

Alcohol Enforcement Strategies for Iowa Communities

The Calverton Training Center at PIRE



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Session Objectives

- Discuss the complexities of state laws regarding alcohol;
- How and where do these laws intersect with local ordinances;
- Review some specific Iowa provisions addressing underage drinking and providing an environment for underage alcohol misuse;
- Successful enforcement strategies that communities may employ; and
- Steps for sustaining your good work

Working with Law Enforcement to Address Underage Drinking:

Identifying appropriate Strategies, Establishing Relationships, Overcoming Barriers, and Creating Sustainability.



Nancy M. McGee, JD



Common Enforcement Strategies

- Compliance Checks.
- Shoulder Tap Operations.
- Enforcement of Minor in Possession Laws.
- DUI/DWI/Impaired Driving Enforcement.
- False Identification Enforcement.
- Party Patrol/Party Prevention;
 - Special Events.
 - Public Places.
 - House Parties.
- Controlled Party Dispersal.



Poll Question – What sector do you represent?

Poll #1



Poll Question - Characterize your current working relationship with your local law enforcement agencies

Poll #2



Need for Enforcement

- Effective enforcement requires a plan!
 - Much of your prevention work will be dependent on working with your local law enforcement and judicial systems to ensure that any new ordinances/policies you create or any existing ordinances are adequately enforced in the community and that appropriate sanctions are imposed against violators.



Evidence of Effectiveness

- Research has shown reductions in alcohol sales to underage youth by as much as 35% to 40% when alcohol policies are combined with proper enforcement. This is especially true when these strategies are combined with media advocacy to educate the community about the laws and enforcement practices.
 - Dent, Grube, & Biglan 2005



Effectiveness of Enforcement Benefits of Dedicated AET's

- Petaluma, CA.
 - Saw a drastic decrease in crime after the implementation of a dedicated alcohol enforcement team (AET).
 - Budget cuts occurred and the AET was eliminated.
 - Within less than six months the crime rate went back up to previous levels before the implementation of the AET.
- Champaign, IL.
 - Saw a 70% decrease over 6 years in the targeted area as compared to a 29% drop for the city as a whole.



The Case for Increased Enforcement

- A 2014 review of research reveals the 21 Minimum Legal Drinking Age (MLDA) law works. The lead researcher William Dejong, stated the research shows:
 - “Tougher enforcement of the age-21 law, rather than a repeal, is what’s needed. Clinical trials have found that when college towns put more effort into enforcing the law – and advertise the facts to students- student drinking declines.”
 - “Some people assume that students are so hell-bent on drinking, nothing can stop them. But it really is the case that enforcement works.”
 - “Just because a law is commonly disobeyed doesn’t mean we should eliminate it.”
 - <https://www.Bu.Edu/sph/2014/02/26/new-report-on-minimum-drinking-age-makes-strong-case-for-existing-laws/>

Appropriate Strategy

- The strategy or combination of strategies should be supported by a comprehensive review and assessment of your community. Make sure you are engaging in good data collection and analysis and applying a rigorous SPF process to your work.





Why Sustain the Program(s)?

- Program was started for a reason....why stop?
- Success of the program may lead to other enforcement issues that may need to be addressed.
- Reinforces the positive behaviors and encourages continued compliant behavior.
- Failure to continue may result in a renewal of the problem.
- Without sustainability, will the community be able to address other enforcement issues that arise?



Steps to Sustainability

- Developing community and political support - Do not be afraid of a healthy debate –seek common ground.
 - A healthy discussion of the issues can be beneficial. In the long run spirited debate can help the community understand and accept evidence based policies and practices that prevent and reduce alcohol misuse. It raises awareness and sets the foundation for change.
- Focus discussion on the community – not the problem, how will the policy benefit/hurt the community?
 - Money, Image, Safety, (e.g. -Better trained employees make less mistakes).
- Avoid unnecessary regulation - Your emphasis should focus on responsible policies to ensure that alcohol is distributed legally and safely to those over 21.



Steps to Sustainability

- Internal Stability.
 - Coalition staff should be cross-trained on all aspects of the coalition.
 - Avoid silo mentality – Delegate!
 - Coalition staff should be up to speed on latest research and prevention strategies.
 - Develop manuals/protocols for the coalition to ensure that institutional knowledge is passed along when a volunteer or staff member leaves.

Steps to Sustainability

- Overcoming Funding Barriers.
 - Alcohol policies can be impacted by a City or County budget.
 - Alcohol enforcement requires adequate funding.
 - Create/Establish dedicated sources of funding.
 - License fees.
 - Fines.
 - Reimbursement for calls to service.



Photo Courtesy Nancy McGee



Steps to Sustainability

- Meet with the police Chief or Sheriff to determine what percentage of their overall budget is earmarked for alcohol enforcement?
 - If additional resources are needed advocate for additional funding from the Mayor/ City Council.
 - Staffing limitations - Full time employees (FTE's) vs. Over-time pay.
 - Creation of Dedicated AET's.
 - Training of officers.
 - Purchase of tools for enforcement (ID scanners, body cameras, PBT's).



Overcoming Funding Barriers

- Grants.
 - SAMHSA Grants;
 - Drug Free Communities grants,
 - Prevention for Success grants,
 - STOP Act grants.
 - Department of Transportation Grants;
 - Highway Safety – Impaired Driving Countermeasures.
 - BJA Grants.
 - Local grants offered through foundations or private companies.
- Seek funding that isn't constrained
 - It is important to have a source on money that is not restricted by federal grant requirements or state contracts.
 - Engage in fund raising



Steps to Sustainability

- Existing program evaluation & management.
 - What have become the foundational enforcement and educational programs your community is using?
 - What is the desired/optimal level of enforcement needed to sustain the current level of compliance?
 - Is the current level of compliance meeting the desires of the community?
 - Are you conducting routine evaluation of your effectiveness?
 - Have you established reasonable long term goals?
 - Share the data that demonstrates success.

Overcoming Resistance

- Persist!!!
- This is difficult work which takes time, often decades. Prevention is not for the faint of heart
 - Understand change rarely comes quickly
 - **Note .08 did not happen overnight. It was born out of many years of debate and hard work.**
- Celebrate small victories



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Working with Law Enforcement to Address Underage Drinking:

Identifying appropriate Strategies, Establishing Relationships, Overcoming Barriers, and Creating Sustainability.



Lieutenant Chris Bartolotta



Poll Question: What does the public think about banning or restricting alcohol use in public areas?

Poll #3

Secure Support From Police Department

- Support must come from the top. The Chief or Administrators must support the implementation of the policy or the rank and file will not
- Understand the values and attitudes of policy makers, officers, and inspectors play a role in determining what regulations look like in practice
- You may need to educate these folks with the research that supports the policy initiative, note some of these concepts may be new to them



Photo Courtesy Nancy McGee



Dealing With a Structured Command

- Command Structure
 - Make sure to obtain commitment from the Agency Head/Chief/Sheriff/Supervisor
 - Ensure they:
 - Appoint someone to your coalition &
 - The individual has been given some authority to make basic decisions
 - Task officers to do things for the coalition
 - If the individual fails to attend or is not responsive, contact their chief (be gentle, but firm)
 - Reward those who contribute (awards, etc.)

Develop Protocols and Procedures

- There should be written guidelines for enforcement operations that follow the “best practices’ identified by the research for the selected strategy;
 - State and local law is followed,
 - MOU’s if your coalition is funding enforcement efforts,
 - Components of enforcement efforts supported by research and local data (hello coalitions)
 - Identified problem, timing, selection of locations
 - Youth volunteers safety is ensured.





Provide Training

- Ensure that your local police officers know the law by providing training on State and local alcohol laws/ordinances that can be used to address alcohol related problems within the community.
 - This is not a topic that is generally addressed in the police academy
 - Iowa Black Book –PDF available from ABD



Provide Training

- Do not assume that law enforcement knows the “best practices”
- Provide **FREE** training for those the ordinance/policy/enforcement strategy will affect or those that must implement the ordinance/policy/enforcement strategy
 - Retailers
 - Law Enforcement
- Training should include
 - Research that supports the policy
 - Nuts and bolts of the strategy
 - Training of youth volunteers and adult volunteers
- If possible, overtime is a great motivator to start
 - You are going to need a plan if (when) the \$\$ runs out



Provide Training

- Host/Provide detailed training on specific enforcement strategies with experiential component
 - Compliance Checks
 - Controlled Party Dispersal
 - Social Host
 - Shoulder Tap Operations
- Ensure that the training is certified for continuing education (CEU).

Publicize Results

- Media amplification - The power of enforcement lies not only in holding violator's accountable, but in using the opportunity to bring attention to the problem and begin to change community perception about the issue.
 - Have a detailed plan in place to publicize what you are doing in the community.
- Media amplification can serve to
 - Foster voluntary compliance- DUI/DWI enforcement
 - Raise community awareness and change norms
 - Demonstrate accountability

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Implementation Examples

- Components of a Controlled Party Dispersal Strategy
 - **Party Prevention/Management**
 - Laws and Ordinances that work
 - Social Host (State v Local)
 - Nuisance laws
 - Public Support and Involvement
 - Political Support
 - Adequate Resources
 - Media Management and Marketing
 - Properly Planned and Executed Party Dispersal Operations – Utilize Best Practices



Photo Courtesy Nancy McGee



Implementation Examples

- **Controlled Party Dispersal Concerns**
 - Focus should be on identifying the adult provider and holding them accountable and using the dispersal as a means to educate all involved about the negative consequences associated with underage drinking.
 - Dispelling myths that they are teaching youth to drink responsibly
 - Presenting factual information – brain development studies
 - One PD issued tickets to the home owner for every kid drinking as opposed to just one overall ticket – Each ticket carries it's own fine



Implementation Examples

- **Gaining Entry to Party/Home**
 - Will be dictated by the facts of the individual case and should be discussed with the local prosecutor ahead of time.
 - Search Warrant – given the nature of these events may be difficult to obtain a search warrant which is supported by facts which establish probable cause will need to establish probable cause (best legal method, most difficult)
 - Consent – Who can consent and to what areas of the home?
 - Exigent circumstances – destruction of evidence, medical emergency (this is not TV, document and act accordingly)
 - Arresting/Towing cars for illegal parking/impeding emergency
 - “if you tow it, they will come”



Alcohol Use Restrictions in Public Places

- Why Regulate alcohol in public places?
 - Historically, parks, beaches, and public lands have provided ideal spaces for underage youth to congregate and illegally consume alcoholic beverages.
 - By prohibiting consumption or limiting consumption options in these spaces it will decrease the availability of alcohol to underage youth.
 - Use existing laws/ordinances



Restrictions on Use in Public Places

- Public overwhelming supports restrictions on alcohol in public places – as high as 85% surveyed are in favor of restrictions.
 - Wagenaar AC, Harwood EM, Toomey TL, Denk CE, Zander KM. Public Opinion on alcohol policies in the United States; Results from a national survey. *Journal of Public Health policy*, 21(3): 303-27, 2000.
- Provides enforcement officers an easy way to deal with folks who are not following the guidelines – If a group is acting unruly and they have brought their own alcohol in the location in violation of the restrictions then law enforcement can deal with them without infringing on those who are being respectful of the law.



Alcohol Use Restrictions in Public Places

- Options for Public Places
 - Prohibit or limit hours of consumption
 - Closing Hours of Parks/Beaches
 - Require residency
 - Permitting Process/fee



Restrictions on Use in Public Places

- Permitting process for use of alcohol in public places such as parks, public streets, festivals, and parades
 - Resident Cards – Require a percentage of attendees be city residents
 - Limit the hours of consumption in public parks
 - Prohibit alcohol consumption on parade floats
 - Prohibit drinking on public streets
- Prohibit individuals from bringing their own liquor into public areas
 - Require any alcohol consumed in a public place be purchased from an onsite vendor who has a stake in the game - tempers consumption
 - Require training of servers (BEST, TIPS, RABS)
 - Place serving limitations (size, number & container)
 - Prohibit kegs in public parks





Alcohol Impact Areas

- Many cities have taken to regulating specific products or types of establishments in certain areas of a city as opposed to an out right ban
- EX: In Tacoma Washington the city instituted a six acre ban in the downtown area of Tacoma
 - Results – 35% Decrease in emergency medical calls
 - 21% decrease in detox admissions
 - 61% drop in police calls to drinking in downtown public parks.
 - <http://www.theolympian.com/2012/09/11/v-print/2245938/alcohol-impact-area-helps-the-city>



Navigating the Law and Engaging Prosecutors on Policy

Aidan J. Moore, J.D.





Poll Question - Your Priorities Will Dictate Your Next Steps

Poll #4



Find the Applicable Law

Alcohol related issues generally breakdown into two arenas:

Commercial Availability

And

Social Availability



Each State is Different, but

- Iowa is a control state and therefore a comprehensive regulatory framework exists at the state level www.abd.iowa.gov
- A knowledge and understanding of Iowa's laws is important in your current and future work;
- Iowa has a summary of important community laws for you at:
www.abd.iowa.gov/alcohol/alcohol-laws/summary-iowa-liquor-laws



What Role Can You Play?

- What are your regulatory priorities?
- Does existing law address your concern?
- Do you need to introduce a legislative remedy?
- Contacting your elected state officials to explain your issue is a great first step to addressing a state law issue or a needed change.
- You may also petition the ABD to adopt rules or to question the efficacy of existing rules.



Iowa Home Rule

Your Ability to Influence Ordinance Development for Alcohol Related Issues





Iowa Constitution

- Article III, section 38A of the Iowa Constitution provides:
- Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly.
- The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state.



Iowa Alcoholic Beverages Control Act

- Section 123.30(2) allows the local authority to refuse to issue a license or permit for premises which do not conform to applicable local laws.
- Section 123.32(3) allows the local authority to "define . . . licensed premises" for festivals, fairs and the like.
- Section 123.32(4) allows the local authority to require an applicant's security personnel "to be trained and certified in security methods."
- Section 123.38 allows the local authority to authorize the transfer of existing permits from one location to another, so long as the location remains within the same city or county.
- Section 123.39(1) allows the local authority to suspend a license or permit "for a period not to exceed one year" or impose a civil penalty "not to exceed one thousand dollars per violation."
- Section 123.39(2) allows the local authority to "suspend any retail wine or beer permit or liquor control license for 680*680 a violation of any ordinance or regulation adopted by the local authority." It also allows local authorities to "adopt ordinances or regulations for the location of the premises of retail wine or beer and liquor control licensed establishments."



Ordinance Development

- A municipal ordinance is no different than any other law and can be enforced and provide penalties. Ordinances are subject to challenge in court and must comply with other laws of the land, such as the country's constitution.



Preemption

Iowa Code section 364.6 states a city must "substantially comply with a procedure established by a state law for exercising a city power."

See also Iowa Code § 331.301(5) (stating same requirement for counties).



Local Ordinance in Play?

- Does the community maintain their ordinances online on the city or town website?
- Is there a more comprehensive way to search for ordinances and laws?
- Where are these websites found?
- Do they cost money or can they be accessed for free?
- Let's check it out!



Maintained by the Community

Altoona, Iowa

The screenshot shows the website's header with the Altoona logo and the slogan "WE ARE IOWA'S RISING STAR." Below the header is a navigation menu with links for Home, About Altoona, Departments, I Want To ..., Residents, Business, Visiting, News, and Calendar. The main content area features a search bar, a breadcrumb trail (Home > Resources > Document Center), and a "Document Center" section with a list of folders: Aquatic Park, City Code, City Departments, Maps, Mayor And Council, and Misc Files. A left sidebar contains a "Resources" menu with items like Document Center, Permits and Inspections, New Home Residential Tax Abatement, Footing Drain Program, Utility Billing and Hookups, Notify the City, FAQ, and Be Notified.

<http://www.altoona-iowa.com/document-center/>



Websites With Collective Info

Drake Law

[Drake Law Library](#) / [LibGuides](#) / [Iowa Municipal and County Law](#) / [Iowa Municipal Codes](#)

Iowa Municipal and County Law: Iowa Municipal Codes

[Overview](#) | [Iowa Municipal Codes](#) | [Iowa County Ordinances](#) | [More Information](#)

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Municipal ordinances, also referred to as city ordinances or city codes, are local laws enacted by a town or city government. If a municipality is not listed here, their ordinances aren't posted on the web and you should contact the municipality directly.

A

- [Adel](#)
- [Albia](#)
- [Alburnett](#)
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<http://libguides.law.drake.edu/c.php?g=150958&p=992681>



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Cedar Rapids, IA NOTIFICATIONS SIGN IN HELP

Cedar Rapids, Iowa - Code of Ordinances / CHAPTER 51 - ALCOHOLIC LIQUORS AND BEER SHOW CHANGES MORE

VERSION: MAR 8, 2016 (CURRENT)

- CHAPTER 46 - BILL POSTERS AND DISTRIBUTORS
- CHAPTER 47 - PUBLIC MARKET
- CHAPTER 48 - AMUSEMENTS
- CHAPTER 49 - PUBLIC DANCE HALLS
- CHAPTER 50 - HOTEL AND MOTEL TAX
- CHAPTER 51 - ALCOHOLIC LIQUORS AND BEER**
 - 51.01 - DEFINITIONS.
 - 51.02 - PERMITS REQUIRED.
 - 51.03 - POWERS OF THE COUNCIL.
 - 51.04 - ELIGIBILITY FOR LIQUOR CONTROL LICENSE OR BEER PERMIT.
 - 51.05 - LIQUOR LICENSES—CLASSES.

CHAPTER 51 - ALCOHOLIC LIQUORS AND BEER

51.01 - DEFINITIONS.

Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted which need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

(a) "Person of good moral character" means any person who meets all of the following requirements:

1. He has such financial standing and good reputation as will satisfy the City Council and the director that he will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances, and regulations applicable to his operations under state law.
2. He does not possess a federal gambling stamp.
3. He is not prohibited by the provisions of any part of [Chapter 51](#) from obtaining a liquor license or beer permit.
4. He is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.
5. He has not been convicted of a felony. However, if his conviction of a felony occurred more than five years before the application for license or permit, and if his rights of citizenship have been restored

https://www.municode.com/library/ia/cedar_rapids/codes/code_of_ordinances?nodeId=CH51ALLIBE=992681



Working With Prosecutors

Now that you found the law how do you approach the people who carry out the policy?



A Day In The Life Of . . .

Good Morning!

**And how was your
weekend?**



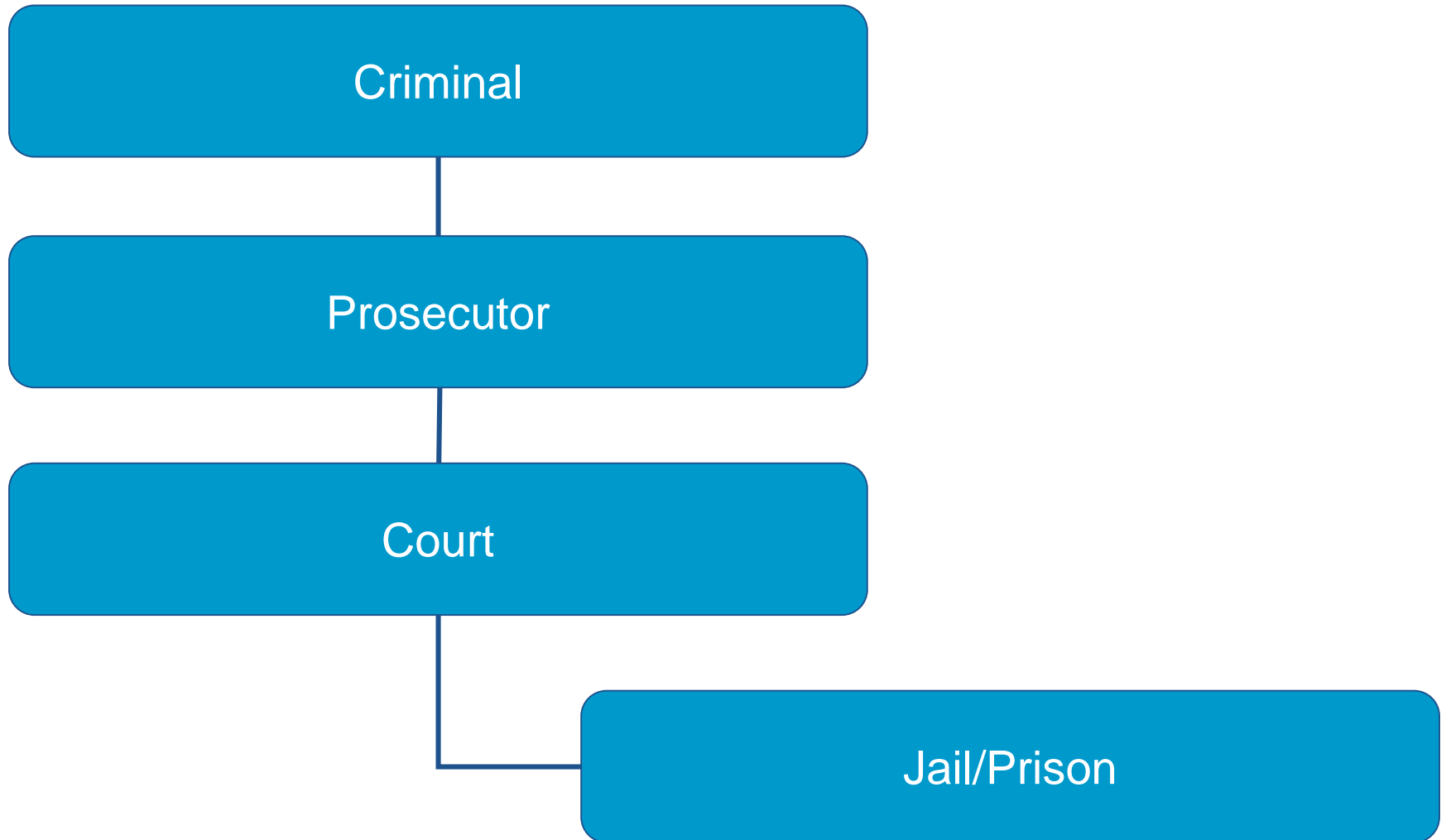


Importance of Prevention

- Prosecutors would be like the Maytag man without substance abuse, and it all starts with alcohol and cigarettes
- In most cases, it's too late before a crime is committed
 - Attitudes toward Alcohol, Tobacco and other drugs already set
 - Statistics show recovery from addiction is a losing battle overall

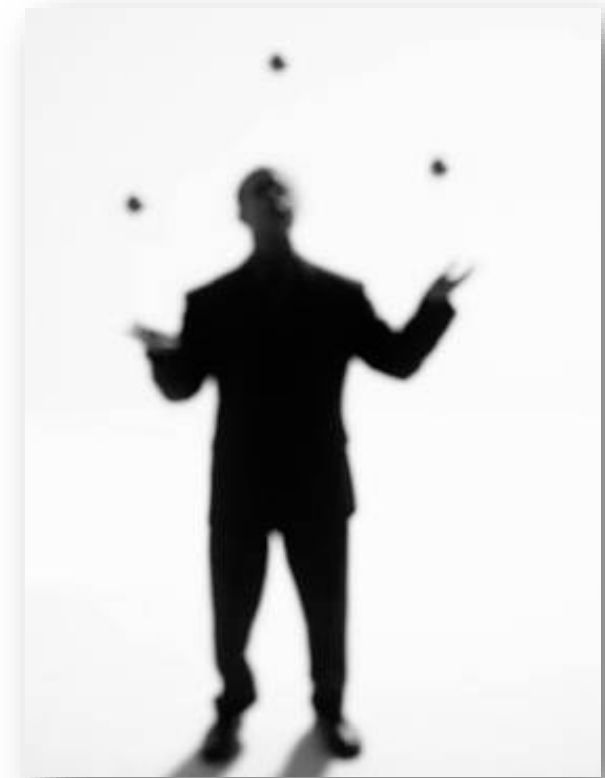


Historical Perspective of Prosecutors





The Battle of Resources and Priorities





How do you approach the Prosecutor about Underage Drinking?

- Understand he/she is busy
 - He/she might not get back to you, even though he/she intended to!
- Determine if you're talking to right person
 - You'll know right away. If not, MOVE ON.
- Offer to help
- Set up a face-to-face meeting
- Be the squeaky wheel



Prosecution Exists in 2 Forums

- Administrative Prosecution of Businesses Licensed to Sell Alcohol.
 - Little opportunity to influence this prosecutor
 - Satisfy the elements of the complaint
 - Agency will issue administrative sanctions
- Prosecution of Non-licensed offenders.
 - Local court
 - Prosecutor lives and works in community
 - Prosecutor enjoys “prosecutorial discretion”
- Where you go first is a reflection of your stated priorities and where you wish to make the greatest impact.



Commercial Availability

In this hypothetical lets use an example:

Store ABC has sold alcohol to a minor in compliance check. The two clerks were arrested by the local police and the police department makes a referral of the licensee to the Iowa Alcohol Beverage Division (ABD) for administrative action.



Who Prosecutes This?

The Iowa Attorney General's office of licensing and administrative law represents the State ABD in administrative prosecutions.

- Many licensees settle these cases rather than ask for a hearing
- State prosecutors are often difficult to find and difficult to reach
- You may have the ability to have your concerns heard at the local level when the offending business comes up for license renewal.
- Armed with records and facts you have the opportunity to influence the city or town council on whether this city should oppose the license renewal



Social Availability

- Matters which are considered under the court's jurisdiction are prosecuted by either a local prosecutor (hired by the community) or the county attorney.
- Iowa's 99 county attorney's are not involved with the administrative case but the complaints against the sellers or minors who are charged by the police.
- It is in this area that you may find the opportunity to have a stronger impact than at the state level proceeding.

Who Do I Approach?

- Let's start with your County Attorney
- CA's live in the community
- CA's are impacted by the events taking place where they live and work
- CA's are Elected!
- State lawyers and prosecutors are hired and are generally difficult to find and approach.



<http://iowa-icaa.com/>



Local is the Way to Go!

- Local/County prosecutors are interested in promoting a uniform system of justice
- They are influenced by laws as well community norms
- Prevention strategies involving community stakeholders which keep people out of court is a vastly preferred approach and prosecutors should be responsive
- Prosecutors also have the powerful use of probation officials who are an often under recognized and underutilized in the comprehensive efforts to provide a comprehensive approach to addressing underage alcohol problems.



Don't Stop There

- A coordinated approach to address UAD related issues spans the entire scope of the justice community
- Successful policies require the buy in of police, prosecutors, probation and the courts.
- Encouraging the enforcement of the existing laws and adoption of innovative programming goes from the “cops on the street to the judge in the seat” *Judge Ronald Bogle, North Carolina Superior Court*

Intervention Principles



Principle 1

Effectively addressing underage drinking requires a **comprehensive** approach.

Principle 2

Responses by the justice system as a whole and by community supervision agencies in general should involve making the **least restrictive response** to youth that will ensure public safety.





Principle 3

Assessment, intervention, and supervision of underage drinking offenders should be based, to the extent possible, in **practices** that have been demonstrated by **research** to be **effective**.



Principle 4

Responses to underage drinking must demonstrate an understanding of the **cultural background** of the youth offenders.

Principle 5

Community corrections agencies and practitioners should strive to increase their individual and collective knowledge of underage drinking and responses to it by engaging in **ongoing training and data collection for program evaluation and research.**



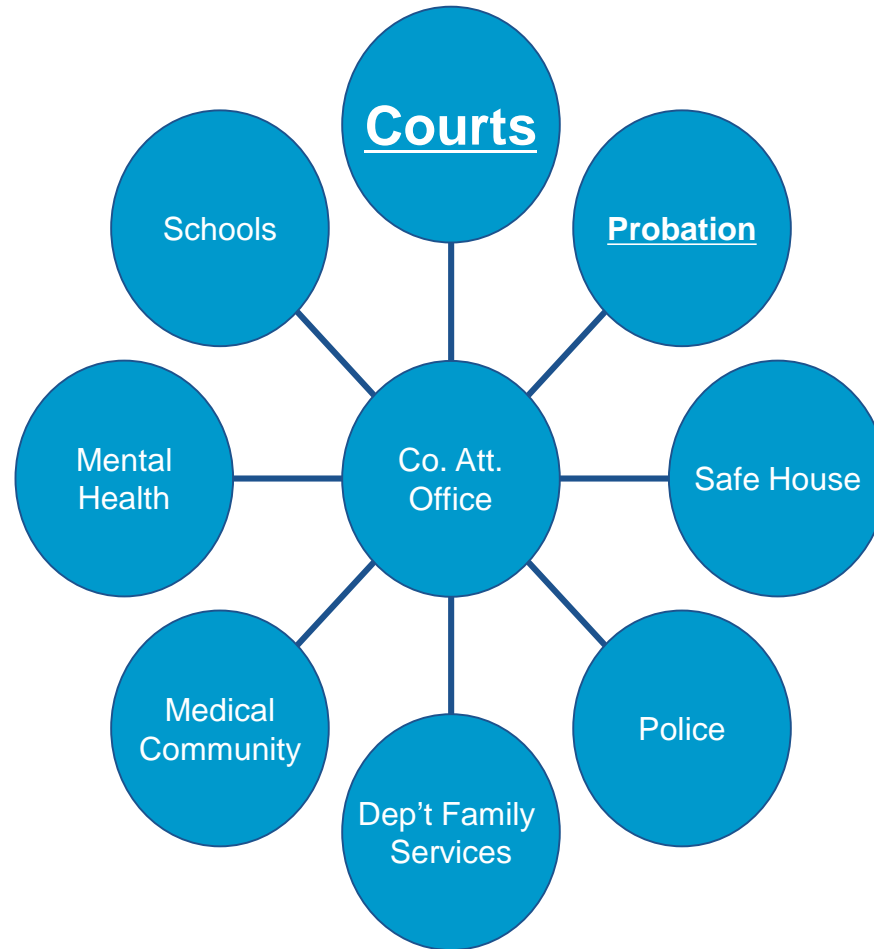
Principle 6

Prosecutors and community corrections agencies and professionals should be aware of and **collaborate** with community-based and justice system strategies and programs to reduce underage drinking.





The Close Working Relationships





Tool for Prosecutors, Probation Officials and the Community

UNDERAGE DRINKING
Intervention Principles and Practice
Guidelines for Community Corrections

The cover features a collage of images: a group of young people at a party, a close-up of a beer being poured, a person in a hoodie holding a bottle, a person drinking from a bottle, and a group of people taking a selfie. At the bottom, there are logos for AP (Alcohol Policy), OJJDP (Office of Juvenile Justice and Delinquency Prevention), and PIRE (Partnership for Intergovernmental Research and Evaluation).



Advancing Your Objectives

- Understanding the applicable laws and ordinances
- Be willing and able to engage those who make the policy decisions
- Be prepared to educate the state, county and local officials on the statistics and the science.
- Provide evidence of strategies that work and justification for the legal community to look at the issue in a different light



A Winning Combination of Strategies







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