Collaborating with Law Enforcement to Create Change

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Winston-Salem, NC & Raleigh, NC

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Session Overview

- The role of enforcement in shaping environments
- Understanding the Role and Limitations of Enforcement Agencies
- Dealing with a Structured Command
- Identifying Traditional Barriers to Enforcement
- Overcoming Barriers to Enforcement

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Recent News Spotlight

https://www.cbs17.com/news/local-news/wake-county-news/20-of-nc-stores-caught-selling-tobacco-to-minors-putting-federal-funds-at-risk/1995053296

Describe Your Community' Focus in Response to Underage Tobacco Use

FOCUS IS ON YOUTH POSSESSION

FOCUS IS ON COMMERCIAL SALES.

FOCUS IS ON ADULT PROVIDERS/SOCIAL HOSTS.

FOCUS IS ON PUBLIC VENUES/EVENTS.

NO ENFORCEMENT TO SPEAK OF

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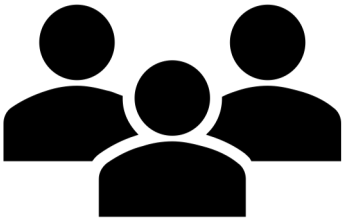

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Developing Relationships with Law Enforcement

- Center your efforts locally, you must give them a reason to care.
- How does it impact your community!
  - Remember folks don't care what is going on in someone else's town unless it makes them look bad.
  - Healthy competition can be useful

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.

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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 tobacco 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, etc.
Avoid unnecessary regulation - Your emphasis should focus on responsible policies to ensure that tobacco is distributed legally and safely to those over 18	• Better trained employees make less mistakes

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Some early research suggests that tobacco retailers will not comply with minimum legal age laws in the absence of active enforcement.	• (See - Committee on the Public Health Implications of Raising the Minimum Age for Purchasing Tobacco Products; Board on Population Health and Public Health Practice; Institute of Medicine; Bonnie RL, Stratton K. Kwan LY Editors . Washington (DC): National Academies Press (US); 2015 Jul 23 citing CDC, 1993; Cismonski and Sheridan, 1993: and Erickson et al., 1993)
Active enforcement of youth access restrictions using compliance checks paired with penalties for violations are effective at increasing retailer compliance with youth access laws.	• (See- Committee on the Public Health Implications of Raising the Minimum Age for Purchasing Tobacco Products; Board on Population Health and Public Health Practice; Institute of Medicine; Bonnie RL, Stratton K. Kwan LY Editors . Washington (DC): National Academies Press (US); 2015 Jul 23)

Implementation - Need for Active Enforcement

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Implementation - Benefits of Active Enforcement

The threat of compliance checks can have a general deterrent effect.

In addition, prior checks increases future compliance, particularly among those that have been sanctioned in the past.

Compliance checks also increase retailer compliance with other tobacco control measures such as posting of warning signs, and adherence to other point-of- sale marketing and advertising restrictions.

(See- Committee on the Public Health Implications of Raising the Minimum Age for Purchasing Tobacco Products; Board on Population Health and Public Health Practice; Institute of Medicine; Bonnie RL, Stratton K. Kwan LY Editors . Washington (DC): National Academies Press (US); 2015 Jul 23)

Collaborating With Law Enforcement

Understanding	Understanding the Role and Limitations of Enforcement Agencies
Dealing	Dealing with a Structured Command
Identifying	Identifying Traditional Barriers to Enforcement
Overcoming	Overcoming Barriers to Enforcement

Understanding the Role of Each Department

North Carolina Alcohol Law Enforcement Agency	North Carolina Department of Mental Health	State Highway Patrol	Sheriff's Department	Local Police Department
Tribal Police	Department of Revenue	Attorney General's Office	FDA – Center for Tobacco	SAMHSA – SYNAR
	CDC	Local Health Departments	Other City/County Agencies	

Criminal v Administrative

NC General Statute	FDA/CTP

• Criminal
  • Seller - Yes
  • User -Yes
  • Store - No
• SYNAR
	• Administrative
	• Fines used to compel compliance by retailer
	• No criminal sanctions for the seller

DMH

- Lead State agency for implementation of both SYNAR and FDA/CTP in North Carolina
  - Contracts with NC ALE
    - Merchant Education
      - Online is currently in development
      - Live presentations/BARS
  - Contracts with local/regional prevention providers to assist local law enforcement and conduct outreach with local retailers and educate the community
  - **Local PD's can enforce – nothing in the stature precludes them from enforcing tobacco laws!**

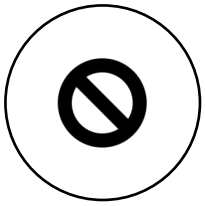
North Carolina Alcohol Law Enforcement (NC ALE)

	Primary agency tasked with enforcing the State's Alcohol Law in licensed liquor establishments	Expertise is in alcohol enforcement.
	Licensing by ABC boards	
	Regulatory Authority	Administratively sanction the licensed establishment
	Enforcement – Jurisdiction is Statewide	Powers of arrest may be limited to liquor law violations only.

Sheriff's Department

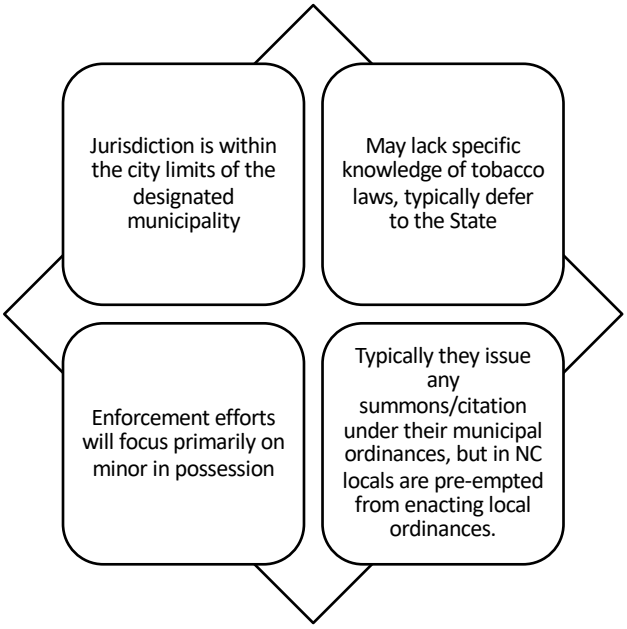
USUALLY TASKED WITH ENFORCING LAWS IN THE UNINCORPORATED AREAS OF COUNTY

THEY HAVE JURISDICTION WITH THE CITY LIMITS, BUT USUALLY WILL DEFER TO THE MUNICIPAL POLICE DEPARTMENTS TO POLICE WITHIN INCORPORATED CITIES.



AVERAGE DEPUTIES EXPERIENCE WITH TOBACCO LAWS CENTERS OR MINOR IN POSSESSION OFFENSES

City Police Department



Dealing with a Structured Command

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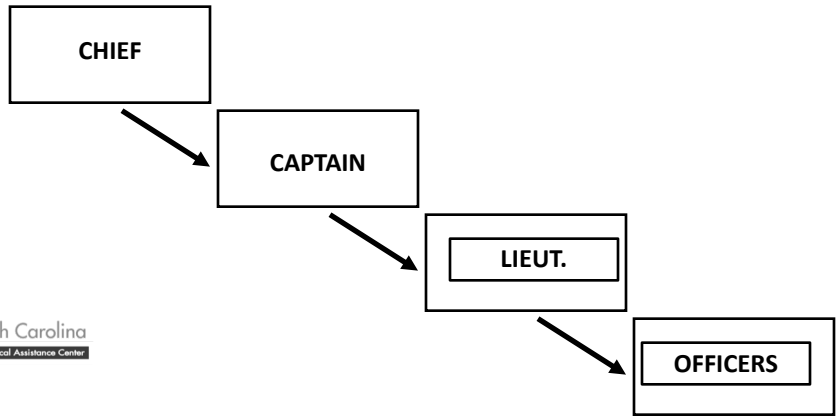
Law Enforcement has Centralized and Clear Structure

Decision-making authority is clearly delineated.



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Dealing with a Structured Command

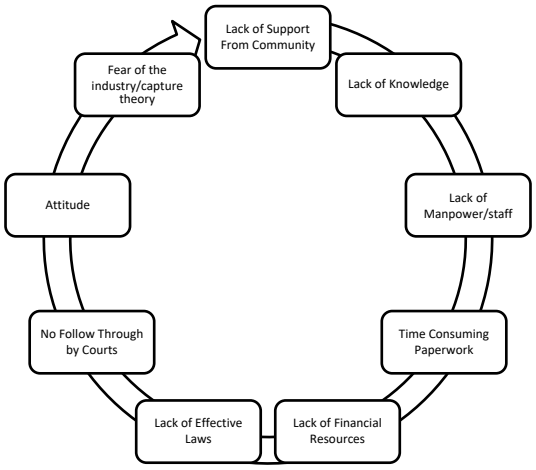
A Chief's Goal's and perspective may be vastly different from that of the officers.

The Community's goals and perspectives may be vastly different from that of the Police Department.

Dealing With a Structured Command

- Command Structure
  - Make sure to obtain commitment from the Agency Head/Chief/Sheriff/Supervisor
    - In writing and clearly define expectations on both sides of the equation
  - Ensure they
    - Appoint someone to your coalition &
    - The individual has been given some authority to make basic decisions, best if that individual has some rank and experience.
  - Task officers to do things for the coalition
    - If the individual fails to attend or is not responsive contact their chief

Traditional Barriers to Enforcement



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So what can coalitions do to reduce these barriers?

First assess your community & Identify the Problems

NC Youth Survey, environmental scans,

Garner political and public support for your cause

Educate the community on the results of your assessment

Set realistic goals & prioritize

Develop a workable strategic plan which outlines specific objectives and sets time lines based on your identified priorities

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Conduct	Share	Support
Conduct Tobacco Purchase Surveys. • Audit based using of age youth to determine the level of retail cashiers attentiveness to checking identification in the sale of age restricted products	Share your results with the Mayor and the Community. Your results can help display the magnitude of the problem and show how easy it is for youth to access tobacco products.	Be vocal and visible when law enforcement engages in enforcement efforts. Let your peers, media, and policy makers know that you support/expect enforcement of tobacco laws.

Lack of Support

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Lack of Effective Laws

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Work with legislators to enact stronger/tougher laws regarding underage tobacco laws.

Police can advise the coalition as to loopholes and or implementation problems with current laws or ordinances and possible changes which would make their job easier.

Coalition can then advocate for the appropriate change needed to address the issue

Secure Support of Prosecutors/Judges

- Policies will become ineffective over time if there is insufficient prosecution and adjudication
  - Police will stop enforcing if their cases are constantly being dismissed by the prosecutors or Judges
  - Before implementation you need to meet with the prosecutors and judges to ensure they understand the policy and the need for consistent adjudication of cases

How to Ensure the Police Will Enforce

The police and prosecutor's must be involved in the development of the policy. They can inform the process regarding potential legal requirements/loopholes/barriers.

Remember the 3 Key principles

Local people solve local problems best	People support what they help create	Science matters

No Follow Through by Courts

Monitor	Monitor	Issue	Recognize	Invite
Monitor Prosecutor's/District Attorney's to ensure they are filing cases.	Monitor Court and NC ALE/AHC dispositions on underage tobacco cases.	Issue press releases on those dispositions.	Recognize Prosecutors/Judges/Courts that are fairly and consistently dealing with underage tobacco cases. Reward them	Invite them to be an active member of your coalition.

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Lack of Knowledge

Educate law enforcement on the research that guides prevention in general

Provide and interpret national research regarding topic areas of relevance

- Rates of initiation
- Vaping – nicotine primes the brain for addiction
- If available provide research specific to their community

Provide free training opportunities on the tobacco laws, detecting false identification and tobacco trends that incorporates local data. One page fact sheets

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Lack of Knowledge

- 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
- Do not assume that law enforcement knows the "best practices"
- Training should include
  - Research that supports the policy
  - Nuts and bolts of the strategy
  - Training of youth volunteers and adult volunteers

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Considerations for Effective Training

Make sure that training is "POST" Certified.	Pick a date way in advance - police department schedules are typically planned out for months in advance and training dates are limited. "POST" Certification process may be time consuming. Training should be offered regionally and multiple times in order to maximize attendance. • Small departments may only be able to send one officer at time because they need to maintain adequate coverage of the community. • Pre-registration should be required to justify holding the class – Set a minimum number, remember some officers will not show up due to court appearances or emergencies within a department.

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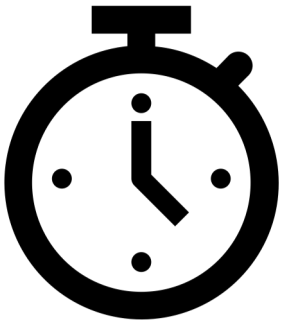

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Considerations for Effective Training

- Length of training.
  - Start at 9:00 am end no later than 4:00 pm – Many officers will have to drive in and drive home the day of the training.
  - Note many officers may have just come from working a shift or will have to go back and work a shift after class.
  - Typically breaks are expected every 50 minutes.
- Typically they do not like interactive group exercises, but there should be some interactive experiential exercise that allows them to apply the skills that have been taught.

Lack of Manpower

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Assist police officers by giving joint talks in schools and in the community about underage tobacco usage, it problems and costs. Utilize the youth members of your coalition to assist with these talks – They have a better rapport with their peers

Assist law enforcement in training retailers on proper sales techniques and how to deal with underage attempts to purchase.

Lack of Manpower

- Assist with compliance check operations in your community
  - Provide youth volunteers to assist in compliance check investigations
    - Recruit volunteers
    - Help train youth volunteers
    - Age test youth for compliance checks
  - Assist officers with completing paperwork
    - Obtain & complete employment forms for youth volunteers
    - Fill out data collection forms
    - Handle press releases
- Work with prosecutor's and administrative agencies to streamline reports

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Lack of Manpower

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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,	Components of enforcement efforts supported by research and local data, •Identified problem, timing, selection of locations, •Youth volunteers safety is ensured.

Lack of Financial Resources

- Advocate for dedicated sources of funding for departments to enforce underage tobacco laws.
- Increase fines for violations with dedicated portions allocated to education, treatment, and enforcement.
- Advocate for Licensing System.
- Work collaboratively with Police Departments to apply for grant money to enforce underage tobacco laws. Review grant applications to ensure proposals meet minimum requirements.

Provide tools to make police officers jobs easier	Video Cameras ID Checking Guides ID Scanners etc…
Provide overtime funding for enforcement efforts **if** allowable	SYNAR funds do not allow for overtime for enforcement efforts, but you have may other unencumbered sources of funding that would allow overtime pay

Lack of Financial Resources

Attitude

Recognize Officers/Departments with awards for enforcing underage tobacco laws.

Certificate/plaque.

Recognition Dinner.

Send letters to the Chief/Mayor for officers personnel file - These letters are taken into consideration for promotions and/or raises.

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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