

Item # 12

**City of Carson City
Agenda Report**

Date Submitted: July 27, 2010 **Agenda Date Requested:** August 5, 2010
Time Requested: [REDACTED]

To: Liquor and Entertainment Board

From: Carson City Sheriff's Office

Subject Title: Action to approve the acceptance of the FY11 Enforcing Underage Drinking Laws grant in the amount of \$25,000.00. (Sheriff Furlong)

Staff Summary: The Office of Juvenile Justice and Delinquency Prevention awards grant funds to state and local units of government, and non-profit agencies 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 FY11 Enforcing Underage Drinking Laws grant in the amount of \$25,000.00.

Explanation for Recommended Board Action: This grant will fund overtime to conduct alcohol sale compliance checks and other law enforcement operations designed 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.

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

Fiscal Impact: No Fiscal Impact.

Explanation of Impact: See Above

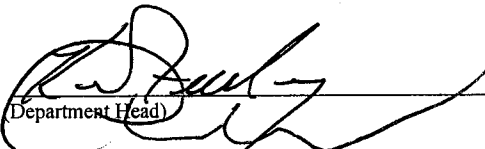
Funding Source: Carson City Sheriff's Office has been awarded these funds as a sub-grantee through Partnership Carson City/Community Council on Youth.

Alternatives: No participation in the grant.

Supporting Material: Grant agreement, and full description of project.

Prepared By: Kathie Heath, Business Manager

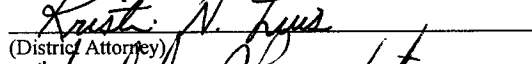
Reviewed By:


(Department Head)

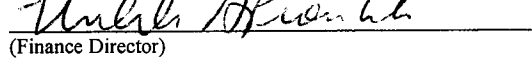
Date: 7/27/10


(City Manager)

Date: 7/27/10


(District Attorney)

Date: 7/27/10


(Finance Director)

Date: 7/27/10

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

GRANT AGREEMENT

ENFORCING UNDERAGE DRINKING LAWS 2010-2011

LAW ENFORCEMENT APPLICANT: Carson City Sheriff's Office

OPERATIONS CONTACT PERSON: Sgt. Scott McDaniel
smcdaniel@carson.org

ADDRESS: 911 E. Musser Street
Carson City, Nevada 89701

PHONE: (775) 887-2500

FISCAL OFFICER : Kathie Heath
KHeath@carson.org

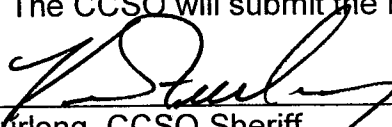
AMOUNT OF AWARD: \$ 15,000 EUDL
\$ 10,000 SPF SIG

PROJECT PERIOD: 6/01/10 – 5/31/11 EUDL
7/1/09 – 8/31/10 SPF

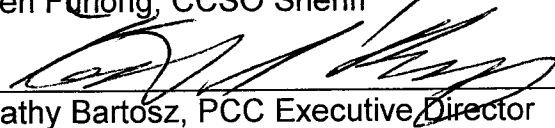
PURPOSE OF FUNDING: To conduct alcohol sale compliance checks, and other law enforcement operations to reduce underage drinking, which may include: controlled juvenile party dispersal, fake identification checks, third party purchaser intervention, juvenile DUI prevention/apprehension, and special events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

GRANT REQUIREMENTS:

- Complete the attached Course of Action for enforcement activities for this grant period.
- Notify the Partnership Carson City 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

6/10/10
Date


Kathy Bartosz, PCC Executive Director

6/13/10
Date

COURSE OF ACTION

Enforcing Underage Drinking Laws 2010-2011

1. **Law Enforcement Agency:** Carson City Sheriff's Office
2. **Number of establishments with Liquor Licenses:** On premise 100
Off premise 63
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 adopted by the Liquor Board on June 5, 2008 is on file at the Partnership Carson City office. The ordinance was revised in the first quarter of 2010, requiring businesses cited for the second time to meet with the Sheriff and not appear in front of the Liquor Board.

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 a citation. 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 meet with the Sheriff. 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 a minimum of nine (9) and a maximum of twelve (12) compliance checks for the 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, the Explorer's Program, and the local Stand Tall youth 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 your agency's procedure for establishments that pass compliance checks?

The businesses that pass compliance checks are listed in a press release, issued to the local newspaper. In fiscal year 2010-2011, letters of congratulations will be sent to the business owner after each compliance check. In December of every year, the

Stand Tall youth group makes letters and Christmas stockings that are delivered to the businesses that have passed the compliance checks. They are escorted by law enforcement officers.

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.

- 7. 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.**

The Carson City Sheriff's Office and Partnership Carson City have prioritized the following additional operations for fiscal year 2010-2011. The maximum number of operations are indicated and will be dependent on available funding.

Saturation Patrols (combined with Party Dispersals and Special Events control)	2
Special Operations (to include creative operations to address specific underage drinking issues as they arise, such as hotel third party purchaser strategies)	2
Third Party Purchaser Intervention	4
Alcohol Server Training	6 (plus special requests)
Equipment Needs	To be determined as needed, based on available budget

Describe plans for any operations checked:

Saturation Patrols, combined with Juvenile Party Dispersals and Special Events Control - Saturation patrols are conducted around times of local High School events, such as Prom, graduation or sporting events. To better utilize the officer's time, juvenile party dispersals and special events control are conducted as needed.

Special Operations – As youth become more creative in securing alcohol and other substances, special operations will be strategized to quickly address these issues. One such effort involves setting up hotel operations where parties are advertised on Craig's List and subjects are apprehended as they attend the party and supply alcohol to the underage decoys.

Third Party Purchaser Intervention - A youth decoy is placed outside a local business providing "off premise" sales of alcohol. 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.

Responsible Alcohol Server Trainings – Trainings are provided in conjunction with PCC staff. Trainings are conducted six times a year at the CCSO and upon special requests from liquor licensees.

Equipment Needs – Will be reviewed as needed and based on the available budget.

8. 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 will utilize SPF funds to send two (2) enforcement officers to the EUDL conference to be held in Anaheim, CA in August of 2010, allowing EUDL funds to be used for direct operations.

STATE OF NEVADA, DIVISION OF CHILD AND FAMILY SERVICES

JJDP SUBGRANT ASSURANCES

THE GRANTEE HEREBY AGREES TO ASSURE AND CERTIFIES THE FOLLOWING:

1. THAT:

- (A) Funds granted as a result of this contract are to be expended for the purposes as set forth in the grant application for the Juvenile Justice and Delinquency Prevention Act and in accordance with all applicable laws, regulations, policies, and procedures of the State of Nevada and the U.S. Department of Justice;
- (B) No expenditures will be eligible for inclusion of occurring prior to the effective date of the original starting date of the contract; and
- (C) The project must be operational within 60 days of the original starting date of the grant period, or the sub grantee must submit documentation to the Division of Child and Family Services (DCFS) setting forth the reasons for the delay, the setups taken to initiate the project, and the expected starting date. If the project is not operational within 90 days of the original starting date of the grant period, the sub grantee must submit further documentation explaining the delay. DCFS may at this time cancel the project, or extend the implementation date; and
- (D) Funds awarded by DCFS may be terminated at any time for non-compliance with any terms and requirements of this agreement.

2. THAT: The funds will be used so as to enhance and increase, but not supplant, the level of the State, local, and other non-federal funds that would in the absence of the funds be made available for programs, and will in no event replace such State, local and other non-federal funds.

3. THAT: Fund accounting procedures, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the DCFS shall prescribe will be provided to assure fiscal control, proper management, and efficient distribution of funds received under the Juvenile Justice and Delinquency Prevention Act. Accounting procedures shall provide for accurate and timely recording of receipt of funds, and unexpended balances. Controls must be adequate to ensure that expenditures charged to grant activities are for allowable purposes and documentation is readily available to verify that such charges are accurate.

4. THAT: It shall maintain such data and documentation and submit such reports, in such form, at such times, and containing such information as the DCFS may require reasonable.

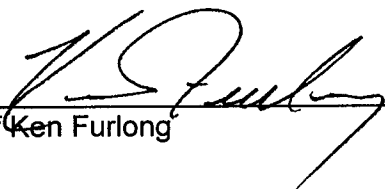
5. THAT: The programs contained in its application meet all the requirements, that all the information is correct, and that the grantee will comply with applicable provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended and all other applicable federal laws.

6. THAT: The grantee and its contractors will comply with the non-discrimination requirements of the Juvenile Justice and Delinquency Prevention Act; Title VI of the Civil Rights Act of 1964; Sections 504 of the Rehabilitation Act of 1973; as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; executive order 12138, 44 F.R. 29637; and the Department of Justice Non-discrimination Regulations 28 CFR, Part 42, Subparts C, D, E, and G.

7. THAT: It will formulate an equal employment opportunity program in accordance with CFR 42.301.
8. THAT: In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, age, or sex against a recipient of funds, the grantee will forward a copy of the finding to DCFS.
9. THAT: It will be in compliance with the audit requirements as specified.
10. THAT: All performance reports will be submitted to DCFS in accordance with such procedures as required by that office.
11. THAT: Procedures have been established to ensure that programs funded under the Juvenile Justice and Delinquency Prevention Act shall not disclose program records containing the identity of individual juveniles. Exceptions to this requirement:
 - (A) Authorization by law;
 - (B) The consent of either the juvenile or his legally authorized representative; or
 - (C) Justification that otherwise the functions of this title cannot be performed. Under no circumstances may public project reports or findings contain names of actual juveniles.
12. THAT: The grantee will comply, and all its contractors will comply, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the provisions of the Juvenile Justice Act and Delinquency Prevention Act of 1974; "Financial and Administrative Guide for Grants," M&100.1C; and all other applicable federal laws, orders, circular, or regulations.
13. THAT: If an audit report disallows costs, the grantee will forward the amount of the disallowed costs to DCFS within ninety days of such notification. Failure to do so will result in such deficiency being reported to the State Budget Division.
14. THAT: It will comply with federal laws and regulations of the Management and Budget Circular; Part 18, Administrative Review Procedure; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; 28 CFR Part 61, Procedures for Implementing the National Environmental Preservation Act of 1966; 42 USC 4001, et. seq. Flood Plan Management and Wetland Protection Procedures; Juvenile Lobbying; Section 261(d), Bio-Medical Experimentation; Section 261(c)(1), Open Meeting and Public Access to Records.

CERTIFICATION

I certify that the program(s) proposed in this grant meet applicable requirements of the Juvenile Justice and Delinquency Prevention Act, that all the information presented is correct, and that the grantee will comply with the provisions of the act and all other applicable federal laws. By appropriate language incorporated in each grant, subgrant, or other document under which funds are to be disbursed, the undersigned shall assure that the applicable conditions above apply to all recipients of Juvenile Justice and Delinquency Prevention Act Funds.



Sheriff Ken Furlong

6/10/10
Date

Address: 911 East Musser Street, Carson City, NV 89701

Telephone Number: 775-887-2020