juvenile DUI Prevention/Apprehension	X		

Describe plans for any operations checked:

On Third Party Intervention or "shoulder Taps," we place a decoy out side a local store. The Decoy approaches people outside the store and says, "I am not old enough, the store won't sell to me, will you buy me some beer?" If a subject buys alcohol for the Decoy and gives it to them, they are issued a citation for furnishing alcohol to a minor. We have the problem in Carson City of adults purchasing alcohol for minor and giving it to them. The Should Tap details address this problem.

Fake ID interventions are conducted by doing surveillance on liquor stores. During the surveillance, we see a subject leave a liquor store with alcohol and they appear to be under twenty-one years old. We stop the subject to verify their age. We often find that subjects purchase alcohol with a fake identification.

We have several juvenile parties in our town. Some parties are in local homes, while other parties are in remote locations in the near by mountains. Juvenile's parties are a big problem in Carson City and we need to keep addressing this problem with juvenile party dispersals.

Carson City has jurisdiction over three miles of beach at Lake Tahoe. Several juveniles go to the beach and bring alcohol, because they know the beach is rarely patrolled by law enforcement. Our special event control is called Beach Patrol, where we patrol the three miles of beach and take enforcement action on juveniles in possession of alcohol. Approximately fifteen citations are issued every time we patrol the beach.

For Juvenile DUI Apprehension, we would like to conduct DUI checkpoints around times of local High School events, such as Prom or sporting events.

9. Would you like to receive training in any of the Enforcing Underage Drinking Laws operations? If so, please identify training desired.

The Carson City Sheriff's Office would like to send three Deputies to the 2008 EUDL conference.