Tacoma West End Alcohol Impact Area (AIA)

Report on Voluntary Compliance

Request for Mandatory

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The purpose of this report is to detail activities conducted by Tacoma’s West End Alcohol Impact Area (AIA) Task Force and provide recommendations to the City Council concerning Tacoma’s third Alcohol Impact Area. The charge of this Task Force was to ensure compliance with all the requirements of WAC 314-12-215 for establishing an alcohol impact area as identified in by the Tacoma City Council in Ordinance # 28135. The community leaders for this AIA are from the West End Community Council, Ginny Eberhardt, and at least 13 other private and community groups support this AIA. The Tacoma Police Department Sector 2 Commander Lieutenant Mark Feddersen and Community Liaison Officer Donald Stodola have been assigned to help facilitate the information for the community and retailers for this AIA.

This report is divided into the following major sections:

 1 – Section One: Executive Summary

 2 – Section Two: AIA Initiative and Background Information

 3 – Section Three: Implementation of Voluntary Compliance Period

 4 – Section Four: AIA Task Force Recommendations

 5 – Section Five: Attachments – Supporting Documents

Tacoma, like most major cities, is challenged with the serious social and financial impacts associated with the chronically homeless street populations, many of whom suffer with serious mental health, substance abuse and health problems.

A subset of the homeless population, the most dysfunctional and hardest to serve, have very high utilization rates of private and public resources among a large number of key stakeholders, including first responders, hospitals, public health, social services and communities they both live and travel through. Chronic Public Inebriates, as members of this community subset, are associated with high utilizations rates of services and resources.

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**Section One - Executive Summary**

Since August of 2011, the City of Tacoma in partnership with the West End Community Council and other key stakeholders along the way (at least 13 different private and public organizations) have initiated both systems and program improvements to address the serious individual, social, and fiscal impacts associated with the community’s constant high utilizers of private and public resources, including a subset called chronic public inebriants (CPIs). A variety of initiatives have been employed in the City’s constant efforts to improve interventions with the community’s CPIs. This has included the Housing First Initiative, Sobering Services, Detox Services, specialized transportation services, outreach, housing and case management, as well as Washington State’s first Alcohol Impact Area in 2002 and an additional Lincoln District impact area in 2008.

An Alcohol Impact Area (AIA) is a policy and enforcement tool, specified by the Washington State Liquor Control Board (WSLCB) rules, which local jurisdictions can use in an attempt to reduce the problems related to chronic public inebriation. The goal behind the policy tool is to improve health and public safety, as well as the overall community livability. Under WSLCB rules, the local jurisdiction must attempt to secure voluntary compliance on the part of off-premise liquor licensees, within the AIA, with a request to limit or stop the sale of relevant alcoholic products. If the voluntary compliance effort is deemed unsuccessful, then the city may request that the WSLCB impose mandatory restrictions on off-premise liquor licensees within an AIA.

After reviewing data from the Tacoma Fire and Police Departments and statistics from the Sobering and Detox Centers plus input from neighborhood community councils, as well as other sources, the Task Force provided the Tacoma City Council with recommendations on the borders, conditions and requirements for Tacoma’s third AIA.

In February of 2013, the City of Tacoma established by Ordinance (# 28135) the West End Voluntary Alcohol Impact Area. The City requested a compliance report of the AIA due on August 31, 2013, but because of new requirements added to the WAC, the Voluntary Period began on August 23, 2013 and ended on February 24, 2014. The voluntary compliance period ran for a minimum of 6 months to successfully implement all requirements for Tacoma’s third AIA, as detailed in the WAC 314-12-215.

Months of consistently reaching out to the retail store owners or managers and monthly meetings with the Beer & Wine Distributor’s business attorney, Michael Transue, in the proposed AIA area, failed to obtain significant compliance. Only one business out of 41 original stores offered to sign the Good Neighbor Agreement (GNA). Each store was visited 4 times during the 6 month voluntary compliance period with face to face contact with store owners or managers. At the end of the Voluntary Compliance Period, 38.46% of the stores were compliant. The common theme from the store owners/managers was, *“I will comply when all of the stores comply”* or *“I will stop selling the banned product when the City (or WSLCB) forces me to stop.”* There was a disturbing underlying theme, *“My distributor (beer & wine) says it’s only voluntary so I can keep selling the banned product”*

Due to the failure of a voluntary compliance, the Tacoma West End AIA Task Force recommends the City of Tacoma City Council request the Chief of Police to ask for a hearing before the WSLCB. This hearing would be held to request an AIA, with mandatory restrictions, in the proposed area as provided for under WAC 314-12-215.

**Section Two – AIA Initiative and Background Information**

**Chronic Public Inebriates and Community Impacts**

Since 2003, the City of Tacoma in partnership with local human service providers, first responders and other key stakeholders has initiated both systems and program improvements addressing the serious individual, social and fiscal impacts associated with the community’s constant high utilizers of private and public resources. A subset of this population is the chronic public inebriants (CPIs)



A formal study group sponsored by the City of Tacoma examined evidence-based best practices and promising approaches for achieving better outcomes in the intervention and management of our high-needs high-utilizer populations. The study group reviewed practices demonstrated to reduce cost and help stabilize clients while addressing their present risks such as additions, substance abuse, homelessness, mental health issues and poverty.

A report from the study group identified opportunities available to the City of Tacoma and its citizens in their efforts to reduce the negative impacts of CPIs. Included in the inventory of opportunities was the establishment of Alcohol Impact Areas, sobering services, detox services, CPI transportation services, early recovery housing, case management and improved information sharing among all stakeholders involved in direct services.

**Risk Associated with CPIs**

One of the current risks that have been associated with Pierce County CPIs and other high utilizer populations has been MSRA (methicillin-resistant *Staphylococcus aureus*), which is a drug resistant organisms. MSRA cases are a major cause of expanding health care costs in our community. Reports from the Tacoma-Pierce County Health Department show new cases of MRSA, in Pierce County, have increased from 716 in 2001 to a high of 5,344 in 2008 and remain high at 2,176 in 2012.

**AIA Elements of a Comprehensive Approach**

The WSLCB requires an AIA to be a comprehensive approach in the response to the serious social and fiscal impacts of CPIs. The City of Tacoma, in partnership with Franciscan Health Care Services, Multicare Hospital, community members and service providers has aggressively developed a variety of services that complement the use of an AIA. This includes the on-going support of the Detox Center and Healthcare for Homeless People offered by the Metropolitan Development Center, encampment outreach initiative as well as Tacoma’s homeless services manager, PATH team, housing and case management and mental health services.

**Establishing Tacoma’s third Alcohol Impact Area (AIA) Geographic Borders**

Prior to August 2011, Detective Steve Thornton, then the 2 Sector CLO was tasked with facilitating this project with the West End Neighborhood Council. They looked at targeting “corridors” such as 6th Ave between Jackson and Pearl. The problem was the WAC requires the boundaries to be, “understandable to the public at large” (WAC 314-12-215 (2) (b) (ii). In consulting with Tacoma’s Lincoln District AIA planners, Detective Burt Hayes and public representative Bob McCutchan, they were encouraged by the WSLCB to have large easily defined borders to avoid having to come back and ask for larger boundaries at a later date. The decision to make the boundaries as they exist today was twofold:

1 – Comply with the WAC “understandable to public at large”

2 – Large enough so the CPIs and other contributors simply don’t move a block or two away because a new store set up shop and continue the problems.

The majority of the proposed area is residential, which is based on the issue of being “understandable boundaries,” per WAC requirements. The task force was comfortable with the boundaries for the voluntary compliance period. Although the West End AIA will be larger than either the Downtown Urban Core AIA or the Lincoln Distrust AIA geographically, it has few fewer stores (39) than either the Downtown Urban Core AIA (50) or the Lincoln District AIA (74).

Tacoma’s West End Alcohol Impact Area voluntary compliance boundaries were defined as:

That area bounded on the west and north by the waters of Puget Sound and Commencement Bay; on the east by a line running due south from Commencement Bay to the intersection of Schuster Parkway and North 30th Street, then west on North 30th Street to North Alder Street, then south on Alder Street to the Cedar Street transition and continuing south to SR 16, then west along the south side of SR 16 to South 19th Street, then west on South 19th Street to the waters of Puget Sound, including all properties that are south of South 19th Street and within the City Limits.

**Proposed AIA Product List**

The latest current list is from 2009 after the Lincoln District AIA went into effect. This list has been updated and should apply to all three AIAs in Tacoma.

The new products are highlighted in red.

Consolidated Banned Products List

City of Tacoma Alcohol Impact Areas

New Products\* Effective July 1, 2014

All Flavors and Container Sizes



**WINE MALT BEVERAGE**

Cisco Big Bear

MD 20/20 Blast by Colt 45\*

Night Train Express Bud Ice

Richard’s Wild Irish Rose Bull Ice

Thunderbird Bush Ice

**ENERGY DRINKS** Camo

3 Sum Colt 45 Ice

Four Loko Colt 45 Malt Liquor & HG\*

Four Max Core High Gravity

Hard Wire X Dog Bite\*

Joose Earthquake HG\*

Liquid Charge Edge by Ice House\*

Rize Up! Hurricane High Gravity

Rock Star 21 HG 800

Sparks Hurricane Ice Malt Liquor

Tilt Ice House

 Keystone Ice

 King Cobra Malt Liquor

 Labatt Max Ice

 Mike’s Harder Lemonade (or other flavors)

 Mickey’s Ice Brewed Ale

 Milwaukee‘s Best Ice

 Milwaukee’s Best Premium Ice Beer

 Molson Ice

 Natty Daddy\*

 Natural Ice

 Old Milwaukee Ice

 Olde English 800

 Rainier Ale

 Red Dog

 Schlitz High Gravity

 Schmidt’s Ice

 Smirnoff Ice Black\*

 Special 800 Reserves

 Stack HG\*

 St Ide’s Liquor and Special Brews

 Steel Reserve

**Section Three – Implementation of Voluntary Compliance Period**

**Communication and Engagement with Key Stakeholders**

Between August 1st and August 20th, 2013, all 41 retail stores that sell “Off Premise” were contacted in person and delivered the “retailers packet” consisting of:

 1 – Good Neighbor Agreement (GNA)

 2 – Consolidated Banned Product List of 2009

3 – Tacoma City Ordinance # 28135 establishing a voluntary compliance AIA (including a map of the proposed West End AIA and a map of all three AIAs in Tacoma)

4 – A copy of the WAC 314-12-215

5 – A packet of 10 bookmark size doubled pamphlets with services available for CPIs and homeless of free services offer by the City of Tacoma.

 6 – Business card of Tacoma Police Department Community Liaison Officer Donald Stodola

Each item was reviewed with the owner or manager. February 24, 2014 was given as the ending period for the voluntary compliance period. For Korean store owner(s), they were given the name and phone number of a resource they could contact who spoke both English and Korean, Mr Seong Park, the store owner of P&J Deli Mart, at East 35th & Portland Ave. Mr Park offered his service because he went through the Lincoln District AIA process and had many of the same concerns the owner had expressed about losing their business, how to find different products to replace the AIA banned products and how he was able to succeed.

**Briefing Local Distributors**

In October 2012, members of the AIA Task Force invited representatives from local alcohol distributors, the Beer & Wine Distributors (Olympic Eagle Distributing, Marine View Beverage & Columbia Distributing), to a briefing on the proposed new Alcohol Impact Area and other issues related to our local CPI population. The Attorney for this group was John C. Guadnola of Gordon, Thomas & Honeywell.

We were notified in January 2013 that Michael Transue had become the Attorney for the Beer & Wine Distributors. Mr. Transue and CLO Stodola had over 20 emails and personal contacts and Mr. Transue met monthly with Lt. Robert Maule, until we were notified in February 2014 that the Beer & Wine Distributors had changed attorneys again, this time to Scott Hazelgrove of the Civic Group. The distributors funded sobering transportations services to CPIs at the request of first responders and emergency departments during the establishment of the Lincoln District AIA, but no longer fund this service. The distributors did not offer funding of any kind during the West End AIA voluntary compliance period.

The Beer & Wine Distributors have had a positive working relationship in both the Lincoln District AIA and initially with the West End AIA. The distributors opposed a mandatory West End AIA like the ones in the Downtown Urban Core and the Lincoln District. They proposed a voluntary single can ban from 6 AM to 3 PM, similar to 3 neighborhood districts currently in Seattle. After following up with both Seattle Police Community Policing Officers and the City of Seattle Attorney’s Office representatives, I was advised the program was not showing the success that was predicted and was having basically no effect in curbing the alcohol related complaints.

During the voluntary compliance period, the retailers depend heavily on their distributor for what products to stock their shelves with. CLO Stodola had multiple contacts with the distributors that actually stock the affected West End stores. Almost all of these conversations included the ending date of the voluntary compliance period, February 24, 2014.

While the West End AIA was going through its voluntary phase, Olympia’s Downtown Urban Core Alcohol Impact Area was approved on December 18, 2013. After this AIA passed, the voluntary compliance rate in the West End AIA actually went down from 48.7% to 38.5%. It’s believed the store owners were encouraged to drop their compliance in order to sell banned products as long as they could, until the impending mandatory period is invoked upon them.

In support of this belief, when CLO Stodola was performing a final voluntary compliance check at Westgate Liquor & Wine with the owner, the distributor who was present told the owner that the AIA was only voluntary and he did not need to comply because there is no penalty. The distributor went on to say that the owner would only have to comply after the City made it mandatory and the liquor board starts to enforce it. Unfortunately, this became a common theme during the final voluntary compliance checks, along with several versions:

 1 – Owner said Olympic & Columbia distributors told him they are still fighting the city on the ban and not to pull the banned product – Checker’s Market 1822 S Jackson Ave Feb 25, 2014

 2 – Owner said Olympic & Columbia told the deadline was March 15th – EZ Shop 1765 S Jackson – Feb 25, 2014

 3 – Manager said distributors told him they filed a law suit and they can keep selling – Rite Aid 1850 S Mildred St & 1912 N Pearl St – Feb 25, 2014

 4 – Owner said distributors told him the middle of next month – Liquor & Wine 3208 S 23rd St – Feb 25, 2014

5 – Owner said the distributor told her to keep ordering banned product – TC Deli 6701 S 12th St – Feb 26, 2014

6 - Owner said distributors said March 15th is the deadline - Taggers 6615 S 12th St & Stop In Grocery 3903 6th Ave (All three distributors) & One Stop Mini Mart 4401 6th Ave & 6th Ave Food Mart 7008 6th Ave (Marine View & Olympic distributors) – Feb 26, 2014

7 – Owner said Marine View & Columbia Distributors told him they don’t know the deadline – Shell Food Mart 3907 S 12th St & Lucky III Food Mart 3601 S 12th St & 6th Ave Gas 6701 6th Ave (All three distributors) – Feb 26, 2014

8 – Manager said Liquor Control Board has pushed the hearing back 4 months until a new officer in charge is replaced – Circle K 76 Station 2602 N Pearl St – Feb 26, 2014

**Section Four - AIA Task Force Recommendations**

**Compliance Outcomes**

Months of consistent outreach by community leaders failed to obtain significant compliance with the AIA with less than 40% of the licensees agreeing to comply with the proposed AIA conditions. The majority of licensees contacted during the outreach efforts was pleasant and appeared to understand the community's desire for improved safety and livability. A common statement from many retailers engaged in outreach activities was: “I will comply with the AIA product list when the store owner down the street agrees too or when it is required by the state.”

**Findings and Conclusion of Voluntary AIA Efforts**

The West End Alcohol Area Task Force finds they were unable to obtain voluntary compliance by licensees in the proposed AIA and therefore the community is denied the demonstrated public health and safety benefits. A pattern of public intoxication and/or public consumption of alcohol have been documented in the West Tacoma Alcohol Impact Area of Tacoma and this area has experienced a deterioration of the general quality of life within the area due to public intoxication as documented in this report. The welfare, health, peace, and safety of the area's visitors and occupants, including school children, has been compromised by this pattern of public intoxication.

The Task Force worked since August 2013 to obtain voluntary compliance, but those efforts have not been successful. Most off-premise licensees continue to sell cheap, high alcohol beer and wine to CPI's and the West Tacoma Alcohol Impact Area continue to suffer from the effects of public intoxication.

In addition, the Task Force worked to reduce the West End AIA footprint to cut the residential areas included in the West End voluntary AIA boundaries which were not likely to be affected by commercial development and still maintain an easily identifiable AIA area. The Task Force recommended the new mandatory boundaries, outlined below, to the City of Tacoma Public Safety Committee and was unanimously approved.

* + *That area within the city limits bounded on the north by the waters of Puget Sound and Commencement Bay, on the east by a line running due south from Commencement Bay to the intersection of Schuster Parkway and North 30th Street, then west on North 30th Street to North Alder Street, then South on Alder Street to the Cedar Street transition and continuing south to SR 16, on the south by the south side of SR 16 to South 19th Street, then west on South 19th Street to the waters of Puget Sound, on the west by the waters of Puget  Sound and, then west and north along 6th Avenue to North Jackson Avenue, then north on Jackson Avenue to the Narrows Drive transition and continuing north to North 26th Street, then east on North 26th Street to Pearl Street/SR 163, then north on Pearl Street/SR 163 to the waters of Puget Sound.  Any boundary formed by a street includes the parcels on either side of the street.*

**Task Force Recommendation**

The West Tacoma Alcohol Impact Area Task Force recommends the City of Tacoma and Chief of Police request a hearing before the WSLCB to ask for a mandatory AIA, with the new outlined mandatory boundaries, as provided for under WAC 314-12-215.

**AIA Lessons Learned**

This is Tacoma's third AIA process with the 2002 effort being the first in the State of Washington. Key participants recommended that future AIA efforts could benefit by the development of a set script of speaking and information points which community members could use as they conduct outreach. This would ensure a unified message and the opportunity to increase neighborhood participation.

**Task Force Commitment and Leadership**

Conducting a successful process to establish an AIA either through voluntary or mandatory actions requires a commitment and investment by the participating city and their citizens. From the beginning Tacoma's AIA initiative has benefited from high quality leadership and strong commitment from a variety of public and private stakeholders. It started with the Tacoma City Council and Police Department responding to the concerns of its citizens representing the West End Neighborhood Council as well as other community groups. Under the police leadership the Tacoma AIA Task was formed. Their ongoing support and guidance along with legal and technical guidance from Jon Walker, attorney with the City of Tacoma Police Department, has been critical to a successful initiative.

Also vital to the success of this initiative has been the ongoing contribution of the West End Neighborhood Council members Ginny Eberhardt, Ken Kingsbury and at large advocate Bob McCutchen. Their support, advice and assistance as key stakeholders have been remarkable. Without them, this endeavor would not be possible.

It should also be mentioned that the following Tacoma Police Department Sector 2 Commanders have had important input on this project during their leadership as Sector commander, they are: Lt. Daniel Still, Lt. Jerry Lerum, Lt. Robert Maule and current Sector 2 Commander, Lt. Mark Feddersen. These commanders have shown the upmost professional performance and management of this project. Without their leadership and support, this project would not have ended up before the City Council for this important community proposal and the health and safety of Tacoma’s West End neighborhood.

**Section Five – Attachments – Supporting Documents**

A – Voluntary AIA Boundaries and New West End AIA Boundaries

 B – Alcohol Related Heat Maps/Detox/Sobering/Alcohol Admissions

 C – Proposed Alcohol Impact Area – Selected Calls for service 2011, 2012 & 2013

 D – Current AIA Banned Product List and Proposed Updated AIA Banned Product List

 E – Retailers Packet Distributed for Voluntary Period

 F – Photographic Evidence

 G – Partners Letters of Support

 H – Window cling presented to West End AIA compliant business

**A – Proposed AIA Boundaries Voluntary and Mandatory**

**B – Alcohol Related Heat Maps/Detox/Sobering/DUI Admissions**

**C – Proposed Alcohol Impact Area – Selected Calls for service 2011, 2012 & 2013**

**D – Current AIA Banned Product List and Proposed Updated AIA Banned Product List**

**E – Retailers Packet Distributed for Voluntary Period**

**F – Photographic Evidence**

**G – Partners – Letters of Support**

**H –Window cling presented to West End AIA compliant business owners**