TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER
DEPARTMENT: POLICE

DATE: NOVEMBER 15, 2004

CMR:468:04

SUBJECT: ACCEPTANCE OF ALCOHOLIC BEVERAGE CONTROL GRANT IN THE AMOUNT OF $18,778 FOR UNDERCOVER DECOY OPERATIONS RELATED TO UNDER-AGE DRINKING

RECOMMENDATION

Staff recommends that the City Council accept grant funds from the State of California Department of Alcoholic Beverage Control in the amount of $18,778 for undercover decoy operations targeting the illegal sales of alcoholic beverages to minors under the age of 21.

BACKGROUND

The State of California and local law enforcement agencies, including the City of Palo Alto, have conducted undercover decoy operations in attempts to reduce the number of Alcohol Beverage Control violations as well as reduce injuries and deaths associated with under-age drinking. A study by the California Department of Alcohol Beverage Control (ABC) has revealed that there is a higher rate of drunk driving fatalities involving youths under the age of 21 than there are with adults.

The California ABC has been working cooperatively with local law enforcement agencies conducting undercover under-age drinking decoy operations since the 1980s, when the statewide rate of selling alcohol to minors was as high as 40 to 50 percent. Since undercover operations have been conducted, the rate has dropped in some cities to as low as ten percent or lower. The latest violation rate statewide is almost 24 percent. In other words, nearly one of every five retail licensees are selling alcohol to minors.

The Palo Alto Police Department has experienced various crimes related to the sales of alcoholic beverages to minors, as well as under-age drinking. From January 2002 to July 2004, the Department made 34 arrests for juveniles driving under the influence (DUI). Three minors were arrested for being a vehicle passenger in possession of an alcoholic

beverage. In addition to these drinking and driving violations, Palo Alto Police arrested minors for a variety of possession of alcohol charges, including 14 minors for possession of or furnishing alcohol, three for selling alcohol, five for possessing a fake identification, 55 for minor in possession of alcohol in a public place, and 40 minors were arrested for being in possession of alcohol at a private gathering. Additionally, Palo Alto Police made 69 arrests of minors under 21 for being drunk in public.

In 1994, the California Supreme Court ruled unanimously that use of decoys is a valid tool of law enforcement to ensure that liquor licensees are complying with the law. In August 2004, 29 different California cities and counties were awarded grant funding to conduct such undercover decoy operations. The City of Palo Alto was one of those jurisdictions selected as a result of staff proposal and grant submission to the ABC.

DISCUSSION

Staff has been notified that ABC has approved its grant proposal for the entire amount requested - $18,778. The primary goals of this grant program include the enforcement of ABC laws, reduction in the number of illegal sales of alcohol to minors, reduction in the number of DUI fatalities and/or injuries and increased education to the public as well as businesses on the hazards associated with underage drinking.

Specifically, the Palo Alto Police Department will be conducting a minimum of nine such undercover decoy operations in a period of 18 months, between September 2004 and March 2006.

Decoy operations will include three plainclothes police officers and one police agent acting as a supervisor of the detail. Operations are generally anticipated to last approximately six to eight hours and encompass five to twenty separate locations in Palo Alto with an “off-sale” liquor license. Store clerks or employees who sell alcoholic beverages to minors will be informed of the violation they committed and issued a misdemeanor arrest citation for violation of 25658(a) California Business and Professions Code. Additionally, the business liquor license will receive administrative sanctions by the ABC. Within 72 hours of a misdemeanor citation being issued, the business will receive a formal letter from the Police Department informing them of the violation by their employee(s). Conversely, businesses found to not commit any violations of selling alcoholic beverages to minors will also receive a notification that their business was subjected to an undercover decoy operation and that their employee(s) performed lawfully. This is an effort to educate as many business owners and employees as possible of the program and the law.
**RESOURCE IMPACT**

An allocation in the amount of $10,433 will be made at midyear for costs associated with the purchase of equipment, supplies and overtime for fiscal year 2004-2005. Grant revenue totaling $10,433 to offset these expenditures will be received from the California ABC, via the State Office of Traffic Safety, as reimbursement. In 2005-2006, $8,345 in expenses and reimbursements will be requested to maintain the program through March 2006, meeting the grant goals and objectives.

No additional officer positions will be added to the Department’s approved staffing allocation; the program will be implemented with existing staff, reimbursed on an overtime basis. The program will be reevaluated at the conclusion of the grant to determine the success of the program.

**POLICY IMPLICATIONS**

This grant acceptance is consistent with City policy.

**ENVIRONMENTAL REVIEW**

This is not a project subject to California Environmental Quality Act (CEQA) requirements.

**ATTACHMENTS**

Copy of grant contract with the State of California Department of Alcohol Beverage Control.

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