

Best Practices in Alcohol Policy for Cities and Counties

Ventura County, California

A Model for Regulating the Social Availability of Alcohol to Youth and Reducing Alcohol-Related Harms from Licensed Retail Outlets

135th Meeting of the American Public Health Association

Stacy L. Saetta, J.D., ssaetta@pire.org

Center for the Study of Law and Enforcement Policy

Pacific Institute for Research and Evaluation

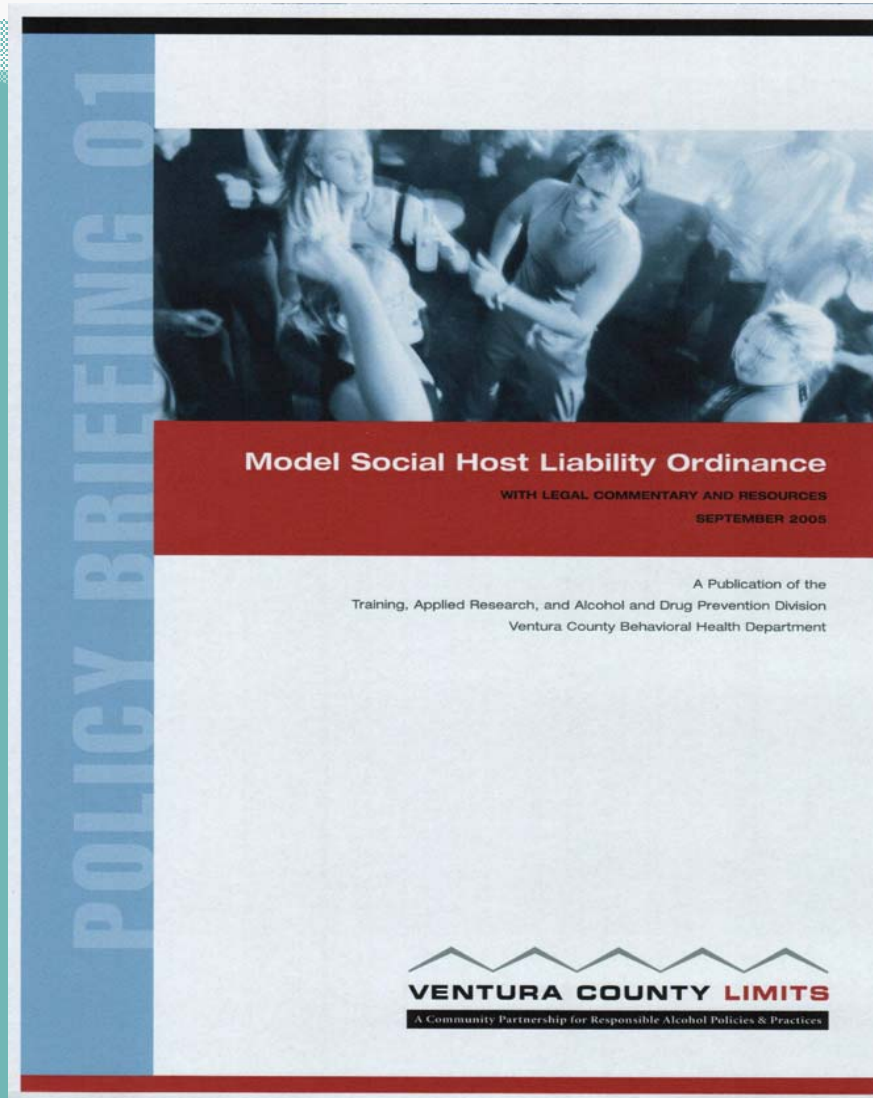
Felton, California

The Ventura County Strategy

1. Passage and enforcement of new laws addressing:
 - Underage drinking parties on private property;
 - Problem outlets;
2. Media advocacy; and
3. Sustained involvement of community partnership Ventura County Limits (VCL) (law enforcement, higher education, city and county government, local coalitions, parents, youth/young adults).

Model social host liability ordinance

www.venturacountylimits.org



The Ventura model: a public nuisance approach

www.venturacountylimits.org



Best practice : Responsible persons under a SHO

- **Persons who possess or control private property** should be held responsible persons under a SHO. They have a duty not to commit public nuisances on their property and therefore have a duty to ensure that alcoholic beverages are not served to, or consumed by, underage persons at gatherings held on private property.

Best practice: Penalty under a SHO is swift, certain, and severe to have a deterrent effect.

- Imposing a **monetary penalty** for social hosting rather than making social hosting punishable by jail time may be better at reducing number and size of underage gatherings and their consequences.

Best practice: Civil or Criminal?



CRIMINAL

- Prosecutors give infractions and misdemeanors low priority.
- Burden of proof beyond a reasonable doubt.
- Must show that the defendant knowingly allowed underage drinking/possession to occur on private property.

CIVIL

- A civil penalty can be challenged in a streamlined proceeding before the city, outside the criminal justice system.
- Burden of proof lower in non-criminal cases.
- Strictly civil fines do not require proof that the responsible person actually allowed underage drinking/possession to occur.



Regulating problem outlets



Variables addressed by model CUP and deemed approved ordinances

- Number of alcohol outlets
- Types of alcohol outlets
- Concentration of outlets
- Location of outlets
- Retail practices



CUP and deemed approved ordinances

- **Ventura County Limits best practices guide** on municipal regulation of alcohol related harms from problem alcohol outlets
- **Model ordinance on conditional use permits (CUP)** to regulate **new** alcohol outlets
- **Model ordinance** conferring “**deemed approved**” status on alcohol outlets in existence **before** enactment of a conditional use permit ordinance

Best practices in CUP ordinances

- Restrictions on location and density of outlets:
 - Commercial zone restrictions
 - Model “spacing” requirements
 - Distance requirements between outlets

Best practices in CUP ordinances

- Operational standards
 - Mandatory requirements that apply to all outlets and typically general in nature
 - E.g., prohibitions against public nuisance activities and activities that violate state and local laws
- Responsible beverage service (RBS) training requirements

Best practices in CUP ordinances

- Conditions of approval
 - If standard, apply to all new outlets
 - If discretionary, applied on a case by case basis

Conditions of approval in CUP

- Sound walls
- Graffiti removal
- Exterior lighting
- Trash receptacles
- Pay telephones
- Complaint response, community relations program
- Prohibited activities
- Prohibited vegetation
- Security cameras
- Loitering
- Drug paraphernalia
- Limitations on signs and advertising
- Prohibited alcohol problems
- Chilled alcoholic beverages
- Hours of operation
- Paper or plastic cups
- Size of signage

Hours of operation

Best practices in CUP ordinances

- Special treatment of restaurants
 - Treating restaurants similarly to other types of outlets;
 - Exempting them from the ordinance entirely; or
 - Developing separate standards applicable to restaurants.



Responsible Beverage Sales and Service (RBS) Training Ordinance

RBS training at the local level

- Local RBS training programs can be mandatory, voluntary, or a combination of both.
- RBS training is strictly voluntary at the state level in California.
- RBS training can be part of a CUP/deemed approved ordinance or as a stand alone ordinance

VCL's RBS training ordinance

- **Ventura County Limits best practices guide** in responsible alcoholic beverage sales and service training
- **Model ordinance** on RBS training



Best practices in an effective RBS training ordinance

- Mandatory RBS training
- Curriculum standards for RBS training programs
- Training customized to targeted audiences
- RBS training program format requirements



Best practices in an effective RBS training ordinance

- Comprehensive active surveillance system under which the municipality certifies and monitors training programs and trainers

Best practices in an effective RBS training ordinance

- Penalty requirements
 - Administrative penalties and civil response costs recovery over criminal penalties
 - Licensees are target of graduated penalties
 - RBS training providers also are target of penalties

Thank you.

Stacy L. Saetta, J.D.

ssaetta@pire.org

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