Enforcement of Social Host Ordinances: Case Studies From a Multi-Community Randomized Trial

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As required by the Alcohol Policy 18 Conference, I/we have signed a disclosure statement and note the following conflict(s) of interest:

NONE
Overview

• Conceptual Framework
• Data Sources for the Case Studies
• Conceptual Framework Applied to the Policy Campaign Steps
• Questions & Discussion
Conceptual Framework

• Deterrence theory: Swift, Certain, Severe (Sufficient)

• Two primary drivers of enforcement:
  – *Ordinance construction*: How an ordinance is written matters greatly to *enforceability*
  – *Willingness to Enforce*: Whether law enforcement is willing to enforce the ordinance post passage
Data Sources for the Case Studies

- **Study to Prevent Teen Drinking Parties**
  - Wake Forest School of Medicine, PI: Mark Wolfson, PhD
  - Funder: NIAAA
  - Partners: CADCA, Coalition Advisory Board
  - Design
    - Randomized multi-component trial
    - 24 communities across seven states: 12 intervention, 12 delayed intervention sites;
    - Intervention timeline: May 1, 2013-April 30, 2016
Participating Communities
Passage of SHOs

Start of Intervention (5/1/2013)

Intervention

End of Intervention (5/1/2016)

Delayed Intervention

2013 2014 2015 2016 2017
The Policy Campaign Steps

Key elements Related to Enforcement

1. Craft Policy Action Statement
2. Engage Enforcement
3. Analyze and Gather Relevant Data
4. Draft Issue Brief
5. Draft Ordinance
6. Media Advocacy
7. Community Organizing
8. Passage of Ordinance
9. Post Adoption Enforcement
10. Evaluating campaign
Ordinance Construction

• Key Variables: Civil v. Criminal Ordinances
  – The Setting
  – Strict Liability
  – Burden of Proof
  – Administrative Process
  – Deterrence v. Criminalization
Ordinance Construction: Policy Steps 2 & 5

Step 2: Engage Enforcement

• Examples from our experience:
  – Facilitators:
    • Chief exerts influence, pushing city attorney to include key provisions
    • Coalition has strong LE liaison with influence at the department
  – Challenges:
    • One or two officers very engaged but Chief/Captains not
    • Police Department remains convinced that Criminal ordinances are preferable to civil
    • Police department acts as sole source of ordinance drafting information to city attorney
    • Coalition is never able to create a close working relationship with law enforcement
Ordinance Construction: Policy Steps 2 & 5

Step 5: Draft Ordinance

• Examples from our experience:
  • Facilitators:
    – Chief asks Sergeant to act as liaison on ordinance construction
    – The ordinance includes a detailed description of the administrative process, including fine collection
  • Challenges
    – City attorney rejects key provisions in the ordinance
    – Coalition advocacy structure leads to one powerful coalition member agreeing to the addition of a “knowledge” provision
    – The ordinance is written in a civil manner, but a criminal component is inserted: knowledge standard, jail time
Enforcement Willingness

- Is the entity responsible for enforcement willing to enforce the new law?
- The adopted ordinance could be “perfect” but that matters very little if there is low willingness to enforce
Willingness to Enforce Policy Steps: 7 & 9
Step 7: Community Organizing

• Examples from our experience:
  – Facilitators
    • Grasstops support or top down influence was common across communities
  – Challenges
    • A broad base of grassroots support is never achieved
    • The individuals and organizations are not committed supporters
    • Coalitions with agency restrictions
      – Advocacy/lobbying concerns
      – Political capital concerns
Willingness to Enforce Policy Steps: 7 & 9

Step 9: Post Passage Enforcement

• Examples from our experience:
  – Facilitators:
    • Coalition effectively uses media to alert the community to the new ordinance and to support enforcement when the ordinance is used
    • Coalition works closely with city staff to ensure administrative processes are clear
  – Challenges: Internal and External
    • Media is not used to put pressure on enforcement when ordinance is not enforced
    • Coalition does not use media to enhance awareness of the ordinance and enforcement
    • Coalition does not meet regularly with patrol
    • No Standard Operating Procedure is created
    • Nobody at the Department “owns” the ordinance
Discussion

• Coalitions are interested in pursuing SHOs
• In ordinance construction details matter!
• Must have both the willingness and a strong policy to achieve impact
• Many coalitions lack policy campaign experience
• Law Enforcement is often not the natural ally we expect
• Need deeper collaboration between Law Enforcement and coalitions
• Funding limitations (lobbying restrictions, amount of money available, etc.)
For more information on the Study to Prevent Teen Drinking Parties...

• Free downloadable article describing the multi-level CBPR approach: https://doi.org/10.1155/2017/3639596
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