



## North Dakota SPF-SIG Implementation Planning Training

**Strengthen the prosecution, adjudication, and  
sanctioning of alcohol laws within the court  
system**

**Restrictions on Alcohol Discount Promotions  
(e.g., Happy Hour)**

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Time	Tuesday, October 21, 2014	Wednesday, October 22, 2014
8:30 AM – 10:00 AM	<ul style="list-style-type: none"> <li>Alcohol Restrictions at Community Events</li> <li>Responsible Event Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Social Host Liability</li> <li>Teen Party Ordinance</li> </ul>
10:15 AM – Noon	<ul style="list-style-type: none"> <li>School Policies and Violations</li> <li>College Campus Policies</li> </ul>	<ul style="list-style-type: none"> <li>Alcohol Warning Posters</li> <li>Counter-Marketing and Counter-Advertising Campaigns</li> </ul>
1:00 PM – 2:30 PM	<ul style="list-style-type: none"> <li>Worksite Policies</li> <li>Alcohol screening and education in Healthcare settings</li> </ul>	<ul style="list-style-type: none"> <li>LifeSkills Training (LST), or other programs targeting school-aged youth K-12 found on NREPP</li> <li>Prime for Life, or other programs targeting high risk found on NREPP</li> </ul>
2:45 PM – 4:30 PM	<ul style="list-style-type: none"> <li>Media Advocacy</li> <li>Texting Tipline</li> </ul>	<ul style="list-style-type: none"> <li>Strengthen the prosecution, adjudication, and sanctioning of alcohol laws within the court system</li> <li>Restrictions on Alcohol Discount Promotions (e.g., Happy Hour)</li> </ul>

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## Objectives

Participants will be able to:

- Clarify the goals and intended outcomes of the strategy
- Identify the components of a comprehensive strategy
- Determine the key planning steps necessary to implement the strategy
- Build a “work group” to implement the strategy

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## Expectations




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## Our Planning Process



### The Strategic Prevention Framework

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## Introductions

**HELLO**  
my name is

Please introduce yourself:

- Name
- Where you are from
- “Hat” you are wearing
- Member of a SPF-SIG Coalition or Work Group

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### Coalition Building - Activity

Discuss efforts you have made to engage the following sectors into your planning efforts:

- Law enforcement
- Local Liquor Control Board
- Juvenile Courts
- Adult Courts
- Probation
- Local defense attorney
- Others...




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### Strengthen the prosecution, adjudication, and sanctioning of alcohol laws within the court system

#### The Big Picture




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### The Local Condition




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### The Local Condition

Collect data to fully understand the local condition

**Surveys**

- Youth Survey
- Parent Survey
- Community Survey

**Qualitative Data**

- Focus Group
- Key Informant Interview
- Town Hall Meeting
- Observation
- Environmental Scanning

**Archival Data**

- Education
- Law Enforcement
- Health Care
- Commerce
- Census

**Understand each specific "high risk" situation**

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### Strengthen the prosecution, adjudication, and sanctioning of alcohol laws within the court system

**The Big Picture**




Administrative (Civil) Penalties

Criminal Penalties

**The Local Condition**

**Law Enforcement Response**

**Courts and Judicial System Follow Up**

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### Law Enforcement Response

Depending on the laws and policies in place law enforcement can respond to an incident in any number of ways.

For example, if police respond to the report of a teen party at a local residence the law enforcement or District Attorney may:

- File criminal charges for Social Host Law violation, and/or
- Issue a civil citation for a Social Host Law infraction resulting in a fine against the homeowner or,
- Issue a civil citation for some other offence (e.g. noise, parking violations)
- Disperse the crowd and send folks home.

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### Court System Follow Up

Depending on the charge:

- Administrative or civil penalties tend to be handled through a local or state agency or administrative office (e.g., license revocation for DUI is handled through the DMV).
- Criminal penalties are processed through the appropriate court system (e.g., Juvenile or Adult Court)

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**DrivingLaws.org**

DUI Laws & Penalties • DUI Charges • State Driving Laws • Lawyer Directory • For Lawyers

Driving Laws > State DUI & Driving Laws > North Dakota >

### First Offense DUI in North Dakota

Need Professional Help? Talk to a Local Defense Attorney.  
Enter Your Zip Code to Connect with a Lawyer Serving Your Area  
Enter Zip Code



A first DUI conviction in North Dakota results in criminal penalties (jails, fines, etc.) as well as administrative remedies (license suspension).

**Administrative Penalties**

- License suspension of 91 days if blood alcohol content (BAC) is 0.08% - 0.17%, license suspension of 180 days if 0.18% or greater
- Reinstatement contingent upon completion of alcohol/drug assessment and obtaining SR-22 coverage, but for first offenders, ignition interlock devices are not required, unless specifically ordered at discretion of the courts
- Refusal to submit, under implied consent laws in North Dakota, result in automatic one (1) year license suspension for first offense

**Criminal Penalties**

- There is no mandatory minimum period of incarceration for first offense DUI convictions in North Dakota, although defendants face possibility of incarceration pending the case-specific nature of each offense.
- A first offense is a Class B misdemeanor
- There is a \$500 fine if BAC below .15
- Two days imprisonment and \$750 fine if .15 or greater
- Addiction evaluation required

**How Much Will it Cost?**  
To get an idea of how much a first offense DUI will cost you, see our article on the cost of a DUI.

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### The Big Picture - Activity

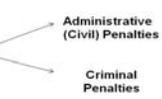
- Discuss your current understanding of “the big picture” in your community. Who in your community could describe the relationships?



**The Local Condition**



**Law Enforcement Response**



**Administrative (Civil) Penalties**

**Criminal Penalties**

**Courts and Judicial System Follow Up**

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## Case Study – Portland, OR - SNAP Coalition

### The SNAP Coalition

- Established in xxxx as the Safe Nightlife Advocacy Partnership,
- Awarded Oregon SPF-SIG Grant in
- Reorganized as Safe Neighborhoods Advocacy Partnership in 2014
- Award DFC Grant in August. 2014




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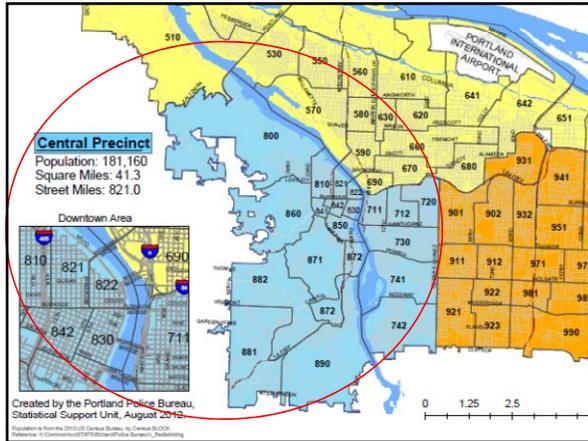
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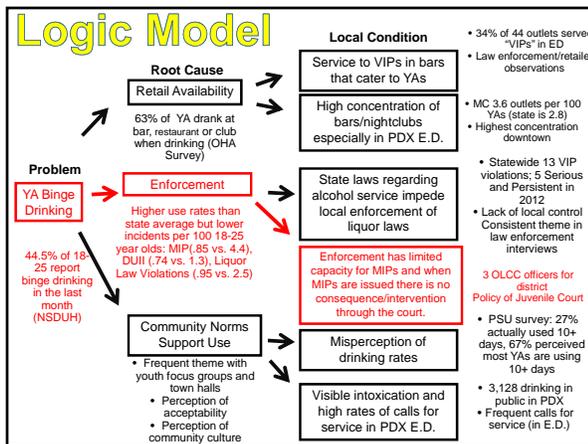
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**Case Study – Portland, OR - SNAP Coalition**

**The Local Condition**

**Survey Results:**

- 39.4% of 11<sup>th</sup> graders reporting use of alcohol in last 30 days
- 21.0% of 11<sup>th</sup> graders reporting binge drinking with last 2 weeks
- 44.5% of 18-25 year olds report binge drinking in last 30 days

**Youth focus groups** report: 1) They were not afraid of getting caught by the police; and, 2) Friends who were caught were more concerned about their parents finding out than legal consequences.<sup>3</sup>

**Law enforcement interviews:** Identified 10 “Hot Spots” where underage drinking occurs including: local parks, downtown parking garages, underage accessible clubs.

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**Case Study – Portland, OR - SNAP Coalition**

**The Police Response**

- In 2012, the enforcement rates for 18-25 year olds in Portland was lower than the OR state average:

	<u>Portland</u>	<u>OR State Average</u>
MIP	.85 /100	4.4 /100
DUII	.74 /100	1.3 /100
Liquor Law Violations	.95 /100	2.5 /100

- In 2013, there were just 35 MIP arrests for minors 17 and under and 36 MIP arrests for minors 18-20 in Central Portland (population 181,160).
- Law enforcement has assigned a low priority to enforcing underage drinking.

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**Case Study – Portland, OR - SNAP Coalition**

**The Court System Follow Up**

Multnomah County Juvenile Court has a policy of dismissing all first and second MIP citations, rather, a letter is sent to parents for the 1st and 2nd time offenses.

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**Case Study – Portland, OR - SNAP Coalition**

**The Comprehensive Strategy**

**Enhanced Enforcement**

Implement strategies to increase enforcement of MIP violations:

- Purchase an E-ticket writer
- Targeted patrols of “hot spots” in public locations
- Increased signage and publicity at the hot spots
- Streamline MIP processing procedures

**Juvenile Court Options**

Multnomah County Juvenile Court to establish a range of options for MIP citations:

- Suspension of driving privileges
- Victims Impact Panel
- Fines and Community Service
- Required attendance at Alcohol Class w/parents
- Assessment and treatment for alcohol addiction

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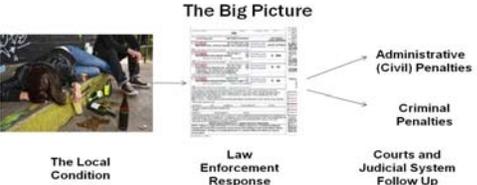
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**The Big Picture - Activity**

- Discuss your current understanding of “the big picture” in your community. Who in your community could describe the relationships?

**The Big Picture**



The Local Condition → Law Enforcement Response → Administrative (Civil) Penalties / Criminal Penalties → Courts and Judicial System Follow Up

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**Strengthen the prosecution, adjudication, and sanctioning of alcohol laws within the court system**

**Considerations**

- Understand the local condition
- Engage Law Enforcement, the Courts and Juvenile Justice
- Establish clear goals for the effort
- Consider a range of options
- Include as part of a comprehensive strategy to address a local condition
- Form a work group



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### Form a Work Group

Benefits include:

- Engage a variety of sectors and cultures with different skills and viewpoints
- Share the work and leverage resources
- Networking opportunities
- New ideas and energy
- Information sharing and feedback
- Shared publicity
- Cultural competence & Sustainability




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### Identify Work Group Members

Identify individuals and organizations who can become involved in this strategy (depending on the policy):

- Law Enforcement
- Courts and Administrative Personnel
- Youth and Parents
- Residents
- Local Coalition
- Other:

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### Identify Work Group Members

Activity:

- 1) Identify an individual or organization who you wan recruit.
- 2) What role can they play in this strategy?
- 3) In your community how would you recruit this individual or organization?
  - Who would you contact?
  - What would you say to them?




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### Next Steps



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### Restrictions on Alcohol Discount Promotions

Fargo Cass  
Grant Forks

- Describe:
1. The problem being addressed
  2. The intervening variable
  3. The process used to choose this strategy.

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### Restrictions on Alcohol Discount Promotions

Drink promotions such as happy hours may contribute to excessive and rapid consumption of alcohol. These practices include price reduction on certain drinks for a specific time period and theme nights where certain people receive free drinks.

Happy hour restrictions aim to reduce alcohol availability through restriction of these promotional activities



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## Restrictions on Alcohol Discount Promotions

### Examples of Efforts to Sell More Alcohol

**Weekly Specials**

Mon	Tue	Wed	Thu
<b>MAHALO MONDAY</b> 10% of each Monday's proceeds are donated to a local charity.	<b>2 * 1/2</b> Two Apps & Two Tropical cocktails for \$20 (all items not included)	<b>ALL NIGHT HAPPY HOUR</b> Our regular happy hour pricing all night long!	<b>WORD OF THE DAY</b> Follow us on Facebook & Twitter for great specials, after 6pm

**HAPPY HOUR**

2-4-1 DRINKS

11AM-5PM

EVERY DAY

**DRINK UP**

**PRICE DOWN**

MON-FRI, 3-4 PM, AVAILABLE IN THE BAR & LOBBY AREA

\$1.99	CAN OF BEER
\$2.99	CAN OF CRAFT BEER
\$3.99	GLASSES OF WINE
\$4.99	COCKTAIL

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## North Dakota Does Not Have "Happy Hour" Laws

### STATES WITH "HAPPY HOUR" LAWS



HO: Map

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## Restrictions on Alcohol Discount Promotions

"Happy Hours" Laws include Prohibiting:

- Happy hours and/or drink specials
- Free beverages
- Additional servings
- Reduced price specified day or time
- Unlimited beverages - fixed price, time
- Increased volume
- Prizes

**OUR 2 FOR 1 HAPPY HOUR**

IS NOW

**ALL DAY, EVERY DAY OF EVERYTHING**

HO: Town Hall

Which of these practices do you see at bars in your community?

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### Restrictions on Alcohol Discount Promotions

#### ALABAMA (Code of Alabama 1975 Section 28-3-49)

It shall be unlawful for any licensee to serve:

- multiple drinks for a single price;
- establish a single retail price upon the required purchase of two or more drinks
- sell or otherwise furnish drinks before 10 a.m. or after 9 p.m. at a price which is reduced from the usual customary or established retail price
- sell or provide one person or group of persons drinks at prices less than those charged the general public for that day (Code of Alabama 1975 Section 28-3-49)

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### Restrictions on Alcohol Discount Promotions

The states which restrict happy hours use two different methods to do so:

- Half of the states curtailing the practice use administrative codes. In these cases the enforcement is delegated to their state's alcoholic beverage commission and given them the power to make whatever rules they feel are best.
- The other sixteen states place the restrictions in their statutes and can be enforced through civil or criminal law.

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### Steps to Conducting an Environmental Scan

1. Identify what you want to know
2. Determine how you will collect the information
3. Conduct the environmental scan
4. Analyze the findings and share the results



HO: Scans

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### Steps to Conducting an Environmental Scan

**1. Identify what you want to know.** 

General information about the drug problem in the community ↔ Detailed information about specific local conditions

Is there a drug problem?      Where are drugs sold?      Where are drugs used?

What is the Price?      Who is selling?      How are the drugs promoted?

Where can youth get drug paraphernalia?      Where?      Which drugs are being used?

What are retailer practices?

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### Steps to Conducting an Environmental Scan

**2. Determine how you will collect the information**

Depending on what you want to know environmental scanning can include:

- Observations
- Interviews and Surveys
- Internet Research



For each method determine how the information will be collected and reported.

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### Steps to Conducting an Environmental Scan

**3. Conduct the environmental scan**

- Define the boundaries to be scanned.
- Establish a **standardized protocol** with:
  - Instructions for conducting the scan
  - Data collection procedures
  - Security warnings and contact information
- Implement a Method of Oversight – “Two Sets of Eyes.”
- Report Illegal Behaviors to the Appropriate Authorities
- Obtain appropriate permissions
- Follow up with data collectors



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### Form a Work Group

Benefits include:

- Engage a variety of sectors and cultures with different skills and viewpoints
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- Networking opportunities
- New ideas and energy
- Information sharing and feedback
- Shared publicity
- Cultural competence & Sustainability




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### Identify Work Group Members

Identify individuals and organizations who can become involved in this strategy:

- Bar and Restaurant Owners
- Alcohol beverage Control
- Economist
- Law Enforcement
- District Attorney
- Coalition
- Others:

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### Identify Work Group Members

Activity:

- 1) Identify an individual or organization who you wan recruit.
- 2) What role can they play in this strategy?
- 3) In your community how would you recruit this individual or organization?
  - Who would you contact?
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## Next Steps



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## Resources

CADCA – Community Anti-Drug Coalitions of America

[www.cadca.org](http://www.cadca.org)

Help & Technical Assistance – Contact:

800-54CADCA x240

[training@cadca.org](mailto:training@cadca.org)

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