



City of Olympia | Capital of Washington State

P.O. Box 1967, Olympia, WA 98507-1967

October 7, 2013

Washington State Liquor Control Board
3000 Pacific Ave SE
Olympia, WA 98504

Dear Liquor Control Board,

Pursuant to the Board's letter on July 2, 2013, enclosed please find additional document in support of the City's proposed AIA. The materials demonstrate compliance with WAC 314-12-215 and specifically subsections 3(c) and 4(b)(i) to (iv). The City is modifying its proposed banned products list. The City is now only proposing to ban the following products:

Manufacturer	Brand Name	Alcohol Content by Volume
The Steel Brewing Co	Steel Reserve - All Flavors	8.10%
Anheuser Busch	Hurricane High Gravity	8.10%
Miller Brewing Co.	Milwaukee Best Ice	5.90%
Miller Brewing Co.	Olde English 800 - All Flavors	5.90%
Mickey's Brewing Co.	Mickey's Ice	5.80%
Drink Four Brewing Co.	Four Loko - All Flavors	12.00%
Mike's Hard Lemonade Co.	Mike's Harder - All Flavors	8% - 9.9%
Coors Brewing Co.	Keystone Ice	5.90%
Olde English 800 Brewing Co.	Olde English 800 High Gravity	8.00%

Very Sincerely,

Steve Hall
City Manager
City of Olympia

olympiawa.gov

MAYOR: Stephen H. Buxbaum **MAYOR PRO TEM:** Nathaniel Jones **CITY MANAGER:** Steven R. Hall

COUNCIL MEMBERS: Jim Cooper, Julie Hopkins, Steve Langer, Jeannine Roe, Karen Rogers

Section 2

City's response to the Board's request for additional documentation and the directive to work collaboratively with industry representatives to seek a workable voluntary compliance environment that would address the city's public safety concerns



City of Olympia | Capital of Washington State

P.O. Box 1967, Olympia, WA 98507-1967

October 2, 2013

Washington State Liquor Control Board
PO Box 43098
Olympia, WA 98501

RE: City of Olympia's proposal Alcohol Impact Area

Dear Liquor Control Board:

The letter to City Manager Steve Hall from the Liquor Control Board dated July 2, 2013, cited two primary Washington Administrative Code provisions as the basis for the Board's preliminary denial. LCB staff have subsequently clarified that the two WACs relied on are: WAC 314-12-215(3)(c) and WAC 314-12-215(4)(b)(i-iv). See attached email from Joanne Sample. The Liquor Control Board also cited to WAC 314-12-215(3)(e) ("similar beverages"). However, because the City is now only proposing beverages that have been observed in Olympia's downtown, this WAC is no longer relevant. The City will not at this time be proposing beverages that have not been observed in downtown.

The explanation for the lack of compliance with WAC 314-12-215(3)(c) was in essence: "the 'beer can alley audit' failed to meet a standard of 'statistically documented evidence.'" The explanation for the lack of compliance with WAC 314-12-215(4)(b)(i-iv) was in essence: ("The City has not made a good effort to engage affected stakeholders (distributors and retailers) to explore the possibility of a voluntary program." Accordingly, the City considers that these two WACs are the only two remaining issues pertinent to the City's proposed alcohol impact area and that City's proposal complies with the rest of the applicable WAC.

The City will address each WAC in turn.

1. WAC 314-12-215(3)(c) provides in relevant part:

What conditions or restrictions may the board recognize for an alcohol impact area?

(c) Product restrictions must be reasonably linked to problems associated with chronic public inebriation or illegal activity. Reasonable links include, but are not limited to: Police, fire or emergency medical response statistics; photographic evidence; law enforcement, citizen or medical-provider testimonial; testimony by current or former chronic public inebriants; litter pickup; or other statistically documented evidence that a

reasonable person may rely upon to determine whether a product is associated with chronic public inebriation or illegal activity.

In support of this WAC, the City submits the following:

1. Police, fire and medical response statistics:

- A. Calls for service and other statistics regarding prevalence and percentage of alcohol related events provided in Olympia staff report submitted previously as well new Olympia staff report
- B. Affidavit by Deputy Fire Chief Greg Wright that fire and medical statistics on specific brands does not exist.
- C. Affidavit by Officer Jeff Herbig describing prevalence of brands and associated arrests, linking proposed restricted products to problems associated with public inebriation as well as illegal activity.

2. Photographic evidence:

- A. Along with photographs taken during last year's voluntary ban and previously provided to the LCB, hundreds of photographs of specific beverages are being submitted to the LCB on disc, along with hard copies of selected photos these were taken during the industry's voluntary ban on single serves prior to 1 pm.
- B. Photographs submitted by Officer Jeff Herbig as part of his affidavit.
- C. Interpretative explanation of the photographs by Brian Wilson in the staff report and in his affidavit

3. Law enforcement testimonial:

- A. Affidavit by Officer Jeff Herbig
- B. Testimony made during the last public hearing by Olympia Police Chief Ronnie Roberts
- C. Affidavit by Olympia downtown code enforcement officer Brian Wilson

4. Citizen testimonial:

- A. Testimony by Jeff Trinnon at prior public hearing
- B. Testimony by Dick Waggenen made at prior public hearing
- C. Testimony by Meghan Sullivan from Together at prior public hearing
- D. Testimony by Darren Mills at prior public hearing
- E. Testimony by Olympia Mayor Stephen Buxbaum at prior public hearing. The Mayor also provided extensive testimony about the City's various voluntary efforts at improving downtown.
- F. Affidavit by Brian Wilson along with accompanying staff report linking City's proposed ban products list to problems associated with public inebriation or illegal activity.
- G. Affidavit by Olympia Parks Maintenance Manager Jonathon Turlove

5. Litter pickup:

A. The photos submitted on disc and hard copy to the LCB demonstrate substantial accumulations of trash, which itself is a problem and also represents illegal activity of public consumption of alcohol and littering. The City picks up litter in alleys ways as part of project clean team.

6. Other documented evidence, using statistics:

A. Affidavit by Brian Wilson along with accompanying staff report, linking products proposed to be banned with problems associated with public inebriation or illegal activity.

One issue is whether this WAC only allows statistical evidence. A close examination of the WAC shows that it does not require solely statistical evidence, and it does not exclude all other forms of evidence. "Statistics" is defined in Webster's online dictionary as "a branch of mathematics dealing with the collection, analysis, interpretation, and presentation of masses of numerical data." A photograph is not numerical data; the image is not a number. Likewise litter pick up is not numerical data. Further, a citizen testimonial is not statistical data.

Because photos, litter pick up and citizen testimony are not inherently statistical data, one might wonder why the word "other" is found prior to "statistically documented evidence." One logical explanation is that "other" modifies the word evidence, meaning that other evidence can show the link product restrictions and problems associated with public inebriation or illegal activity. Other evidence that is statistical in nature may have greater weight with the Liquor Control Board.

The WAC only requires a reasonable link between product restrictions and problems associated either public inebriation or illegal behavior. Notably, the City only needs to show problems with public inebriation or illegal behavior but not both. The WAC then goes on to suggest a non-exclusive list of other ways to demonstrate that link. The WAC uses the word "include" before the list. This means that the City could provide other ways outside of the list to prove the link. Otherwise, the WAC would say something like "is solely limited to." In other words, the word "include" is a common and typical legal word to refer to a subset but that there other ways to get to the same conclusion, i.e. the link between product restrictions and problems associated with public inebriation or illegal activity.

Although it may be tempting to accept the industry's apparent argument that only data can be accepted, that argument is not supported by the examples of the types of evidences specifically authorized in the WAC. Moreover, that argument is not supported by the use of the word "include" prior to the non-exclusive list of examples. Further, that argument is not by a common sense approach to the WAC. Yes, statistics may be a common form of evidence. However, there are other commonly accepted forms of evidence, such as professional judgment and opinion of law enforcement.

One commonly accepted evidence that is accepted with weight is the professional judgment and opinion of experts and persons that practice in a particular area and are thus credentialed

by their position or on the ground experience. The City is submitting affidavits expressing the professional judgment and opinion of Deputy Fire Chief Greg Wright, Olympia Police Department Officer Greg Wright and Olympia Parks Manager Jonathon Turlove. These affidavits make the link between products and problems associated with public inebriation and illegal activity. Although the affidavits of Wright and Turlove do not identify specific products, that is reasonable pursuant to the WAC. As explained by Wright, the data does not exist. Moreover, it would not be reasonable under the WAC to require parks maintenance staff to engage in the unsafe and dangerous task of inventorying the in-hand beverage choices of inebriants in parks. However, their affidavits are supported by the data submitted by Brian Wilson, which shows a statically significant consumption of the beverages that are proposed to be banned in Olympia's downtown, which includes in Olympia parks.

One listed way to show that link between product restrictions and public inebriation is photographs. As mentioned, a photograph is not inherently a statistic or a number. It is, obviously, an image. As part of the City's submittal, the City is submitting on CD hundreds of photographs of products on the City's proposed banned beverage list. The photographs also show illegal behavior because drinking in public is illegal behavior. The products in the photographs were taken in locations where logically there was public consumption of alcohol, which is a public problem as well as an illegal activity. Moreover, the can photographs demonstrate littering, which is an illegal activity.

Another way to show the link between product restrictions and public inebriation is citizen testimony. Likewise, citizen testimony is not strictly speaking statistical data. The testimony from Olympia citizens also showed the link between the product restrictions and public inebriation and also illegal activity. That said, some of the citizen testimony, as described elsewhere in the City's submittal, refers to data collected.

Alternatively, even if the Liquor Control Board concluded that the only evidence that can be accepted is statistical in nature or which must be based on a statistical component, the City has amply met that standard. The City's survey of publicly consumed alcoholic beverages, evidenced by the photos and compiled data, demonstrates that hundreds of alcoholic beverages have been consumed illegally in public during the last 90 days and during the time when the retailers imposed a voluntary ban on single serves prior to 1 pm.

The City's survey and photos demonstrate that the City's proposed ban beverages have all been consumed illegally in public in the downtown of Olympia, hundreds of times, within the last 90 day and thus within the industry's self-imposed ban on single serves. The City's submittals and affidavits amply show that alcohol related calls are the number one calls for service in downtown. As testified by the City's Police Chief at the last public hearing, the other top crimes in downtown are often linked to inebriation as well. The testimony from private citizens, the affidavits of city employees and the City's submittals amply show that the City's downtown has been highly impacted by the use of these products by chronic public inebriants, causing problems and illegal activity.

Of the various examples of evidence that may be used to demonstrate the link under WAC 314-12-215(3)(c) between products and chronic public inebriation or illegality, the City has not used just one of those examples; Rather, the City is submitting evidence under almost all of the listed examples. The list of examples uses the word "or" at the end, meaning just one of the examples could be used, but the City used most of them. Neither the WAC nor any Liquor Control Board guideline demonstrate how much evidence is needed or what weight such evidence will be given. However, the City's submittals were modeled after the submittals of alcohol impact areas of other jurisdictions. The City has followed all known submittal requirements and all LCB staff suggestions about how to comply with the WAC.

2. WAC 314-12-215(4)(b) provides in relevant part:

(4) What types of voluntary efforts must a local authority attempt before the board will recognize an alcohol impact area?

(b) A local authority's efforts must include additional voluntary actions. **Examples include, but are not limited to:**

- (i) Collaborative actions with neighborhood citizens, community groups or business organizations to promote business practices that reduce chronic public inebriation;
- (ii) Voluntary agreements with off-premises sales licensees to promote public welfare, health, peace or safety;
- (iii) Licensees voluntarily discontinuing to sell a product;
- (iv) Distribution of educational materials to chronic public inebriants or licensees;
- (v) Detoxification services;
- (vi) Business incentives to discourage the sale of problem products; **OR**
- (vii) Change in land use ordinances.

The Liquor Control Board found that the City initially did not comply with this section, because the City had not met a good faith effort to engage affected stakeholders (distributors and retailers). Before describing the City's good faith efforts to engage the affected stakeholders, the City would point out that there are numerous ways to satisfy WAC 314-12-215(4)(b). Subsection 4(b) provides a non-exclusive list of examples voluntary efforts. The list of examples contains the word "or." The use of the word "or" necessarily means that the City may only need to meet one of the examples.

In fact, as described in the City's reports, the City satisfies section 4(b) in multiple ways. At the prior public hearing, Olympia Mayor Stephen Buxbaum described the multiple ways in which the City is voluntarily making multiple efforts to address downtown problems including public inebriation. This is further supported by the submittals of Brian Wilson. One example is that the City did adopt a change in land use ordinances, thereby satisfying WAC 314-12-215(4)(b) via subsection vii. These land use ordinances, Ordinances 6826 and 6841, were submitted to the Liquor Control Board during the last public hearing.

Another example is the City's use of the downtown ambassadors. As described in City's submittals, the downtown ambassador program provides educational materials to chronic public inebriants and identifies detox and rehabilitation opportunities when appropriate. Thus, the City satisfies WAC 314-12-215(4)(b) via its use of examples iv and v.

As to the Board's requirement to engage with the affected stakeholders, the City did so in good faith. The accompanying submittals demonstrate a number of meetings between the industry and staff and the City's Council's land use sub-committee. Unfortunately, as demonstrated by the accompanying affidavits of Jeff Herbig, Greg Wright, Jonathon Turlove and Brian Wilson, the industry's proposal on single serves prior to 1 pm would not effectively address the chronic public inebriation problems downtown. As demonstrated during the recent voluntary ban on single serves, multi-pack use has increased and hundreds of low cost, high alcohol beverages were illegally consumed in the public in downtown, with the containers illegally discarded - littered. Moreover, the majority of the problem behaviors occur after 1 pm. A ban on single serves prior to that time has little demonstrated effect.

The City did meet with the industry in good faith. Those meetings were very collegial and amicable. The City learned more about the industry, including the distributors and the retailers. We assume that the industry also learned more about the City's needs as well. Although the meetings ended without mutual agreement, the City believes the meetings ended in an amicable manner where each "side" learned more about each other.

Sincerely,



Darren Nienaber
Deputy City Attorney

DN:ljm

Darren Nienaber

From: Sample, JoAnn <josa@LIQ.WA.GOV>
Sent: Tuesday, July 16, 2013 8:01 AM
To: Darren Nienaber
Cc: Brian Wilson; Rathbun, Alan E
Subject: RE: Olympia AIA

Good Morning Darren,

Sorry for the delay in getting back to you. I came back from vacation and now I'm back on track.

1. Yes the references to Title 34 should be Title 314.
2. The citation to which they refer should read 314-12-215(4)(b)(i-iv).

Thanks for bringing this to our attention. If I can be of further assistance please let me know. Have a great day!

Jo Ann Sample, Management Analyst
Licensing and Regulation Division
Washington State Liquor Board
Phone: (360) 664-9888
E-Mail: josa@liq.wa.gov

From: Darren Nienaber [<mailto:dnienabe@ci.olympia.wa.us>]
Sent: Friday, July 12, 2013 4:48 PM
To: Sample, JoAnn
Cc: Brian Wilson
Subject: RE: Olympia AIA

Hi Joanne,

On behalf of the City, I have another question. The letter cites to various WACs. The second WAC references Title 34. That's just a simple typo and should be Title 314. However, the letter also references WAC 314-12-215(2)(iii)-(iv); However, I am not finding that WAC; the number 2 in parenthesis would need to be followed by a lower case letter rather than a roman numeral. The roman numerals follow the lower case letters. It looks like the Board intended to reference WAC 314-12-215(4)(b). Was that their intended reference?

Thanks,

Darren Nienaber
City of Olympia, Deputy City Attorney

From: Darren Nienaber
Sent: Wednesday, July 10, 2013 4:22 PM
To: josa@LIQ.WA.GOV
Cc: Brian Wilson
Subject: Olympia AIA

Hi Joanne,

We are trying to ascertain what kind of evidence would meet with the Liquor Control Board's approval under WAC 314-12-215(3)(c) and (e), and whether there are any other examples out there. Did they cite any examples of what would suffice? I think Brian may have already requested a copy of the tape from you.

A second question – and this may be one for you AAG. When the Liquor Control Board renders a final decision is that a final adjudicative decision under the APA (Chapter 34.05 RCW)?

Thanks!

Darren Nienaber
753-8044

Section 3

**Supporting affidavits from Brian Wilson, Downtown Code Compliance Officer, and
Officer Jeff Herbig, Downtown and Bike Patrol officer for the
Olympia Police Department**

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6 BEFORE THE
7 LIQUOR CONTROL BOARD
8 STATE OF WASHINGTON

9 IN THE MATTER OF THE CITY OF
10 OLYMPIA'S APPLICATION FOR AN
11 ALCOHOL IMPACT AREA

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14 DECLARATION OF BRIAN D WILSON

15 I, Brian Wilson, declare as follows:

16 I am the downtown code compliance officer and downtown liaison for the City of
17 Olympia. I am over the age of 18 and competent to testify.

18 My position with the City involves enforcing several sections of the Olympia Municipal
19 Code and acting as a liaison between the City Council and downtown community members such
20 as the Parking & Business Improvement Area board, Olympia Downtown Association,
21 Downtown Neighborhood Association, and downtown visitors. Our downtown faces a variety of
22 economic, social, and criminal challenges. As downtown Olympia plays a significant role in both
23 our regional history and local economy, it has become a top priority for City Council.

24 The Downtown Project is a multi-pronged approach toward accomplishing our City
25 Council's goal to "create a safer, more welcoming downtown for all." This citywide effort
26 includes a multitude of different efforts that break this goal into four distinct categories: Clean,
27 Safe, Economic Development, and Designing Public Spaces with Community-Wide Appeal.
28

DECLARATION OF Brian Wilson - 1

CITY OF OLYMPIA
City Attorney's Office
P.O. Box 1967/601-4th Ave. E.
Olympia, Washington 98507-1967
Telephone: (360) 753-8338

1 This focused approach comprises of more than 20 projects that range from the Downtown
2 Ambassador program, coordinating cleaning efforts, community focused policing, long-range
3 planning. The Downtown Ambassador program, which may expand, provides two highly visible
4 people on the ground greeting visitors and locals alike. Where a chronic public inebriant is
5 encountered, the downtown ambassadors can refer such individuals to detox or substance abuse
6 treatment. The program also placed three full time people - "the Clean Team" – which clean up
7 down streets, sidewalks, and alleys. A significant part of the refuse cleaned up by them includes
8 low cost, high alcohol beverages. Within the last year, the City has also specially assigned an
9 additional downtown walking/bicycle patrol officer to address the special problems in
10 downtown, including problems related to chronic public inebriation. Accordingly, an Alcohol
11 Impact Area, is only one part of the City's multi-pronged approach.

14 One of the many pieces of the Downtown Project puzzle is reducing chronic public
15 inebriation and associated public problems through the establishment of a state-recognized
16 Alcohol Impact Area (AIA). Our Council was drawn to this program based on escalating
17 concerns from citizens and businesses regarding chronic public inebriation and the positive
18 impact an AIA has had on other cities in Washington State. Although the City has considered a
19 voluntary ban, the City has seen no evidence that such would be effective in reducing problems
20 associated with chronic public inebriation in downtown.

23 Downtown Olympia inherits a disproportionate amount of addiction and CPI problems
24 due to our role as the urban center for Thurston County. Anti-social behavior of chronically
25 inebriated individuals is an everyday reality for city staff, police enforcement officers, business
26 owners, and residents. The ease of access to low cost, high alcohol beer, malt liquor and wine in
27 our small downtown community is hurting local commerce and taxing our limited city and
28

1 community resources. Despite enhanced policing efforts, focused community organization, and
2 instituting two different versions of a voluntary ban on cheap, high gravity alcoholic beverages,
3 my professional judgment as a Code Enforcement officer and downtown liaison, is that a
4 mandatory AIA is necessary for Downtown Olympia.
5

6 As reported by Seattle, Tacoma, and Spokane, a mandatory AIA is an effective way to
7 reduce nuisance, CPI behavior in urban centers. According to the "Seattle Alcohol Impact Area
8 Evaluation" by John Tarnai, Ph.D. at Washington State University, there have been reductions in
9 both police and medical calls for service within Seattle's established AIAs. The study also found
10 "[t]here is little evidence of a dispersion effect or that police service calls for alcohol-related
11 offenses have increased outside of the Alcohol Impact Areas." In addition, it was reported
12 retailers within the AIA had a favorable impression of the program, citing an observed increase
13 in neighborhood cleanliness and safety. Retailers also reported a decrease in trash and litter,
14 panhandling, and chronic public inebriation since the adoption of the AIA. Despite retailers
15 citing a decrease in alcohol sales, Tarnai's study reported "inflation-adjusted taxable sales data
16 show stability or growth from year to year, but no overall decline in sales." A logical conclusion
17 for this economic data is that a decrease in CPI behavior led to customers feeling safer and more
18 welcome to patronize these establishments.
19
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21 The process to institute a downtown AIA has not been short-lived by any means. After
22 Council voted to establish the AIA boundaries in 2012, city staff created the AIA task force
23 which invited a local representative from the beer and wine distribution industry, community
24 members, police, and social service agency representatives. This task force met on a monthly
25 basis and contributed toward the entire process as outlined by WAC 314-12-215. In early 2013, I
26 hand-delivered the City of Olympia's petition to the WSLCB for the board to consider the
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1 adoption a mandatory AIA in downtown Olympia. After several months of public input and a
2 public hearing, city staff received a memo from WSLCB dated July 2, 2013, asking the City to
3 provide additional evidence linking specific brands to CPI behavior and to continue dialogue
4 with industry representatives.
5

6 Since mid-July, 2013, city staff has conducted an extensive beer can litter survey (see
7 attachment for survey results) and focused policing efforts in our downtown core through a new
8 walking patrol program.

9 WAC 314-12-215(3)(c) states:

10 “Product restrictions must be reasonably linked to problems associated with chronic
11 public inebriation or illegal activity”
12

13 The beer can litter survey is an effective tool to identify a linkage between specific
14 products and illegal activity. The results clearly show that not only are high-alcohol content
15 beverages are a problem (accounting for over 70% of the data), but low-cost brands are the
16 preferred beverage for CPIs. The GIS map of found containers revealed that the majority of the
17 containers were found in alleyways or areas with an obstructed line-of-sight, often times within a
18 block of an off-premises retail establishment. These areas do not have any on-premises locations
19 nearby where those products could have been consumed legally. Given that drinking in public is
20 illegal, all or the vast majority of the found containers were consumed illegally.
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23 It is also worth mentioning that even though the beer can litter survey results contain a
24 significant number of photographs, the majority of which would qualify as high alcohol content
25 according to WAC 314-12-215(3)(d), the survey only represents a fraction of the actual amount
26 of alcohol containers that are littered throughout downtown Olympia. Due to staffing limitations,
27 a complete survey of the area was only possible a maximum of two days a week over the ten
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1 week period (typically on consecutive days). There are several programs in downtown Olympia
2 that complete daily cleaning and trash abatement services including the downtown ambassadors
3 (5 day/week complete trash sweep of downtown), the Port of Olympia, City of Olympia
4 Probation crew (7 day/week coverage), Parks, Arts, and Recreation staff (7 day/week coverage),
5 Morningside employees, private can collectors and several social service providers such as the
6 Union Gospel Mission. When considering the amount of trash removal services in downtown
7 Olympia, it speaks to the scale of the drinking in public problem. Despite containers being
8 picked up on a daily basis in downtown, our staff was still able to find, on average, over 100
9 containers each week. Without these cleaning services, one could logically conclude the results
10 would increase exponentially. Therefore, based on my own professional observations, feedback
11 from the community, and the results of the beer can survey it is evident that the industry's
12 voluntary ban to reduce chronic public inebriation in downtown Olympia have been ineffective.
13
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15 City staff and Council have been in routine contact with representatives from the beer and
16 wine distribution industry. Even with differences, these meetings have been amicable and
17 collegial on both sides. The goal of these meetings was to investigate potential voluntary ban
18 options for downtown Olympia. The industry instituted a voluntary ban, on July 1, 2013. The
19 five retail locations selling high-alcohol content, low cost beverages signed an agreement to
20 abide by the voluntary ban. The ban prohibited the sale of single-serve alcoholic beverages
21 between the hours of 6:00 AM and 1:00 PM. Beer and wine sales data presented by industry
22 representatives showed an increase in multi-pack sales and the beer can survey data analysis
23 indicated significant evidence of both single-serve and multi-pack alcoholic beverage
24 consumption. In fact, the number one beverage found in the survey was 16 oz. Steel Reserve
25 cans (a container size sold in multi-packs, often times in the refrigerator immediately adjacent to
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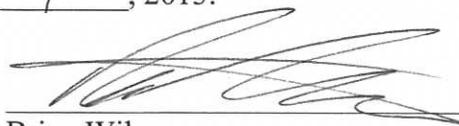
1 the single-serve beverages). At the prior public hearing, Olympia Police Chief, Ronnie Roberts,
2 expressed his professional judgment along with others that a ban on single-serves would not be
3 effective due to the ease of switching to multipacks. This appears in fact to be true, as the City
4 has seen an increase in multipack containers. In addition, staff received very limited reasoning as
5 to why the specific hour of 1:00 PM was selected as the cut-off time. Police enforcement officers
6 and city staff have not observed a decrease in CPI activity during the voluntary ban.
7

8 Chronic public inebriants are seldom caught committing a crime with alcoholic beverage
9 in hand. The beverage is usually consumed in a concealed location and the beverage container is
10 littered. Accordingly, the best available data is evidence of public drinking via the litter in the
11 City's public right of ways and alleys. Public inebriation is evidenced by the fact that alcohol is
12 one of the most dominant themes of police calls for service. Intoxication of chronic public
13 inebriants in my professional opinion is a significant part of the assorted problems in downtown
14 Olympia, such as littering (the littered can photographs are almost entirely from CPIs), public
15 urination and defecation and disorderly conduct as well as other anti-social behavior..
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18 As mentioned above, this has been a long, yet thorough process. My experience with
19 WSLCB staff has been exceptional. In particular, JoAnn Sample has been very helpful in
20 answering questions and providing requested documents in a timely manner. The city's first
21 petition to the WSLCB was based on the materials submitted with AIA petitions from other
22 jurisdictions within Washington State. This follow up report and associated materials, based on
23 my interpretation of WAC 314-12-215, meets and exceeds what has been asked of other local
24 authorities pursuing a state-recognized Alcohol Impact Area.
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26 I certify under penalty of perjury under the laws of the State of Washington that the
27 foregoing is true and correct.
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Signed at Olympia, Washington on October 7, 2013.



Brian Wilson

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BEFORE THE
LIQUOR CONTROL BOARD
STATE OF WASHINGTON

IN THE MATTER OF THE CITY OF
OLYMPIA'S APPLICATION FOR AN
ALCOHOL IMPACT AREA

No. 13-2-0020
DECLARATION OF Jeff Herbig

I, Jeff Herbig, declare as follows:

I am the City's downtown and bike patrol officer for the City of Olympia. I am over the age of 18 and competent to testify.

I have been a commissioned police officer in the State of Washington for the past 19 years. I have been employed with the City of Olympia PD for the past 9 years. I have previously worked as a general detective, narcotics detective and as a school resource officer. I am currently assigned as the downtown Olympia walking / bike patrol officer.

In my capacity as the downtown walking / bike patrol officer I have directly observed the impact that inexpensive, high volume alcohol has had on our community. These fortified alcoholic beverages are disproportionately associated with extreme levels of intoxication. I have personally contacted / arrested suspects using these beverages that have blood alcohol content (BAC) levels (established via a calibrated PBT) measuring .25 or higher.

1 One individual, who had consumed multiple cans of Steele Reserve 211, had a PBT
2 reading of .35 which is considered a possibly fatal BAC. I have also routinely had to call medics
3 for chronic inebriated persons who consume these drinks to the point of passing out / being in a
4 stupor and therefore unable to care for themselves.

5
6 (See attachment #1 – arrest reports with some PBT results noted.)

7 Current jail policies requires any suspects with a BAC of .25 or higher to receive a full
8 medical clearance at a hospital before being booked on charges. The result is that suspects using
9 these drinks are often unable to be booked on outstanding warrants or on new charges. If the
10 severity of the crime necessitates that the suspect be held, the resulting medical clearance
11 requires that the suspect be escorted to the hospital by an officer which can often take several
12 hours of the officers time. The result is public safety, by the lack of an officer available to
13 respond to calls, is further impacted.

14
15 (See attachment #2 – Olympia City Jail policy 75.1 – Accepting Prisoners.)

16
17 The availability of these drinks at their current prices also encourages their abuse and
18 their attraction to our chronic inebriates, which constitute a majority of our homeless population.
19 When priced at less than a \$1.50 a 16oz can, these high alcohol drinks are the only drink of
20 choice for those who are addicted to alcohol. The low price, single serve sales model ensures
21 that these drinks are realistically the only purchase option that chronic inebriates make when
22 purchasing alcohol.

23
24 While preparing this statement I queried the results of 24 on view drinking in public
25 arrests that I have made since being assigned as the downtown walking patrol officer (June 4th,
26 2013 through September 27th, 2013.) As some of these arrests involved more than one offender,
27
28 total alcohol types were noted. The results are as follows:

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Brand	# of times encountered
Steel Reserve	7
Hurricane Ice	6
24 oz can*	4
Milwaukee Best Ice	2
Genesse	2
Hard liquor/wine	3
Ice House	1
Four Loco	1
Other**	2

* (These reports list suspects with a 24 oz can of unidentified brand beer, which have always been of the high volume alcohol variety.)

** (These reports list one subject drinking a 12oz can of Rainier beer and one subject drinking a 24oz bottle of beer.)

As noted above of the 28 total recorded alcohol types, 21 were identified as high volume alcohol brands (75%).

(See attachment #1 – Arrest report narratives.)

In addition to the above listed results, I have made dozens of contacts with subjects in possession of high volume alcohol drinks that did not result in an arrest (i.e. unable to establish who had possession of can etc.) Subsequently, the above numbers severely under report the actual number of times that these beverages are encountered during police calls for service. Likewise, the above numbers only represent my officer activity and not that of other officers.

1 Another way to quantify the consumption of these drinks by our chronic inebriates is to
2 examine how often these drinks appear in the community. In preparation for this report I took
3 note of how many times these drinks appeared as discarded trash in the downtown area and in
4 areas frequented by our homeless population. To substantiate this, I took photographs of the
5 discarded containers for this report. Upon review, 13 of these photos have labels visible and the
6 brands were noted below:

8 Brand	# of times encountered
9 Steel Reserve	9
10 Hurricane HG	4
11 Mickey's Ice	1
12 Mike's Harder Punch	1
13 Olde English 800	1
14 Four Loco	1
15 Hamm's	1

16 Of the 18 empty cans depicted, 17 cans were of high volume alcohol containers (94%).
17 This trend is something that I have noted consistently over time.

18 (See attachment # 3 – Photographs taken by Officer Herbig.)

19 The ready availability of cheap, high volume alcohol has had a direct impact on our
20 community safety and police calls for service. In the course of one day, police will often deal
21 with the same chronic inebriated person several times in the course of several hours. These
22 contacts often involving loitering / urinating in public /aggressive panhandling / shoplifting or
23 thefts and physical assaults or disturbances. When these persons are contacted by police their
24
25
26
27
28

1 extremely high BAC prevent custodial arrests (as noted earlier) and prevent the subjects from
2 being allowed into homeless shelters or soup kitchens.

3 The impact of high volume alcohol drinks has had a direct, measurable and negative
4 impact on our community. The use of these drinks by chronic inebriates has dramatically
5 impacted our police and jail resources with no way to recover the incurred expenses. The
6 marketing of these drinks (price point / packaging listing ABV % / use of black plastic
7 “courtesy” bags by merchants) appears aimed expressly at our chronic inebriate population. The
8 availability of these drinks in downtown Olympia should be discontinued.

9
10 A band on the sale of high alcohol, single serve beverages via an AIA is the only
11 meaningful way to affect meaningful change with our chronic inebriate population. It is my
12 professional experience that these persons often drink in small groups (i.e. 2-3 or more subjects
13 together.) Allowing the sales of these beverages to continue via a multi-pack distribution model
14 would only ensure that more of these beverages are sold as our chronic inebriate population
15 would combine their purchases or money to circumvent the requirement to purchase a multi-
16 pack.
17

18
19 Likewise, any attempt to regulate the sales of these beverages to certain hours of the day
20 would only delay the impact on our community. Our chronic inebriate population would either
21 be forced to purchase additional drinks the night before and hold them for the next day. Or they
22 would simply purchase and drink larger amounts at the commencement of any legal sales hours
23 in an effort to play “catch up” as their need to drink is not driven by thirst or leisure but is a
24 function of their alcoholism.
25

26 The proposed AIA ban on these drinks will have an immediate and long term affect on
27 the safety of our community, especially in the downtown Olympia impact area. Downtown
28

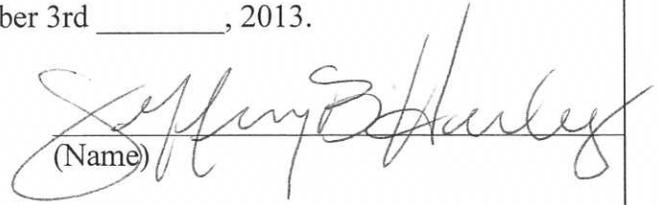
1 Olympia is already the site of numerous social services aimed at our homeless population.
2 Subsequently, the same persons receiving these services are also our chronic inebriate
3 population. Downtown Olympia is also the default destination for transient subjects who pass
4 through our community and are often the focus of police calls for service. Any AIA ban would
5 immediately encourage any of these persons who congregate downtown to consider moving
6 elsewhere. Simply put, these individuals will not likely remain in the community if their “drug
7 of choice”, alcohol, is not available to them in a manner that they prefer.
8

9 It is my understanding that the alcohol industry argues that these same subjects will
10 merely purchase alcohol outside the AIA ban area. This may occur initially and infrequently but
11 over time these subjects will find that downtown Olympia is not conducive to their needs and
12 will change their own behavior or leave the area. An example of this is the recent changes made
13 by the City of Olympia to our Pedestrian Ordinance (which addressed sitting / lying on sidewalks
14 in downtown during certain hours.)
15

16 My experience in enforcing this ordinance is that many persons have already heard of
17 similar ordinances in other communities and comply without complaint. Other subjects hear
18 what is expected of them and comply with very little additional effort by police. The end result
19 is that collectively the message gets out to our transient population. I know of several subjects
20 who subsequently left town as they said the ordinance was too strict for them. My expectation is
21 that an effective AIA ban on single serve high alcohol beverages would have a similar affect as
22 the unavailability of these drinks would deter person’s intent on using and abusing them from
23 remaining in our downtown Olympia community.
24

25 I certify under penalty of perjury under the laws of the State of Washington that the
26 foregoing is true and correct.
27
28

Signed at Olympia, Washington on October 3rd _____, 2013.


(Name)

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Jeffrey Herbig

From: Maryam Olson
 Sent: Thursday, September 26, 2013 8:57 AM
 To: Jeffrey Herbig
 Subject: Citations from 6/1/13 - today

HERBIG, JEFFREY B - Badge Number 02858

Case Number Formatted	Case File Date	Case Citation Charge Date	Seq #	Current Charge Law Number	Current Charge	Curr Disp
3Z0403131 OPD IT	09/03/2013	08/29/2013	1	46.61.667.1A	CELL PHONE USE WHILE DRIVING	Paid
✓ 3Z0403132 OPD CN	09/03/2013	08/30/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 2013-5796 ✓	✓
3Z0403133 OPD CN	09/06/2013	09/02/2013	1	OMC9.40.080	CRIMINAL TRESPASS	Guilt
✓ 3Z0403134 OPD CN	09/06/2013	09/05/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 2013-5831 ✓	✓
3Z0403135 OPD CN	09/23/2013	09/22/2013	1	OMC9.20.010	ASSAULT	Disrr
3Z0431634 OPD CN	06/03/2013	06/01/2013	1	OMC9.24.110	LEWD CONDUCT	
3Z0431635 OPD CN	08/06/2013	08/06/2013	1	OMC9.40.080	CRIMINAL TRESPASS	Guilt
✓ 3Z0431636 OPD CN	09/23/2013	09/20/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 2013-6309 ✓	✓
✓ 3Z0431637 OPD CN	09/23/2013	09/20/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 2013-6310 ✓	✓
3Z0727037 OPD CN	08/14/2013	08/13/2013	1	OMC9.16.180.A3	PEDESTRIAN INTERFERENCE-PANHANDLING	
✓ 3Z0750294 OPD CN	08/22/2013	08/22/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 2013-5595 ✓	✓
✓ 3Z0750295 OPD CN	08/22/2013	08/22/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 2013-5595 ✓	✓
3Z0750761 OPD CN	08/22/2013	08/22/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC	
✓ 3Z0750762 OPD CN	08/22/2013	08/22/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 2013-5604 ✓	✓
CR0233952 OPD CN	06/13/2013	06/11/2013	1	OMC9.40.095	GRAFFITI	Guilt
CR0233953 OPD CN	06/14/2013	06/12/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-3905 ✓	Guilt
CR0233954 OPD CN	06/17/2013	06/13/2013	1	OMC9.24.090	URINATING IN PUBLIC	
CR0233955 OPD CN	06/17/2013	06/14/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-3954 ✓	Guilt
CR0233956 OPD CN	06/17/2013	06/14/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-3954 ✓	✓
CR0233957 OPD CN	06/20/2013	06/19/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-4053 ✓	Guilt
CR0233958 OPD CN	06/20/2013	06/19/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-4053 ✓	✓
CR0233959 OPD CN	06/20/2013	06/19/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-4053 ✓	Guilt
CR0233960 OPD CN	06/24/2013	06/21/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-4111 ✓	✓
CR0233961 OPD CN	06/24/2013	06/21/2013	1	OMC9.44.040.A	MINOR IN POSSESSION ALCOHOL	
✓ CR0233962 OPD CN	07/12/2013	07/11/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-5028 ✓	Guilt
✓ CR0233963 OPD CN	07/12/2013	07/11/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-5028 ✓	Guilt
CR0233964 OPD CN	07/17/2013	07/16/2013	2	OMC9.60.070	VIOL PROTECTIVE ORDER (OTH JURIS)	Guilt
CR0233965 OPD CN	07/18/2013	07/17/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-4721 ✓	✓
CR0233966 OPD CN	07/18/2013	07/17/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC 13-4721 ✓	✓

CR233970

8/24/13

11

13-4920 ✓

CR0233971 OPD CN	08/01/2013	07/31/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC	13-5108 ✓	Guilt
CR0234603 OPD CN	08/21/2013	08/20/2013	1	OMC9.40.080	CRIMINAL TRESPASS		
CR0234604 OPD CN	08/21/2013	08/20/2013	1	OMC9.40.080	CRIMINAL TRESPASS		
CR0234605 OPD CN	08/21/2013	08/20/2013	1	OMC9.40.080	CRIMINAL TRESPASS		Disr
			2	OMC9.08.020	OBSTRUCTING JUSTICE		Disr
CR0234606 OPD CN	08/21/2013	08/20/2013	2	OMC 9.40.090	PROPERTY DAMAGE		
CR0234607 OPD CN	08/21/2013	08/21/2013	1	OMC9.20.010	ASSAULT		Guilt
CR0234608 OPD CN	08/29/2013	08/27/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC	13-5711 ✓	
CR0234609 OPD CN	08/29/2013	08/27/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC	13-5711 ✓	Guilt
CR0234610 OPD CN	08/29/2013	08/28/2013	1	OMC9.40.080	CRIMINAL TRESPASS		Guilt
			2	OMC9.08.020	OBSTRUCTING JUSTICE		Guilt
CR0234611 OPD CN	08/29/2013	08/28/2013	1	OMC9.40.080	CRIMINAL TRESPASS		Disr
CR0234612 OPD CN	09/04/2013	09/02/2013	1	OMC9.40.080	CRIMINAL TRESPASS		
CR0234613 OPD CN	09/04/2013	09/02/2013	1	OMC9.40.080	CRIMINAL TRESPASS		Guilt
			2	9.41.250	POSS OF DANGEROUS WEAPON		Guilt
CR0234614 OPD CN	09/23/2013	09/19/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC	13-6275 ✓	
CR0234615 OPD CN	09/23/2013	09/19/2013	1	OMC9.16.050.B	DRINKING IN PUBLIC	13-6275 ✓	
CR0234616 OPD CN	09/23/2013	09/20/2013	1	OMC9.60.040	VIOLATION OMC NO CONTACT ORDER		
IN0254701 OPD IT	06/14/2013	06/11/2013	1	46.61.620	OPEN/CLOSING VEHICLE DOORS		Defe
IN0254702 OPD IT	07/05/2013	07/03/2013	1	46.30.020	OP MOT VEH W/OUT INS		Com

46

CR233972

8/2/13

DIP

2013 5150 ✓

CASE: Case # 2013-3905
DATE/TIME: 06-12-2013 / 1619 hours
Citation: CR 233953
Location: 212 4th Avenue East (sidewalk)

On the listed date and time I was on bike patrol on 4th Avenue. I arrived in the area and observed defendant John Lindemuth seated on the sidewalk with a large bucket in front of him. I looked inside the bucket and observed two open 24 oz 211 Steele Reserve beers. I also observed a paper cup on the sidewalk next to Lindemuth with a yellow, foamy beverage in it. Lindemuth quickly grabbed this cup and gulped down the beer inside before I could stop him. Lindemuth, who registered a .268 on a PBT, was cited for Drinking in Public.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate.

Officer Jeff Herbig # 43



Olympia Police Department Incident Report

Incident Classification 1
LIQUOR VIO NOW

Case Number
2013-03954

Booking Number	Booked Where	Location of Arrest		Arrestee Armed With		
	OPD	200 BLK NE Olympia Avenue, Olympia, WA 98501		None		
Arrest Date	Arrest Time	On View	Cited / Released	Statement	Charges	Multi-Clear
06/14/2013	14:10	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Oral <input type="checkbox"/> Written	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Denied	N/A
Name of Person Notified	DOB	Relation	Date & Time Notified	Notified By	Disp of Juvenile	
Arrest Result of	Miranda By	Date/Time	Booking Authorized By			
On View			Smith, Daniel #1653			

Narrative

On 06-14-2013 at 1400 hours, I was on bike patrol in the 200 block of Olympia Avenue NE (a private parking lot just north of the downtown Intercity Transit station.) This lot is owned / managed by Pete Lea's Automotive and I was informed by the same that they did not want anyone trespassing or loitering in the lot.

I observed two male, identified as arrestees Ronald Wentz and Jeffrey Jones, loitering in the lot so I made contact with them. As I approached I observed that both subjects had **open 24 oz cans of beer in** their possession. Both Wentz and Jones admitted to drinking in public and their ID's were obtained.

Wentz was found to have an outstanding OPD warrant which was confirmed. Wentz was booked into the Olympia City Jail for the warrant and for DIP.

Jones was found to have an outstanding TCSO felony warrant which was confirmed. Jones was cited and released for DIP and Jones was then booked into the Thurston County Jail.

CASE STATUS: Arrest.

Officer Jeff Herbig # 43

Attachments

- Signature Form
- Statement Form
- Impound Notice
- Authorization to Impound
- Medical Release
- Consent Form
- Other

Officer Name/Number (Herbig, Jeff) #2858	Unit 2F43	Approved By Number	Date
--	---------------------	--------------------	------

CASE: Case # 2013-4053

DATE/TIME: 06-19-2013 / 1026 hours

Citation: CR 233959 (Antonio M. Sanchez / DOB: 03-04-1983)

Location: 117 5th Avenue SW (doorway in alley way alcove behind business)

On the listed date and time I was advised by a citizen of subjects loitering and drinking alcohol in an alley way behind the Capital Lake Grocery (determined later to be an alley way door to the Rendez Vous Restaurant.)

I arrived in the area on my bike and located three subjects seated on the ground in alcove off of the alleyway. Two of the subjects (Jeremiah Salisbury and Antonio Sanchez) had open 24 oz cans of Steele Reserve 211 beer on the ground in front of them. I contacted the subjects and Salisbury responded by flipping me off. I asked for the subjects ID's and while they obtained them Salisbury reached for and tried to continue drinking the beer in front of them.

Vanbeek was unable to provide me picture ID but did provide his information which revealed an outstanding out of county warrant for his arrest. Vanbeek also admitted to drinking from the cans of beer that were found in front of the other subjects. Vanbeek also admitted to being contacted by a citizen who requested that they not loiter / drink in the alleyway.

Suspects Salisbury and Sanchez were arrested and transported to the Olympia City Jail where they were booked for DIP. Vanbeek was cited and released with a court date to appear.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate.

Officer Jeff Herbig # 43



CASE: Case # 2013-4111

DATE/TIME: 06-21-2013 / 1610 hours

Citation: CR 233960 (Jeremiah J. Salisbury / DOB: 06-06-79)

Location: 212 4th Avenue East (parking lot next to King Solomon's Reef)

On the listed date and time I was advised by a citizen of subjects loitering and drinking alcohol in an alley way next to King Solomon's Reef and the 4th Avenue Tavern. I checked the alleyway but did not locate anyone. While talking to the staff of the 4th Avenue Tavern I was advised by a passerby that a male was drinking a "Steele Reserve" and being aggressive in the parking lot next to King Solomon's. Officer Gabor, who was assisting me, walked over to the location and located suspect Jeremiah Salisbury with an open 24 oz can of Steele Reserve 211. Officer Gabor poured out the beer and advised me of his observations. I cited Salisbury for Drinking in Public which was co-signed by Officer Gabor. This was my second contact with Salisbury for the same offense and Salisbury was obviously intoxicated and admitted to drinking in public.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate.

Officer Jeff Herbig # 43

CASE: Case # 2013-4112

DATE/TIME: 06-21-2013 / 1630 hours

Citation: CR 233961 (Mason J. Hashagen / DOB: 10-20-93)

Location: Percival Landing / parking lot

On the listed date and time I was on bike patrol along the Percival Landing waterfront near the city parking lot and playground. I observed a large group of transient subjects standing around a vehicle parked in the lot immediately adjacent to the boardwalk and observed that one subject, later identified as suspect Hashagen, was holding an open, half-full bottle of Maker's Mark whiskey. I approached the group, who had obviously been drinking out of the bottle, and asked where the bottle was. Hashagen pointed to his shirt on the ground and stated that the bottle was under it and that it belonged to him. Hashagen, who is 19 years old, was cited and released for MIP Alcohol and released with a court date. The remaining whiskey was poured out on the ground.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate.

Officer Jeff Herbig # 43



Olympia Police Department Incident Report

Case Number

2013-04399

Type of Report

Arrest, Juvenile

Responding To Event

Officer Assigned

Herbig, Jeff #2858

Date

07/04/2013

Incident Classification 1

LIQUOR VIO NOW

Offense Code

3351

Offense Code

6450

Offense Code

Offense Code

Address/Location of Incident

114 NE Cherry Street, Olympia, WA 98501

Premise Type/Name

Street/Highway/Road/Alley

Code

51

of Units

of Offenses

of Offenders

1

of Offenders

3

of Victims

1

Occurred on or From (Date/Time/DOW)

07/04/2013 08:46 Thu

Occurred To (Date/Time/DOW)

07/04/2013 08:46 Thu

Reported On (Date/Time/DOW)

07/04/2013 08:46 Thu

Status

9

Date

07/04/2013

Charge #

1

 Local

Statute

66.44.270.2

 State

Description

MIP/MIC

Counts

1

Person(s)/Business(es)

No

Non-Disc

Name (Last, First, Middle)

X-1

Philips, Maynard J

Race

B

Ethnicity

N

Sex

M

DOB/Age

01/19/1969

Height

0'00"

Weight

Hair

Eyes

Street Address

Transient, Olympia, WA 98501

Residential Status

U

Home Phone

Work Phone

No

Non-Disc

Name (Last, First, Middle)

X-2

Pfeiffer, Andrew J

Race

W

Ethnicity

M

Sex

DOB/Age

02/18/1963

Height

6'00"

Weight

150

Hair

BRO

Eyes

BRO

Street Address

Transient

Residential Status

U

Home Phone

Work Phone

Social Security No.

533-74-6541

Driver's License

PFEIFAJ372CQ

State

WA

Employer/School

No

Non-Disc

Name (Last, First, Middle)

P-1

Robinson, Anne

Race

W

Ethnicity

N

Sex

F

DOB/Age

Height

0'00"

Weight

Hair

Eyes

Street Address

24252 Nookachamp Hills Drive, Mount Vernon, WA 98274

Residential Status

F

Home Phone

(360) 770-9023

Work Phone

Known Suspect(s)/Subject(s)

No.

Name (Last, First, Middle)

S-1

Robinson, Daniel Willis-Luis

Race

H

Ethnicity

M

Sex

DOB/Age

10/14/1996

Height

5'03"

Weight

115

Hair

BLK

Eyes

BRO

Street Address

24252 Nookachamp Hills Drive, Mount Vernon, WA

Residential Status

Full

Home Phone

(360) 770-9023

Work Phone

Vehicle License

Make

Model

Color

IblVehColor

Other Description

Narrative

On 07-04-2013 at 0846 hours, I was on bike patrol in downtown Olympia checking an alleyway behind the Peppers Mexican restaurant. I located three male subjects sitting in an alcove near the dumpsters for the restaurant. I observed that one male, later identified as suspect Daniel Robinson, was holding an open **12 ounce can of Rainier beer** in his hand. Upon seeing me Robinson attempted to hide the beer by placing it on the ground behind his leg. I ordered Robinson to hand me the can he was hiding and I found it to be half full of beer.

I recognized two of the subjects, identified as Maynard Philips and Andrew Pfeiffer, as older transient males that I had observed earlier on foot in downtown Olympia. I asked suspect Robinson how old he was and he stated "18". I told Robinson that he was not free to leave and that I would be issuing him a ticket for the liquor violation. Philips and Pfeiffer, who were obviously in the alley to

Status

Officer Name/Number

(Herbig, Jeff) #2858

Unit

2F43

Approved By Number

RA

Date

Clearance

 Arr/A Arr/J Unfounded Exc/A Exc/J

Distribution

Logged

Date

Initials

 Entered RMS

Date

Initials

 Entered WACIC/NCIC

Date

Initials

 Cleared WACIC/NCIC

Date

Initials

INCIDENT REPORT

PC statement for CR -233966

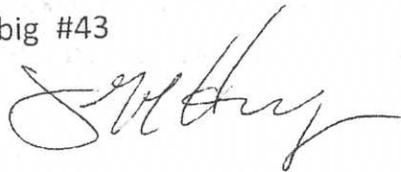
2013-4721

Suspect: Michael Stephen Bollmeyer / 09-11-75

On 07-17-2013 at 1619 hours, I was on bike patrol in downtown Olympia. I received a citizen complaint of subjects drinking alcohol in public in the parking lot of the artesian well. I arrived on scene and observed suspect Jeremiah Hilt standing next to a vehicle with a can of Milwaukee's Best Ice beer in his hand. Upon seeing me Hilt attempted to hide the open can inside the vehicle. I had Hilt hand the beer to me and I found the can to be half full of beer. Seated on the ground next to Hilt was suspect Michale Bollmeyer who had an open 40 oz bottle of Steele Reserve in his hand. The bottle was $\frac{3}{4}$ full of beer. Both Hilt and Bollmeyer admitted to drinking in public. Both subjects were cited and released with a court date to appear.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and correct.

Officer Jeff Herbig #43



PC statement for CR-233970

2013-4920

Suspect: Edwin C. Okeke / DOB: 05-18-1966 *

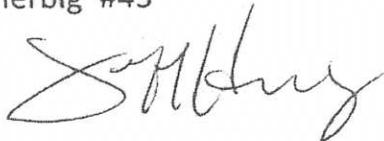
(*Identity not verified)

On 07-24-2013 at 1106 hours, I was on bike patrol in downtown Olympia. I was riding through an alleyway next to the "freewall" located in the 200 block of 4th Avenue East. I observed a black male subject, later identified as Edwin Okeke, sitting on the back steps of an adjacent building with several open 24 oz cans at his feet (there were four empty cans in total on the ground around him.) I contacted Okeke about drinking in public which he admitted to doing, stating that he was "hungover" from the night before and was drinking again to alleviate that.

Based on the liquor violation, I asked for Okeke's ID and he stated that he did not have any. Okeke verbally identified himself as "Charles Edward Okeefe / DOB: 05-18-1968" and stated that he had obtained an ID out of Georgia. That information returned no record. Okeke then admitted that he lied and stated his name was "Chuks Edwin Okeke / DOB: 05-18-1966". This returned no record as well. Okeke was arrested and transported to the Olympia City Jail for booking and to verify his ID. At the jail Okeke gave another version of his name which he stated was "Edwin Chukwuka Okeke / DOB: 05-18-1966" which again returned no record. Okeke was fingerprinted and they also returned no record. Okeke told the jail staff that he was from Monrovia, Liberia. Okeke was booked into the jail using the information he last provided.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and correct.

Officer Jeff Herbig #43



PC statement for CR -233962

2013-5028

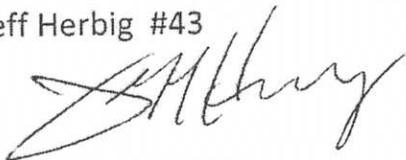
Suspect: Jeffrey Guy Jordan / DOB: 06-09-1970

On 07-11-2013 at 1106 hours, I was on bike patrol in downtown Olympia. I rode into the alleyway behind the "freewall" (200 block of 4th Avenue East) and observed several subjects sitting on a small landscaping island. As I rode up to the subjects I observed that two of the subjects had open 12 oz cans of Hurricane brand (high alcohol content) beer. I had the subjects, Jeffrey Jordan and Roberto Marquez, hand me the cans which were still half-full and cold to the touch. Both Jordan and Marquez admitted to drinking in public.

Both subjects were cited and released with a court date to appear.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and correct.

Officer Jeff Herbig #43



PC statement for CR-233971

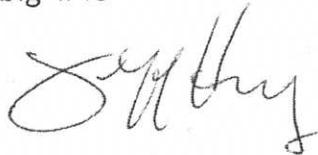
2013-5108

Suspect: Chad Louis Daun / DOB: 01-29-1986

On 07-31-2013 at 1549 hours, I was on bike patrol in downtown Olympia. I drove through the alley near the "freewall" and located two subjects sitting on a cement curb. I observed one of the males, later identified as suspect Chad Daun, drinking from a 24oz green can that he put down on the ground upon my approach. I asked Daun to hand me the can and I found it to be a $\frac{3}{4}$ full can of Genesse Brand Ale. Daun admitted to drinking in public and stated that he had just gotten into town. Daun provided me with his Nevada drivers license. A check of Daun showed an outstanding OPD warrant for DIP from case # 2011-7992. The warrant was confirmed and Daun was arrested and booked into the Olympia City Jail. Daun was booked on the warrant and on an additional charge of DIP. The open beer, and a second full can, were dumped out on scene.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and correct.

Officer Jeff Herbig #43



PC statement for CR-233972

2013-5150

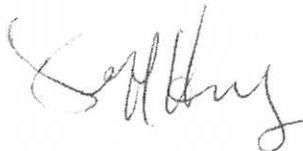
Suspect: Jeffrey Dale Smith / DOB: 08-28-1957

On 08-02-2013 at 0728 hours, I was driving westbound on 5th Avenue SE past 5th Avenue Fitness when I observed a white male drinking from a 24 oz silver in color beer can. As I drove past the subject I observed him finish the beer (a Steele Reserve 211) and place the can on the ground next to the edge of the building and walk away. At this time I was in my personal vehicle on the way to work so I was unable to contact the subject. I circled the block and observed the subject walking now northbound on Chestnut Street past the entrance gate to the police department. I noted the subjects clothing and appearance and recognized him as a transient that frequents downtown Olympia but could not recall his name.

Approximately 20 minutes later I was now on duty on bike patrol and located the subject, identified as Jeffrey Smith, sitting on the curb next to the East Bay Shell station. I contacted Smith, who appeared intoxicated, and obtained his ID. When I informed Smith of my observation he became argumentative stating that he just got out of jail and that he didn't want another "DIP". Smith denied drinking in public or littering and stated that he did not plan on showing up in court. Smith was cited for DIP and for Littering and was released. Smith has four outstanding warrants from Gray Harbor County.

I certify under penalty of perjury under the laws of the State of Washington that all statements made herein are true and correct.

Officer Jeff Herbig #43



On the listed date and time I was dispatched to Percival Landing for a citizen report of two males who were observed urinating, littering and drinking in public. The citizen, an employee of the Childhood End's Gallery, reported that both males were observed drinking from a bottle and that the subject who had urinated off of Percival Landing into the bay was wearing a black hat backwards. Officer Bronson and I arrived on scene and approached the males on foot as they sat on a planter / bench on Percival Landing near the intersection of Water Street and 4th Avenue West. As I contacted the subjects I observed that the suspect not wearing a hat, identified as Donald Myers, was holding a 750 ml bottle of red wine that he continued to drink from. Myers was arrested and was found to be wanted on outstanding warrants out of Centralia, WA. Myers was cited for DIP and was transported and booked into the Lewis County Jail on the warrants. (Myers had been contacted by Officer Bronson a short time earlier on another DIP complaint during which time he had been cited and released.)

Officer's Report for Citation/Notice of Infraction # 320750294.
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

...NARRATIVE CONTINUES ON NEXT PAGE...

RAFFIC	WEATHER	PHONE	STREET	LIGHT	PHONE
WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP	WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP
ADDRESS	CITY	PHONE	ADDRESS	CITY	PHONE
WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP	WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP
ADDRESS	CITY	PHONE	ADDRESS	CITY	PHONE
WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP	WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP
ADDRESS	CITY	PHONE	ADDRESS	CITY	PHONE
WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP	WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP
ADDRESS	CITY	PHONE	ADDRESS	CITY	PHONE



2013-5595

On the listed date and time I was dispatched to Percival Landing for a citizen report of two males who were observed urinating, littering and drinking in public. The citizen, an employee of the Childhood End's Gallery, reported that both males were observed drinking from a bottle and that the subject who had urinated off of Percival Landing into the bay was wearing a black hat backwards. Officer Bronson and I arrived on scene and approached the males on foot as they sat on a planter / bench on Percival Landing near the intersection of Water Street and 4th Avenue West. As we approached the male subject wearing the black hat was observed drinking from a bottle of wine. This subject was subsequently identified as Laurence Roebke who was placed under arrest. During a search of Roebke's backpack incident to arrest I discovered a 3/4 full and cold to the touch 24 oz bottle of beer which Roebke had apparently placed in the backpack upon seeing our approach. Roebke was booked into the Olympia City Jail. (Roebke had been contacted by Officer Bronson a short time earlier on another DLP complaint during which time was warned and released.)

Officer's Report for Citation/Notice of Infraction # 320750295.
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: J. HERBIG # : 2858

...NARRATIVE CONTINUES ON NEXT PAGE...

RAFFIC	WEATHER	PHONE	STREET	LIGHT	PHONE
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP



Arrest : Notes

CR0234608 / CR0234609

20135711

On 08-27-2013 at approximately 1015 hours, I received a citizen complaint concerning two subjects sitting on a bench and drinking beer in public near the Boardwalk Apartments. I arrived in the area and observed the subjects sitting on a bench owned by the Boardwalk Apartments located on the south side of the building (near the corner of Thurston Avenue NE and Washington Street NE). I observed that one of the two adult males (suspect Monte Arnold) had a large, silver 24 oz can of beer next to him on the bench. I observed that the second male (suspect Dennis Donal) had hidden his beer under a jacket sitting on the bench. I observed both subjects drink from their respective cans after 'cheering' each other with them. I contacted the subjects and suspect Dennis Donal was found to have an open, partially consumed and cold to the touch can of Hurricane Ice brand beer. Suspect Donal was obviously intoxicated and admitted to drinking in public. Donal was cited and released with a dat to appear in court.

Officer Jeff Herbig # 43

I certify (declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct (RCW 9A.72.085). I am entering my authorized user ID and password to authenticate it.

2013-5196

320403132

On the listed date and time I was in the area of the Reef restaurant on 4th Avenue when I observed defendant Hadley seated on the sidewalk with a second transient male subject. Hadley looked over at my marked patrol vehicle and then picked up and moved a tall object wrapped in a black plastic bag which I recognized to likely be a container of alcohol. Hadley had moved the object behind her to prevent me from seeing it. I contacted Hadley and recovered an open and cold to the touch 24 oz can of Hurricane Ice beer. Hadley admitted to moving the can but stated that she had been asked to hold it by the second subject with her, identified as Laurence Roebke whom I have previously arrested for DIP violations. Roebke attempted to take responsibility for the beer but I only saw it in Hadley's possession so I issued her a ticket for DIP.

Officer's Report for Citation/Notice of Infraction # 320403132.

The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: J. HERBIG # 2858

...NARRATIVE CONTINUES ON NEXT PAGE...

.RAFFIC		WEATHER		STREET		LIGHT	
WITNESS NAME (LAST, FIRST, M.I.)	PHONE						
ADDRESS	CITY	ADDRESS	CITY	ADDRESS	CITY	ADDRESS	CITY
WITNESS NAME (LAST, FIRST, M.I.)	PHONE						
ADDRESS	CITY	ADDRESS	CITY	ADDRESS	CITY	ADDRESS	CITY
WITNESS NAME (LAST, FIRST, M.I.)	PHONE						
ADDRESS	CITY	ADDRESS	CITY	ADDRESS	CITY	ADDRESS	CITY
WITNESS NAME (LAST, FIRST, M.I.)	PHONE						
ADDRESS	CITY	ADDRESS	CITY	ADDRESS	CITY	ADDRESS	CITY



On the listed date and time I received a citizen complaint of an older male drinking alcohol at one of the Percival Landing pavilions. I arrived in the area and walked up to several transient subjects sitting at tables inside the pavilion adjacent to the Olympia Center. I walked up to the group and as I approached I observed an older male transient seated at a table with a female. As I approached the subject, later identified as Jorge Ramirez Vaca, I observed that he had a metal water bottle in his hand that he was trying to hide in his backpack. I contacted Vaca and could smell the odor of beer coming from his exhaled breath. Vaca admitted to drinking in public and handed me his metal water bottle which contained a yellow liquid that smelled like beer. Vaca also turned over to me an unopened 24 oz can of Milwaukee's Best Ice beer which was later disposed of. Vaca was wanted on an OPD warrant which was confirmed. Vaca was unbookable due to being a .291 on a PBT at the jail. The warrant was restored and Vaca was cited and released for DIP.

Officer's Report for Citation/Notice of Infraction # 320403134.
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: J. HERBIG # 2858

...NARRATIVE CONTINUES ON NEXT PAGE...

RAFFIC	WEATHER	PHONE	STREET	LIGHT	PHONE
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP



On the listed date and time I responded to the area of the Reef Restaurant on 4th Avenue for a citizen report of multiple subjects sitting / loitering on the sidewalk and openly drinking beer. I arrived on scene in a marked patrol vehicle and observed approximately 7 male and female transient subjects sitting on the ground blocking the sidewalk with a large amount of personal property and several dogs. As I walked up I observed suspect Ian McInturff, whom I have had several previous contacts / arrests with, holding an open black and red 24 oz can of Steele Reserve 211. I placed McInturff under arrest and booked him at the Olympia City Jail. At the Jail I discovered that McInturff had an outstanding DIP warrant which was served on him. The beer was dumped out on scene.

Officer's Report for Citation/Notice of Infraction # 3Z0750762.
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: J. HERBIG # 2858

Date and Place: 8/22/2013 City/Town of Olympia, County of THURSTON

...NARRATIVE CONTINUES ON NEXT PAGE...

RAFFIC	WEATHER	PHONE	STREET	LIGHT	PHONE
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP



On the listed date and time I observed two subjects sitting on the sidewalk in an alcove in the 500 block of Capitol Way South adjacent to the G. Miller store. I contacted the subjects and observed that they had open containers of alcohol and had been drinking in public. I observed that Suspect Wesley Dunnington had a tall can of beer in a black plastic bag next to him on the ground. Dunnington handed me the 24 oz can of Genesee beer which was open and cold to the touch. Dunnington admitted to drinking in public and was cited and released for the same.

Officer's Report for Citation/Notice of Infraction # 320431636.

The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: J. HERBIG # : 2858

Date and Place: 9/20/2013 City/Town of Olympia, County of THURSTON

...NARRATIVE CONTINUES ON NEXT PAGE...

TRAFFIC		WEATHER		STREET		LIGHT		PHONE	
WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP	WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP	WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP	WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP	WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP	WITNESS NAME (LAST, FIRST, M.I.)	ADDRESS	CITY	STATE	ZIP



On the listed date and time I observed suspect Bryan Husk walking down the sidewalk in front of the First Christain Church with a 24 oz silver can of Icehouse brand beer. I contacted Husk who handed me the can and I found it to be open and cold to the touch. Husk admitted to drinking in public and was cited and released for the same.

Officer's Report for Citation/Notice of Infraction # 320431637.
The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

Signature: J. HERBIG # 2858

Date and Place: 9/20/2013 City/Town of Olympia, County of THURSTON

RAFFIC	WEATHER	PHONE	STREET	LIGHT	PHONE
WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP	WITNESS NAME (LAST, FIRST, M.I.)		STATE ZIP
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE	WITNESS NAME (LAST, FIRST, M.I.)		PHONE
ADDRESS	CITY	STATE ZIP	ADDRESS	CITY	STATE ZIP



Arrest : Notes

CR0234615

2013-0275

On 09-19-2013 at 1700 hours, I was on bike patrol along the Percival Landing boardwalk. I contacted several adult subjects seated under one of the pavilion buildings and observed that that they had open containers of alcohol. I contacted suspect Watkins who had a 24 oz can of Four Loco beer in a black plastic bag that he was attempting to hide at the base of his chair next to his belongings. I had Watkins hand me the beer and I observed that it was open, cold to the touch and 3/4 full. Watkins admitted to drinking in public and was cited and released for the same.

I certify (declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct (RCW 9A.72.085). I am entering my authorized user ID and password to authenticate it.

Section 4

Enhanced police and fire calls for service data

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BEFORE THE
LIQUOR CONTROL BOARD
STATE OF WASHINGTON

IN THE MATTER OF THE CITY OF
OLYMPIA'S APPLICATION FOR AN
ALCOHOL IMPACT AREA

No. 13-2-0020

DECLARATION OF GREG WRIGHT

I, Greg Wright, declare as follows:

I am the Deputy Fire Chief for the City of Olympia. I am over the age of 18 and competent to testify.

I have been a member of the Olympia Fire Department for 28 years. During that time and before coming to Olympia, I worked in the field as a paramedic and Emergency Medical Technician. I have had significant first hand exposure to the effects of alcohol in the field and in my current administrative position, I am acutely aware of the impact it has on our departmental calls for medical service.

In my capacity as a provider of field medical care in the past and as an administrator of a field medicine response group, the EMTs and Paramedics of the Olympia Fire Department, I have seen the impact of alcohol on the health of individuals and Olympia's downtown community. Low cost, high percentage alcohol products, such as the products on the City's proposed restricted products list, compound these impacts. The Fire Department's mission of

DECLARATION OF Greg Wright - 1

CITY OF OLYMPIA
City Attorney's Office
P.O. Box 1967/601-4th Ave. E.
Olympia, Washington 98507-1967
Telephone: (360) 753-8338

1 treating anyone with medical issues does not lend itself to the more accurate collection of
2 situational data that the Police Department can collect about specific brands of alcohol
3 intoxicants. For medical providers the type of intoxicant is important. For example, calls to the
4 Fire Department for unconscious and or combative patients could be related to alcohol or a
5 number of other conditions. Knowing that a specific patient is affected by intravenous drugs as
6 opposed to alcohol ingestion is important but knowing the brand of the product used to deliver
7 the alcohol is not. Inebriants are sometimes not forth coming about the source and location of
8 their prior inebriation.
9

10
11 The role of the Fire Department in these emergencies is to provide supportive care until
12 the condition can be resolved. Therefore, our data system does not collect the specific type of
13 data that can trace calls for service to specific brands of alcoholic beverages. In other words, that
14 data is not simply available. Even if all the appropriate calls could be ascribed to immediate
15 effects of alcohol on our patients the data would miss the other medical issues that are
16 exacerbated by alcohol use. Finally, patient confidentiality laws further impact our ability to
17 share specific medical information.
18

19 In general, the Fire Department sees a number of patients in the downtown area for
20 alcohol related issues. These calls are noted to be in and around the downtown drinking and
21 alcohol sales outlets in the evenings. During the day, these calls are around the Intercity Transit,
22 Downtown Transit Center and downtown alcohol sales areas. In many cases the calls are not
23 generated by the patient themselves, but rather by conscientious citizens worried about the
24 medical wellbeing of others.
25

26 Summary:
27
28

Police and Fire Calls to Service

In the original AIA petition, police and fire/medical calls to service data were presented. This evidence demonstrated that downtown Olympia experiences the bulk of the alcohol related calls to service in our community. In both 2011 and 2012, Liquor Violations were a top-five call for service in downtown Olympia. Liquor Violations, as described by police staff, are primarily Drinking In Public, Minor in Possession, and Minor in Consumption related. Of the four main geographic areas (North East, South East, Downtown, and Westside), Downtown Olympia is not only the smallest but it is the only area where liquor violations were a top-five call for service. In addition, Olympia Fire Department data cited an upward trend in medical and good-intent (typically alcohol related) calls for service over the same time period. See original city petition (attached) for further explanation.

The July 2, 2013 memo from the WSLCB to city staff did not specifically request additional calls to service data in this follow up report. Rather, the board asked for evidence linking specific products to CPI behavior. Since calls-to-service only represent a fraction of actual crimes committed and do not necessarily cite alcohol product information (when relevant), they are not the best data available for determining which products are specifically related to CPI behavior. Although, beer and wine container surveys and police officer testimony are effective ways of linking products to CPI alcohol consumption (see attached beer/wine container survey and affidavits).

Police and medical calls-to-service do tell an interesting story about where CPI behavior is concentrated in Olympia and suggest the scale of the problem through call volume numbers.

Between June 1, 2013 and September 15, 2013 (107 total days), Olympia Police Officers responded to 192 liquor violations citywide. Of those, 100 (52.08%) were located within the downtown Olympia AIA boundary. See attached call to service log for specific locations of calls. Due to summer-long update on police records management software, a complete call to service analysis is not possible. Although, it must be noted that liquor violations numbers do not account for intoxicated offenders involved under different call-types such as disorderly conduct, disturbance, and other nuisance crimes.

For the purpose of this report, the Olympia Fire Department reported call to service data for downtown Olympia for June 1, 2013 to September 30, 2013 (122 days) (see below).

Call Type	Amount of Calls	Percent of Calls
Medical	359	71.09%
Fire	12	2.38%
False Alarms	33	6.53%
Service Calls	17	3.37%
Good Intent	80	15.84%
Hazardous Situation	4	0.79%
Total	505	100.00%

Fire staff reports that the majority of medical calls downtown serve elderly populations of 519 Washington St. and Senior Housing Assistance Group (SHAG) apartments on North Capital Way. Good intent calls most often are related to homeless populations consuming alcohol and, according to the data, a near daily call for service. As can be read in Assistant Fire Chief Greg Wright's affidavit, these calls are primarily located around the Intercity Transit Downtown Transit Center and downtown alcohol sales areas. This is consistent with the beer and wine container survey GIS map findings.

PROGRAM . . . : PL1321
REPORT . . . : Incident Analysis Report
USER . . . : DREEDY
DATE . . . : 10/02/2013
TIME . . . : 13:38:07
HOLD . . . : NO
COPIES . . . : 1
OUTPUT QUEUE: *DEFAULT
DISTRIBUTION: *NONE

SELECTION OPTIONS

FROM DATE . . . : 06/01/2013
THRU DATE . . . : 09/15/2013
TIME FRAME . . : CONTINUOUS
SORT SEQUENCE : DATE/TIME
REPORT TYPE . . : SUMMARY
DOCUMENTS . . . : *NONE
COMBINE ORI#s : NO
STATUS/DISPOS : NO
ADDITIONAL INF: NO
ORI : WA0340100OLYMPIA
REPORTABLE . . : *ALL
INC TYPE GROUP: POLICE
INCIDENT TYPES: LIQUOR VIO LIQUOR VIO
STATUS/DISP . . : *ALL
SOURCE : *ALL
UNIT : *ALL
OFFICER ID . . : *ALL
RECEIVED ID . . : *ALL
DISPATCHED ID : *ALL
GRIDS : *ALL
STATION : *ALL
LOCATION TYPE : *ALL
STREET : *ALL
VENUE : *ALL
AREA : *ALL
SECTIONS . . . : *ALL

TIME	INCIDENT TYPE	RESPONDING		LOCATION	CALLER	RPT	INCIDENT #	SOURCE
		UNIT & OFFICERS						
13:15	3351 P LIQOUR VIO	2B59	1090	FRANKLIN ST SE/9TH AV	LYBBERT.CHRIS..	NO	2013-06010359	TELEPHONE
14:03	3351 P LIQOUR VIO	2S9	1214	2256 421 CAPITOL WAY S	UNKNOWN	NO	2013-06010404	ON VIEW
22:45	3351 P LIQOUR VIO	2B33	1842	4TH AVE E/FRANKLIN ST	UNKNOWN	YES	2013-06010811	ON VIEW
<u>TOTAL INCIDENTS ON 06/01/13:</u>			3					
8:22	3351 P LIQOUR VIO	2C37	3608	MARTIN WAY E/LILLY RD	UNKNOWN	YES	2013-06020204	ON VIEW
<u>TOTAL INCIDENTS ON 06/02/13:</u>			1					
0:59	3351 P LIQOUR VIO	2D21	3607	3270 3541 MARTIN WAY E	UNKNOWN	YES	2013-06040030	ON VIEW
<u>TOTAL INCIDENTS ON 06/04/13:</u>			1					
15:46	3351 P LIQOUR VIO	2A25	0879	1471 500 BING ST NW	UNKNOWN	YES	2013-06050525	TELEPHONE
<u>TOTAL INCIDENTS ON 06/05/13:</u>			1					
12:18	3351 P LIQOUR VIO	2K53	2080	1302 NORTH ST SE	UNKNOWN	YES	2013-06060336	ON VIEW
20:55	3351 P LIQOUR VIO			510 LILLY RD SE	UNKNOWN	NO	2013-06060730	TELEPHONE
<u>TOTAL INCIDENTS ON 06/06/13:</u>			2					
10:37	3351 P LIQOUR VIO	2F43	2858	300 4TH AVE W	UNKNOWN	NO	2013-06070259	ON VIEW
<u>TOTAL INCIDENTS ON 06/07/13:</u>			1					
2:58	3351 P LIQOUR VIO	2C71	3270	1338 FIR ST SE/13TH AVE SE	UNKNOWN	NO	2013-06080118	TELEPHONE
14:24	3351 P LIQOUR VIO	2F31	1626	2668 222 COLUMBIA ST NW	UNKNOWN	NO	2013-06080470	TELEPHONE
16:02	3351 P LIQOUR VIO	2F31	1626	2600 EAST BAY DR NE	UNKNOWN	NO	2013-06080539	TELEPHONE
<u>TOTAL INCIDENTS ON 06/08/13:</u>			3					
0:24	3351 P LIQOUR VIO	2B30	1811	3810 ORIENTAL DR NE	UNKNOWN	YES	2013-06090019	ON VIEW
1:17	3351 P LIQOUR VIO	2F31	1626	0907 EASTSIDE ST SE/12TH A	UNKNOWN	NO	2013-06090054	TELEPHONE
1:24	3351 P LIQOUR VIO	2F31	1626	4TH AVE E/CENTRAL ST	UNKNOWN	NO	2013-06090056	TELEPHONE
22:41	3351 P LIQOUR VIO	2B30	1811	1810 711 STATE AVE NE	UNKNOWN	YES	2013-06090660	ON VIEW
<u>TOTAL INCIDENTS ON 06/09/13:</u>			4					
16:18	3351 P LIQOUR VIO	2B46	3603	5TH AVE SE/CAPITOL WA	UNKNOWN	NO	2013-06100501	TELEPHONE
<u>TOTAL INCIDENTS ON 06/10/13:</u>			1					
22:52	3351 P LIQOUR VIO	2B30	1811	3415 222 STATE AVE NE	SANCHEZ.JOSE..	NO	2013-06110821	TELEPHONE
<u>TOTAL INCIDENTS ON 06/11/13:</u>			1					
10:51	3351 P LIQOUR VIO	2D58	2244	1165 CENTRAL ST SE/4TH AVE	UNKNOWN	NO	2013-06120264	TELEPHONE
13:54	3351 P LIQOUR VIO	2F43	2858	1842 OLYMPIA AVE NE/WASHIN	UNKNOWN	NO	2013-06120425	ON VIEW
16:19	3351 P LIQOUR VIO	2F43	2858	3608 212 4TH AVE E	UNKNOWN	YES	2013-06120552	ON VIEW
<u>TOTAL INCIDENTS ON 06/12/13:</u>			3					
0:58	3351 P LIQOUR VIO	2B30	1811	2800 415 4TH AVE E	UNKNOWN	YES	2013-06130018	ON VIEW
11:35	3351 P LIQOUR VIO	TAC9	1165	0879 JEFFERSON ST NE/STATE	WROBLEWSKI.JULIE..	NO	2013-06130268	TELEPHONE
13:48	3351 P LIQOUR VIO	2F43	2858	1165 210 STATE AVE NW	UNKNOWN	NO	2013-06130375	TELEPHONE
17:02	3351 P LIQOUR VIO	2F43	2858	200 BLK WASHINGTON ST	UNKNOWN	NO	2013-06130543	ON VIEW
<u>TOTAL INCIDENTS ON 06/13/13:</u>			4					
14:00	3351 P LIQOUR VIO	2F43	2858	2244 200 OLYMPIA AVE NE	UNKNOWN	YES	2013-06140405	ON VIEW
<u>TOTAL INCIDENTS ON 06/14/13:</u>			1					
1:00	3351 P LIQOUR VIO	2C21	3607	1626 THURSTON AVE NE/WILSO	UNKNOWN	NO	2013-06150048	TELEPHONE
8:59	3351 P LIQOUR VIO	2S2	1653	119 7TH AVE SE #201	UNKNOWN	NO	2013-06150198	TELEPHONE
12:01	3351 P LIQOUR VIO	2A33	1842	0879 RAFT AVE NW/YANTIS ST	BRACKETT.JUSTIN..	NO	2013-06150291	TELEPHONE
<u>TOTAL INCIDENTS ON 06/15/13:</u>			3					

TIME	INCIDENT TYPE	RESPONDING UNIT & OFFICERS	LOCATION	CALLER	RPT	INCIDENT #	SOURCE
12:58	3351 P LIQOUR VIO	2D50 0630	1653 2032 QUINCE ST NE	UNKNOWN	NO	2013-06160289	TELEPHONE
<u>TOTAL INCIDENTS ON 06/16/13:</u>		1					
9:45	3351 P LIQOUR VIO	2B36 3415	0705 222 STATE AVE NE	UNKNOWN	YES	2013-06170206	ON VIEW
16:11	3351 P LIQOUR VIO	2A51 1590	2256 1313 COOPER POINT RD	UNKNOWN	YES	2013-06170515	TELEPHONE
16:45	3351 P LIQOUR VIO	2F31 1626	3603 3100 CAPITAL MALL DR	UNKNOWN	NO	2013-06170546	TELEPHONE
18:46	3351 P LIQOUR VIO	2D25 0879	3501 PACIFIC AVE SE	UNKNOWN	NO	2013-06170636	TELEPHONE
<u>TOTAL INCIDENTS ON 06/17/13:</u>		4					
10:23	3351 P LIQOUR VIO	2A51 1590	BLACK LAKE BLVD SW/CO	UNKNOWN	YES	2013-06190211	ON VIEW
<u>TOTAL INCIDENTS ON 06/19/13:</u>		1					
15:47	3351 P LIQOUR VIO	2F43 2858	0879 210 4TH AVE E	UNKNOWN	YES	2013-06210427	TELEPHONE
16:33	3351 P LIQOUR VIO	2F43 2858	0907 222 COLUMBIA ST NW	UNKNOWN	YES	2013-06210465	ON VIEW
<u>TOTAL INCIDENTS ON 06/21/13:</u>		2					
1:41	3351 P LIQOUR VIO	2A61 3189	0907 1818 EVERGREEN PARK D	UNKNOWN	YES	2013-06220052	TELEPHONE
<u>TOTAL INCIDENTS ON 06/22/13:</u>		1					
22:52	3351 P LIQOUR VIO		3100 CAPITAL MALL DR	UNKNOWN	NO	2013-06230792	TELEPHONE
22:52	3351 P LIQOUR VIO	2A71 3270	1090 3200 CAPITAL MALL DR	BLANCHARD,STANLEY..	NO	2013-06230790	TELEPHONE
<u>TOTAL INCIDENTS ON 06/23/13:</u>		2					
3:01	3351 P LIQOUR VIO	2B23 3539	2386 210 4TH AVE E	GEIGER,BRETT..	NO	2013-06260058	TELEPHONE
14:09	3351 P LIQOUR VIO	TAC9	212 4TH AVE E	UNKNOWN	NO	2013-06260436	TELEPHONE
14:12	3351 P LIQOUR VIO	2F43 2858	2114 212 4TH AVE E	UNKNOWN	NO	2013-06260438	TELEPHONE
18:37	3351 P LIQOUR VIO	2B21 3607	2386 414 JEFFERSON ST NE	UNKNOWN	YES	2013-06260644	ON VIEW
20:04	3351 P LIQOUR VIO	2A28 1471	2858 1000 BLACK LAKE BLVD	UNKNOWN	NO	2013-06260730	TELEPHONE
<u>TOTAL INCIDENTS ON 06/26/13:</u>		5					
2:34	3351 P LIQOUR VIO	2R53 2080	3189 625 BLACK LAKE BLVD S	HUFF,BRYCEN..	NO	2013-06270066	TELEPHONE
<u>TOTAL INCIDENTS ON 06/27/13:</u>		1					
20:39	3351 P LIQOUR VIO	2A25 0879	3633 7TH AVE SW #22	UNKNOWN	NO	2013-06280800	TELEPHONE
<u>TOTAL INCIDENTS ON 06/28/13:</u>		1					
15:54	3351 P LIQOUR VIO	2B34 0907	0705 116 LEGION WAY SE	UNKNOWN	NO	2013-06300487	ON VIEW
19:33	3351 P LIQOUR VIO	2F31 1626	4353 MARTIN WAY E	UNKNOWN	NO	2013-06300646	TELEPHONE
23:47	3351 P LIQOUR VIO	2R68 3624	2080 313 EAST BAY DR SW	UNKNOWN	YES	2013-06300851	ON VIEW
<u>TOTAL INCIDENTS ON 06/30/13:</u>		3					
23:54	3351 P LIQOUR VIO	2A28 1471	3627 625 BLACK LAKE BLVD S	UNKNOWN	NO	2013-07010861	TELEPHONE
<u>TOTAL INCIDENTS ON 07/01/13:</u>		1					
17:32	3351 P LIQOUR VIO		201 SIMMONS ST NW	UNKNOWN	NO	2013-07030594	TELEPHONE
18:40	3351 P LIQOUR VIO	2D38 2885	0410 3121 PACIFIC AVE SE	UNKNOWN	NO	2013-07030641	TELEPHONE
<u>TOTAL INCIDENTS ON 07/03/13:</u>		2					
8:56	3351 P LIQOUR VIO	2F43 2858	1165 114 CHERRY ST NE	UNKNOWN	YES	2013-07040178	ON VIEW
<u>TOTAL INCIDENTS ON 07/04/13:</u>		1					
17:14	3351 P LIQOUR VIO	2F31 1626	2668 108 FRANKLIN ST NE	UNKNOWN	NO	2013-07090550	TELEPHONE
<u>TOTAL INCIDENTS ON 07/09/13:</u>		1					
11:06	3351 P LIQOUR VIO	2F43 2858	1165 203 4TH AVE E	UNKNOWN	YES	2013-07110246	ON VIEW
16:02	3351 P LIQOUR VIO	2C39 1338	2244 2005 EASTSIDE ST NE	UNKNOWN	NO	2013-07110509	TELEPHONE
<u>TOTAL INCIDENTS ON 07/11/13:</u>		2					

TIME	INCIDENT TYPE	RESPONDING UNIT & OFFICERS	LOCATION	CALLER	RPT	INCIDENT #	SOURCE
2:44	3351 P LIQUOR VIO	2B53 2080	2025 1417 SAN FRANCISCO AV	UNKNOWN	NO	2013-07120074	TELEPHONE
16:40	3351 P LIQUOR VIO	2A33 1842	0879 2200 GARFIELD AVE NW	REFUSED...	NO	2013-07120545	TELEPHONE
<u>TOTAL INCIDENTS ON 07/12/13:</u>		2					
16:56	3351 P LIQUOR VIO	2A33 1842	3100 CAPITAL MALL DR	FAUR, ERIC..	NO	2013-07130465	TELEPHONE
<u>TOTAL INCIDENTS ON 07/13/13:</u>		1					
22:34	3351 P LIQUOR VIO	2C57 2800	3608 724 STATE AVE NE	UNKNOWN	YES	2013-07150794	ON VIEW
<u>TOTAL INCIDENTS ON 07/15/13:</u>		1					
16:19	3351 P LIQUOR VIO	2F43 2858	415 4TH AVE E	UNKNOWN	YES	2013-07170485	ON VIEW
18:43	3351 P LIQUOR VIO	2R34 0907	1338 3520 PACIFIC AVE SE	ALISA...	NO	2013-07170613	TELEPHONE
22:09	3351 P LIQUOR VIO	2R37 0907	3608 500 WATER ST SW	UNKNOWN	YES	2013-07170745	ON VIEW
22:41	3351 P LIQUOR VIO	2P36 3415	500 WATER ST SW	UNKNOWN	YES	2013-07170774	ON VIEW
<u>TOTAL INCIDENTS ON 07/17/13:</u>		4					
12:43	3351 P LIQUOR VIO	2F40 2025	1408 BETHEL ST NE	UNKNOWN	NO	2013-07190328	TELEPHONE
13:08	3351 P LIQUOR VIO	2D48 0705	11TH AVE SE/EASTSIDE	UNKNOWN	NO	2013-07190346	TELEPHONE
16:29	3351 P LIQUOR VIO	2R34 0907	1810 930 BIGELOW AVE NE	GLIDDEN, ED..	NO	2013-07190508	TELEPHONE
23:31	3351 P LIQUOR VIO	2C53 2080	210 5TH AVE SW	UNKNOWN	NO	2013-07190860	TELEPHONE
<u>TOTAL INCIDENTS ON 07/19/13:</u>		4					
1:10	3351 P LIQUOR VIO		114 4TH AVE E	COOK, JOSHUA..	NO	2013-07200043	TELEPHONE
3:07	3351 P LIQUOR VIO	2A46 2800	3603 119 CAPITOL WAY N	UNKNOWN	NO	2013-07200104	TELEPHONE
18:27	3351 P LIQUOR VIO	2P61 3189	1069 5TH AVE SW/WATER ST S	UNKNOWN	YES	2013-07200596	TELEPHONE
18:31	3351 P LIQUOR VIO	2F43 2858	500 WATER ST SW	UNKNOWN	NO	2013-07200599	TELEPHONE
<u>TOTAL INCIDENTS ON 07/20/13:</u>		4					
1:33	3351 P LIQUOR VIO	2A28 1471	1090 1100 FERN ST SW	UNKNOWN	NO	2013-07210063	TELEPHONE
<u>TOTAL INCIDENTS ON 07/21/13:</u>		1					
11:06	3351 P LIQUOR VIO	2F43 2858	1300 203 4TH AVE E	UNKNOWN	YES	2013-07240322	ON VIEW
13:43	3351 P LIQUOR VIO	2B66 1165	313 8TH AVE SE	UNKNOWN	NO	2013-07240474	TELEPHONE
16:58	3351 P LIQUOR VIO	2F43 2858	516 4TH AVE W	UNKNOWN	NO	2013-07240618	TELEPHONE
<u>TOTAL INCIDENTS ON 07/24/13:</u>		3					
17:56	3351 P LIQUOR VIO	2R37 3608	STATE AVE NE/WASHINGT	UNKNOWN	NO	2013-07250609	TELEPHONE
<u>TOTAL INCIDENTS ON 07/25/13:</u>		1					
18:31	3351 P LIQUOR VIO	2C33 1842	3608 313 EAST BAY DR SW	UNKNOWN	NO	2013-07260595	TELEPHONE
19:39	3351 P LIQUOR VIO	2F31 1626	2858 311 4TH AVE E	UNKNOWN	YES	2013-07260651	ON VIEW
<u>TOTAL INCIDENTS ON 07/26/13:</u>		2					
3:05	3351 P LIQUOR VIO	2B46 3603	216 9TH AVE SE #4	HEITZMAN, JIM..	NO	2013-07270093	TELEPHONE
13:43	3351 P LIQUOR VIO	2F31 1626	4141 MARTIN WAY E	ANNON...	NO	2013-07270367	TELEPHONE
<u>TOTAL INCIDENTS ON 07/27/13:</u>		2					
20:40	3351 P LIQUOR VIO	2B36 3415	WASHINGTON ST NE/4TH	UNKNOWN	NO	2013-07290650	TELEPHONE
23:12	3351 P LIQUOR VIO	2C23 3539	1338 ROOSEVELT ST NE/YEW A	UNKNOWN	YES	2013-07290749	ON VIEW
<u>TOTAL INCIDENTS ON 07/29/13:</u>		2					
8:17	3351 P LIQUOR VIO	2F43 2858	200 BLK THURSTON AVE	UNKNOWN	NO	2013-07300148	ON VIEW
21:27	3351 P LIQUOR VIO	2B23 3539	3626 721 LEGION WAY SE	UNKNOWN	NO	2013-07300744	TELEPHONE
22:00	3351 P LIQUOR VIO	2B23 1626	3539 1200 8TH AVE SE	UNKNOWN	NO	2013-07300772	TELEPHONE
<u>TOTAL INCIDENTS ON 07/30/13:</u>		3					
15:47	3351 P LIQUOR VIO	2A33 1842	203 4TH AVE E	UNKNOWN	NO	2013-07310508	ON VIEW

TIME	INCIDENT TYPE	RESPONDING		LOCATION	CALLER	RPT	INCIDENT #	SOURCE
		UNIT & OFFICERS						
15:49	3351 P LIQOUR VIO	2F43	2858	1165 203 4TH AVE E	UNKNOWN	YES	2013-07310510	ON VIEW
16:41	3351 P LIQOUR VIO	2B17	3626	113 CAPITOL WAY N	CANNON,SHEILA..	NO	2013-07310561	TELEPHONE
17:49	3351 P LIQOUR VIO	2A33	1842	0879 COOPER POINT RD NW/HA	UNKNOWN	YES	2013-07310618	ON VIEW
18:14	3351 P LIQOUR VIO	2A25	0879	1653 203 4TH AVE E	UNKNOWN	YES	2013-07310638	TELEPHONE
<u>TOTAL INCIDENTS ON 07/31/13:</u>			5					
10:33	3351 P LIQOUR VIO	2B66	1165	310 4TH AVE W	SANCHEZ,ELIZABETH..	NO	2013-08010272	TELEPHONE
<u>TOTAL INCIDENTS ON 08/01/13:</u>			1					
3:26	3351 P LIQOUR VIO	2D38	2885	CENTRAL ST SE/13TH AV	UNKNOWN	NO	2013-08020083	TELEPHONE
7:55	3351 P LIQOUR VIO	2F43	2858	1165 505 PLUM ST SE	UNKNOWN	YES	2013-08020141	ON VIEW
<u>TOTAL INCIDENTS ON 08/02/13:</u>			2					
12:54	3351 P LIQOUR VIO	2D48	0705	4542 MARTIN WAY E	UNKNOWN	NO	2013-08030354	TELEPHONE
15:19	3351 P LIQOUR VIO	2C30	1811	1111 MILLER AVE NE	UNKNOWN	NO	2013-08030449	TELEPHONE
<u>TOTAL INCIDENTS ON 08/03/13:</u>			2					
2:17	3351 P LIQOUR VIO	2F31	1626	3624 WASHINGTON ST NE/OLYM	UNKNOWN	NO	2013-08040070	TELEPHONE
<u>TOTAL INCIDENTS ON 08/04/13:</u>			1					
1:24	3351 P LIQOUR VIO	2D61	3189	FONES RD SE/PACIFIC A	KRAUSE,LORA LEE..	NO	2013-08050034	TELEPHONE
<u>TOTAL INCIDENTS ON 08/05/13:</u>			1					
13:24	3351 P LIQOUR VIO	2F43	2858	0410 400 4TH AVE	UNKNOWN	YES	2013-08080363	ON VIEW
19:51	3351 P LIQOUR VIO	2B17	3626	700 CAPITOL WAY S	METCALF,TERESE..	NO	2013-08080642	TELEPHONE
20:22	3351 P LIQOUR VIO	2B17	2025	0879 1067 CHERRY ST SE #13	UNKNOWN	NO	2013-08080665	TELEPHONE
22:33	3351 P LIQOUR VIO	2D38	2885	2200 18TH AVE SE	UNKNOWN	NO	2013-08080741	TELEPHONE
22:34	3351 P LIQOUR VIO	2C71	2885	3270 1615 CHAMBERS ST SE	UNKNOWN	NO	2013-08080742	TELEPHONE
<u>TOTAL INCIDENTS ON 08/08/13:</u>			5					
12:59	3351 P LIQOUR VIO	2B58	2244	1029 5TH AVE SE/CAPITOL WA	UNKNOWN	YES	2013-08090394	ON VIEW
17:39	3351 P LIQOUR VIO	2P39	1338	300 4TH AVE W	SOLBERG,MARK..	NO	2013-08090620	TELEPHONE
<u>TOTAL INCIDENTS ON 08/09/13:</u>			2					
13:13	3351 P LIQOUR VIO	2F28	1471	1165 203 4TH AVE E	UNKNOWN	YES	2013-08100334	ON VIEW
16:12	3351 P LIQOUR VIO	2C15	1165	1300 EAST BAY DR NE/STATE	LAMBRECHT,TERESA..	NO	2013-08100439	TELEPHONE
16:28	3351 P LIQOUR VIO	2C21	3607	2885 724 STATE AVE NE	UNKNOWN	YES	2013-08100453	ON VIEW
16:31	3351 P LIQOUR VIO	2A28	1842	1471 HARRISON AVE NW/PERRY	STEPHANIS,PAUL..	NO	2013-08100454	TELEPHONE
16:50	3351 P LIQOUR VIO			HARRISON AVE NW/PLYMO	CITIZEN...	NO	2013-08100474	TELEPHONE
17:23	3351 P LIQOUR VIO	2D38	2885	2025 7TH AVE SE/SAWYER ST	UNKNOWN	NO	2013-08100503	TELEPHONE
18:28	3351 P LIQOUR VIO	TAC9	3607	2885 123 5TH AVE SW	UNKNOWN	NO	2013-08100550	TELEPHONE
20:39	3351 P LIQOUR VIO	2F40	2025	2885 FRANKLIN ST NE/4TH AV	UNKNOWN	NO	2013-08100641	TELEPHONE
22:06	3351 P LIQOUR VIO	2D38	2244	2885 4030 MARTIN WAY E	UNKNOWN	NO	2013-08100717	TELEPHONE
<u>TOTAL INCIDENTS ON 08/10/13:</u>			9					
2:02	3351 P LIQOUR VIO	2B58	2244	2885 4TH AVE E/FRANKLIN ST	UNKNOWN	NO	2013-08110059	ON VIEW
9:56	3351 P LIQOUR VIO	2C15	1300	1165 1417 SAN FRANCISCO AV	UNKNOWN	YES	2013-08110220	TELEPHONE
13:19	3351 P LIQOUR VIO	2F28	1471	1165 212 4TH AVE E	UNKNOWN	YES	2013-08110330	ON VIEW
15:23	3351 P LIQOUR VIO	2A33	1842	0879 2735 HARRISON AVE NW	THOMPSON,BEN..	NO	2013-08110420	TELEPHONE
<u>TOTAL INCIDENTS ON 08/11/13:</u>			4					
11:20	3351 P LIQOUR VIO	2A51	1590	2114 2815 CAPITAL MALL DR	UNKNOWN	YES	2013-08140270	TELEPHONE
16:54	3351 P LIQOUR VIO	2A60	2256	1653 1309 COOPER POINT RD	UNKNOWN	YES	2013-08140546	ON VIEW
17:00	3351 P LIQOUR VIO	2A60	2256	1309 COOPER POINT RD	UNKNOWN	YES	2013-08140552	TELEPHONE
19:49	3351 P LIQOUR VIO	2R37	3608	155 DIVISION ST NW	UNKNOWN	YES	2013-08140665	TELEPHONE
<u>TOTAL INCIDENTS ON 08/14/13:</u>			4					

TIME	INCIDENT TYPE	RESPONDING UNIT & OFFICERS	LOCATION	CALLER	RPT	INCIDENT #	SOURCE
3:05	3351 P LIQOUR VIO	2A30 1811	1209 FERN ST SW	VANDUSEN,JAMIE..	NO	2013-08160084	TELEPHONE
TOTAL INCIDENTS ON 08/16/13:		1					
9:09	3351 P LIQOUR VIO	2B48 0705	3607 1050 PLUM ST SE	GARCIA,VISURI..	YES	2013-08170219	TELEPHONE
20:40	3351 P LIQOUR VIO	2B23 3539	507 CAPITOL WAY S	MORAES,PERSIO..	NO	2013-08170727	TELEPHONE
TOTAL INCIDENTS ON 08/17/13:		2					
12:39	3351 P LIQOUR VIO	2C21 3607	WASHINGTON ST NE/4TH	UNKNOWN	YES	2013-08180385	ON VIEW
TOTAL INCIDENTS ON 08/18/13:		1					
1:17	3351 P LIQOUR VIO	2C23 3539	2025 3436 MARY ELDER RD NE	UNKNOWN	NO	2013-08190037	TELEPHONE
1:19	3351 P LIQOUR VIO	2A28 1471	1090 616 DIVISION ST NW	UNKNOWN	NO	2013-08190039	TELEPHONE
14:08	3351 P LIQOUR VIO	2C15 1300	1338 724 STATE AVE NE	UNKNOWN	YES	2013-08190410	ON VIEW
14:15	3351 P LIQOUR VIO	2B28 1471	0630 4TH AVE E/ADAMS ST NE	UNKNOWN	YES	2013-08190414	ON VIEW
TOTAL INCIDENTS ON 08/19/13:		4					
8:51	3351 P LIQOUR VIO	2B33 1842	5TH AVE SW/SIMMONS ST	UNKNOWN	YES	2013-08220176	ON VIEW
11:30	3351 P LIQOUR VIO	2C68 3624	0410 1910 QUINCE ST NE	OFD...	NO	2013-08220290	TELEPHONE
14:44	3351 P LIQOUR VIO	2F43 2858	1626 212 4TH AVE E	UNKNOWN	YES	2013-08220438	ON VIEW
17:46	3351 P LIQOUR VIO	2F31 1626	0705 FONES RD SE/18TH AVE	UNKNOWN	NO	2013-08220586	TELEPHONE
20:13	3351 P LIQOUR VIO	2F31 1626	2668 507 CAPITOL WAY S	MORAES,PERCIO..	NO	2013-08220700	TELEPHONE
22:15	3351 P LIQOUR VIO	2C57 2800	3608 923 OLYMPIA AVE NE	MILTON,BETH..	NO	2013-08220784	TELEPHONE
TOTAL INCIDENTS ON 08/22/13:		6					
12:15	3351 P LIQOUR VIO	2B65 1810	3330 PACIFIC AVE SE	UNKNOWN	YES	2013-08230333	ON VIEW
TOTAL INCIDENTS ON 08/23/13:		1					
13:58	3351 P LIQOUR VIO	2B65 1810	1626 112 JEFFERSON ST NE	UNKNOWN	NO	2013-08250424	TELEPHONE
14:47	3351 P LIQOUR VIO	2C68 3624	4040 MARTIN WAY E	WILCOX,LOU..	NO	2013-08250453	TELEPHONE
17:30	3351 P LIQOUR VIO	2A60 2256	2668 1515 BLACK LAKE BLVD	UNKNOWN	YES	2013-08250563	ON VIEW
23:09	3351 P LIQOUR VIO	2R36 2244	3415 222 STATE AVE NE	UNKNOWN	YES	2013-08250795	ON VIEW
TOTAL INCIDENTS ON 08/25/13:		4					
4:00	3351 P LIQOUR VIO	2B46 3415	3603 1530 BLACK LAKE BLVD	ANDREW...	YES	2013-08260099	TELEPHONE
TOTAL INCIDENTS ON 08/26/13:		1					
10:36	3351 P LIQOUR VIO	2F43 2858	410 CAPITOL WAY N	UNKNOWN	YES	2013-08270274	ON VIEW
13:38	3351 P LIQOUR VIO	2P58 2244	425 FRANKLIN ST SE	UNKNOWN	YES	2013-08270409	ON VIEW
14:06	3351 P LIQOUR VIO	2P58 2244	2858 313 EAST BAY DR SW	UNKNOWN	YES	2013-08270435	ON VIEW
16:15	3351 P LIQOUR VIO	2C15 1300	1408 BETHEL ST NE	UNKNOWN	NO	2013-08270542	TELEPHONE
TOTAL INCIDENTS ON 08/27/13:		4					
1:54	3351 P LIQOUR VIO	2B36 3415	3270 724 STATE AVE NE	UNKNOWN	YES	2013-08280038	ON VIEW
11:41	3351 P LIQOUR VIO	2F43 2858	416 STATE AVE NE	UNKNOWN	NO	2013-08280248	TELEPHONE
12:55	3351 P LIQOUR VIO	2B58 1300	2244 209 THURSTON AVE NE	UNKNOWN	YES	2013-08280314	ON VIEW
TOTAL INCIDENTS ON 08/28/13:		3					
9:42	3351 P LIQOUR VIO	2C15 1300	200 4TH AVE E	UNKNOWN	YES	2013-08290210	ON VIEW
13:44	3351 P LIQOUR VIO	2C15 1300	THURSTON AVE NE/FRANK	UNKNOWN	YES	2013-08290383	ON VIEW
15:35	3351 P LIQOUR VIO	2A25 0879	1842 2405 4TH AVE W #D	UNKNOWN	NO	2013-08290475	TELEPHONE
20:16	3351 P LIQOUR VIO	2C33 1842	1471 402 SLEATER KINNEY RD	UNKNOWN	NO	2013-08290710	TELEPHONE
TOTAL INCIDENTS ON 08/29/13:		4					
3:53	3351 P LIQOUR VIO	2F40 2025	1214 311 4TH AVE E	UNKNOWN	NO	2013-08300086	TELEPHONE
11:51	3351 P LIQOUR VIO	2C15 1300	222 STATE AVE NE	UNKNOWN	YES	2013-08300327	ON VIEW
19:38	3351 P LIQOUR VIO	2F43 2858	212 4TH AVE E	UNKNOWN	YES	2013-08300659	ON VIEW
TOTAL INCIDENTS ON 08/30/13:		3					

TIME	INCIDENT TYPE	RESPONDING UNIT & OFFICERS	LOCATION	CALLER	RPT	INCIDENT #	SOURCE
3:02	3351 P LIQOUR VIO	2A59 1090	THOMAS ST NW/BRAWNE A	ANON...	NO	2013-08310096	TELEPHONE
<u>TOTAL INCIDENTS ON 08/31/13:</u>		1					
15:36	3351 P LIQOUR VIO	2B31 1626	0410 LEGION WAY SW/COLUMBI	UNKNOWN	YES	2013-09010457	ON VIEW
<u>TOTAL INCIDENTS ON 09/01/13:</u>		1					
13:05	3351 P LIQOUR VIO	2B59 1090	0705 3505 PACIFIC AVE SE	UNKNOWN	NO	2013-09020373	TELEPHONE
16:45	3351 P LIQOUR VIO	2S8 1069	2858 700 CAPITOL WAY N	JAY...	NO	2013-09020567	TELEPHONE
21:53	3351 P LIQOUR VIO	2B43 2858	2800 212 4TH AVE E	UNKNOWN	NO	2013-09020815	TELEPHONE
<u>TOTAL INCIDENTS ON 09/02/13:</u>		3					
14:27	3351 P LIQOUR VIO	2D48 0705	3501 PACIFIC AVE SE	UNKNOWN	YES	2013-09030462	ON VIEW
<u>TOTAL INCIDENTS ON 09/03/13:</u>		1					
14:25	3351 P LIQOUR VIO		HARRISON AVE NW/DIVIS	UNKNOWN	NO	2013-09040433	TELEPHONE
17:48	3351 P LIQOUR VIO	2A33 1842	1069 2200 GARFIELD AVE NW	NORMA...	NO	2013-09040631	TELEPHONE
17:55	3351 P LIQOUR VIO	2B25 0879	414 JEFFERSON ST NE	MICKEY/STAFF...	NO	2013-09040638	TELEPHONE
23:03	3351 P LIQOUR VIO		4500 MARTIN WAY E #44	UNKNOWN	NO	2013-09040828	TELEPHONE
<u>TOTAL INCIDENTS ON 09/04/13:</u>		4					
10:01	3351 P LIQOUR VIO	2C17 3626	724 STATE AVE NE	UNKNOWN	YES	2013-09050238	ON VIEW
10:09	3351 P LIQOUR VIO	2C17 3626	1090 FRANKLIN ST NE/STATE	UNKNOWN	YES	2013-09050245	ON VIEW
16:43	3351 P LIQOUR VIO	2F43 2858	2244 300 STATE AVE NW	UNKNOWN	YES	2013-09050600	ON VIEW
18:20	3351 P LIQOUR VIO	2A21 3607	2244 2300 HARRISON AVE NW	UNKNOWN	YES	2013-09050676	ON VIEW
<u>TOTAL INCIDENTS ON 09/05/13:</u>		4					
18:08	3351 P LIQOUR VIO	2F43 2858	2101 415 4TH AVE E	UNKNOWN	NO	2013-09060604	ON VIEW
20:32	3351 P LIQOUR VIO	2A46 3603	1313 COOPER POINT RD	DAVID...	NO	2013-09060731	TELEPHONE
<u>TOTAL INCIDENTS ON 09/06/13:</u>		2					
0:16	3351 P LIQOUR VIO	2B23 3539	3603 415 4TH AVE E	UNKNOWN	NO	2013-09070010	TELEPHONE
1:32	3351 P LIQOUR VIO	2B23 3539	3603 111 WASHINGTON ST NE	UNKNOWN	NO	2013-09070056	TELEPHONE
2:59	3351 P LIQOUR VIO	2B23 3539	3415 222 STATE AVE NE	CITIZEN...	NO	2013-09070079	TELEPHONE
3:30	3351 P LIQOUR VIO	2B23 3539	1090 210 4TH AVE E	UNKNOWN	NO	2013-09070090	TELEPHONE
20:09	3351 P LIQOUR VIO	2A21 3607	OLYMPIA AVE NE/QUINCE	MILTON.BETH..	NO	2013-09070699	TELEPHONE
<u>TOTAL INCIDENTS ON 09/07/13:</u>		5					
0:51	3351 P LIQOUR VIO	2C36 3415	3608 3541 MARTIN WAY E	UNKNOWN	YES	2013-09100028	ON VIEW
7:48	3351 P LIQOUR VIO	2D48 0705	3624 OLYMPIA AVE NE/WASHIN	UNKNOWN	YES	2013-09100151	ON VIEW
21:45	3351 P LIQOUR VIO	2C36 3415	3189 3541 MARTIN WAY E	UNKNOWN	YES	2013-09100792	TELEPHONE
22:38	3351 P LIQOUR VIO	2C36 3415	3189 3541 MARTIN WAY E	WARD.BRIAN..	NO	2013-09100823	TELEPHONE
<u>TOTAL INCIDENTS ON 09/10/13:</u>		4					
20:33	3351 P LIQOUR VIO	2C20 3627	421 LILLY RD SE	UNKNOWN	YES	2013-09110789	ON VIEW
<u>TOTAL INCIDENTS ON 09/11/13:</u>		1					
20:23	3351 P LIQOUR VIO	2A46 3603	600 BLACK LAKE BLVD S	LLOYD.GWEN..	NO	2013-09120742	TELEPHONE
<u>TOTAL INCIDENTS ON 09/12/13:</u>		1					
0:29	3351 P LIQOUR VIO	2B37 3608	0907 8TH AVE SE/FRANKLIN S	UNKNOWN	NO	2013-09130009	TELEPHONE
19:14	3351 P LIQOUR VIO	2K55 2114	1302 NORTH ST SE	UNKNOWN	YES	2013-09130680	ON VIEW
19:15	3351 P LIQOUR VIO	2K55 2114	2222 STATE AVE NE	UNKNOWN	YES	2013-09130681	ON VIEW
19:16	3351 P LIQOUR VIO	2K55 2114	1302 NORTH ST SE	UNKNOWN	YES	2013-09130682	ON VIEW
21:10	3351 P LIQOUR VIO	2P55 1811	2114 1302 NORTH ST SE	UNKNOWN	NO	2013-09130768	TELEPHONE
21:44	3351 P LIQOUR VIO	2K55 2114	1302 NORTH ST SE	UNKNOWN	YES	2013-09130791	ON VIEW
22:19	3351 P LIQOUR VIO	2A23 3603	3539 2800 LIMITED LN NW #L	UNKNOWN	YES	2013-09130816	TELEPHONE
<u>TOTAL INCIDENTS ON 09/13/13:</u>		7					

Olympia Police Department
DATE 10/02/2013
TIME 13:38:07

A E I S PUBLIC SAFETY SYSTEM
INCIDENT ANALYSIS REPORT - SUMMARY

PAGE 7
PL1321
DREEDY

TIME	INCIDENT TYPE	RESPONDING UNIT & OFFICERS	LOCATION	CALLER	RPT	INCIDENT #	SOURCE
18:43	3351 P LIQOUR VIO	2C48 0705	0630 3501 PACIFIC AVE SE	UNKNOWN	YES	2013-09140568	ON VIEW
TOTAL INCIDENTS ON		09/14/13:	1				

TOTALS FOR WA0340100: 192

GRAND TOTAL: 192

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Section 5

**Supporting affidavit from Jonathon Turlove, Parks Maintenance Manager for the
city of Olympia**

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Section 5

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BEFORE THE
LIQUOR CONTROL BOARD
STATE OF WASHINGTON

IN THE MATTER OF THE CITY OF
OLYMPIA'S APPLICATION FOR AN
ALCOHOL IMPACT AREA

No. 13-2-0020

DECLARATION OF JONATHON
TURLOVE

I, Jonathon Turlove, declare as follows:

I am the Parks Maintenance Manager for the City of Olympia. I am over the age of 18 and competent to testify.

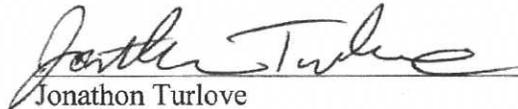
As Olympia's Parks Maintenance Manager, I am seeing on a regular basis problems in our downtown parks caused by inexpensive, high alcohol beer, i.e. the City's proposed banned beverage list, such as Steel Reserve, "Ice" type beer, Four Loko and others. For example, we often see groups of people drinking this type of beer at the pavilions at Percival Landing, our downtown waterfront boardwalk. This area is very close to the playground in this park and this behavior makes the park, playground, and boardwalk much less welcoming for other park users and puts other park users safety and our employees safety at greater risk. As this is a group behavior where money pooling can occur, a ban on single serve beverages would likely not assist with these public problems associated with chronic public inebriants.

Our park maintenance crew is having to spend an increasing amount of time calling the Olympia Police Department for assistance in helping in these situations, which is taking them away from other important park maintenance tasks. In addition to Percival Landing, we also find

1 high alcohol beer cans at the Yashiro Japanese Garden, the Heritage Park Fountain, and East Bay
2 Park, all downtown parks in the City's proposed Alcohol Impact Area. I am hopeful that a ban
3 on the sale of these products downtown would lead to cleaner, safer parks that are more
4 welcoming to the general public. I do not believe restricting the sale of these beverages prior to 1
5 pm would cause much reduction either. Much of the problems of public drinking occur after 1
6 pm, and we do not see a significant amount of public drinking in the morning hours.

7
8 I certify under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct to the best of my knowledge and ability.

10 Signed at Olympia, Washington on October 1, 2013.

11
12 
13 Jonathon Turlove

Section 6

**Timeline demonstrating the city's collaboration with industry representatives from
November, 2011 through October, 2013**

City Interactions with Industry Representatives & Voluntary Ban Negotiations

WAC 314-12-215(4) requires local authorities to provide a good faith voluntary effort with affected stakeholders (distributors and retailers) toward addressing the issue of chronic public inebriation.

When City Council decided to pursue an AIA for downtown Olympia, city staff formed an Alcohol Impact Area Task Force. This group invited representatives from Code Enforcement, Police, Concerned Citizens, the Olympia Downtown Association, and a representative from Marine View Beverage (a local beer/wine distribution company). Meeting on a monthly basis, the task force helped develop the proposed AIA boundaries and proposed banned beverage list (based on previous beer can litter surveys).

In November and December, 2011, a City of Olympia staff member and a member of the Board of Directors of the Olympia Downtown Association visited all eight¹ affected off-premises retailers in the proposed AIA boundary area that would be included in the proposed ordinance. Along with a copy of WAC 314-12-215, the outreach team answered questions by the affected retailers and informed them the proposed ordinance was to establish a 6-month voluntary compliance period.

On April 10, 2012, Olympia's City Council passed on second reading Ord. 6796, amended by Ord. 6803 in accordance to WAC 314-12-215 to establish an Alcohol Impact Area (AIA) in Downtown Olympia. Shortly after, City staff and AIA task force members contacted in-person and via mail all off-premises retailers within the AIA boundaries. Retailers were made aware of the concerns the city had associated with chronic public inebriation and the ease of access to low-cost, high alcohol content beer and wine. Prior to beginning the required 6-month voluntary ban (as described in WAC 314-12-215(4c)), staff asked off-premises retailers to agree to and sign voluntary agreements (best management practices) eliminating the sale of low-cost, high alcohol content beverages in downtown Olympia.

Five out of the nine store owners declined to sign the voluntary ban agreement. The four stores that agreed to comply with the voluntary ban have not prior to, during, or currently sell any of the proposed banned beverages.

The 6-month voluntary ban period began in May, 2012 and ended in October, 2012. City staff and AIA Task Force members conducted monthly in-store, voluntary compliance checks at each off-premises retail location. The five retail locations that declined to sign the voluntary agreement continued to carry products on the proposed banned beverage list for the entire 6-month period.

Following the completion of the voluntary period, staff compiled all police, medical, compliance, and beer can litter data and petitioned the WSLCB for a state-recognized mandatory ban. On July 2, 2013,

¹ A ninth retailer (Adam Market) obtained a liquor license at a later date. This retailer decided against carrying alcoholic beverages in their store.

staff was directed by the WSLCB to continue to engage affected stakeholders (distributors and retailers) regarding the possibility of a voluntary approach (as defined in WAC 314-12-215(2)(iii)-(iv)) for a 90-day period (ending October 8, 2013).

The following is a review of the meetings and dialogue city staff had with industry representatives and off-premises retail store owners. Mr. Transue and Mr. BJ Berke informed City staff that they were the duly authorized representatives on behalf of the industry distributors and retailers. They said that the distributors and retailers had other meetings and Mr. Transue and Mr. Berke spoke on behalf of the affected industry.

- **July 19, 2013** - City Manager Steve Hall met with Michael Transue (Executive Director, Washington State Beer & Wine Distributors Association) to discuss how to proceed with future conversations between industry representatives, off-premises retail store owners, and city staff. The industry representatives offered to act as a liaison between staff and the store owners due to their established rapport with retailers and cited a language barrier for several owners.
- **July 26, 2013** – City staff and industry representatives met at Olympia City Hall. The industry representatives presented information about a voluntary ban they have instituted in other cities such as Kent and Seattle. Their version of a voluntary ban prevents the sale of single serve alcoholic beverages between the hours of 6:00 AM and 1:00 PM, regardless of alcohol content levels. The industry representatives presented signed voluntary compliance agreements from the five retail locations that previously had refused to sign the city's version of a voluntary ban. It was reported, by the industry representatives, that the voluntary ban began on July 1, 2013.
- **August 19, 2013** – Industry representatives met with representatives from the Police (Chief Ronnie Roberts) and Fire Departments (Assistant Fire Chief Greg Wright) at Olympia City Hall. Roberts reported that CPI behavior is a daily problem in downtown Olympia that taxes the resources of an already short-staffed police department. He also spoke about his personal observations of CPIs cycle of panhandling, purchasing high-alcohol, cheap beverages, and drinking in public within a short distance of the off-premises retail locations. Wright reported that his department responds to alcohol-related calls on a near daily basis in downtown Olympia. The industry representatives agreed to pass on the City's concerns about CPI behavior to the off-premises retail store owners.
- **August 26, 2013** – Industry representatives attended City Council's Land Use and Environment Committee meeting in the City Council Chambers. They informed the Council subcommittee of their version of the voluntary ban currently in effect in downtown Olympia. They also presented comparative Thurston County vs. Downtown Olympia beer sales numbers. A question and answer period followed the industry representatives' presentation. See Attachment 1 for the meeting minutes.
- **September 16, 2013** – City staff attends an off-premises retailers MAST training session at Ramblin' Jacks restaurant. In attendance were industry representatives, a certified WSLCB trainer, City Manager Steve Hall, Lt. Paul Lower, City Deputy Attorney Darren Nienaber, Downtown Liaison Brian Wilson and four off-premises retail store owners. Staff expressed to the retailers in attendance the importance of improving downtown conditions by addressing chronic

public inebriation and the role off-premises retailers can play in working toward that solution. Retail owners were also informed about the citywide Downtown Project which is a multi-directional approach toward creating a safer and more welcoming environment for all users of downtown Olympia.

- **September 19, 2013** – City staff met with industry representatives to exchange sales and preliminary beer can survey data collected during the industry representatives' version of a voluntary ban. Staff briefed the industry representatives on observations and survey data that suggest the ineffectiveness of the hour-restrictive voluntary program in downtown Olympia. City staff requested the voluntary ban be extended to all hours and all beverages above 5.9%. Industry representatives did not agree to the city's request. Thurston County vs. Downtown Olympia beer sales data was provided. After discussing the data, staff requested sales data to be presented in an easier-to-understand format (breaking single serve and multi-pack sales into ounces as opposed to cases so a 1-to-1 analysis is possible). Staff also requested sales data for off-premises retail locations that exist just outside of the AIA boundaries.
- **October 3, 2013** – Steve Hall responded to a phone message from Mr. Transue on October 2, 2013. A meeting was scheduled for the afternoon of October 3, 2013 but was cancelled after both parties could not reach agreement on a voluntary ban that was effective in downtown Olympia. Originally, the meeting was for industry representatives to clarify sales data that was presented at a previous meeting. Mr. Hall expressed that the industry's version of a voluntary ban was not successfully reducing CPI behavior based on city staff observations and data collection. The city was requesting a ban on all high ABV, cheap products, while industry representatives insisted that the voluntary ban be based on single-serve beverages and time of day.

In addition to group meetings, the City Manager, Mr. Brian Wilson, and Mr. Darren Nienaber exchanged various emails and phone calls with Mr. Transue and Mr. BJ Berke.

It should be noted that the industry representative's efforts to institute a voluntary ban in downtown Olympia were admirable. The MAST program is a step in the right direction in addressing alcohol sales to minors through identification check training procedures. Although, despite limiting the sale of single serve beverages between the hours of 6:00 AM and 1:00PM, police observation and the beer can litter survey suggests that downtown Olympia still has a problem with drinking in public and chronic public inebriates.

While single serve beverage sales decreased, multi-pack beverages (container sizes < 22 ounces) increased. This becomes particularly evident in the beer can litter survey. The most common container and brand found in downtown Olympia was 16 ounce Steel Reserve, a beverage that falls on the upper end of the ABV spectrum (8.1% ABV) and one of the cheapest (per ounce) available on the market downtown. In addition, of the 1020 containers found in downtown (including hard alcohol containers), the top four brands (Steel Reserve, Hurricane High Gravity, Milwaukee Best Ice, and Olde English 800) accounted for over half (51.86%) of all containers found during the industry's voluntary ban period. All four of those brands share the same qualities: high gravity (greater than 5.7%) and low cost.



Attachment 1

City of Olympia

Meeting Minutes

Land Use & Environment Committee

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360-753-8447

Monday, August 26, 2013

5:30 PM

Council Chambers

1. ROLL CALL

Present: 3 - Chair Steve Langer, Committee Member Julie Hankins and Committee Member Jeannine Roe

OTHERS PRESENT

Staff Present:

City Manager Steve Hall, Deputy City Attorney Darren Nienaber, Community Planning and Development Director Keith Stahley, Downtown Liaison Brian Wilson, Public Works Director Rich Hoey, Principal Planner Todd Stamm, Associate Planner Amy Buckler, Housing Program Manager Anna Schlecht

Planning Commissioners Present:

Chair Jerry Parker, Carole Richmond, Roger Horn, Vice Chair Judy Bardin, Rob Richards

Guests Present:

Michael Transue, Washington Beer and Wine Distributors Association; Scott DeMartini, Columbia Distributors; Mike Bjerke, Marine View Beverages

2. CALL TO ORDER

Chair Langer called the meeting to order at 5:32 p.m.

3. APPROVAL OF MINUTES

- 3.A** 13-0635 Approval of July 25, 2013 Land Use & Environment Committee Meeting Minutes

Committee Member Roe noted a change to the minutes to reflect her request that the People's House provide additional information related to the impact of low barrier shelters attracting additional homeless persons from outside the area.

The minutes were approved as amended.

4. COMMITTEE BUSINESS

- 4.A** 13-0667 Alcohol Impact Area Discussion with Industry Representatives

City Manager Steve Hall provided an overview of the issue and provided a summary of the

Attachment 1 (continued)

results of the Liquor Control Board (LCB) decision that gave the City additional time to demonstrate the need for an Alcohol Impact Area (AIA) and to continue to work with the liquor industry about their plans and data.

Mr. Michael Transue with Washington Beer and Wine Distributors Association handed out a summary of the Association. Mr. Transue indicated the willingness of the Association to support a voluntary ban. He noted what their key messages were and highlighted a memorandum of agreement with the retailers and pointed out how the voluntary ban is being implemented at the retail level.

Mr. Scott DeMartini with Columbia Distributors explained the City of Seattle's voluntary ban. It disallowed the sale of single sales of beer or wine during certain hours. He noted it was a collaborative effort between the city, distributors, retailers, neighborhoods, and police department. He said the Seattle voluntary ban was quickly adaptable and has now expanded to incorporate liquor (nothing smaller than 750 ml. sold prior to 1:00 p.m.). He added that year to year fortified beer and wine sales were down between 5 and 18 percent.

Mr. Mike Bjerke with Marine View Beverages asked the Committee to consider a better way to accomplish the end result, such as to consider a 1:00 p.m. restriction for single serve sales. He said retailers started with a point of sale (POS) voluntary ban July 1, 2013. He noted single serve sales are down 25 percent within downtown and indicated retailers are pleased with the results with less litter and fewer chronic public inebriants. He reported retailers outside the boundary saw an increase in single serve sales and stated he is working to expand the area of the voluntary ban.

Mr. Bjerke noted they are also developing a training program for retailers similar to what the Liquor Control Board provides for bars and taverns. He explained they are also working on measures for success and progress towards the City's ultimate goal. He added the effort will be more successful if the City and liquor industry work together.

Mr. Transue indicated what is being proposed is adaptable. He said that while training is not required, it is important. He noted the need to translate materials to Korean and the creation of a responsible vendor program -- don't sell to minors, CPIs and those already intoxicated. He mentioned working with the City to expand the Downtown Ambassadors program.

Committee Member Hankins asked about the voluntary period the City had enacted and why retailers didn't participate. Mr. DeMartini responded that retailers didn't feel like they had an option. It seemed like it was all or nothing and they weren't willing to do that.

Committee Member Roe asked how to measure who is buying and who these products appeal to. Mr. DeMartini explained that Steel Reserve is 8 percent alcohol. He noted they don't have the information broken down and said the CPI focus is on the single serve 16 oz. or 24 oz. sizes. He indicated single serve bottles of spirits are not presently available in downtown and said shoplifting has increased markedly since the initiative went into effect.

Attachment 1 (continued)

Downtown Liaison Brian Wilson explained the City's approach is a brand ban. He said the City is collecting photo evidence of cans found in alleys and other public drinking spots.

Mr. Bjerke said sales data would be made available to the City.

Chair Langer said the City needs good data to make policy recommendations.

Deputy City Attorney Darren Nienaber noted the City of Kent has a voluntary program and said Kent is different than Olympia. He reported Kent lacks a well-defined downtown and has a different set of CPIs. He said the 1:00 p.m. sales rule may not be as effective in Olympia as a result.

Chair Langer asked why only 5 out of 8 retailers are currently complying with the voluntary ban. Mr. DeMartini noted the other 3 are already in compliance. Chair Langer asked why 1:00 p.m. and not 6:00 p.m. Mr. DeMartini responded that the hours were somewhat arbitrary based on school release times and said the hours could be changed. He suggested finding out what works for Olympia.

Lake City has a voluntary and mandatory ban downtown. Mr. DeMartini noted that it only moves the problem around; CPIs generally don't purchase multi-packs.

Mr. Wilson responded to questions about single serve containers downtown. He noted a 24 oz. can of Dog Bite sells for \$1.39.

Mr. Transue asked that the industry be allowed to regulate itself. He noted there remain problems in Pioneer Square despite Seattle's ban.

Mr. Wilson provided an overview of the staff data collection.

Chair Langer asked how to enforce a voluntary ban. Mr. Transue noted it's about communication between the City and the distributors. He said in a competitive environment, vendors will self-police.

Committee Member Roe said she was disappointed about the LCB decision and discussed the downtown project. She said Olympia may be different and there is less opportunity for sales to move about. She asked about what happens in October. Mr. DeMartini asked to help understand what success looks like. He suggested the City and distributors work together to find the right measure. Committee Member Roe noted it's about more than just cans; it's CPI and their impact. Mr. DeMartini said to look for another solution. He said he is not in favor of banning certain brands and noted nothing addresses small bottles.

Mr. Bjerke suggested coming up with measures to ensure a successful process.

Committee Member Hankins asked about how to have an impact and said alcoholism is a disease that doesn't go into remission from 1:00 p.m. until 7:00 a.m. when the ban is not in effect.

Attachment 1 (continued)

Mr. Nienaber asked the industry how they might address sale of multiple packages.

Chair Langer clarified the objective is to reduce the number of CPIs and associated problems and said distributors need to work hard on inappropriate sales. Mr. Transue commented on the benefit of the training program. Chair Langer said he appreciates the open line of communication and agreed to continue the conversation, perhaps expanding it to include on-premise retailers (bars), off-premise, and the community.

The discussion was completed.

4.B 13-0653 Comprehensive Plan Update Deliberation Process

Principal Planner Todd Stamm provided the Land Use and Environment Committee (LUEC) with an overview of the topic. He noted concerns about the Shoreline Master Program (SMP) and the ability of trying to move forward with the Comprehensive Plan. He indicated completion in December, 2013 is no longer feasible for the Comprehensive Plan work. He suggested the LUEC extend the target completion date to June, 2014.

Mr. Stamm asked the Committee to support retaining a clear writing consultant.

Mr. Stamm asked the LUEC to provide direction regarding the Planning Commission recommendation, whether to take up both proposals (March and May) or have staff and the Planning Commission continue to work on the May Addendum. He noted a delay until 2014 would allow time to bring the proposal into alignment with Sustainable Thurston goals and objectives.

Chair Langer asked Planning Commission Chair Jerry Parker for input on the staff proposal. Mr. Parker agreed with retaining a clear writing consultant and agreed to continue to work on the May Addendum.

Chair Langer asked Mr. Parker for his thoughts about the May Addendum and how it could be integrated into the Comprehensive Plan update. Mr. Parker noted the proposals contain two maps, one in March and one in May. He said density is more focused on nodes in the May proposal and indicated zoning between nodes is about what might happen between the nodes. He also said there remains clarification work to do.

Commissioner Roger Horn added that if it is to be included in this update, the Planning Commission needs to get started very soon.

Commissioner Judy Bardin indicated the May Addendum includes three zones; low, medium and high density. She noted the use of gateways and tree lined streets and asked who will hear zoning changes. She said there are differences between the two maps.

Mr. Parker noted gateways were part of the March 8 proposal.

Committee Member Hankins asked who would do the clear writing review. Mr. Stamm

Attachment 1 (continued)

responded that previous consultants Joy Michaud and Dana Botka would be contacted first to see if they were interested. Committee Member Roe supported the use of a plain talk consultant. Chair Langer asked about the cost, and Mr. Stamm estimated it would cost less than \$3,000.

Committee Member Hankins asked if the Planning Commission has time for this work this year. Mr. Stamm reminded the LUEC that the Comprehensive Plan update deadline is 2016 and that the City will be looking at the Thurston Regional Planning Council (TRPC) work and incorporating it into the future amendments.

Mr. Parker responded that the Planning Commission could get the work done in January or February, 2014.

Chair Langer asked the Committee to consider the staff questions. He recommended a June, 2014 target, indicating sooner would be better, but no later than June, 2014. He added that the Council is anxious to move forward with the Comprehensive Plan update.

Chair Langer asked if a clear writing consultant should be retained. There was consensus to move forward to retain a clear writing consultant.

Chair Langer asked the Planning Commission to finish its work by early February. Mr. Stamm noted if the Planning Commission doesn't act on the Addendum until February it will impact scheduling a public hearing in early in 2014. Mr. Stamm highlighted the opportunity for a check-in during the month of December.

The report was discussed and continued to the City Council due back on 9/10/2013.

4.C 13-0595 ORAL REPORT - Status Reports and Updates

Downtown Master Plan

Mr. Parker noted the Downtown Master Plan would be adopted as a separate plan. He added that a group should be created to scope the Downtown planning effort. Mr. Parker and Associate Planner Amy Buckler distributed a proposal for consideration by the Planning Commission. He recognized that Judy Bardin, Carole Richmond and Max Brown prepared the proposal. Mr. Parker summarized the two proposals - one from staff and one from the Planning Commission for scoping the Downtown Master Plan process.

Mr. Parker noted the Planning Commission discussed the two proposals, considered the number of participants, and prefers two Planning Commission representatives. Committee Member Roe suggested a member to represent the Economic Development Council (EDC).

Ms. Bardin responded that the Planning Commission knows this work and should be well represented. She added this was originally part of the Planning Commission's work plan.

Mr. Hall indicated the Parks and Recreation Advisory Committee has an interest in the

Attachment 1 (continued)

Downtown Master Plan as well.

The LUEC and Commission discussed the number of members and in the end agreed to not alter the Planning Commission proposal.

Committee Member Hankins reminded everyone this is only scoping and to only use what was proposed by the Planning Commission.

Chair Langer said the item would move forward with consensus and he would report out at the September 10, 2013 City Council Meeting.

Downtown Ambassador Program

Mr. Rob Richards, with Capital Recovery Center, noted the team has two new tools, a soda blaster and a pressure cleaner. He noted the green machine is coming soon.

Mr. Richards reported the focus has changed from alleys to sidewalks where efforts are more visible. He added that the ambassadors are dedicated to customer service. He introduced Renata Rollins as the new Downtown Ambassador field supervisor and said Chelsea Baker would be joining her in the field. He also noted they have new uniforms with a new logo. Mr. Richards explained "operation deep clean".

Committee Member Hankins reflected upon her experience with ambassadors in Washington, DC and commented that the City of Olympia is on the right path. She noted it took 15 years to significantly impact Washington, DC and said it may take an equally long time here. She expressed appreciation for the Downtown Ambassadors' efforts and indicated the program will make a difference in the downtown.

Committee Member Roe thanked Mr. Richards for the overview and for his handout explaining "operation deep clean". She said she was looking forward to the 2014 budget process and hoped to add people to the clean team program.

Low Barrier Shelters

Housing Program Manager Anna Schlecht provided a status report on the three issues the Committee requested further information about:

1. Shelter program design and function
2. Operation Plan & rules
3. Stakeholder feedback

Ms. Schlecht reported the People's House is still developing their program design and management plan. She noted the People's House is looking at a number of shelter models including: the Seattle Downtown Emergency Service Center (DESC), the Povarello Center in Missoula, Montana, and several shelters in Vancouver, BC. She added that the City facilitated a meeting with the Tacoma Mission to discuss that shelter's history, design and

Attachment 1 (continued)

operations. She said the People's House will continue to examine these other models.

Ms. Schlecht reported the People's House is conducting an active community outreach effort and announced the next forum is scheduled for September 16.

In recognition of the coming winter season and the need to provide a cold weather overflow shelter plan, Interfaith Works is working with other community partners to develop an interim plan.

The County has awarded \$400,000 to this shelter program conditioned upon the People's House working with Olympia officials and other stakeholders to identify a suitable location. Communication on the progress of this effort to identify a suitable location will go through LUEC and then to City Council. The Council will then communicate with County officials regarding the County's grant conditions. Interim communication would be appropriate to provide the County with a status report.

Committee Member Roe said the shelter proposal needs to be clarified. Terms like low barrier and program design need to be defined. She asked for more information about sex offenders who would be sheltered there, specifically how People's House would manage the different levels of sex offender (level one, two and/or three) populations. She wondered how shelter staff would know if sex offenders were at the shelter if no identification were required for shelter entry.

Committee Member Roe asked if City Council must approve the location before People's House is funded by the County. She asked about how long efforts would be made to make the 10th Avenue location work before moving on to consideration of another location.

Ms. Schlecht reported that based on feedback received, Interfaith Works is looking at a number of potential locations. As directed by Council, staff provided assistance in examining a broad number of locations. She reported People's House continues to look for a suitable location based on their operational criteria and community stakeholder feedback.

Committee Member Roe said the City lacks a clear definition of a low barrier shelter and City Council has not yet had a meeting that explained what a low barrier is. She noted part of the confusion with the process has been how it evolved. She stated that Council may need a briefing on what a low barrier shelter is and asked what the best management practices are. She stated the City Council needs more information in order to be comfortable with this concept.

Mr. Hall reminded the LUEC of the joint Council and County Commission meeting where the County identified a low barrier shelter as one of five top priorities in the Homeless Coordinator's Gaps Analysis.

Committee Member Roe asked if the City can tell the County what our priorities for homeless shelters are.

Attachment 1 (continued)

Mr. Hall reported \$400,000 has been set aside for People's House by the County, subject to the condition that the People's House work with the City and community to find an acceptable location. The proposed shelter will also need to go through the conditional use permit (CUP) process. He said it was appropriate to ask for examples of best management practices. He suggested working with the County Homeless Coordinator to coordinate this briefing.

Ms. Meg Martin noted the DESC in Seattle might also serve as a useful model.

Committee Member Roe said the City needs to be better informed about the proposed shelter before determining what can be supported. She noted the Council needs to be better educated about this subject.

Chair Langer addressed the issues of shelter design, function, rules and neighborhood feedback. He stated a viable model from another city would be useful in presenting a clear picture. He suggested the City not take any sites off the table at this point until all the options are understood. He suggested the safety issue needs to be examined from a wider perspective. Homeless people need a safe place to be. He asked whether the rest of the community is safer if the homeless are in the shelter versus unsheltered. He suggested asking the County Commissioners to keep \$400,000 in play for a low barrier shelter as the process of examining locations, shelter program design and related issues continues. He noted Interfaith Works has worked hard to develop their proposal and deserves the City's support. He stated a longer term solution is needed.

Chair Langer reminded the Committee 59 shelter beds will be lost this fall/winter. At this time there are no formal plans or funds in place for cold weather overflow shelter previously offered by Salvation Army or Interfaith Works, the two organizations that have historically provided these 59 cold weather shelter beds.

Ms. Martin explained there are not enough faith communities to support the shelters. Historically, the faith communities have hosted the location and provided the trained volunteer staff for the Interfaith Works rotating shelter program. She also said the shelter clientele has changed and their needs are higher. Ms. Martin stated Interfaith Works needs more time for the People's House to get open.

Committee Member Roe asked if the Council can establish City guidelines for these shelters. Mr. Hall responded that the Council could identify the type of low barrier shelter it could support. Examples of the potential types of low barrier shelter could be provided by the County or Interfaith Works.

Committee Member Roe said the dynamic of the community dialogue would change if the City defined or limited who the users would be.

Committee Member Hankins asked who these shelters are designed to serve. Once the homeless group(s) to be served are determined, criteria can be formed and a location

Attachment 1 (continued)

discussed.

Ms. Martin responded that the proposed low barrier shelter concept is based on the needs of the community of homeless people themselves, and Interfaith Works has information clarifying those needs from a survey of homeless people.

Committee Member Roe said she was not sure this should be a broader community discussion. She suggested looking to the experts and to those most directly impacted. Who are the homeless and what are their greatest needs? The Council needs a more focused discussion with the County, City staff and Interfaith Works.

Committee Member Hankins encouraged the LUEC not to cut the public out of the process of evaluating potential locations for the proposed shelter. She commented that the public is expressing concerns about both the shelter and the process.

Ms. Martin responded that the next People's House public forum on September 16, 2013 will be more focused on education.

Committee Member Roe suggested the need for a way to develop appropriate parameters for a low barrier shelter.

Mr. Hall said the People's House needs to find an appropriate site that the City Council can support. He stated the program first needs to be clarified and then they should work to identify an appropriate site.

Chair Langer thanked those in attendance for coming. He noted the need to keep the County in the lead for responding to homelessness. He emphasized the County will provide \$400,000 to this shelter and the City is only providing \$35,000. He stated sex offenders are part of the community already and they need to be accounted for and sheltered. A well-managed shelter will ensure they (sex offenders) are safer and so is the broader community.

Committee Member Roe stated she was not trying to demonize anyone, but said allowing level 3 sex offenders (into a shelter) is not right. She commented that as a parent, she couldn't support level 3 sex offenders near the St. Michael's day care and school.

Ms. Jessica Archer with the Concerned Eastside Neighborhood noted the People's House was a proposed low barrier shelter without constraint. She encouraged them to consider their impact on schools. She asked if her neighborhood would be safer if people who would go to a low barrier shelter were located close to schools.

Mr. Hall said staff would contact the County about best management practices, get a definition of low barrier shelters, and arrange for the County Homeless Coordinator to make a presentation on the subject to the LUEC. Mr. Hall summarized the issues for the next LUEC discussion on this topic as follows:

- 1) Receive information about low barrier shelters from the County Homeless

Attachment 1 (continued)

Coordinator.

- 2) Receive a report from the People's House on their program model, operations plan and intended clientele.
- 3) Consider whether a) the Council should establish its own criteria for a low barrier shelter (i.e. program model; operating plan, location); or, b) wait to vote yes or no on the People's House proposal.

5. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Section 7

Extensive litter data demonstrating the impact of high alcohol content, low-priced beer products within the proposed mandatory alcohol impact area. Photographic evidence accompanied by detailed explanation of the data collection methods

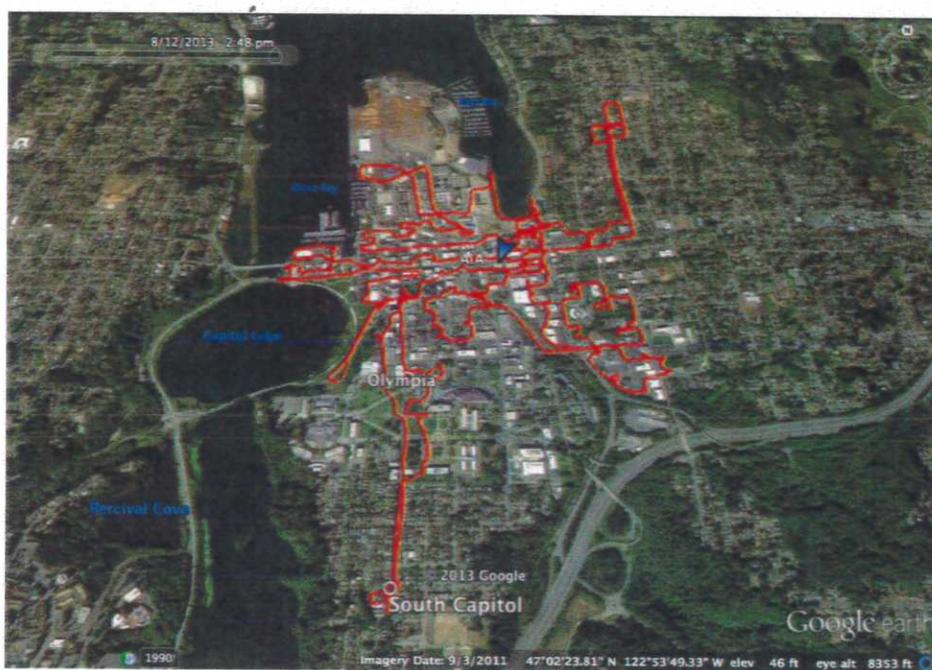
Beer and Wine Container Survey

Method:

Weekly beer can surveys were conducted within the AIA boundaries and in the area surrounding two nearby corner grocery stores. City staff searched for evidence of drinking in public in the form of beer can and wine bottle litter in streets, alleyways, bushes and pedestrian trash/recycle containers for a 10-week period from July 22, 2013 to September 23, 2013.

Staff tracked the route taken for the survey via GPS technology to ensure consistency in data collection efforts. The route displayed in Figure 1 is representative of the general survey area and the route taken each week.

Figure 1: Typical GPS Route of Weekly Data Collection



Staffing limitations only permitted the city to conduct a limited number of surveys. These surveys were completed 1-2 times a week (often on consecutive days) at varying times of the day. Each data collection period took approximately 2-3 hours.

Identifying the exact amount of illegally consumed alcoholic beverages is a challenge due to the multiple cleaning efforts that exist in downtown (Ambassador Clean Team, Probation Crew, Parks, Arts, and Recreation staff, Morningside employees, private can collectors, and social service agencies). The results of this survey will only reflect a fraction of the actual amount of containers that are consumed illegally on a weekly basis.

When a used can or bottle was located, staff would photograph the litter and log the date, time, location, brand, and size of container (when able). Some of the photos display multiple containers. See attachment 7 for a small sample of photos that display drinking in public and found containers. See attached DVD for a copy of every photo and the photo database. The file names of the photos can be cross-referenced with the photo database, which contains date, time, location, beverage brand, and size of container (when identifiable) information. Once photographed, the cans were disposed in order to prevent duplicate instances in the dataset. When containers could not be disposed (out of reach of the data collector), incidences were cross-referenced with previous data to ensure each data set was singular in occurrence.

Results/Analysis:

A total of 114 unique products were found in the survey (Attachment 3). Eighty-six (86) of the products were beer/wine and twenty-eight (28) were hard alcohol.

A total of 1020 beer, wine, and liquor containers were located in the survey.

After logging each photo into the database, city staff entered the data into a GIS map in order to visualize the data from a bird's eye view. The GIS map showing all downtown Olympia can be found in Attachment 1. Visualizing the data in this way shows that the main drinking in public problems exist within the boundaries of the AIA. In addition, several "hot spots" are revealed by this visualization. The "hot spots" typically are within close proximity to an off-premises location and in either alleyways or near vegetation that shields CPI activity from public view. See Attachment 2 for a zoomed in GIS of each of the "hot spot" locations.

WAC 314-12-215 (3d) states "[r]estricted beer and wine products must have minimum alcohol content of five and seven-tenths percent by volume and twelve percent by volume, respectively." Using 5.7% alcohol by volume (ABV) and 12% ABV for wine as the cut-off, products were split into three categories: Low-Alcohol (Beer < 5.7% ABV; Wine < 12% ABV), High-Alcohol (Beer ≥ 5.7% ABV; Wine ≥ 12% ABV), and Hard Alcohol. See Attachment 4 for a table displaying the amount of containers found for each product (in descending order), color-coded to indicate high ABV beer/wine, low ABV beer/wine, and hard alcohol products. Of the 86 beer/wine products, there were 36 high ABV and 50 low ABV beer/wine products. Despite a higher number of unique low ABV beer/wine products compared to high ABV beer/wine products, data analysis reveals high ABV beer/wine products represents 68.04% of the dataset (See Figure 2).

Figure 2: Total number of high ABV, low ABV, and hard alcohol containers found

Container Type	Containers Found	Percent of Total
Low ABV Containers	282	27.65%
High ABV Containers	694	68.04%
Hard Alcohol Containers	44	4.31%
Total Containers	1020	100.00%

Since WAC 314-12-215 does not apply for hard alcohol products, the dataset was segmented to reflect only beer and wine products. Removing the 44 hard alcohol containers reduced the dataset to 976 total containers.

As evidenced in Figure 3, more than 7 out of 10 beer/wine containers found in the beer can survey are considered high-alcohol content according to the definition in WAC 314-12-215 (3d).

Figure 3: Total number of high and low ABV containers found

Container Type	Containers Found	Percent of Total Beer/Wine Containers
Low ABV Containers	282	28.89%
High ABV Containers	694	71.11%
Total Containers	976	100.00%

Attachment 5 displays the list of beer/wine products found and each product's representative percentage of the total amount beer/wine containers.

In their July 2, 2013 memo, the WSLCB requested city staff to provide additional evidence linking specific products with chronic public inebriation or illegal activity, as per WAC 314-12-215 (3c). As displayed above, it is clear that high ABV beer/wine products are the preferred beverage for chronic public inebriates (CPIs). In order to identify the specific products that are directly linked to CPI behavior, the dataset will be segmented again to exclusively represent the 694 high ABV beer/wine containers.

Further analysis revealed that of the 36 high ABV beer/wine products, a handful of products represented a disproportionate amount of the total amount of high ABV containers found. See Attachment 6 for a list of found beer/wine products (in descending order) and the percentage each product represents of the total high ABV beer/wine database. Of note, the number one product found (Steel Reserve; 8.1% ABV) accounted for 47.84% of the total high ABV beer/wine dataset.

Taking a look at the found containers of products meeting the minimum alcohol by volume requirements for high ABV beverages defined in WAC 314-12-215 (3d) (Attachment 6), it becomes evident that nine products account for the majority of the data (See Figure 4 on next page).

The beer & wine distribution industry instituted a voluntary ban on July 1, 2013 which prohibited the sale of single-serve beer beverages between the hours of 6:00 am and 1:00 pm. All five off-premises retail stores that carry low-cost, high ABV beverages agreed to the voluntary ban. City staff, including Police Chief Ronnie Roberts at the prior public hearing, expressed doubt that this type of ban would be effective in downtown Olympia due to the likelihood of CPIs switching from single-serves to multipack beverages. According to staff conversations with industry representatives, container sizes less than 22 ounces are sold in multipacks.

Figure 4: Top Nine High ABV Beer/Wine Products Found in Beer Can Survey

Product	Total Containers Found	Percent of Total High ABV Beer/Wine Containers
Steel Reserve	332	47.84%
Hurricane High Gravity	89	12.82%
Milwaukee Best Ice	56	8.07%
Olde English 800	52	7.49%
Mickey's Ice	26	3.75%
Four Loko	22	3.17%
Mike's Harder	17	2.45%
Keystone Ice	15	2.16%
Olde English HG	15	2.16%
Total	624	89.91%

As mentioned above, staff noted container size in their data collection. It was not possible to collect all container sizes due to cans being crushed after being consumed. Despite this complication, staff were still able to log the sizes for 76.15% of the found beer containers. Figure 5 shows the container size breakdown of found beer products.

Figure 5: Table of Found Beer Container Sizes

All Beer Container Sizes	Total Containers Found	Percent of Total Beer Container Sizes
11.2 oz	2	0.21%
11.5 oz	2	0.21%
12 oz	150	15.69%
16 oz	223	23.33%
22 oz	4	0.42%
23.5 oz	26	2.72%
24 oz	248	25.94%
25.4 oz	2	0.21%
40 oz	71	7.43%
Can't Determine Size	228	23.85%
Total	956	100.00%
Total Multipack Containers	377	39.44%
Total Single-Serve Containers	351	36.72%

These data suggest that staff concerns were validated. Assuming an equal distribution of containers without a discernible container size, total multipack container sizes slightly outnumbered single-serve sizes.

Summary:

This survey of beer/wine container survey has revealed that CPI drinking-in-public behavior is a significant problem in Downtown Olympia. This data analysis has revealed the following:

1. CPI behavior is happening within the AIA borders. Despite this comprehensive 10-week beer/wine container survey, staff was unable to locate a single container in the areas surrounding the two closest off-premises retail locations.
2. Despite a significant amount of cleaning services in downtown Olympia, staff was able to locate, on average, more than 100 containers per week of surveying.
3. A significant amount CPI activity is occurring in close proximity to off-premises retail stores that carry low-cost, high ABV alcohol products, as evidenced by the GIS data map.
4. A vast majority of the alcoholic beverages consumed by CPIs are high alcohol by volume products (as defined by WAC 314-12-215 (3d)).
5. There was no significant difference between CPI consumption of single-serve and multipack beverages (See Figure 5).
6. A small amount of products represent nearly 9 out of 10 high ABV beer/wine products consumed by CPIs (See Figure 4).

Thus, the City of Olympia proposes the Washington State Liquor Control Board to consider a mandatory ban on the sale of the following products in the downtown Olympia Alcohol Impact Area:

Downtown Olympia Alcohol Impact Area Proposed Banned Product List

Manufacturer	Brand Name	Alcohol Content by Volume
The Steel Brewing Co	Steel Reserve - All Flavors	8.10%
Anheuser Busch	Hurricane High Gravity	8.10%
Miller Brewing Co.	Milwaukee Best Ice	5.90%
Miller Brewing Co.	Olde English 800 - All Flavors	5.90%
Mickey's Brewing Co.	Mickey's Ice	5.80%
Drink Four Brewing Co.	Four Loko - All Flavors	12.00%
Mike's Hard Lemonade Co.	Mike's Harder - All Flavors	8% - 9.9%
Coors Brewing Co.	Keystone Ice	5.90%
Olde English 800 Brewing Co.	Olde English 800 High Gravity	8.00%

Attachment 1: GIS Map of Found Containers.

Red Dots = Found Containers **Green Polygons = Off-Premises Retail Locations**



Attachment 2: GIS Map of Found Containers Near Off-Premises Retail Stores
Red Dots = Found Containers **Green Figures** = Off-Premises Retail Stores



Attachment 2 (Continued)

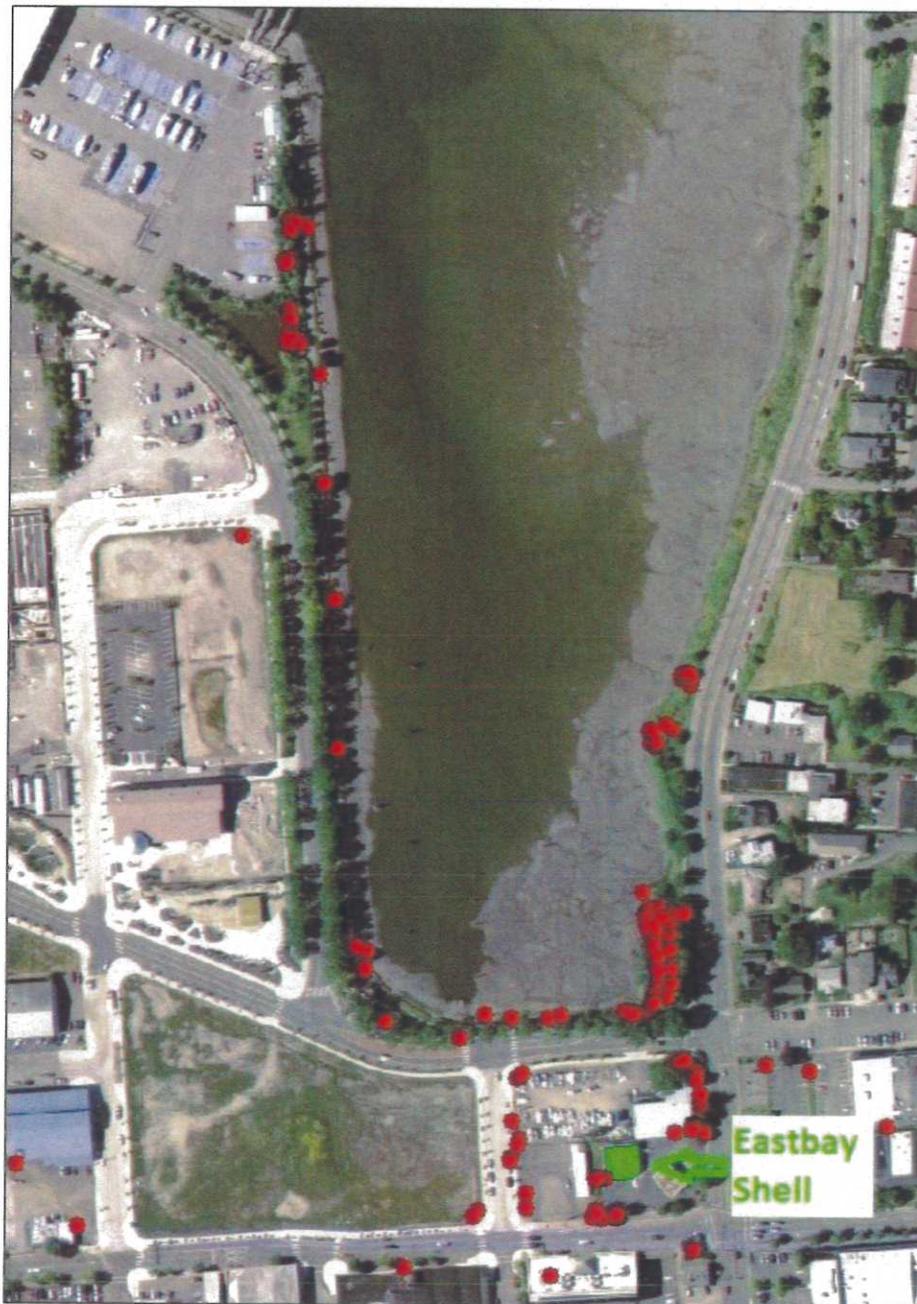
Red Dots = Found Containers Green Figures = Off-Premises Retail Stores



Attachment 2 (Continued)

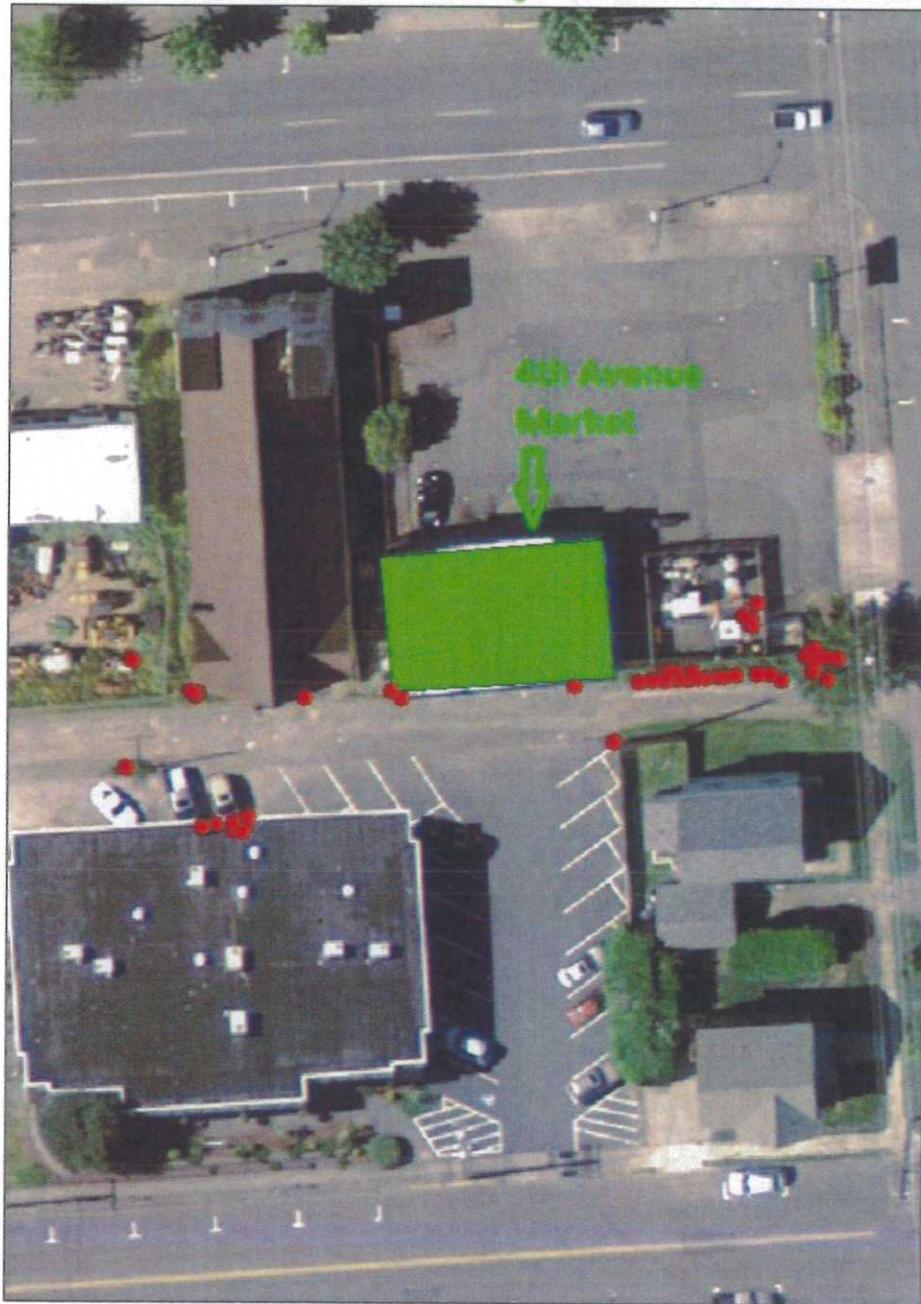
Red Dots = Found Containers

Green Figures = Off-Premises Retail Locations



Attachment 2 (Continued)

Red Dots = Found Containers **Green Figures** = Off-Premises Retail Stores



Attachment 3: Alphabetical list of products found in beer can survey, separated between beer/wine and hard alcohol products.

Beer/Wine Products			Hard Alcohol Products
Alaskan	Four Loko	No-Li	360 Vodka
Andre Champagne	Genessee	Old German	99 Vodka
Angry Orchard	Genessee Ice	Olde English 800	Absolut Vodka
Axis	Guinness	Olde English 800 HG	Bacardi Rum
Barefoot Wine	Hamm's	Olympia	Bellows Whiskey
Beck's	Heineken	Pabst Blue Ribbon	Bernett's Vodka
Black Oak Chardonnay	Henry Weinhard's	Pacifico	Camarena Tequila
Blast	Hop Czar IPA	Pelican MacPelican's	Canadian LTD Whisky
Blast Colt 45	Hurricane High Gravity	Pyramid IPA	Canadian Mist Whisky
Blue Moon	Hurricane Ice Malt Liquor	Rainier	Captain Morgan Parrot Bay
Bota Box	Ice House	Rainier Ale	Captain Morgan Rum
Bud Light	Ice House Edge	Red Hook	CB Brandy
Bud Light Platinum	Iron Horse Irish Death	Red Hook IPA	Ciroc Vodka
Bud Light Straw-ber-rita	Keystone	Redd's Apple Ale	Crown Royal
Budweiser	Keystone Ice	Rolling Rock	Fireball
Budweiser & Clamato	Kokanee	Sapporo	Grey Goose Vodka
Busch	Lagunitas IPA	Shock Top	Hennessy
Cono Sur Cabernet	Mickey's Ice	Sierra Nevada Extra IPA	Jameson Whiskey
Coors	Mickey's Malt Liquor	Smirnoff Ice	Jose Cuervo
Coors Light	Mike's Hard	Stack	Kuhl Vodka
Corona Extra	Mike's Harder	Steel Reserve	Monarch Vodka
Dog Bite	Miller Genuine Draft	Stella Artois	Monarch Whisky
Dos Equis	Miller High Life	Tecate	Potter's Vodka
Earthquake High Gravity	Miller Light	Twin Valley White Zin	Rich & Rare
Elysian Ale	Milwaukee Best Ice	Twisted Tea	Sin Fire Whisky
Fat Weasel	Modelo	Vendage Chardonnay	Smirnoff Vodka
Fine Tawny	Natural Ice	Watershed IPA	Southern Comfort
Fishtail Ales	Negra Modelo	Wyder's Hard Cider	Vitali Vodka
Fosters	Ninkasi		

Attachment 4: Complete list of the amount of products and containers found (in descending order), color coded to indicate high/low ABV and hard alcohol products

Red = High ABV Green = Low ABV Blue = Hard Alcohol

Brand Name	Amount of Containers Found	Brand Name	Amount of Containers Found
Steel Reserve	332	Smirnoff Vodka	5
Hurricane High Gravity	89	Bud Light Platinum	4
Milwaukee Best Ice	56	Blue Moon	4
Olde English 800	52	Coors	4
Ice House	43	Coors Light	4
Pabst Blue Ribbon	40	Fishtail Ales	4
Mickey's Ice	26	Heineken	4
Four Loko	22	Twisted Tea	4
Mike's Harder	17	Dos Equis	3
Miller High Life	16	Fosters	3
Keystone Ice	15	Miller Genuine Draft	3
Olde English 800 HG	15	Negra Modelo	3
Rainier	15	Smirnoff Ice	3
Budweiser	13	Black Oak Chardonnay	3
Rainier Ale	10	Bacardi Rum	3
Bud Light	8	Barefoot Wine	3
Mike's Hard	8	Fireball	3
Mickey's Malt Liquor	8	Blast	2
Budweiser & Clamato	7	Bud Light Straw-ber-rita	2
Olympia	7	Guinness	2
Rolling Rock	7	Kokanee	2
Angry Orchard	6	Miller Light	2
Corona Extra	6	Red Hook	2
Dog Bite	6	Red Hook IPA	2
Earthquake High Gravity	6	Shock Top	2
Genessee	6	Tecate	2
Genessee Ice	6	99 Vodka	2
Hamm's	6	Absolut Vodka	2
Sierra Nevada Extra IPA	6	Bota Box	2
Blast Colt 45	5	Monarch Vodka	2
Beck's	5	Southern Comfort	2
Modelo	5	Alaskan	1
Natural Ice	5	Axis	1
Pyramid IPA	5	Busch	1
Sin Fire Whisky	5	Elysian Ale	1

Attachment 4 (Continued)

Red = High ABV

Green = Low ABV

Blue = Hard Alcohol

Brand Name	Amount of Containers Found
Fat Weasel	1
Hop Czar IPA	1
Hurricane Ice Malt Liquor	1
Henry Weinhard's	1
Ice House Edge	1
Iron Horse Irish Death	1
Keystone	1
Lagunitas IPA	1
Ninkasi	1
No-Li	1
Old German	1
Pacifico	1
Pelican MacPelican's	1
Redd's Apple Ale	1
Stella Artois	1
Sapporo	1
Stack	1
Wyder's Hard Cider	1
Watershed IPA	1
160 Vodka	1
Andre Champagne	1
Bernett's Vodka	1

Brand Name	Amount of Containers Found
Bellows Whiskey	1
CB Brandy	1
Canadian LTD Whisky	1
Captain Morgan Rum	1
Canadian Mist Whisky	1
Crown Royal	1
Cono Sur Cabernet	1
Camarena Tequila	1
Ciroc Vodka	1
Fine Tawny	1
Grey Goose Vodka	1
Hennessy	1
Jose Cuervo	1
Jameson Whiskey	1
Kuhl Vodka	1
Monarch Whisky	1
Captain Morgan Parrot Bay	1
Potter's Vodka	1
Rich & Rare	1
Twin Valley White Zin	1
Vendage Chardonnay	1
Vitali Vodka	1

**Attachment 5: List of Beer/Wine Products (in Descending Order) with Percent of Total Beer/Wine
Database Percentages**

Red = High ABV

Green = Low ABV

Brand Name	Amount of Containers Found	Percentage of Total Beer/Wine Containers
Steel Reserve	332	34.02%
Hurricane High Gravity	89	9.12%
Milwaukee Best Ice	56	5.74%
Olde English 800	52	5.33%
Ice House	43	4.41%
Pabst Blue Ribbon	40	4.10%
Mickey's Ice	26	2.66%
Four Loko	22	2.25%
Mike's Harder	17	1.74%
Miller High Life	16	1.64%
Keystone Ice	15	1.54%
Olde English 800 HG	15	1.54%
Rainier	15	1.54%
Budweiser	13	1.33%
Rainier Ale	10	1.02%
Bud Light	8	0.82%
Mike's Hard	8	0.82%
Mickey's Malt Liquor	8	0.82%
Budweiser & Clamato	7	0.72%
Olympia	7	0.72%
Rolling Rock	7	0.72%
Angry Orchard	6	0.61%
Corona Extra	6	0.61%
Dog Bite	6	0.61%
Earthquake High Gravity	6	0.61%
Genessee	6	0.61%
Genessee Ice	6	0.61%
Hamm's	6	0.61%
Sierra Nevada Extra IPA	6	0.61%
Blast Colt 45	5	0.51%

Attachment 5 (Continued)

Red = High ABV

Green = Low ABV

Brand Name	Amount of Containers Found	Percentage of Total Beer/Wine Containers
Beck's	5	0.51%
Modelo	5	0.51%
Natural Ice	5	0.51%
Pyramid IPA	5	0.51%
Bud Light Platinum	4	0.41%
Blue Moon	4	0.41%
Coors	4	0.41%
Coors Light	4	0.41%
Fishtail Ales	4	0.41%
Heineken	4	0.41%
Twisted Tea	4	0.41%
Dos Equis	3	0.31%
Fosters	3	0.31%
Miller Genuine Draft	3	0.31%
Negra Modelo	3	0.31%
Smirnoff Ice	3	0.31%
Black Oak Chardonnay	3	0.31%
Barefoot Wine	3	0.31%
Blast	2	0.20%
Bud Light Straw-ber-rita	2	0.20%
Guinness	2	0.20%
Kokanee	2	0.20%
Miller Light	2	0.20%
Red Hook	2	0.20%
Red Hook IPA	2	0.20%
Shock Top	2	0.20%
Tecate	2	0.20%
Bota Box	2	0.20%
Alaskan	1	0.10%
Axis	1	0.10%

Attachment 5 (Continued)

Red = High ABV

Green = Low ABV

Brand Name	Amount of Containers Found	Percentage of Total Beer/Wine Containers
Busch	1	0.10%
Elysian Ale	1	0.10%
Fat Weasel	1	0.10%
Hop Czar IPA	1	0.10%
Hurricane Ice Malt Liquor	1	0.10%
Henry Weinhard's	1	0.10%
Ice House Edge	1	0.10%
Iron Horse Irish Death	1	0.10%
Keystone	1	0.10%
Lagunitas IPA	1	0.10%
Ninkasi	1	0.10%
No-Li	1	0.10%
Old German	1	0.10%
Pacifico	1	0.10%
Pelican MacPelican's	1	0.10%
Redd's Apple Ale	1	0.10%
Stella Artois	1	0.10%
Sapporo	1	0.10%
Stack	1	0.10%
Wyder's Hard Cider	1	0.10%
Watershed IPA	1	0.10%
Andre Champagne	1	0.10%
Cono Sur Cabernet	1	0.10%
Fine Tawny	1	0.10%
Twin Valley White Zin	1	0.10%
Vendage Chardonnay	1	0.10%

Attachment 6: Table of High ABV Beer/Wine Products Displaying Total Containers Found and Percentage of the Total High ABV Beer/Wine Containers Found

Product	Total Containers Found	Percent of Total High ABV Beer/Wine Containers
Steel Reserve	332	47.84%
Hurricane High Gravity	89	12.82%
Milwaukee Best Ice	56	8.07%
Olde English 800	52	7.49%
Mickey's Ice	26	3.75%
Four Loko	22	3.17%
Mike's Harder	17	2.45%
Keystone Ice	15	2.16%
Olde English HG	15	2.16%
Dog Bite	6	0.86%
Earthquake High Gravity	6	0.86%
Sierra Nevada Extra IPA	6	0.86%
Blast Colt 45	5	0.72%
Natural Ice	5	0.72%
Pyramid IPA	5	0.72%
Bud Light Platinum	4	0.58%
Barefoot Wine	3	0.43%
Black Oak Chardonnay	3	0.43%
Blast	2	0.29%
Bota Box	2	0.29%
Bud Light Straw-ber-ita	2	0.29%
Red Hook	2	0.29%
Red Hook IPA	2	0.29%
Andre Champagne	1	0.14%
Axis	1	0.14%
Cono Sur Cabernet	1	0.14%
Elysian Ale	1	0.14%
Fat Weasel	1	0.14%
Fine Tawny	1	0.14%
Hop Czar IPA	1	0.14%
Hurricane Ice Malt Liquor	1	0.14%
Ice House Edge	1	0.14%
Iron Horse Irish Death	1	0.14%
Lagunitas IPA	1	0.14%
Ninkasi	1	0.14%
No-Li	1	0.14%
Pelican MacPelican's	1	0.14%
Stack	1	0.14%
Vendage Chardonnay	1	0.14%
Watershed IPA	1	0.14%
Total	694	100.00%