

ZERO ADULT PROVIDERS (ZAP) A JUDICIAL RESPONSE TO UNDERAGE DRINKING MCLEOD COUNTY

Beginning April 1, 2010, the McLeod Zero Adult Provider (ZAP) Initiative will focus on finding the illegal providers of alcohol at underage drinking parties, or anytime a young person is found to have consumed alcohol illegally. ZAP source investigations will reduce access to alcohol by identifying and charging the illegal providers of alcohol. If someone is charged with underage possession or consumption, the priority for law enforcement will be to find out how the alcohol got there. To stop underage drinking, McLeod County law enforcement, prosecutors, public defenders and judges are working together more effectively to stop the flow of alcohol to youth.

McLeod County Criminal Justice system is working together to better prevent and respond to underage drinking. "When McLeod County makes it difficult for kids to get alcohol, we provide a safer and healthier environment for our youth." Scott Rehmann, McLeod County Sheriff.

All too often, efforts to prevent underage drinking focus solely on youth themselves with the thought that if we can educate kids, make them not want to try alcohol, we can stop underage drinking. The truth is in virtually every case of underage drinking, one will find an adult who provided the alcohol – an older friend or sibling, a clerk at a convenience store, or sometimes even a parent.

Law Enforcement Changes:

In McLeod County, officers deal more commonly with large field parties or house parties with high school students. Underage drinking parties need to be treated as a crime scene. All county law enforcement departments have signed a mutual aid agreement which will allow them to help each other on underage drinking parties. By sharing resources, law enforcement investigation and response at underage drinking parties will be significantly increased. In February, St. Jim Ramstad from St. Paul will provide training for McLeod Law Enforcement. In addition, issues specific to McLeod County will be covered by local professionals.

Court Changes:

Courts play a major role in the picture of underage drinking. The District Court Judges Savre and Conkel were interested in the data reflecting the problem underage drinking is in McLeod County, and agreed that preventing underage drinking should be taken seriously. Judge Savre stated that he would like to make sure all consequences are fair, but not focus on a "cookie cutter" response to all charges. Judge Conkel reiterated that "the judicial response to charges would be fair and impartial, not pre-determined before the individual case is heard". Project partners agreed that it is important to provide consequences that would have an impact on behavior of the individual as well as send a message to the community that providing alcohol to kids is a serious offense. Both

Judges stated that they would listen carefully to the recommendations of the Prosecuting attorneys in court regarding court penalties and interventions.

With assistance from Sheila Nesbitt, MN Institute of Public Health, police, courts and community formed a coalition in July, 2009. Members include the County Attorney, McLeod Co. Sheriff, McLeod Public Defender, McLeod Court Administrator, MN Department of Corrections supervisor, McLeod Court Services, City Prosecutors, McLeod County Probation, Chemical Health Counselors, and McLeod Co. Public Health. The coalition focused efforts on a stronger, more effective law enforcement response to youth access to alcohol in McLeod County and a streamlined response to underage drinking in the court system, which required change at the county level.

Juvenile Offenders (Minor Consumptions, etc).

1st offense: Diversion and Chemical Awareness Class (8 hours education)

2nd offense: Mandatory Court Appearance, 6 months supervision, 24 hours CWS, Chemical Use pre-assessment/Advanced Chemical Awareness Class (16 hours education).

3rd offense: Same as 2nd offense, Advanced Chemical Awareness Class (16 hours education)/21 hour pre-treatment class/CD Evaluation, 32 hours CWS, may suspend/revoke DL for 30-90 days.

- Agreements were reached agreement on guidelines regarding consequences given to:
 - Juvenile Offenders (Minor consumption, etc.)
 - 18-20 year old offenders. (will need a long form complaint to process in court.)
 - Offenders who are charged with Furnishing Alcohol to Minors.
- the recommended dispositions for Juvenile and 18-20 Year Old Offenders. Changes recommended included:
 - Adding to the Juvenile Offender section a list of offenses which qualify as prior offenses.
- offenders who are charged with Furnishing Alcohol to Minors. The group decided on the following proposed guidelines:
 - The decision whether to arrest and detain as opposed to summons and complaint will rest with the investigating officer. Discretion should be exercised by the officer and areas to analyze should be: time lapse between date of offense and information gathered to form probable cause, strength of evidence, type of party, and circumstances surrounding the providing of alcohol.

- First Time Offenders:
 - Stay of Imposition
 - 1 year unsupervised probation
 - 2 days jail
 - \$250.00 fine/sc
 - Review circumstances to see if CD Evaluation is warranted.
- Second Time Offenders:
 - Stay of Imposition
 - 2 years supervised probation
 - 30 days jail, ½ of which may be STS
 - \$500.00 fine/sc
 - Review circumstances to see if CD Evaluation is warranted.

Should juveniles/18 to 20 year olds be given a benefit for giving names of the providers? It was decided by the group that law enforcement would inquire as a result of their investigation and put in their reports how cooperative a person was and the prosecutor will then review for discretionary use.