

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: REP 77-15
Department Source: Police
To: City Council
From: City Manager & Staff
Council Meeting Date: 8/3/2015
Re: Report - Underage Drinking Enforcement

Documents Included With This Agenda Item

Council memo

Supporting documentation includes: None

Executive Summary

On 5/18/15, Mr. Thomas stated he continued to receive complaints of late night carousing from non-student downtown residents and thought they did not want to scare away non-student residents from the downtown as they wanted a mix of different types of people in the downtown. He was told an earlier "last call" time for the bars might be politically difficult to impose, so he wanted to know how many people were underage. He understood the Police Department conducted sting operations and asked for a report on what that involved, how many had been conducted in the last year, the outcomes, the costs, etc.

Discussion

The District is a vibrant location offering a wide variety of entertainment and is a sought after destination to live, play and work. Within the last ten years, there has been a dramatic increase in the number of people living in and frequenting the downtown area. The higher population density poses natural conflicts to include peace disturbance due to music and voices. With the addition of more housing in The District these issues will likely continue to increase. With the close proximity to the University of Missouri, Columbia College, and Stephens College campuses, underage drinking in The District is an identified recurring problem.

Up until a few years ago, much of the alcohol compliance enforcement was conducted by Missouri Division of Alcohol and Tobacco Control (ATC) enforcement agents. In 2010, state funding for ATC was cut significantly, resulting in very few resources being available for field enforcement of alcohol regulations. Because of the resource constraints, ATC has since shifted its focus to the administrative licensing process rather than enforcement. As a result, alcohol compliance enforcement now falls to local law enforcement, often without the necessary additional resources, training and expertise needed to conduct the most effective enforcement.

Underage alcohol enforcement compliance checks by the Columbia Police Department (CPD) have been coordinated by the supervisor of the Downtown Unit for the last several years. Although alcohol retail establishments are located and compliance checks are conducted throughout the city, the concentration of these establishments in the Downtown area make this a logical arrangement.

CPD performs operations using underage buyers to enforce compliance with underage drinking laws and to check for compliance with State of Missouri Alcohol Responsibility (SMART) server training. There are stringent state requirements for conducting alcohol compliance checks that must be followed in order for the ATC to be

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able to take administrative action against an establishment's liquor license in response to violations. The compliance check process used by CPD follow these ATC guidelines. The guidelines contain requirements for the minor's appearance, as well as logistical requirements for how the checks are conducted.

Given current staffing constraints which preclude conducting these operations with on-duty personnel, the operations are funded with grant money from the state or federal government. The grant-funded operations are staffed by officers working overtime hours in addition to their regular duties. This system has several shortcomings and challenges including:

Number of officers in the Downtown Unit

Number of establishments selling alcohol

Number of customers per venue

Staff availability to work overtime for enforcement

Alcohol enforcement is also one of the daily responsibilities of Downtown Unit officers. Although this is a core function the Downtown Unit and accounts for a significant portion of their time, statistics are not kept in a way that allows us to easily quantify the time and costs of underage alcohol enforcement by on-duty officers. Regular on-duty enforcement would not usually include plainclothes or covert operations using underage buyers, but rather arrests for offenses such as minors being in possession of alcohol or using fake identification and servers violating alcohol service ordinances and statutes.

From a historical perspective, the Columbia Police Department received funding to conduct compliance checks through the EUDL (Enforcing Underage Drinking Laws) Grant Program administered by the Missouri Department of Public Safety from 2007-2013. This federal funding was allocated for local law enforcement agencies to conduct specialized activities and operations associated with enforcing Missouri's underage drinking laws. At the federal level, the Enforcing Underage Drinking Laws (EUDL) Program was intended to support and enhance efforts by state and local jurisdictions to prohibit the sale of alcoholic beverages to minors and the purchase and consumption of alcoholic beverages by minors (individuals younger than age 21).

Since 2010, the Columbia Police Department has also received funding for underage alcohol enforcement purposes from the local Youth Community Coalition through grants they receive for substance abuse and mental health initiatives. These funds can be used as follows (1) To provide training for officers involved in compliance checks; (2) To pay overtime wages for officers conducting compliance checks; (3) To pay stipends for youth involved in the completion of compliance checks; (4) To provide equipment needed to perform the above strategies more efficiently.

Based on information from past expenditures, it costs approximately \$1,290 to conduct an average compliance check operation. This includes salary and benefits for the supervisor overseeing the detail, four officers needed to conduct the detail, and an hourly rate paid to the underage buyer assisting with the operation.

The information below outlines the number of alcohol compliance checks conducted by the Columbia Police Department from 2012-Present, as well as the number of checks that resulted in an employee making a sale to the minor:

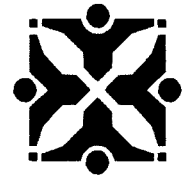
2012 - 89 checks conducted, 21 retailers sold to minor

2013 - 106 checks conducted, 25 retailers sold to minor

2014* - 19 checks conducted, 4 retailers sold to minor

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2015 - 16 checks conducted, no retailers sold to minor (year-to-date)

(2015 number is checks conducted year-to-date)

*In mid-2014, all of the employees in the Downtown Unit (the supervisor and officers primarily used to conduct checks) turned over with the exception of the one daytime DTU Officer. The DTU was also moved under a different commander in October 2014. Due to this turnover at all levels and the need to formalize procedures and develop and conduct training for the new staff, the overall number of checks for 2014 was low. Checks were restarted in May 2015 once the procedure was drafted and officers received training. It is expected for checks to continue at the rate comparable with 2012 and 2013.

Since compliance check operations have been grant-funded, there has been no additional cost to the Police Department's budget for these operations. Although CPD has not received EUDL Grant funds since 2014, we have been able to continue conducting compliance checks since that time using funds from the YC2 grants. We were recently notified the YC2 grants end on 09/30/2015, so we do not expect to receive any additional funding from them after that time. An application for a youth alcohol enforcement grant that would begin 10/01/2015 was submitted this spring to the Missouri Division of Highway Safety to continue funding for alcohol compliance checks. At the date of this report, we are waiting to receive official approval of this grant.

The Columbia Police Department recognizes the challenges underage drinking poses to the safety of our community and as a result, we take an active role in partnering with organizations and businesses in the community that work to prevent underage drinking.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Health, Safety and Wellbeing

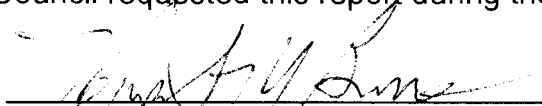
Comprehensive Plan Impact: Not Applicable

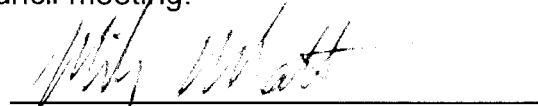
Suggested Council Action

Informational

Legislative History

Council requested this report during the 5/18/15 council meeting.


Department Approved


City Manager Approved