Preventive Local Control for Retail Alcohol Availability

Opportunities for Municipal Prevention Policy

Alcohol Policy 18
Washington, DC
April 11-13, 2018

Friedner D. Wittman, CLEW Associates/Prevention by Design
Albert Melena, San Fernando Valley Partnership
Dana Stevens, CASA, El Cajon, California
As required by the Alcohol Policy 18 Conference, I/we have signed a disclosure statement and note the following conflict(s) of interest:

None
PRESENTATION OUTLINE

1. **Local Control Theory** – What it is and how it works to prevent community AOD problems at alcohol outlets

2. **LC for Retail Alcohol Outlets** – Local C-BERR planning process using SPF (Strategic Prevention Framework); City of Arvin example (2006-2018)

3. **Case Study #1** – City of Los Angeles (Retail Framework Project, San Fernando Valley) (2014-18)

4. **Case Study #2** – City of El Cajon (DAO/RBS) (2013-18)

5. **Statewide Implications** – How alcohol-sensitive state agencies & organizations can support Local Control
WORKSHOP PRESENTERS

(In Order of Appearance)

Friedner D. Wittman
President, CLEW Associates/Prevention by Design
Berkeley, California

Albert Melena
Director, San Fernando Valley Partnership

Dana Stevens
Director, CASA (Community Action Service Agency)
El Cajon California
Community AOD problems are consumption-based disorders in high-risk settings & circumstances

“LOCAL CONTROL” REDUCES ENVIRONMENTAL RISK

COMMUNITY-BASED ENVIRONMENTAL RISK REDUCTION
1. **What is Preventive Local Control for Alcohol Availability?**

- **Definition**: Community use of its local land-use authority and zoning powers for the purpose of reducing and preventing harm attributable to alcohol/drug availability in retail, public, and social settings.
Local Control mobilizes local resources to reduce AOD-related risks in retail, public, and social environments through the Three Actor Model:

- **Engages concerned community groups**
  (“community coalitions”)

- **Mobilizes city agencies to apply land-use authority**
  (“alcohol problem working groups” – APWGs)

- **Holds owner/managers accountable**
  for high-risk settings thru responsible property management
test response
LOCAL CONTROL PROTECTIONS BY THE US AND STATE OF CALIFORNIA

- US Supreme Court allows use of local zoning to protect public health, safety & welfare consistent with findings of a problem “nexus.” (Euclid v. Ambler)

- State of California requires a basic land-use plan and regular use-permit ("as of right") zoning ordinance, which ABC accepts as sign-off for local zoning.

- Flexibility for cities: Cities may act specifically to manage health and safety issues with local alcohol outlets and other AOD risk settings. State agencies and County ADPs may help cities use land-use planning/zoning to protect public health & safety.
2. Local Control and the State ABC (California Alcoholic Beverage Control)

Shared Authority
Business & Professional Code, Div. 9

State Authority
ABC has sole authority to issue retail alcohol outlet licenses

Local Authority
City/county has authority to issue alcohol outlet zoning permits (use permits) and help enforce alcohol laws

Deemed-Approved Ordinances
Focus on prevention operation (CUP & RBS Ordinances apply to all outlets)

Conditional Use Permits and Responsible Beverage Service
Focus on problem management (CUP & RBS Ordinances apply only new/expanded outlets)

Permitted Use (“as of right”)
Focus on enforcement (Post-hoc nuisance abatement applied for all outlets)
STATEWIDE OUTLET PROLIFERATION CALLS FOR LOCAL CONTROL

California: Total Off-Sale Outlets by License Type, 1970-2010

California: Total On-Sale Outlets by License Type, 1970-2010
3. Local Control & Planning/Zoning Fundamentals of Local Ordinances

**Local Authority**

- City/county has authority to issue alcohol outlet zoning permits (use permits) and help enforce alcohol laws

**Deemed-Approved Ordinances**

- Focus on prevention operation (CUP & RBS Ordinances apply to all outlets)

**Conditional Use Permits and Responsible Beverage Service**

- Focus on problem management (CUP & RBS Ordinances apply only new/expanded outlets)

**Permitted Use ("as of right")**

- Focus on enforcement (Post-hoc nuisance abatement applied for all outlets)
Local Control & Planning/Zoning
Levels of Zoning for Alcohol Outlets - 1

- **Land-use master plan** includes permissible types of alcohol outlets (on-sale, off-sale, by setting type) in commercially-zoned districts.

- **Level 1 (Regular Use Permits)** = zoning permits issued routinely ("as of right") (1970s).

- **Level 2 (Conditional Use Permit)** = CUP permits issued for new or expanded alcohol outlets following city review that imposes "conditions" to protect health, safety & well-being; existing outlets are "grandfathered" (exempted) (1980s).
## Local Control & Planning/Zoning
### ABC Compared to CUP Conditions

<table>
<thead>
<tr>
<th>State ABC License Requirements</th>
<th>Local Zoning Conditions</th>
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<tbody>
<tr>
<td>ABC licenses individual operator</td>
<td>Zoning use-permit issued for a location</td>
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<tr>
<td>ABC definitions allow “restaurant” and “bar” to be merged at a single location; no “nightclub” definition.</td>
<td>City can distinguish between restaurants, bars, and nightclubs to define each as distinct land-uses.</td>
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<tr>
<td>Hours of sale from 6:00 am to 2:00 am</td>
<td>Outlet operation hours set locally</td>
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<tr>
<td>LEAD training focuses on alcohol laws &amp; general features of practice</td>
<td>Local RBS training addresses high-risk matters of concern to community</td>
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<tr>
<td>Proximity issues for residences and sensitive uses are discretionary</td>
<td>Proximity and spacing requirements for community can be mandatory</td>
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</tbody>
</table>
Local Control & Planning/Zoning
Levels of Zoning for Alcohol Outlets - II

- **Level 3 (Deemed Approved Ordinances)** = DAO permits apply conditions remedy health/safety/welfare problems attributable to existing alcohol outlets. (1990s)

- **Level 4 (Community Oversight)** = Community RBS (Responsible Beverage Service) for safe & healthy alcohol outlet operation. (2000s)

- **“Conditions”** = RBS and other design and operating conditions limit high-risk AOD availability and control related problem-behavior.

- **Implementation** = City agency & outlet operators apply local control policies & practices.
Local Control & Planning/Zoning Implementation for Alcohol Outlets

Local Control prevents availability-related harm when local ordinances...

- Control proliferation & overconcentration
- Control high-risk uses & adverse adjacencies
- Engage owner/operators to establish responsible alcohol management practices
- Establish ongoing community oversight through robust public administration.*

LOCAL CONTROL & PLANNING/ZONING PATHS TO PROTECTIVE ALCOHOL ORDINANCES

1. **Community response** to severe outlet-related problems not addressed by local or state officials (East Oakland and South Central LA in late 1970s)

2. **Organized local agency response** to outlet-related problems that become highly visible. (El Cajon)

3. **Outside-assisted response** to structural problems; help comes from State/County (LA-San Fernando). Logic-model outcome planning (C-BERR) helps cities respond to habitual outlet-related problems. (SAMHSA-CSAP Strategic Planning Framework)
4. Local Control through C-BERR (Community-Based Envmt’l Risk Reduction)

Establishing Community Accountability: The 3 Actor Model

Owners / Managers
Responsibility for the day-to-day policy and management of community environments.

Community Environments Where Youth Can Access Drugs & Alcohol
- Retail Environments
- Public Places
- Social Environments

Officials / Other Interested Parties
In a position to address specific alcohol and drug problems.

Occupants / Neighbors
Users of the environment
Affected by community conditions.
THREE ACTOR MODEL

4.1 BUILDING THE NEXUS

C-BERR MODEL for PREVENTING AOD PROBLEMS
COMMUNITY BASED ENVIRONMENTAL RISK REDUCTION

Slide 2: Drawing the Nexus Between Community Alcohol/Other Drug Problems and AOD Settings

<table>
<thead>
<tr>
<th>Problems</th>
<th>Settings</th>
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<tr>
<td>Health</td>
<td>Retail</td>
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<td>Safety</td>
<td>Public</td>
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<tr>
<td>Well-being</td>
<td>Social</td>
</tr>
<tr>
<td>Youth Access</td>
<td>Buildings (Addresses &amp; Individual Settings)</td>
</tr>
<tr>
<td>Inebriation</td>
<td>Types of Settings</td>
</tr>
<tr>
<td>Disturbances/Social Disruption</td>
<td>Concentration of Settings (area or proximity)</td>
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<tr>
<td>Violence</td>
<td>High-Risk Geo Contexts</td>
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<tr>
<td>Injury/Other Health Problems</td>
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<tr>
<td>Economic Loss/Heavy Service Use</td>
<td></td>
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<td>Displacement of Desirable Uses</td>
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</table>
THREE ACTOR MODEL

4.2 Three-Actor Dynamic

C-BERR Model for Preventing AOD Problems
Community Based Environmental Risk Reduction

Slide 3b: Three Actor Exercises
Assign Environmental Responsibility and Accountability

How does AOD come into the setting?

How is AOD used in the setting?

How are AOD consequences handled?

Owner/Managers

Supply

Occupants/Neighbors

Uses

Officials/Other Interested Parties

Controls

CLEW Associates
Prevention by Design
March 2015
THREE ACTOR MODEL

4.3 STRATEGIC PLANNING FRAMEWORK (SPF)

C-BERR MODEL for PREVENTING AOD PROBLEMS
COMMUNITY BASED ENVIRONMENTAL RISK REDUCTION

Slide 4: Local Control Oversight Process
SPF Planning by Address, by Geo-Area, by Setting Type

- Collect setting data
- Analyze
- Report

- Core Organizing
- Outreach/Recruit
- Enlist/Prioritize

- Three Actor Exercise
  - Use evidence-based approaches to change risk settings

- Resources
- Schedule
- Monitor/Adjust

- As expected?
- What changes?
- Happy with results?

CLEW Associates
Prevention by Design
March 2015
SPF PLANNING FRAMEWORK
C-BERR VERSION ADAPTED TO RETAIL OUTLETS

C-BERR, STEP-BY-STEP
Community Based Environmental Risk Reduction

1. Measure process - what did each EAP actually do? (was fidelity to plan maintained)
2. Measure outcomes - what did each EAP actually accomplish? (were expectations met)
3. Present results in public forum (e.g., report to city council)
4. Organize C-BERR coalition & supporters to defend and extend positive results
5. Respond to opponents and enemies of the project

EVALUATE

1. Contact key County agencies (health/social service)
2. Contact key City agencies (police/community service)
3. Establish initial group (core group)
4. Identify Key Informants
5. Conduct environmental reconnaissance

ENTRY (Pre Five-Step)

1. Prepare base map of retail/public setting
2. Collect quantitative data (ASIPS)
3. Collect qualitative data (KII, CI)
4. Conduct observational data and collateral/historical data
5. Prepare community tour report in accessible format

ASSESS

1. Environmental Prevention 101
2. Coalition Building
3. Developing an Action Plan
4. Create Community Presence (Public Information)
5. Cultivate Champions, Allies and Identify Opponents

BUILD CAPACITY

1. Use Assessment Data to set up Monitoring Plan
2. Monitor process (outputs) with feedback to maintain fidelity
3. Troubleshoot as required: assess feasibility
4. Monitor results (outcomes) against expectations
5. Report implementation experiences to community (daylight)

IMPLEMENT

1. Prioritize possible projects (quickies, mid-term, long-term)
2. Create Environmental Action Plans for at least two projects
3. Organize the C-BERR Coalitions for action/promotion
4. Assign team captains to take action, set schedules
5. Commit to schedule and milestones to reach objectives

ACTION PLAN

1. These steps are designed to be ongoing and overlapping, so that each prevention program is producing consistent measures of its success as well as consistently evaluating and improving its methods and outcomes
7. **Local Control and Planning/Zoning to Prevent Community AOD Problems**

- **R** Alcohol is sold either on-site (bars, restaurants) or off-sale (liquor, grocery, or convenience store)
- **P** Public availability/use can occur in public spaces, such as drinking or drug sales/use in parks, or at public events (festivals or special events)
- **S** Social availability occurs in homes, such as teen parties or family events/parties
7.1 Local Control & Planning/Zoning
Risk Settings & Problem-Reduction Methods

- Retail Outlets
  - Land-use planning & zoning
  - Responsible beverage training (& other organizational policies)
- Public Places
  - Media advocacy & normative campaigns
  - Economic (fees & fines)
  - Environmental education & compliance campaigns
  - Enforcement of alcohol laws
  - Voluntary agreements
- Public Events
- Social Settings
  - Self-sustaining local support for community oversight
Arvin Case Study

Arvin
Population: 20,298
38% under 18 years old (State average: 23%)

Off-sale Alcohol Outlets
16 Outlets, 7.9 per 10K pop. (State average: 7.2)

On-sale Alcohol Outlets
7 Outlets: 3.4 per 10k pop. (State average 11.22)
Kern County Behavioral Health & Recovery Services

**ARVIN C-BERR INITIATIVE**
Community Based Environmental Risk Risk Reduction

- Kern data showed high levels of drinking by youth in small rural communities; Age of first drink = 13yrs.

- County SPF plan emphasized (1) reducing underage drinking and (2) strengthening families.

- County chose to target **Environmental Risks** in widely-shared community AOD settings affecting youth and families.

- County focused on preventive env’tl risk management thru Strategic Prevention Framework (SPF).

- Arvin one of three communities to receive mini-grants to create community coalition for training and technical assistance to engage in C-BERR planning.
ADELANTE COALITION OF ARVIN
(Spanish for moving forward)

“Adelante is moving forward by informing and empowering our community to break the barriers that keep our youth from succeeding”
**ARVIN SPF in Action**
Community Based Environmental Risk Reduction

- **Organizing based on SPF assessment process:** Where are AOD problem settings in Arvin community (retail, public, social)?

- **Two-track approach to C-BERR Community Organizing:**
  1. Develop a grass-roots Community Coalition thru FRC.
  2. Engage key city agencies (Police, Planning Dept, elected officials) and other community institutions (similar to DFC).

- **Develop a C-BERR Community Coalition:** Start with recruitment of C-BERR Coordinator (Adelante: Arvin school system).

- **Coordinator forms Coalition:** Adelante formed from families and others concerned about teenager AOD use.

- **County reaches out to City:** KCBHRS staff personally and professionally familiar with Arvin agencies and organizations.
Kern County Behavioral Health & Recovery Services

C-BERR Community Data
Community Based Environmental Risk Reduction

- **Ecological / epidemiological data.** (population by land-use)
  1. Treatment data (AOD/health/social service/corrections)
  2. School data (CHKS surveys of 7, 9, 11 grades)
  3. AOD experiences (Focus Groups, Surveys) in 3 env’tl domains

- **Reconnaissance Data.** (comm envt: Where’s the problem?)
  1. Police events (ASIPS data)
  2. Key Informant Interviews (KIIs)

- **Nexus Data.** Link AOD problems to AOD settings
  1. Site-level interviews, observations, neighbor call-ins
  2. Covert observations, decoy buys, other investigations

- **Data supports participatory planning.**
  1. accessible, available, reliable – Community Tour reports.
  2. Data maps for the C-BERR project
DEVELOPMENT OF DAO/RBS (to 2015)

ADELANTE TIMELINE

2006 - 2008

- Padres Promotores and Arvin FNL engage in community-environmental prevention planning.
- C-BERR Mini Grant from KCMH, offshoot of county’s SPF initiative for rural communities.

Focus Groups & Community Survey
- Parents not concerned about underage drinking
- Initially, parents saw drinking as the parents’ responsibility
- 51% of parents agree that stores sell alcohol to teens
- 95% feel that action should be taken against stores that sell to teens
- 83% agree teenage drinking is a problem in Arvin

2009

Arvin Chief of Police expresses strong interest in learning about contributing factors to crime in the community.
Partnership develops with the city of Arvin.

ASIPS (Alcohol Sensitive Information Planning System)
- Police activity is fairly high, with almost one contact for every Arvin resident each year. With 17,000 residents, there were 14,204 events.
- Disturbances/Fights and Disorderly Conduct are 2.3 times higher than in many other communities. This included loud parties, which almost always includes alcohol.
- Residences and Parks/Open Spaces have most police incidents with Alcohol Outlets being third.

Retail Observations
- Alcohol ads attract youth
- ½ of the stores appear to violate state law
- Alcohol advertising a major major problem

2010

- Adelante reviews ASIPS Report with Arvin PD and develops Knock & Talk Survey for West Arvin Neighborhoods. Knock & Talk leads to Retail outlets and social gatherings.

Retail efforts identify lax sales practices and store environment a major contributor to youth access; Kern County supports RBS Training for Arvin retailers.

2013

- Adelante works with STEPS to conduct RBS Outreach and identifies need for mandatory RBS initiative.

Breakthrough with former council member to assist in developing a mandatory RBS initiative.

2014-Present

- Adelante works to develop a mandatory RBS initiative through Business License Renewal:
  - Council members also concerned about underage drinking - new council members key!
  - City Manager and law enforcement also concerned about local bars (Recent murder)
- Deemed Approved Ordinance discussion leads to formal support from city council
- City Attorney drafts Ordinance to include mandatory RBS
- Arvin CUP/DAO unanimously passes

Mandatory RBS Initiative

Quinceañera Interviews
Alcohol consumption a major concern; local church no longer allows use of rental hall.

CUP/DAO ADOPTION
Working with City of Arvin to inform community, track RBS training and recognize retailers.
CITY OF ARVIN
OFF-SALE ALCOHOL OUTLETS (N=16)
LOCATION OF ALCOHOL-SPECIFIC EVENTS

ARVIN ASIPS/GIS (2008)
Outlets & AOD = 3+ Events
Summed by Address

Arvin Outlets 04/09
08CY Arvin AODx Addr-2
- 3
- 4 - 5
- 6 - 7
- 8 - 12

Arvin KR Streets
ARvin City Limits

Prepared by
ISSC, UC Berkeley
Berkeley, CA 94710
March, 2009
Arvin off-sale alcohol outlets are located in small neighborhood markets that serve nearby residents. Arvin has approximately 10 off-sale outlet for every 10,000 residents, one-third higher than the state average of 7.4 off-sale outlets per 10,000. Families and children and individual customers of all types patronize these stores, including people who buy alcohol for immediate consumption.
1. **Sticker Shock**
   Prevents “shoulder tap” by reminding adults that purchasing alcohol for minors is illegal and serves as our initial contact with retailer.

2. **Knock & Talks**
   Collect retail outlet views regarding alcohol related problems in and around their stores. Continued relationship building.

3. **Merchant Assessment**
   Checklist to assess how stores display, market and sell alcohol - “Price, Product, Place and Promotion”

4. **RBS Training**
   Improve retail practices through Responsible Beverage Service Training.

5. **Merchant Committed**
   Reduce youth access to alcohol at off-sale retail outlets by adopting city-wide code of conduct.

6. **Policy Development**
   Identify policies that address where and how alcohol is sold, marketed and displayed.
RETAIL OUTLET CAMPAIGN
“Setting the stage for the CUP/DAO”

• The Retail Framework:
  • Sticker Shock – OK
  • Knock & Talk (Retailer Perspective) – OK
  • Responsible Beverage Service Training – Few attend
    • Provided by County BHRS at no charge
    • No incentives attract retailers to participate
  • Merchant Committed (Voluntary Compliance) - Minimal
    • No adoption of RBS practices (but do post signs)
    • No sustainability for safe store management & operation

• Key Informant Interviews with Arvin PD
  • Police describe issues working with & engaging retailers
Alcohol Retailers do not respond to Adelante outreach and County-funded RBS training

Adelante engages local officials and city council members to discuss mandatory RBS Training.

Stage is set for adoption of the Arvin CUP/DAO with mandatory RBS training requirement (November 2015)
Adelante works with STEPS to conduct RBS Outreach and identifies need for mandatory RBS Initiative.

Breakthrough with former council member to assist in developing a mandatory RBS Initiative.

2014-Present

Mandatory RBS Initiative

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**CUP/DAO ADOPTION**

Working with City of Arvin to inform community, track RBS training and recognize retailers
RBS Training for Retail Alcohol Outlets
(Arvin City Ordinance 5.28, Alcohol Beverage Service)

Number of Outlets attending RBS Training Sessions
Attendance each quarter & Number of outlets each year
2016 / 2017

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SLOW IMPLEMENTATION FOR START-UP OF ARVIN DAO/RBS

• City of Arvin administers RBS training thru city clerk for business permit renewal & enforces thru police dept.

• County continues to subsidize RBS training thru STEPS.

• Participation by retailers is ramping up slowly. Current RBS training should expand to improve retailer alcohol management practices & include retailer feedback.

• A robust new ordinance requires robust administration. Two years later City of Arvin is still in early stages of realizing DAO potential. What are next steps and implications for other cities?
IMPLEMENTATION CHALLENGES

Rapid passage of Arvin DAO/RBS ordinance highlights importance of extending development of an ordinance into design for its implementation. Cities need to...

• Create three-tiered Community RBS program for Local Control as a preventive public community enterprise.

• Build a workable Local Control data system to oversee interagency administration of alcohol outlet CUP/DAOs.

• Strengthen operating standards for its CUP/DAO to support community-level prevention.
The City of LA is 140 times the size of City of Arvin. LA has a workable retail alcohol outlet zoning ordinance, but faces implementation challenges at the community level. SPF planning engages local participation thru the 3-Actor Model.
IMPLEMENTATION OF LOCAL CONTROL
Direct Movement into Implementation

While City of Arvin and City of LA geared up to Implement Local Control ordinances, City of El Cajon was actively involved the community assessment process. El Cajon achieved positive results within two years of DAO adoption.
San Fernando Valley Partnership, Inc.

SPA-2 RETAIL OUTLET FRAMEWORK

OUTLET DATA

IMPLICATIONS FOR OVERSIGHT AND POLICY DEVELOPMENT
San Fernando Valley:
- 2 County Supervisorial Districts
- 7 City Council Districts
- 25 Neighborhood Councils
- 7 Police Divisions (Valley Bureau)
Survey findings on Youth Access to Alcohol
(SAPC Survey of adults 18 & older)

- Alcohol is the biggest substance abuse problem in the community

- Youth access through retail outlets is a major concern of adults as the biggest reason for alcohol misuse

- 75% support laws requiring RBS training

Survey of 404 young adults 18-24 and 260 adults 25 and older March-April 2012
WHY RETAIL ENVIRONMENTS

- Lax sales practices result in nuisance activity, provide easy access to alcohol for youth, and public safety problems.

- Businesses in close proximity form “crime clusters” affecting the surrounding area (LAPD observation).

- Poorly-operated businesses create problems that spill over into nearby community: Loitering, vice, harassment, fights.

- Products sold at outlets create problems: Generate litter, contribute public intoxication, drug paraphernalia.

- We can work with retailers to address these problems voluntarily and thru local officials and the community.
SPA-2 Coalition: Communities in Action
Retail Framework

Identified Problem: Youth Access

1. **Pseudo Decoy Buys**
   - Assess Retail Sales Practices - ID Check

2. **Sticker Shock**
   - Designed to prevent "shoulder tap" by reminding adults that purchasing alcohol for minors is illegal and serves as our initial contact with retailers

3. **Knock & Talks**
   - Designed to collect retail outlet views regarding alcohol related problems at and around their stores - continued relationship building

4. **Merchant Assessment**
   - Check list to assess how stores display, market and sell alcohol - "Product, price, place and promotion"

5. **RBS Training**
   - Improve retail practices through responsible beverage service training to retail outlets in target communities - continue to engage retailers

6. **Follow-up**
   - Merchant assessment and in-store attempt to purchase log (self-report tool)
   - The merchant assessment and purchase log allow retailers to tell their story

7. **Merchant Committed**
   - To reduce youth access in off-sale retail settings by adopting city/SPA-wide merchant code of conduct that ensures California Alcoholic Beverage Control compliance

8. **Policy Development**
   - Identify policies that address where & how alcohol is sold, displayed and marketed

This material was made possible by funds from The Los Angeles Department of Public Health, Substance Abuse Prevention and Control
## Contacts with Off-Sale Retailers

**N = 292: 113 ABC Type 20 (B & W); 179 Type 21 (B W & Spirits)**

<table>
<thead>
<tr>
<th>Agency</th>
<th>Community</th>
<th>Total(^1) Outlets Visited (By Community)</th>
<th>Type 20</th>
<th>Type 21</th>
<th>Total Outlets visited (By Agency)</th>
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<td>23</td>
<td>9</td>
<td>14</td>
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</tbody>
</table>
Youth access a problem across the SPA.

**Pseudo decoy buy** an average of 23% of the stores (51 in total) failed to follow best practices and ask the decoy for ID.

**Knock and Talk** 60% said that youth try to buy alcohol and 36% said youth shoulder-tap ‘sometimes or often’ at their stores.

**Merchant Self-Report** a total of 132 stores participated and between them recorded 265 suspicious attempts for an average of 2 buy attempts per store. This rate is similar to State ABC data.
Lee Law and window coverage violations 34% of stores were violating state law and covering their windows or glass doors more than 33%. The threshold is 10% in the city of LA meaning that many more retailers are in violation.

Stores post warning signs regarding youth access 70% of retailers agreed to post Sticker Shock stickers when asked by Coalition members, 76% of stores had We ID signs and 61% had written policies on ID checking. However, only 40% had No Loitering signs and 36% No Open Containers signs and 42% had written policies on dealing with intoxicated customers.

Stores volunteer to join Merchant Committed 292 retailers were initially contacted by this project. Among these retailers, 174 (60%) were asked to join. Of those asked, 125 (72%) joined; 11% at level 1; 56% at level 2; 23% at level 3. Thus 43% of those originally contacted agreed to join Mercant Committed.
125 RETAILERS PARTICIPATING IN MERCHANT COMMITTED

Communities in Action: Extent of the Retail Framework across the San Fernando Valley
KEY FINDINGS

East Valley communities have greater youth access. Arleta and Pacoima had high percentages in all Retail Framework steps; North Hills, Panorama City, Lake View and Sylmar scored low in the pseudo decoy but had high percentages for youth access in the Knock and Talk survey and ratios of buy attempts per store in the Merchant Self-Report.

Retailers have problems with intoxicated customers. More than half of stores (59%) report concerns about intoxicated people try to buy alcohol and loitering around their stores (38%).
Infrequent attendance at free RBS training. In the city of Los Angeles where STAR training available and sometimes mandated 65% of retailers had ever attended RBS training. Many could not remember when they attended or who provided the training.

Retailers reluctant to adopt Safe Store practices. Most problematic stores least likely to adopt practices.

Retailers slow to engage neighbors and police. LAPD and City Attorney confirm difficulty engaging retailers.
IDENTIFYING THE "ROOT CAUSE" OF COMMUNITY ALCOHOL PROBLEMS

RETAIL OUTLET SALES PRACTICES
"Retail sales practices significantly impact the outlet and the surrounding community."
* Selling to intoxicated persons
* Loitering around the store
* Alcohol that is easy to steal
* Allowing drinking on premises
* Store front signage
* Problematic products
* Paraphernalia
* Responsible Beverage Service Training for store clerks

BUS BENCHES
* Groups of problem drinkers
* Public Intoxication
* Litter
* Nuisance Activity
* Community Blight

PARKS
* Groups of problem drinkers
* Underage Drinking
* Public Intoxication
* Litter
* Nuisance Activity
* Public Safety Issues
* Community Blight
* Need for increased patrols
* Reduction in park usage
* "Spill-over" into neighboring areas

COMMUNITY
* Public Intoxication
* Underage Drinking
* Litter
* Nuisance Activity
* Public Safety Issues
* Community Blight

LOCAL RECYCLING CENTER
* Convenient location, close to liquor stores
* Need only collect enough recyclables to raise $2.50
* Some centers issue vouchers that can be redeemed at nearby liquor stores

SINGLE SERVE ALCOHOL PRODUCTS
Packaged for consumption by a single individual at a given time.
* High alcohol content
* Cheap way for a person to get drunk
* Popular with chronic inebriates
* Popular with young people
* Range from 16 to 40 ounces
Merchant Committed relying solely on voluntary participation by retail operators did not produce significant reductions in AOD-related problems attributable to retail alcohol outlets.

Local Control applies Three-Actor Model to mobilize official (regulatory) and community (normative) resources to reduce AOD-related risks in retail, public, and social environments.
APPLY "THREE ACTOR MODEL" TO LA/SFV RETAIL FRAMEWORK PROJECT

ESTABLISHING COMMUNITY ACCOUNTABILITY: THE 3 ACTOR MODEL

OWNERS / MANAGERS
Responsible for the day-to-day policy and management of community environments

COMMUNITY ENVIRONMENTS WHERE YOUTH CAN ACCESS DRUGS & ALCOHOL
Retail Environments
Public Places
Social Environments

OFFICIALS / OTHER INTERESTED PARTIES
In a position to address specific alcohol and drug problems.

OCCUPANTS / NEIGHBORS
Users of the environment
Affected by community conditions
The red lines are the Community boundaries with the name in bold italics. The solid color areas are the Neighborhood Council (NC) districts with the name in small caps. Note how sometimes the Community boundary and the Neighborhood Council boundary are the same, as in Panorama City, Arleta, and Sylmar. For others, the community boundary and NC boundary are different. For example, Sun Valley is divided between three NCs: Sun Valley Area NC, NOHO West & North Hollywood East.
Neighborhood Council System
The City of Los Angeles Neighborhood Council System, created under the City Charter, enables meaningful civic participation and serves as a voice to improve government responsiveness to local communities and their needs through:

• City Services
• Planning and Zoning
• Business improvement and Development
• Community-building
• Quality-of-life
• Law enforcement (LAPD community policing)?
• City Attorney (compliance)?
Alcohol Outlet Oversight Committee

The Outlet Oversight Committee is a formal sub-committee under a Neighborhood Council’s existing Land-Use or Public Safety committee. The Oversight Committee monitors outlets who have joined Merchant Committed and works with other committees to monitor each outlet and report any problems.

Safe Store Design Exercise
The Safe Store Design Exercise will work with participating outlets to modify the layout of the store to reduce alcohol theft (Beer Runs).

Citizen Citation
The Citizen Citation can be modeled after a pilot project implemented in CD 7 under the City Attorney’s Tobacco Enforcement Program. The Citizen Citation would document municipal code violations as well as other community concerns.
Off-Sale Retail

Outlet Profile

The Outlet Profile will include relevant outlet information and document problems & incidents, such as:

• Police Incidents*
• Community Experiences & Discussions
• Key Informant Interviews
• Community Discussions
• CUP/ABC License Conditions
• Retail Framework Documentation

*Would require LAPD participation in ASIPS report.
How LA city administers Alcohol Use Permits (AUP) (conditional use permits for retail alcohol outlets)

AUPs are administered without systematic documentation, formal monitoring, interagency coordination, or liaison to Neighborhood Councils.

- LAPD (law enforcement, community policing/STAR)
- Planning and zoning (issues & monitors AUPs)
- Code enforcement (building & safety compliance)
- City Attorney (nuisance abatement, sanctions)
- Community Services (related uses e.g. Recycle)
County Dept of Public Health
- AOD treatment and recovery services
- AOD prevention services
- Epidemiology & health planning through SPAs

ABC District Office
- Issues retail licenses after city zoning determination
- Provides LEAD training for retailers

AOD Advocacy Community
- Follows own organizational and Statewide agenda
- Training/TA/consulting services compete & overlap
OWNERS AND MANAGERS
PARTICIPATION BY ALCOHOL OUTLET RETAILERS

Organization of off-sale retail outlets
- Most are solo independent operators (isolated)
- Franchisees follow corporation RBS policies (if any)
- Ethnic operator organizations
- Expect to engage thru one-on-one outreach

Response to Local Control
- Want clear rules, diligently followed by City
- Many share community values, desire approval
- Respond to economic and regulatory requirements
- Expect “10-50” response to enforcement & oversight
PROSPECTS/GOALS FOR 3-ACTOR MODEL
LA/SFV RETAIL FRAMEWORK PROJECT

Pursue Long-Term Local Control for AOD availability by City of Los Angeles at neighborhood level
- Organize NCs
- Coordinate LA City administration of AUP ordinance
- Continue assistance from LA County DPH
- Appeal to LA AOD service & advocacy community

Pursue Short-Term projects ("Low Hanging Fruit")
- Responsible Recycling Centers Project
- Beer Run Project
QUALITY OF LIFE AND PUBLIC SAFETY ISSUES

"LOW HANGING FRUIT"
IDENTIFYING THE "ROOT CAUSE" OF COMMUNITY ALCOHOL PROBLEMS

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LOCAL RECYCLING CENTER
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* Some centers issue vouchers that can be redeemed at nearby liquor stores
RETAIL ALCOHOL OUTLETS AND RECYCLING CENTERS

Communities in Action Alcohol Outlets and Recycling Centers in the San Fernando Valley
“18) _____ Does the Recycling Center Operator permit loitering, camping, public begging, consumption of alcoholic beverages, use of illegal narcotics, or any other criminal activity on any premises over which he has control.”

OPERATING STANDARDS

SEC. 12.21. Compliance Checklist for Onsite Recycling Centers
Problematic recycling centers have been identified as a major public nuisance that often contribute to loitering, public drinking, and criminal activity.

In terms of underage drinking, many locations are near liquor stores and provide easy access to an adult willing to purchase alcohol for a minor.

The Responsible Recycling Center Project will:

• Approach operators and ask that they fully comply with operating guidelines and post RRC sign

• Work with community to document problems and coordinate with LAPD & Neighborhood Prosecutor

• Work with neighboring liquor stores and ask that they not sell alcohol to “known inebriates” (Sec. 25602 B&P Code)

• Recognize responsible operators
WHY DOCUMENT?

Documenting AOD-related nuisance activity and other community health and safety problems aims to stop problems spreading from specific addresses (settings) to affect the surrounding community. Aggregated data show problems attributable to certain types of settings and certain geo-area. This documentation supports community efforts to overcome problems by creating healthy environments. It is not intended to attack or stigmatize people or a certain location.

Communities use Retail Framework problem documentation to:

- Change public perceptions to improve community conditions
- Enforce laws and regulations, and strengthen community norms
- Eliminate problem “hot spots” at specific addresses (locations)
- Reduce problems in selected geo-areas and certain setting types
- Address related land-use factors affecting public health and safety
DISTRIBUTION OF NORTH HILLS EAST LAPD POLICE EVENTS

TOTAL EVENTS N=15,335 (2015)

Total Events (N=15335)

North Hills East

Data is for CY2015

Prepared by CLEW Associates Berkeley, CA 94710
July, 2017

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT, P. NRCan, Esri Japan-METI, Esri China (Hong Kong) Esri Korea, Esri (Thailand), Maptive, India, NMI, NGCC, © OpenStreetMap contributors, and the GIS User Community.
DISTRIBUTION OF NORTH HILLS EAST LAPD POLICE EVENTS N = 1182 AOD-SPECIFIC EVENTS (2015)

North Hills East  AOD Events N=1182 (8% of 15335 Total Events )

AOD Events Summed by Address
- Off-Sale Outlets
- 1 - 8 Events
- 9 - 24 Events
- 25 - 46 Events
- 47 - 101 Events

Data is for CY2015

Prepared by CLEW Associates Berkeley, CA 94710 July, 2017
# North Hills East Off-Sale Outlets

<table>
<thead>
<tr>
<th>PG #</th>
<th>Problem Group</th>
<th>AOD Freq’cy</th>
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<tr>
<td>08b</td>
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<tr>
<td>09a</td>
<td>Disturbance / Fight / Disorderly</td>
<td>0</td>
<td>6</td>
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<tr>
<td>12a</td>
<td>Dangerous Weapons / Shots</td>
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<td>1</td>
</tr>
<tr>
<td>13</td>
<td>Robbery / Attempt</td>
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<td>23a</td>
<td>Theft - Petty / Shoplifting - Non-Veh</td>
<td>0</td>
<td>2</td>
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<tr>
<td>29a</td>
<td>Drugs / Narcotics / Overdose</td>
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<td>1</td>
</tr>
<tr>
<td>30a</td>
<td>Alcohol Viols / Open Cont / False ID</td>
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<td>1</td>
</tr>
<tr>
<td>31</td>
<td>Drunkenness / Drunk in Public</td>
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<td>47</td>
<td>Fraud / NSF Checks / Embezzlement</td>
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<td>Municipal Code Violations</td>
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<td>All Other Offenses/Activities</td>
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<td><strong>Total</strong></td>
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BEER RUN PROJECT

OPERATION “THINK TWICE” (Beer Run Prevention Initiative)

Beer Run Prevention Project
Did you know that a Beer Run can lead to a Felony!

In California, an Estes Robbery is a robbery that occurs when a shoplifter tries to take some merchandise from a store and is confronted by a store clerk or security and attempts to push past the clerk or security guard, or in any way uses force or fear to avoid arrest.

(Penal Code Section 211)

A Community Partnership for PREVENTING BEER RUNS
Tips for Clerks

1. Make eye contact and greet each customer
2. Greet all customers, whether they make a purchase or not
3. Raise store clerk area 6” to 12” above floor for high visibility
4. Do Not shelve alcohol near the door or at the end of aisles
5. Arrange shelves so that clerk can directly see alcohol and other items
6. Do Not cover windows
7. Make sure that store is well lit
8. Use ceiling mirrors so that clerk can see entire store
9. Shrink wrap excess quantities of alcohol that are for storage
10. Keep only empty beer boxes for display
11. Post notice that you will prosecute all thefts
12. Install good quality cameras to capture activity inside of store
13. Have a panic alarm behind the counter for clerk
14. Use buzzer on the doors for beer coolers so you can hear doors open
15. Do Not physically engage or chase shoplifters
16. Consider your safety and the safety of customers
17. In the event of a Beer Run, document and call the police

Crime prevention begins at your location, take steps to prevent Beer Runs before they happen!

To learn more about the Communities In Action Coalition’s efforts to reduce underage drinking and other drug abuse, please call the San Fernando Valley Partnership at (818) 637-7767

San Fernando Valley Partnership

Communities in Action “To Prevent Underage Drinking”
IMPLEMENTATION OF LOCAL CONTROL
Direct Movement into Implementation

While City of Arvin and City of LA geared up to Implement Local Control ordinances, City of El Cajon was actively involved the community assessment process. El Cajon achieved positive results within two years of DAO adoption.
DEEMED APPROVED ORDINANCE: THE EL CAJON EXPERIENCE

How alcohol policy change improved quality of life
Community Problems:

- Over-concentration of alcohol outlets
  - 1/1,392 residents compared to state guidelines of 1/2,500 (El Cajon)
  - 1/1,486 resident in Santee
- Mostly independent markets, liquor stores, convenience stores with and without gas
- Signage that exceeds legal limit (safety concerns & contributes to blighted appearance)
- Homeless & serial inebriates: panhandling & public intoxication
- Excessive alcohol litter in public space
- A burden on law enforcement resources
- Overall: impacting public perception of safety
Why Deemed Approved:

- Provides an opportunity for a community to define standards regarding “place and manner” for alcohol sales
- Standards that are compatible with current and proposed neighboring land uses
- Can apply to alcohol licenses that were:
  - “grandfathered” (pre-date) the CUP process
  - Were permitted under a CUP
How it works

- The DAO would have little to no effect on existing stores UNLESS those stores violate the law

- Licensees that violate the law could face:
  - receive warnings
  - small fines
  - Lose their “deemed approved” status and be required to apply for a new CUP under the newly adopted standards
  - Multiple serious violations could result in loss of city business permit and eventually closure of the business (but only through a defined procedure)

- Cities can impose a fee to cover the cost of implementing and enforcing the ordinance.
ECPD continued to distribute retailer education regarding serial inebriates, and
Monitor sales to minors and serial inebriates
CASA continued working with retailers offering voluntary responsible alcohol sales and service training
Youth coalition developed PhotoVoice project illustrating alcohol impact on neighborhoods
More local data was generated

- Neighborhoods were surveyed for input
- Complaints were monitored
- Media generated
Data need 2: Alcohol-related crime

- But citywide data doesn’t illustrate “my neighborhood” very well (think: NIMBY)
- Apply archival crime data to specific maps
The KEY: Law Enforcement Partnership

- Police department understood the policy solution
- Can’t advocate for policy change
- Worked with the existing (archival) crime data to make it more relevant to residents: they are the advocates
- Coalition organizes residents
- Partnership is a two-way street
- Requires trust!
Combination of resident perceptions + very localized data = VERY POWERFUL!

• For residents & policy makers: clearly showed that liquor stores were central to their quality of life issues and safety concerns
Using data in El Cajon

- Community outreach & mobilizing materials
- Message framing & developing talking points for resident spokespersons
- Key points in media advocacy throughout the process

48% of non-DUI alcohol-related crime in El Cajon occurs within 600 feet (about 2 blocks) of small alcohol outlets

Used on front page of policy brief
Data told the story!

The majority of complaints regarding alcohol problems come from neighboring businesses.
In spite of a yearlong effort of working with alcohol retailers to voluntarily improve conditions ...

alcohol related crime (non-DUI) increased by 59% between 2010 and 2012.

This data sealed the deal!
The Deemed Approved Ordinance

- After a 9 month process of Public Hearings at the Planning Commission; and
- Multiple city-led workshops to hear from stakeholders and residents
- In November 2013, the El Cajon City Council unanimously adopted the County’s first Deemed Approved Ordinance
What has changed?

- Policy! This two year community and industry process distilled a very complicated land use and zoning policy into a solution to improve quality of life and economic prosperity.
- All off-sale liquor licensees are required to complete responsible alcohol sales and service training (every two years).
- No more than 25% of windows are allowed to have covering (of any type).
- Violators are held accountable.
What else changed?

- How law enforcement talks about the relationship between neighborhood safety and alcohol outlets
- How policy makers talk about the relationship between neighborhood safety and alcohol outlets
- Resident attitudes about long-term impacts of alcohol in the community — particularly the homeless, serial inebriates and pan-handlers (from hostile to compassionate)
Compliance Checks = Accountability

- Began 2014
- Hearing for violators were upheld on appeal to the city council
- First visited 79 stores that sell alcohol; including grocery stores, pharmacies, and convenience stores
- 21 sold to a minor decoy at least 1 time
- 3 of the 21 sold to a minor more than 1 time
- Hearing for those 3 violators were upheld on appeal to the city council
Sustainable Change

- **Data collection:**
  - Moving from policy adoption to implementation and now into enforcement and adjudication; between 2012-2014

- **Crime reduction between 2012 and 2014:**
  - 26% reduction in arrests for drinking in public
  - 35% reduction in arrests for public drunkenness
  - 93% reduction in arrests for minors in possession

- Significant reduction in panhandling, citywide

- <25% of window covered in signage (improves safety, prevents blight)
What else has changed

New business development!

City’s First Hotel ****

Mercedes Benz
Halfway There*
Local Control as a Statewide Prevention Resource

COUNTY PREVENTION COORDINATORS
CALIFORNIA SAPT BLOCK GRANT
IN-PERSON MEETING: SEPTEMBER 28

Friedner D. Wittman, CLEW Associates
Albert Melena, San Fernando Valley Partnership

1970s STATEWIDE OUTLET PROLIFERATION CALLS OUT FOR LOCAL CONTROL
## EVOLUTION OF LOCAL CONTROL FOR RETAIL ALCOHOL OUTLETS

<table>
<thead>
<tr>
<th>Decade</th>
<th>Zoning Type</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1970s</td>
<td><strong>Defensive Zoning</strong></td>
<td>Pioneer cities act to control growing overconcentration &amp; problem behavior</td>
</tr>
<tr>
<td>1980s</td>
<td><strong>CUP Problem-Solving Zoning</strong></td>
<td>County ADPs help cities; State provides research training/TA to cities.</td>
</tr>
<tr>
<td>1990s</td>
<td><strong>DAO Oversight Zoning</strong></td>
<td>League of California Cities &amp; ABC support LC as many cities adopt CUPs.</td>
</tr>
<tr>
<td></td>
<td><strong>DAO zoning for alcohol outlets</strong></td>
<td>meets court tests.</td>
</tr>
<tr>
<td>2010s</td>
<td><strong>Community Management Zoning</strong></td>
<td>Cities pursue low-risk alcohol settings &amp; norms (Arvin, El Cajon)</td>
</tr>
</tbody>
</table>
HALFWAY THERE
STATE AGENCIES & AOD COMMUNITY ASSISTANCE

Rapid proliferation & new kinds of retail alcohol outlets overwhelm ABC licensing process (make lemonade!).

(1) Cities turn to “defensive zoning” (spacing, enforcement)
(2) Calif agencies & AOD field help cities respond w/ CUPs
  • AOD researchers document problem-nexus.
  • California DADP provides TA for preventive planning.
  • County ADP programs help Cities mobilize
  • Calif AOD advocates help cities & League of Calif Cities.
  • Regional Calif workshops have federal influence (SPF).

(3) Cities & coalitions innovate their own LC (DAOs, overlays).
(4) Future is open to greater collaboration & development.
EVOLUTION OF LOCAL CONTROL
NUMBER & DENSITY OF RETAIL ALCOHOL OUTLETS

California: Total Alcohol Outlets, 1960-2010

California: Total Alcohol Outlets by Population, 1960-2010
Cities innovate on their own and collaborate well with County ADP and State-level assistance:

- Number of cities moving from regular zoning to CUP zoning is estimated to double from mid-1980s to mid-2000s.
- Cities act on their own only after problems become severe & highly visible (reactive and defensive zoning).
- Cities collaborate well with each other, county ADPs & AOD researchers (when opportunities arise).
- Cities and coalitions create innovative zoning (DAOs, mandatory RBS training, overlays to prevent morphing).
- “Problem-oriented” zoning (reactive) becomes “community management” (preventive) (with help).
1. Municipal Capacity to administer ordinance. Adoption of powerful zoning ordinances requires capacity to implement powerful oversight technology.

- **Operational issues**: Need to build administration: (1) appropriate data, (2) consistent enforcement, (3) interagency coordination, (4) public exposure.

- **Political volatility of land-use issues**: (1) City agencies balance stakeholder interests. (2) Opponents resist oversight and compliance. (3) Cities respond to countervailing pressures.
2. State agency support for Local Control. Cities can use help with Local Control for Alcohol outlets. California agencies need to step up.

- **ABC**: Clarify State’s roles to help local jurisdictions.
- **DHCS (Lead agency)**: Pass on federal dollars to support LC for retail alcohol. Research to practice. Training/TA. Conduit for federal research funding.
- **DPH**: (Essential support) Epidemiology and data services; kindred admin for toxic environments.
- **OTS/DMV/SHSP**: (DUI envtl prevention initiatives)
- **SBOE**: Economic research has long been needed.
3. AOD community in California. AOD field can energize State agency and Statewide organization support for Local Control.

- **Service (Treatment/Recovery/Prevention)**: Carry State’s roles to help local jurisdictions.

- **Research**: Generate federal dollars to support LC for retail alcohol. Research to practice. Training/TA. Conduit for federal research funding.

- **Advocacy**: Get involved at State and local level.

- **Allies**: LCC, Victims groups, etc, Police Chiefs Association etc.
IMPLEMENTATION CHALLENGES
Generalized Next Steps for Cities

Develop Level 4 alcohol outlet zoning for to include full implementation by the local jurisdiction (cities and towns)

- **Build Community RBS.**
  City and County AOD prevention program collaborate to create 3-tier LC system with high H&S standards for retail alcohol outlets.

- **Build public agency capacity for Local Control Oversight.**
  1. Install preventive surveillance information system (police data)
  2. Establish interagency oversight group (APWG or equivalent)
  3. Facilitate public participation in oversight process (C-BERR)

- **Build CUP/DAO/RBS community standards.**
  1. Build standards internally through planning/zoning feedback.
  2. Link to county ADP, other cities and AOD prvn community.
CUP/RBS requirements need to address three-tiered RBS functions operating at a community (municipal) level.

- **Tier 1 RBS – Individual Server Training.** RBS training for staff who interact with customers & others coming to establishment.

- **Tier 2 RBS – Establishment alcohol management practices (AMP).** Establishment AMP manual includes alcohol sales/service training and preventive practices for promotion, pricing, pour-policy, patron care and premises management.

- **Tier 3 RBS – City oversight of establishment AMPs according to local CUP/DAO ordinances including RBS requirements.** Tier 3 oversight provides quality control and fidelity of implementation.
1. Continue to build a planning model for local control. SPF / C-BERR model is a start; critique & explore.

2. Continue to build a local “nexus” data system. Document local nexus & support local SPF planning using a data-driven social-epidemiology approach.

3. Continue to build nexus research. 
   Topics: Density Overlays; Community RBS (“3-Tier RBS); Retail setting risk-factors; Local Control outcome research based on comparative city evaluations with local data in a standard format.

HALFWAY THERE: STATE LEVEL
NEXT POLICY STEPS FOR IMPLEMENTATION*

1. **Provide assertive State support for local control** thru IPAC: Build support at DHCS, ABC, DPH, OTS & SBOE.

2. **Encourage County ADP support** for community-based environmental prevention initiatives thru Local Control.

3. **Build California AOD capacity for community action** through research, advocacy and community planning/organizing: Reach out through League of California Cities and other state-wide organizations: “Build it and they will come.”

THANK YOU!

Friedner D. Wittman  
President, CLEW Associates/Prevention by Design  
Berkeley CA  
fwittman@clewassociates.com

Albert Melena  
Director, San Fernando Valley Partnership  
San Fernando CA  
amelena@sfvp.org

Dana Stevens  
Director, CASA (Community Action Service Agency)  
El Cajon CA  
Dana.Stevens@eccasa.org