

May 10, 2016

Washington State Liquor and Cannabis Board
Attention: Board Chair Jane Rushford
Board Members Ruthann Kurose and Russ Hauge
PO Box 43076
3000 Pacific Avenue SE
Olympia, WA 98504

SUBJECT: PETITION REQUESTING MANDATORY RESTRICTIONS IN ALCOHOL IMPACT AREA

Dear Board Members:

In accordance with WAC 314-12-215, the City of Everett requests the Washington State Liquor and Cannabis Board (the "Board") formally recognize the Core Commercial Areas Alcohol Impact Area in Everett Washington (the "Core Commercial Areas AIA" or the "AIA").

Pursuant to Ordinance No. 3430-15 (effective May 5, 2015) the City established the Core Commercial Areas AIA. The Core Commercial Areas AIA was and is an effort to reduce levels of chronic public inebriation and illegal activity associated with alcohol sales or consumption. Within the AIA the City requested the voluntary cooperation of businesses engaged in off-premise liquor sales to, in part, stop selling inexpensive, high alcohol content products associated with chronic public inebriation. After six months the City has not had significant voluntary participation by businesses, nor has it seen a substantial decrease in the effects of chronic public inebriation in the AIA. On December 30, 2015, pursuant to Ordinance No. 3475-15, the City Council directed the Chief of Police to request the Liquor and Cannabis Board formally recognize, and place mandatory restrictions on the sale of alcohol in, the Core Commercial Areas AIA.

Now, the City petitions the Board to formally recognize the Core Commercial Areas AIA, and place mandatory restrictions on the sales of off-premise alcoholic beverages within the AIA, including without limitation, prohibiting the sale of products on the City's Restricted Product List.

Enclosed please find the City's Petition Requesting Recognition of the Alcohol Impact Area, including supporting appendices such as, the City's Restricted Product List, and Ordinance No's: 3430-15 (establishment of the Core Commercial Areas AIA) and 3475-15 (City Council direction to Chief of Police to request formal recognition of AIA).

Sincerely,

Dan Templeman
Chief of Police

CITY OF EVERETT
Everett Washington

Petition Requesting
Recognition of
Core Commercial Areas Alcohol Impact Area

May 10, 2016

Submitted by:

Dan Templeman
Police Chief, Everett Police Department

INTRODUCTION

The City of Everett (the “City”) participates in the Everett Community Streets Initiative. The Initiative is aimed at solving street level social issues, including chronic public inebriation. It is a comprehensive approach to complex street level social issues that includes addressing housing, social services, crime, and emergency services.

One goal of the City and the Streets Initiative is to reduce chronic public inebriation and its effects such as blight, crime, and the burden it places on social and public safety services. These effects negatively affect the health, safety, and welfare of the community and its visitors. The City established the Core Commercial Areas Alcohol Impact Area (the “Core Commercial Areas AIA” or the “AIA”) in an effort to reduce chronic public inebriation where its effects are most strongly felt – in the core commercial areas that run through the center of the City from its northern boundaries and down through the south end of the City.

Following the establishment of the Core Commercial Areas AIA the City requested the AIA community participate in efforts to reduce chronic public inebriation and its effects. The six months following the establishment of the AIA has not seen strong participation from AIA businesses, and has been largely unsuccessful in reducing chronic public inebriation and its effects.

Therefore, the City requests the Washington Liquor and Cannabis Board formally recognize the City’s Core Commercial Areas AIA and impose mandatory restrictions on the sale of high-alcohol content products within the AIA in an effort to reduce chronic public inebriation and its effects.

THE CORE COMMERCIAL AREAS AIA

In 2015 the City established the Core Commercial Areas AIA to combat chronic public inebriation. The AIA is one tool in a comprehensive approach aimed at identifying and addressing street-level social issues, and promoting a safe and desirable environment for the City’s residents and visitors.

In accordance with WAC 314-12-215, the City of Everett’s City Council, passed City Ordinance 3430-15 on April 15, 2015. See Appendix G – Ordinance No. 3430-15. The Ordinance established the Core Commercial Areas AIA (See Map 1 – Core Commercial Areas AIA) based on high levels of chronic public inebriation within its boundaries and associated impacts including crime, blight, and the use of social and public safety services. Supporters of the AIA ordinance include the Office of Neighborhoods, The Downtown Everett Business Association, Skotdal Real Estate, Providence Health & Services, The Everett Clinic, The Everett Public Library, The Everett Public Schools, The Everett Fire Department, The Everett Parks and Recreation Department, and the Everett Police Department.

The Core Commercial Areas AIA primarily consists of government buildings, retail stores, schools, medical facilities and residential neighborhoods. Within the AIA there are 101 retail

CHRONIC PUBLIC INEBRIATION IN THE CORE COMMERCIAL AREAS AIA

Chronic Public Inebriation Prior to the Establishment of the AIA

The City of Everett has a large population of Chronic Public Inebriates (“CPI’s”) in the AIA. There are several geographic characteristics that lead to the increase of CPI’s within this area. Areas such as freeway overpasses and bridges, wooded areas, dense business landscaping, and narrow urban alleyways. These areas provide locations for drinking in public because they are out of line of sight of most of the general public allowing CPI’s to easily hide their behavior. The effects of chronic public inebriation, however, are strongly felt everywhere within the AIA.

In 2014, prior to the establishment of the AIA the Everett Fire Department (“EFD”) compiled alcohol related statistics, as they related to emergency response. The data captured included incidents with the following codes:

- OD - Acute alcohol and/or drug, responsive (2014)
- OD - withdrawal symptoms (2014)
- OD - Acute alcohol and/or drug, non-responsive (2014)
- OD - seizure secondary to alcohol and or drugs (2014)
- Unconscious – unconfirmed
- Unconscious - no verifiable info from reporting party
- Unconscious - acute alcohol/drug intoxication (2014)
- Unconscious - responsive to verbal (2014)
- Unconscious - slumped over wheel (2014)

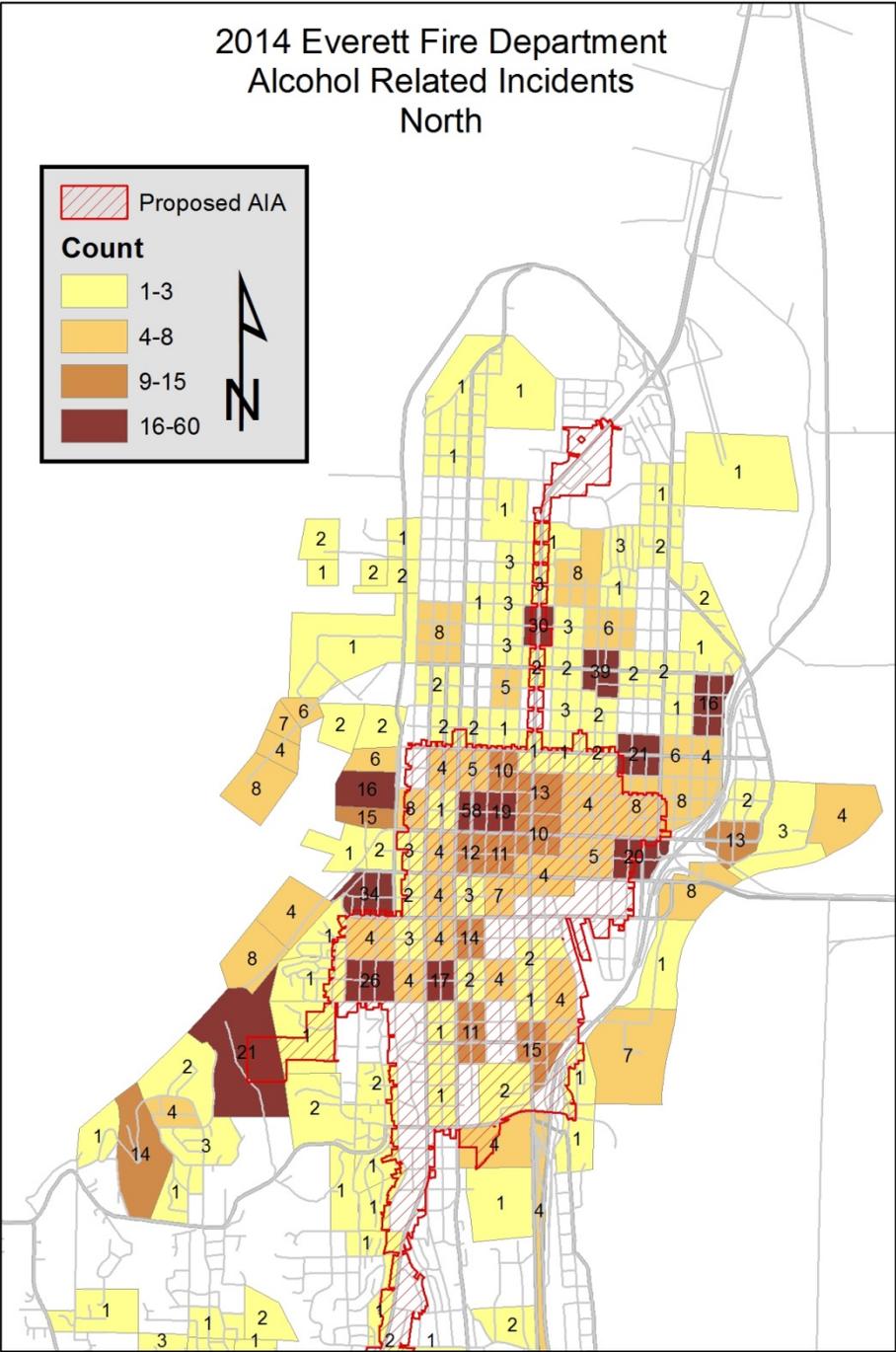
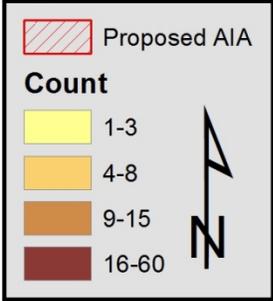
The data showed concentrations of alcohol related incidents in what is now the Core Commercial Areas AIA. From April 1 – October 31, 2014, there were 1,121 alcohol related incidents in the City requiring emergency responses. Of those incidents 809 occurred in the area that has now been designated the Core Commercial Areas AIA. Therefore, almost 72% of all alcohol related responses occurred within the proposed AIA. See Maps 2.1-2. Additionally, repeat calls for alcohol related incidents occurred almost entirely within the AIA. See Maps 2.3-4.

**Everett Fire Department
Alcohol Related Incidents
April 1 to October 31, 2014**

Map 2.1

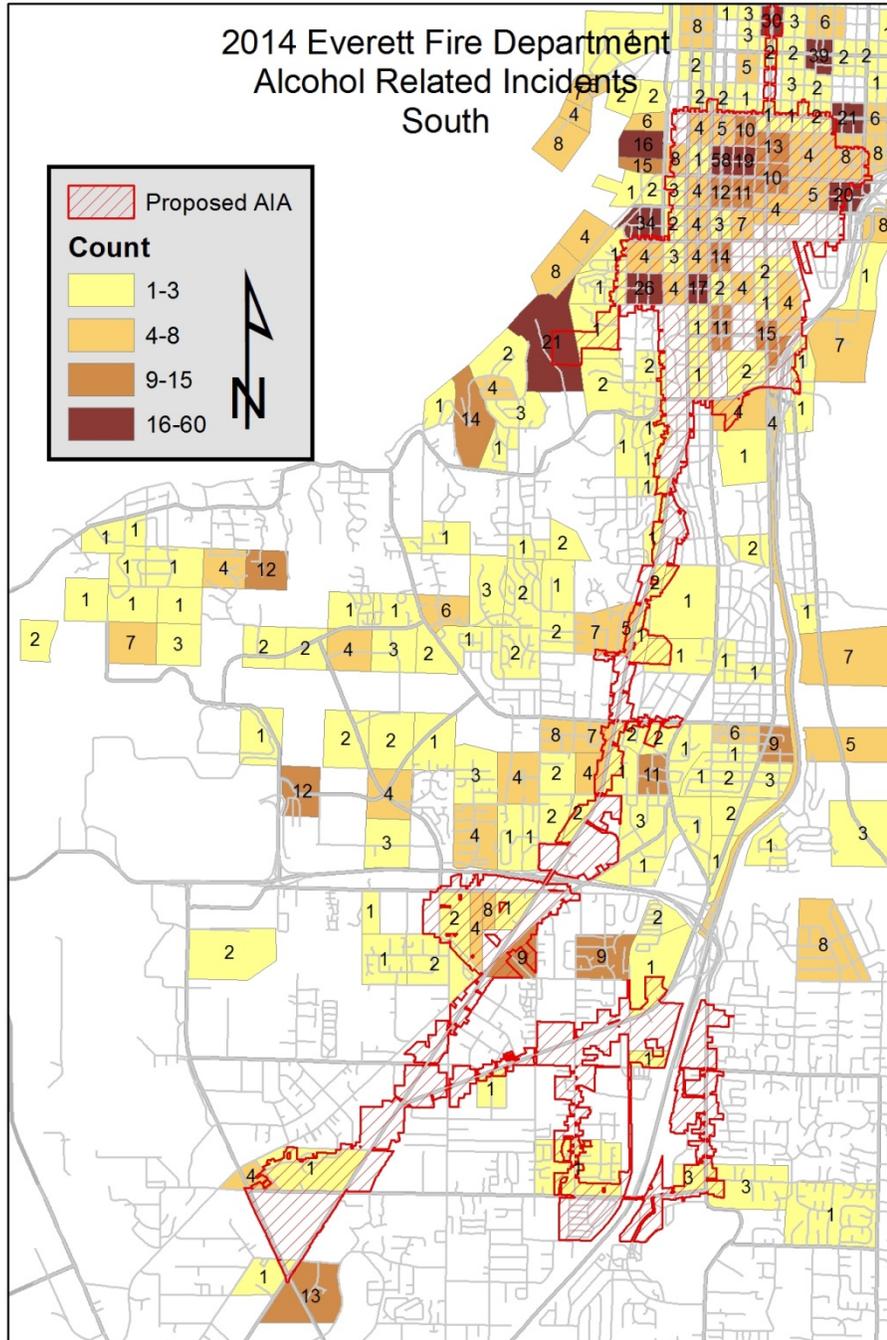
ALCOHOL RELATED INCIDENTS – APRIL 1 – OCTOBER 31, 2014 (North Everett)

2014 Everett Fire Department Alcohol Related Incidents North



Dataset collected April 1 through October 31, 2014

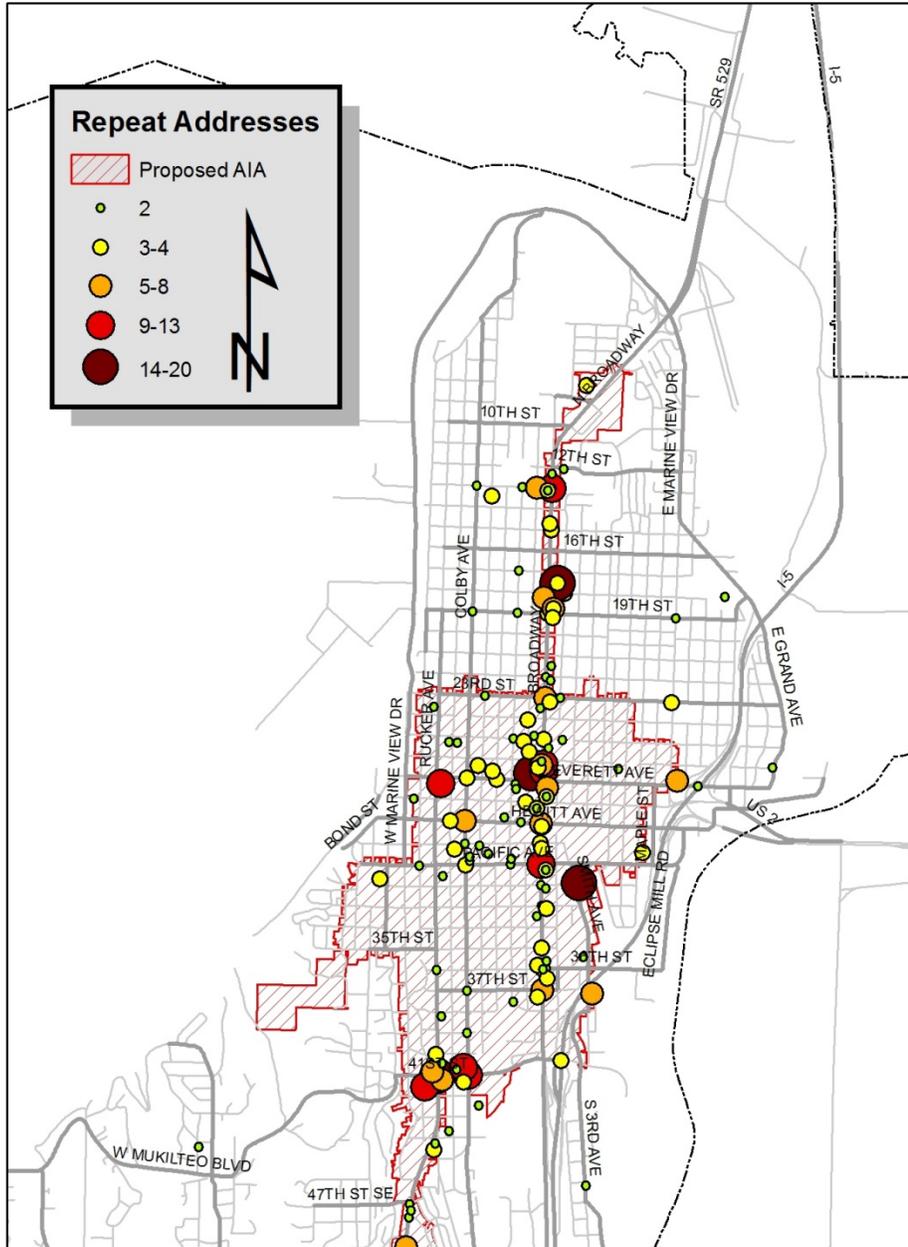
Map 2.2
ALCOHOL RELATED INCIDENTS – APRIL 1 – OCTOBER 31, 2014
(South Everett)



Dataset collected April 1 through October 31, 2014

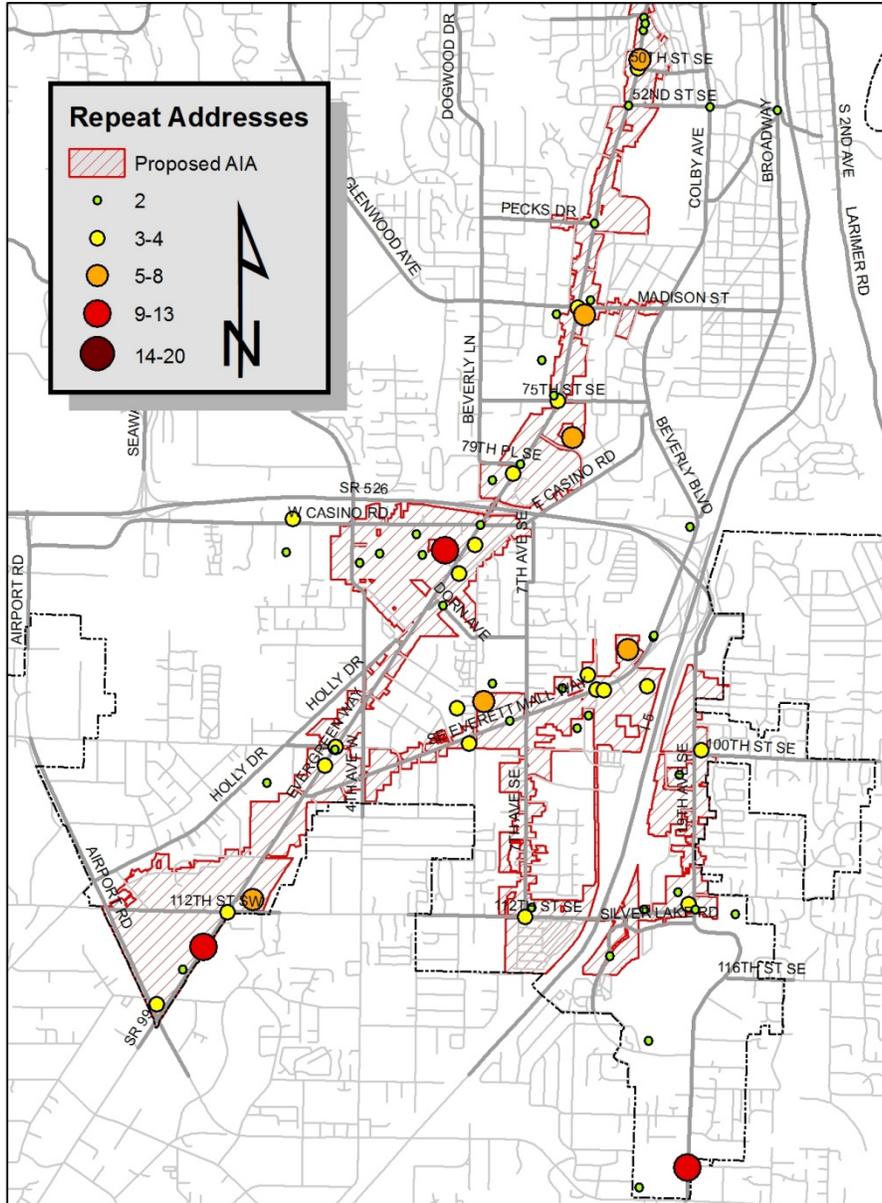
Map 2.3
ALCOHOL RELATED INCIDENTS – APRIL 1 – OCTOBER 31, 2014 (North Everett)
REPEAT ADDRESSES

2014 Everett Fire Department
Alcohol Related Incidents



Map 2.4
ALCOHOL RELATED INCIDENTS – APRIL 1 – OCTOBER 31, 2014 (South Everett)
REPEAT ADDRESSES

2014 Everett Fire Department
Alcohol Related Incidents



Other evidence of the chronic public inebriation in the area included litter and nuisance activity such as vandalism and graffiti. The litter showed that the most popular alcohol products consumed in the AIA were inexpensive, high alcohol content beverages. See Appendix A - Pictures dated February/March 2015. High alcohol content products found littered throughout the AIA were documented through photographs and reports from Everett police officers. These products became the basis for Everett's Restricted Product List. The Restricted Product List is a list of products the City requested retailers of off-premise liquor products in the AIA to voluntarily stop selling.

Additionally, prior to the establishment of the Core Commercial Areas AIA community members complained of the effects of chronic public inebriation within AIA area. The most common types of complaints were of CPI's confronting citizens while inebriated, including students at a local middle school, a general loss of feeling safe in neighborhoods, and litter left behind by CPI's. An example of the problems experienced by Everett's business community was outlined by Mr. Mike Mantei, the Chief Operating Officer with the Everett Clinic. Mr. Mantei stated, "Public inebriates can become loud, verbally abusive and threatening; some commit more serious crimes and inflict harm on others. We see the impact of public drunkenness all the time in the garbage and other residue left behind on the streets, alleys, lawns and garden areas of our Clinic. It has become necessary for us to install costly signage, fencing, and camera systems in order to keep our property safe and secure." Community members supported the establishment of the AIA and communicated this to the City. See Appendix C - Community Support Letters.

Chronic Public Inebriation After the Establishment of the AIA

After the establishment of the Core Commercial Areas AIA, the Everett Police Department (the "EPD") contacted all 101 businesses selling off-premise alcohol products in the AIA. EPD sent a letter to each business on May 28, 2015. See Appendix D - the AIA Business Letter. The letter outlined the City's goal of reducing chronic public inebriation and its effects in the AIA, and invited businesses to two separate public meetings to explain the AIA process and to ask for business and community participation in the efforts to reduce chronic public inebriation. Participation, the letter explained, included asking businesses to voluntarily stop selling the inexpensive, high alcohol content products identified on the City's Restricted Product List. See Exhibit E - Restricted Product List. Because only 6 of the 101 businesses showed an interest in attending a meeting, the EPD forewent the public meetings and instead met with the interested businesses individually.

After six months of seeking voluntary community participation in the Core Commercial Areas AIA goals, particularly from the 101 businesses selling off-premise alcohol products, the EPD reassessed the levels of chronic public inebriation and its effects in the AIA. From September 3 - 4, 2015 the EPD made personal contact with all 101 businesses in an effort to determine who voluntarily complied with the AIA sales restrictions. The Everett Police Department found that:

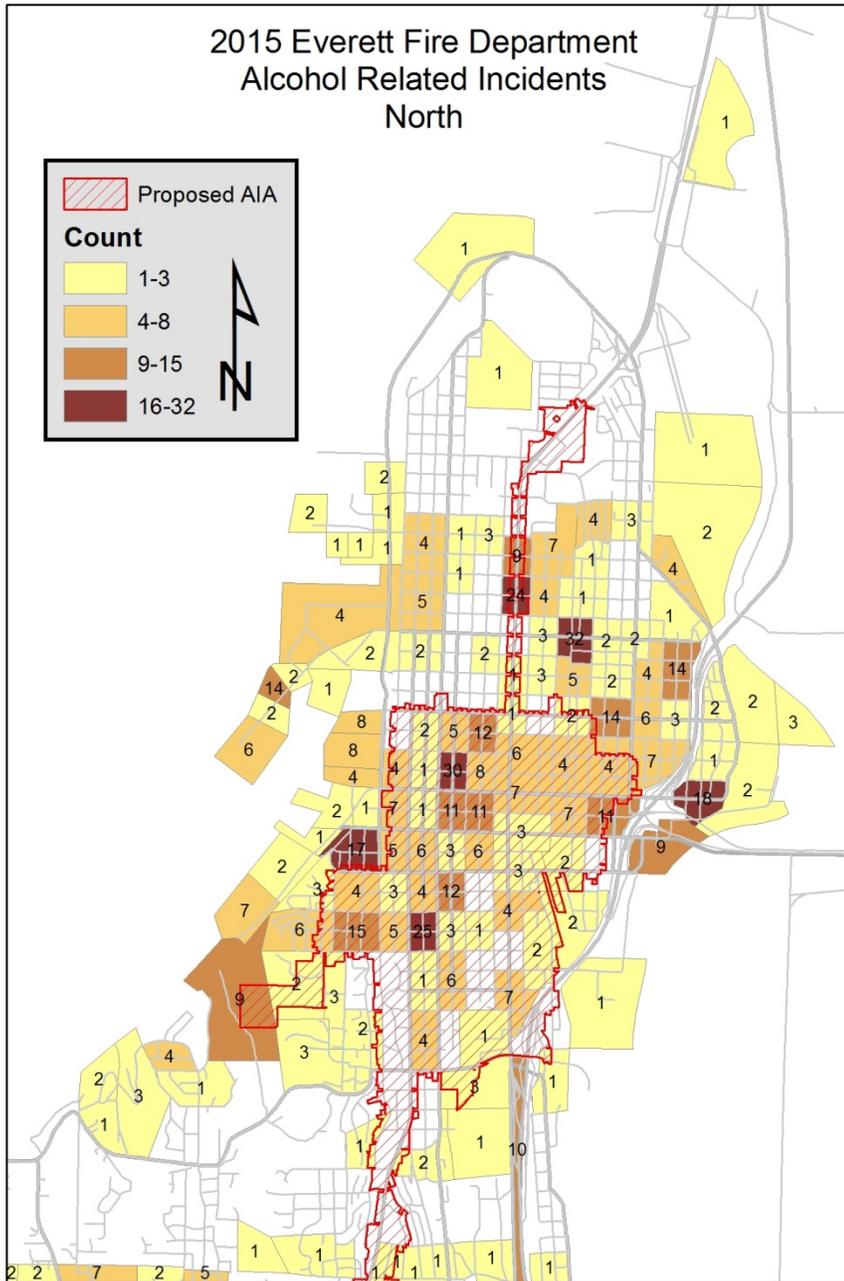
- 70.4% of the businesses still sold the restricted products

- 15.4% of the businesses voluntarily stopped selling the restricted products
- 14.2% of the businesses never sold the restricted products.

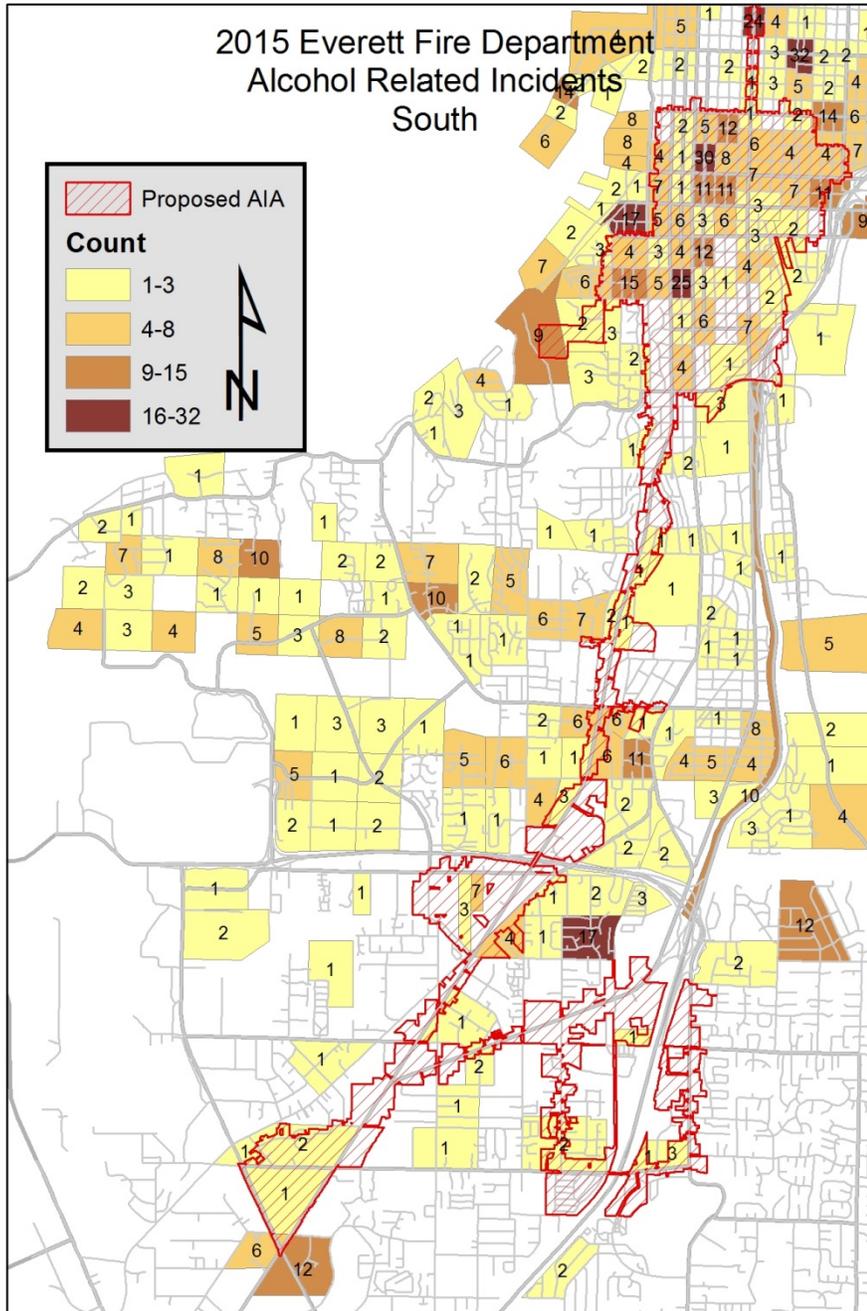
Everett Fire Department again compiled alcohol related statistics for the same time period for 2015 (April 1 – October 31), the majority of this time frame occurring after the establishment of the AIA. The data captured during the 2015 time frame included incidents coded in the same manner as the first set of data in 2014. Alcohol related emergency responses by the Everett Fire Department dropped from 1,121 to 1,031 incidents citywide, for a 10% decrease in incidents. Nonetheless, alcohol related emergencies within the AIA constituted almost 69% of the total alcohol related emergencies within the entire City. See Maps 3.1-2. Additionally, addresses to which EFD made repeat trips for alcohol related emergencies were again concentrated in the AIA. See Maps 3.3-4. The Fire Department data demonstrates that chronic public inebriation remains a significant problem within the AIA diminishing quality of life and exhausting City resources.

| Everett Fire Department Alcohol Related Incidents April 1 to October 31 | | |
|---|-------------|-------------|
| | 2014 | 2015 |
| Inside Proposed AIA | 809 | 707 |
| Outside Proposed AIA | 312 | 324 |
| Total Incidents | 1121 | 1031 |

Map 3.1
ALCOHOL RELATED INCIDENTS – APRIL 1 – OCTOBER 31, 2015
(North Everett)



Map 3.2
ALCOHOL RELATED INCIDENTS – APRIL 1 – OCTOBER 31, 2015
(South Everett)

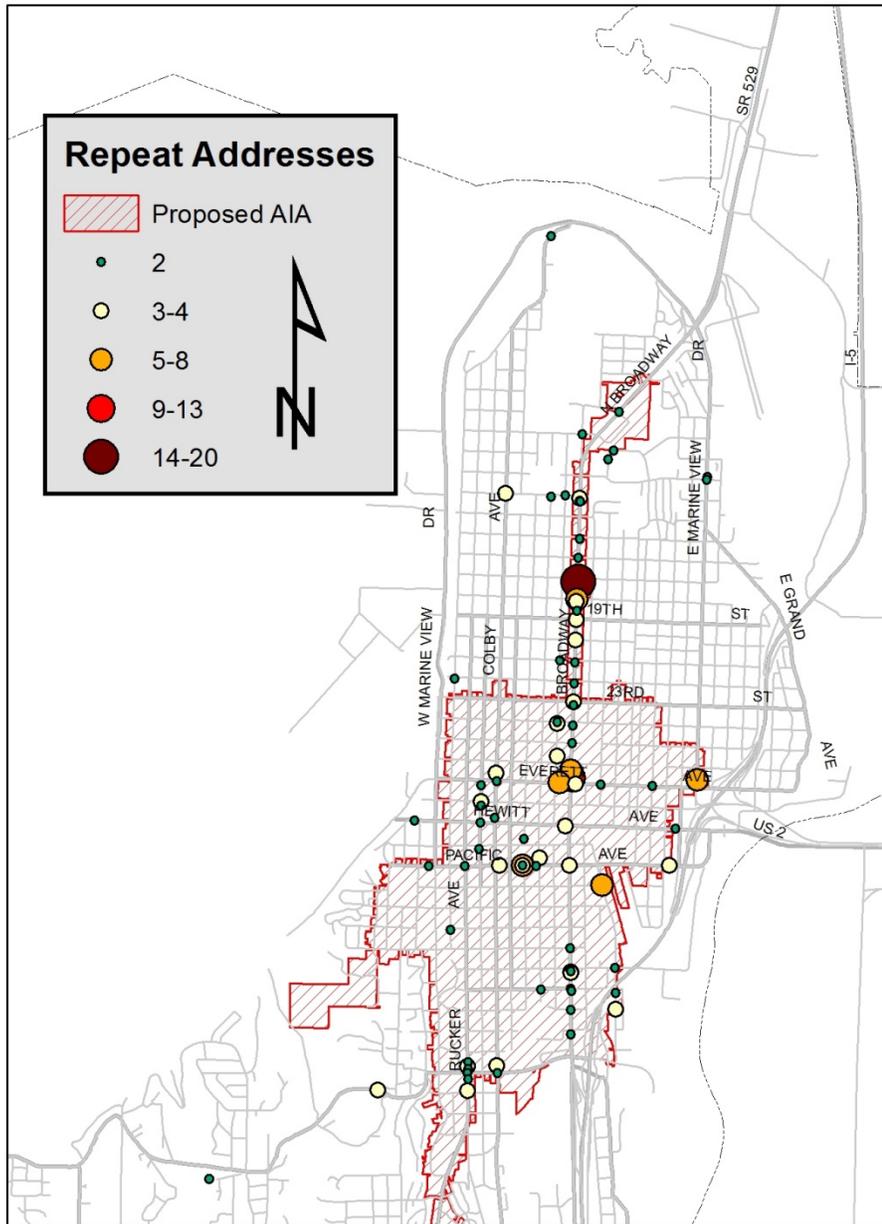


Dataset collected April 1 through October 31, 2015

Map 3.3

**ALCOHOL RELATED INCIDENTS – APRIL 1 – OCTOBER 31, 2015 (North Everett)
REPEAT ADDRESSES**

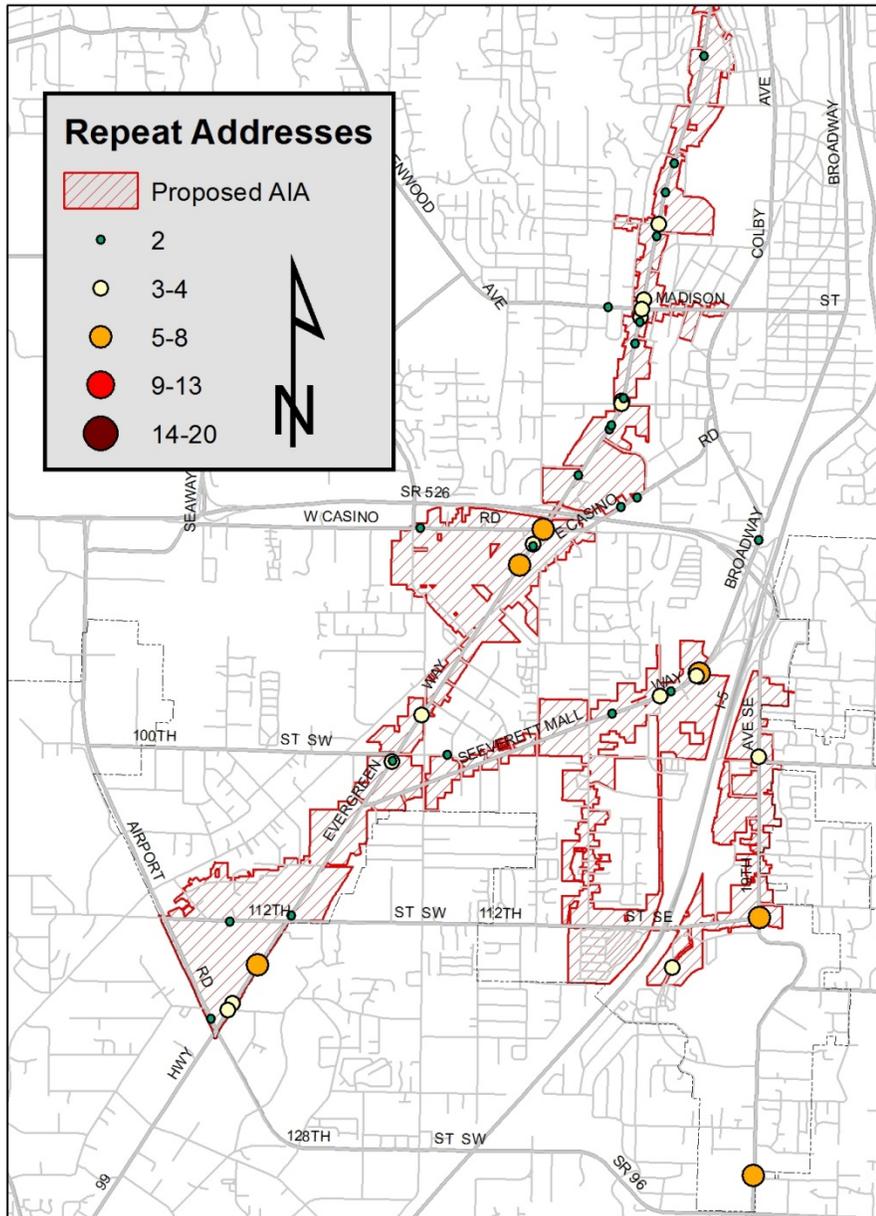
**2015 Everett Fire Department
Alcohol Related Incidents**



Map 3.4

**ALCOHOL RELATED INCIDENTS – APRIL 1 – OCTOBER 31, 2015 (South Everett)
REPEAT ADDRESSES**

**2015 Everett Fire Department
Alcohol Related Incidents**



Community members who supported the establishment of the AIA have reported that alcohol related crimes and nuisance activity, such as vandalism, graffiti, and theft have not improved or have gotten worse since the establishment of the Core Commercial Areas AIA. Again, litter in the AIA evidenced the consumption of inexpensive, high alcohol content products as a strong contributor to the chronic public inebriation. See Appendix B – Pictures dated December 2015, well after the establishment of the AIA.

Throughout this entire process, the City has attempted to quell the onslaught of refuse created by chronic public inebriation (as depicted in Appendices A and B). The City has utilized its Public Works Department in conjunction with the Police Department to clear, and haul away the overabundance of trash from areas within the AIA. This project continues today and currently the Public Works Department is cleaning up refuse within highly littered areas of the AIA three times a week. This has not been the only effort to clean up the AIA by the City. The City's Legal Prosecution Team has contributed to this effort by establishing a work crew program. The work crew is a form of community restitution where individuals who commit certain misdemeanor offenses can choose to perform volunteer work instead of having criminal charges filed in court. The focus and immediate emphasis of this program is the geographic boundaries of the AIA. (See Appendix F – Work Crew Program Summary)

Effect of the Establishment of the Core Commercial Areas AIA on Reduction of Chronic Public Inebriation within its Boundaries

The City was unsuccessful in truly reducing chronic public inebriation in the Core Commercial Areas AIA. Most AIA businesses refused to voluntarily remove inexpensive, high alcohol content products from their shelves, even though these products are littered throughout the AIA and are known contributors to chronic public inebriation within the AIA.

As a result of these unsuccessful efforts, the Everett City Council passed Ordinance No. 3475-15 directing the Chief of Police to request the Washington State Liquor and Cannabis Board formally recognize the Core Commercial AIA and place mandatory restrictions on sellers of off-premise alcohol in the AIA. See Appendix H – Ordinance No. 3475-15. Mandatory restrictions, including prohibiting the sale of the inexpensive, high alcohol content products that are easily purchased and quick to cause inebriation are necessary to reduce chronic public inebriation in the AIA. These are also the products that the City consistently sees strewn throughout the AIA in its litter surveys. See Appendix E – Restricted Products List.

CONCLUSION

Chronic public inebriation and illegal activity associated with chronic public inebriation significantly affects the businesses located within and the visitors to the Core Commercial Areas AIA. The City's efforts to voluntarily mitigate the effects of chronic public inebriation have been unsuccessful. Though alcohol related emergency incidents responded to by the Everett Fire Department have decreased by 10% since the establishment the AIA, alcohol related incidents still remains high and concentrated within the Core Commercial Areas AIA. Following the establishment of the AIA, participation from businesses within the boundaries to reduce chronic public inebriation has been low. Only six of the 101 businesses selling off-premise alcohol products showed an interest in the educational and brainstorming meetings proposed by the EPD. Approximately 15 out of 86² AIA businesses selling off-premise alcohol products voluntarily stopped selling the inexpensive, high alcohol content products known to be contributing to chronic public inebriation in the AIA. Community members supporting the AIA have not seen a decrease in the effects of chronic public inebriation. Therefore, the City now petitions the Washington State Liquor and Cannabis Board to formally recognize the Core Commercial Areas AIA.

REQUEST

Pursuant to WAC 314-12-215 the City of Everett requests the Washington State Liquor and Cannabis Board:

1. Formally recognize Everett's Core Commercial Areas AIA;
2. Place mandatory restrictions on businesses that sell off-premise alcohol products in the AIA;
3. As a mandatory restriction, prohibit businesses that sell off-premise alcohol products in the AIA from selling products on the City's Restricted Product List (See Appendix E – Restricted Product List); and
4. Take any other action it sees necessary to reduce chronic public inebriation and the illegal activity associated therewith in the Core Commercial Areas AIA.

Sincerely,

Dan Templeman, Chief of Police

² Approximately 15 businesses never sold the inexpensive, high alcohol content products listed on the City's Restricted Product List.

APPENDIX A
Photos Dated February/March 2015









BLACK CHERRY LEMONADE

DRINK HARD.
STAY OUT OF PRISON.
DON'T drink until
you are 21

MADE BY © 2014
S HARD LEMONADE CO.,
NEW YORK, NY, MEMPHIS, TN
AND BROOKFIELD, WI

ALL ALUMINUM
PLEASE RECYCLE

GOVERNMENT WARNING:
ACCORDING TO THE SURGEON
GENERAL, WOMEN SHOULD NOT
CONSUME ALCOHOLIC BEVERAGES
DURING PREGNANCY BECAUSE
OF THE RISK OF BIRTH DEFECTS.
CONSUMPTION OF ALCOHOLIC
BEVERAGES IMPAIRS YOUR
ABILITY TO DRIVE A CAR OR
OPERATE MACHINERY, AND MAY
CAUSE HEALTH PROBLEMS.

RED ALE OK+



REXAM 653 4 297 3B

MIKE'S
HARDER

BLACK CHERRY
LEMONADE

8%

WARNING



APPENDIX B
Photos dated December 2015





APPENDIX C
Community Letters In Support of the AIA



T 425 252 5400
F 425 258 2473
www.skotdal.com

2707 Colby Avenue Suite 1200
Post Office Box 5267
Everett Washington 98206

January 23, 2015

Lieutenant Bruce Bosman
Everett Police Department
3002 Wetmore Avenue
Everett, WA 98201

Dear Lt. Bosman:

Skotdal Real Estate strongly supports the creation of an Alcohol Impact Area (AIA) in the central business district. We own and manage several office, retail, and multi-family properties in downtown Everett that have been adversely affected by alcohol related incidents. Residents in our apartment properties regularly report having contact with intoxicated people on the street, diminishing their perception of safety in their neighborhood. Retail tenants have reported incidents where intoxicated individuals have entered their place of business to request access to bathrooms, water, etc. Such incidents have created a disturbance to their customers and impacted the operation of their business. Professional office tenants have also complained that their employees and customers feel less safe as a result of alcohol related incidents.

In addition to affecting perceptions of safety in downtown Everett, the prevalence of cheap alcohol has also increased maintenance costs for property owners in the central business district. Our employees regularly find and clean-up alcoholic beverage containers in sidewalk planters, building entrances, alleyways, etc. Additionally, publicly intoxicated individuals have urinated and defecated on our properties, requiring our employees to clean-up the mess. The challenge of leasing vacant storefronts has also been multiplied as prospective tenants witness the impacts of alcohol related incidents in the area and decide to open their business elsewhere.

In closing, our employees, apartment residents and commercial tenants strongly support the creation of an Alcohol Impact Area (AIA) in downtown Everett. This is a necessary tool for improving public safety and supporting economic development in the area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig Skotdal", is written over a light blue circular stamp.

Craig Skotdal
President



To Whom It May Concern:

My name is Steven Graham and I am the Downtown Services Manager for the Downtown Everett Association. I am writing you in regard to the issues related to the easy access to inexpensive, high content, single serving alcohol in our downtown core.

I spend a good deal of my time walking around downtown Everett meeting with business owners and in doing so I can't help but notice the empty beer and malt liquor containers that are constantly found on the sidewalks or overflowing from trash cans on the streets.

This is a concern of many of our downtown business owners as well who often ask me if anything is going to be done about the intoxicated transients who pass out inside or in front of, or congregate on the sidewalk in front of their businesses panhandling and creating a poor experience for potential customers.

There are a handful of businesses in the downtown core who specialize in selling these items and as a result they have become more of a tallboy and cigarette store than a convenience store. If this is not addressed soon the downtown business owners and I fear that this problem will continue and more of these stores will pop up downtown.

Thank you for your consideration in this matter and please do not hesitate to contact me with any questions or if I can assist you in resolving this issue in some way.

A handwritten signature in black ink, appearing to read 'Steven Graham', with a long, sweeping underline.

-Steven Graham
Downtown Services Manager
425-258-0700
steven.graham@downtowneverettwa.org



Office of the Superintendent
3900 Broadway, Everett, WA 98201
www.everettsd.org

Board of Directors

February 5, 2015

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President

Ted Wenta
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Legislative Representative

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Dr. Gary Cohn
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Associate Superintendent

Dr. Molly Ringo
Assistant Superintendent

Dr. Peter Scott
Assistant Superintendent

Lieutenant Bruce Bosman
Everett Police Department
3002 Wetmore Ave
Everett, WA 98201

Dear Lieutenant Bosman:

Recently, Everett Public Schools was made aware of your pursuit of an Alcohol Impact Area (AIA) for the City of Everett. There are a number of schools in the district that would be positively affected by the AIA and we are very much in favor of the program.

Our schools are impacted frequently by intoxicated individuals both inside our buildings and outside on our school grounds. Many of our students and staff have encountered intoxicated people walking the streets and must navigate through the garbage that they leave behind. We have reviewed many reports of students being accosted by intoxicated individuals as they try to make it to school safely. At North Middle School, School Resource Officer Dave Osman has contacted intoxicated people repeatedly on the grounds altogether too often over the past few years. Recently the Community Resource Center, located at 3900 Broadway, has experienced numerous instances of intoxicated individuals entering the building, causing a disturbance, and threatening the safety of our staff.

The safety of our students and staff at Everett Public Schools is our number one priority. We believe that the AIA would assist us in that regard. We fully support your efforts to make the AIA a reality and offer our assistance in any way we can.

Sincerely,

Dr. Gary Cohn
Superintendent
superintendent@everettsd.org
425-385-4018

The Everett Clinic
For the whole you.

Lt. Bruce Bosman
Everett Police Department
North Sector Patrol Division
Anti-Crime Team

January 23, 2015

Dear Lt Bosman:

As service providers who care about the residents and quality of life in our community, The Everett Clinic strongly supports efforts to limit or ban the sale of high-alcohol single serving beverages in the downtown area and the 41st Street corridor.

While such an effort may only deal with a symptom of a larger problem, we believe this is an important step in the right direction. The health problems associated with alcoholism and alcohol abuse are well known. All too often, abuse of alcohol affects far more people than just the person consuming the alcohol.

Public inebriates can become loud, verbally abusive and threatening; some commit more serious crimes and inflict harm on others. We see the impact of public drunkenness all the time in the garbage and other residue left behind on the streets, alleys, lawns and garden areas of our Clinic. It has become necessary for us to install costly signage, fencing, and camera systems in order to keep our property safe and secure.

In 2014 Everett Clinic security officers responded to 221 incidents involving drug/alcohol use at our main campus. Of those the most concerning are the inebriated individuals who have accosted our patients, staff and security staff.

This is why we participated in and continue to support the City of Everett's Community Streets Initiative which focuses on street-level social issues in Everett's urban core. The task force for this initiative – of which the Clinic is a member – identified the sale of single serving high-content alcoholic products as a key concern to the health and vibrancy of our community.

The sale of these products often leads to irresponsible, lewd and dangerous behavior. Such behavior is clearly a community concern that needs to be addressed. The Everett Clinic is in complete support of efforts to restrict the sale of these products.


Mark Mantei
Chief Operating Officer
The Everett Clinic
3901 Hoyt Avenue
Everett, WA 98201
425-339-5460

CC: Lanie McMullen, City of Everett Executive Director of Economic Development

Northwest Washington Region
1321 Colby Avenue
Everett, WA 98201

February 20, 2015



Downtown Everett Association
825 Hoyt Avenue
Everett, WA 98201

Dear Lieutenant Bruce Bosman,

Providence Health & Services is committed to creating healthier communities, and supports public policies that aim to improve the overall health of our communities. This includes efforts and resources that help to reduce the abuse and inappropriate use of substances such as high-alcohol content beverages.

Our goal is to find real solutions that address behaviors and circumstances, which can affect our community's health, stability and well-being. In addition, as a health care provider, we support comprehensive solutions that address not just curbing substance abuse behaviors, but also adequate access to detox and treatment resources. These have to be comprehensive solutions.

Providence does support an Alcohol Impact Area ordinance – in addition to exploring further resources and efforts also needed within our community to help the most vulnerable who suffer from substance abuse.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Simmons", written over the word "Sincerely,".

Preston M. Simmons, FACHE

Chief Executive Officer
Providence Health & Services
Northwest Washington Region

APPENDIX D
Business Owner Letter

CITY OF EVERETT

Lieutenant Bruce Bosman

3002 Wetmore Avenue

Everett, WA 98201

Dear business owner/operator,

The City of Everett recently passed ordinance 3430-15 which established Alcohol Impact Areas (AIA) within the City. I have attached a copy of that ordinance and related documents to this letter. The goal of this AIA program is to reduce chronic public inebriation and related criminal activity. Please read through the AIA documents so you have a good understanding of the law and process. I plan to have two public meetings which you will be invited to attend. The goal of these meetings is to explain the AIA process and to partner with you in our effort to improve the quality of life in the community. Other cities have gone through this AIA process and found it to significantly reduced the number of alcohol related crimes and issues.

I request your assistance in this voluntary compliance period of the AIA. For the next six months we ask that you not sell any of the products listed on the restricted product list. After six months, we will re-evaluate the alcohol related impact on the city and present findings to City Council for consideration.

Please feel free to contact me by telephone, mail, or email as I may be able to answer questions you have. My office telephone number is (425) 257-8404 and my email address is: bbosman@everettwa.gov

Sincerely,

Lieutenant Bruce Bosman

Everett Police Department

APPENDIX E

Core Commercial Areas Alcohol Impact Area

Restricted Products List

ALL CONTAINER SIZES AND FLAVORS ARE RESTRICTED

BEER / MALT LIQUOR

Bud Ice

Busch Ice

Colt 45 Malt Liquor

Colt 45 High Gravity

Four Loco

HG 800

Hurricane Ice Malt Liquor

High Gravity Hurricane

Ice House

Joose

Keystone Ice

High Gravity Earthquake

Mickey's Iced Brewed Ale

Mickey's Malt Liquor

Mike's Harder Lemonade

Milwaukee Best Premium Ice

Natural Ice

Olde English 800

Pabst Ice

Steel Reserve

APPENDIX F
Work Crew Program



SAFESTREETS

WORK CREW

Program Overview

Work Crew is a form of community restitution where individuals who commit certain misdemeanor offenses can choose to perform volunteer work crew instead of having charges filed in court. The Everett City Prosecutor's Office oversees the program, determines eligibility, and prosecutes cases for individuals who fail to comply with Work Crew rules. Work Crew is supervised by trained supervisor from Friendship Diversion Services, and in addition to directing the clean-up work, the supervisor provides mentoring, connection to services, and training in soft skills important to obtaining meaningful employment. Work Crew also partners with the Everett Gospel Mission, who provides a meeting location and other vital service support.

A person who chooses to enter the Work Crew program must report to the Everett Gospel Mission by 8:45 on his or her assigned day. One day of work crew consists of cleaning, sweeping, and picking up garbage on streets, sidewalks, and public areas of certain businesses. There will be a one hour lunch and educational programming at the Work Crew Office located at 2000 Hewitt Avenue. All participants will be provided with lunch, uniform, and equipment necessary to perform work. They will also be provided with referrals to appropriate social services and educational material. Work Crew concludes at 3:00 pm and operates Monday through Thursday. Participants will be given credit only for completing a full day of Work Crew. The Prosecutor's Office determines how many days are required to divert a particular charge.

Officer Direct Referral to Work Crew

Entry into WC, at this time, is only through a referral by the Everett Police Community Outreach and Enforcement Team (COET). When a COET officer has probable cause for an eligible crime (described below,) he or she can refer an individual to WC along with issuing a citation. The following process should be followed:

1. Verify available days for work crew. All referrals for work crew should be to the closest available day but no less than 24 hours following arrest.
2. If officer determines probable cause and case appropriate for citation, Defendant should be cited for all appropriate crimes and provided the following information:

- a. Work Crew is a voluntary program that if completed will result in the prosecutor dismissing the citation and not prosecuting the cited case.
 - b. Defendant has a mandatory court date on the citation and must appear for this court date unless work crew is completed.
3. Evaluate if defendant is appropriate for work crew based on defendant's interest in perusing this option and any risks to community (for example, if public safety would make booking into jail appropriate, that option should be perused and not WC)
4. Provide Defendant WC Referral form that includes the following information
 - a. Crimes referred to WC
 - b. Date Defendant must appear for WC
5. Complete report and include in narrative that case has been referred to prosecutor and Safe Streets Work Crew.
6. Email Prosecutors Office and WC supervisor all relevant information included on the Officer Work Crew Referral and Tracking Form.

Prosecutor Review of All Referrals

The Everett City Prosecutor's Office will review all WC referrals for probable cause and recommend a sanction. Standard sanctions are set out below but may be increased or decreased based on the severity of criminal activity or defendant's criminal history. Prosecutors should follow this process:

1. Check for referrals each morning.
2. Send WC supervisor approval or denial of all referrals and include recommended sanction.
3. Admin Secretary for Diversion Programs shall enter all referrals into Damien for tracking purposes.
4. Prosecutor shall notify COET of any individual referred who is not approved for WC and inform officers and shall also state reason why referral was not eligible for WC.
5. After learning from WC supervisor if an individual complied, prosecutor must complete the bottom of the Officer Work Crew Referral and Tracking Form indicating successful completion or non-compliance.
6. Prosecutor appears at first appearance and dismisses all citations for successful completion or proceeds as normal for WC non-compliance.

Work Crew Supervisor

The Work Crew Supervisor is responsible for maintaining a list of all referred individuals and for reporting back to Prosecutor's Office on compliance. The WC Supervisor should follow the following process:

1. Supervisor will receive a copy of WC Referral and Tracking Form by email.
2. Supervisor will receive a final list from prosecutor confirming eligibility and recommending any changes to default sanctions.
 - a. For individuals who appear at WC after direct referral but who are declined by the prosecutor, WC Supervisor shall explain to individual that referral was declined and that the individual must appear on the arraignment date listed on the citation.
3. Supervisor prepares crews based on the referrals and schedules individuals for appropriate days of work.

4. Supervisor shall communicate with COET daily on available days to receive referrals.
5. Supervisor shall report all compliance and non-compliance to the Prosecutor's Office.

Eligible Crimes and Sanctions

- COET officers are allowed to directly refer individuals to WC if the officer has probable cause for a non-violent misdemeanor or gross misdemeanor offense
- The following crimes are ineligible for direct officer referral: Assault, Driving Under the Influence or Physical Control of a Vehicle while Under the Influence, Reckless Driving, Violation of No Contact, Protection, or Anti-Harassment Orders, Communication with a Minor for Immoral Purposes, and any crime where the victim and offender have an intimate relationship as defined by RCW 10.99 (DV).
- The prosecutor retains discretion to refer any offender to work crew when permitted by law or to decline a direct referral by an officer when review of individuals' criminal activity and criminal history make diversion inappropriate for reasons of public safety or in the interest of justice.
- No individual should be offered or declined entry into work crew based on race, gender, ethnicity, or age.
- Generally, an individual must work two days WC to have misdemeanor charges dismissed and four days WC to have gross misdemeanor charges dismissed. The prosecutor retains discretion to change this sanction based on totality of referred criminal conduct and/or an individual's criminal history.

Work Crew Rules

- Work Crew is a voluntary program but all participants must follow these rules in order to receive credit for Work Crew
- Participants cannot perform Work Crew when obviously intoxicated.
- Participants must show up by 9:00 on day of work crew to get on that day's crew.
- Participants will be immediately terminated from work crew for having any firearms or dangerous weapons.
- Participants must follow all rules as explained by WC supervisor.

The Safe Streets Work Crew is a pilot program of the Everett City Prosecutors Office and these rules may be changed or modified by the Lead Prosecutor to meet the needs of the program.

APPENDIX G
Ordinance No. 3430-15



ORDINANCE NO. 3430-15

**AN ORDINANCE Creating an Alcohol Impact Area in the
Core Commercial Areas of the City of Everett, and Requiring a
Report to the City Council by November 30, 2015, Regarding
the Voluntary Efforts to Reduce Chronic Public Inebriation.**

Whereas, the Washington Administrative Code (the "WAC") §314-12-215 authorizes the City to identify areas within its boundaries where there are increased levels of chronic public inebriation and illegal activity associated therewith as Alcohol Impact Areas ("AIAs"); and

Whereas, within an AIA the City seeks to reduce levels of chronic public inebriation and illegal activity associated with alcohol sales or consumption by requesting the voluntary cooperation of businesses engaged in off-premise liquor sales to, in part, stop selling products associated with chronic public inebriation in the AIA; and

Whereas, City data, together with input from City stakeholders, including businesses, services, and residents, supports findings that the geographic area identified in section 1 of this ordinance has increased levels of chronic public inebriation and suffers from its effects, such as increased crime, blight, and use of social and public safety services; and

Whereas, these effects negatively affect the health, safety, and welfare of the nearby businesses, residents, and visitors; and

Whereas, the City has participated in the Everett Community Streets Initiative aimed at solving street level social issues including chronic public inebriation and alcohol related crime and blight; and

Whereas, the establishment of an AIA is supportive of the Streets Initiative plan because it seeks to reduce public chronic inebriation through restrictions on the sale of products associated with chronic public inebriation; and

Whereas, neighborhood groups, schools, and businesses in the affected area support the establishment of this AIA; and

Whereas, if, after six months, the City's efforts to voluntarily reduce chronic public inebriation and illegal activity associated with the sale and

consumption of alcohol in the AIA are unsuccessful, the City Council may direct the Chief of Police to request that the Washington State Liquor Control Board place mandatory restrictions on liquor licensees in the AIA such as prohibiting sales of certain products, or restricting hours of sale; and

Whereas, the City Council finds that the establishment of the area described in section 1 of this ordinance as an AIA is appropriate as a part of the City's effort to reduce chronic public inebriation and the illegal activity associated with the sale and consumption of alcohol, and as an action recommended by the Streets Initiative Task Force;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Core Commercial Areas Alcohol Impact Area

A. The geographical areas in the City of Everett described below, and generally depicted on the map set forth in Exhibit A, are, together, declared to be an Alcohol Impact Area ("AIA") as defined by WAC §314-12-215, and may be referred to as the Core Commercial Areas AIA:

1. South on North Broadway Avenue from 7th Street to Broadway Avenue then continuing south on Broadway Avenue to 23rd Street. Virginia Avenue from 22nd Street to 23rd Street. Colby Avenue from 22nd Street to 23rd Street.
2. The area bounded by 23th Street beginning at Broadway Avenue, west to Grand Avenue, south to Pacific Avenue, west to Kromer Avenue, south to Laurel Drive, west to Tulalip Avenue, south to 35th Street, east to Norton Ave, south to Grand Avenue, continue south to 46th Street and Evergreen Way, north to Rucker Avenue, continue north to 41st Street, east to S. 3rd Avenue, northeast to Smith Avenue, north to Pacific Avenue, east to Pine Street, north to Everett Avenue, east to Walnut Street, north to 25th Street, west to Cedar Street, north to 23rd Street, west to Broadway Avenue the point of origin.
3. The area bounded by Wilmington Avenue south to Evergreen Way, south to 52nd Street, east to Claremont Way, north to 50th Street, east to Wilmington Avenue, northwest to Evergreen Way the point of origin.
4. 46th Street at Evergreen Way, south on Evergreen Way to Airport Road. Pecks Drive from Evergreen Way, east to Cady Road. Madison Street from Evergreen Way, east to Beverly Boulevard. Evergreen Way at East Casino Road, west to West Casino Road, continue west to 5th Avenue West, south to Corbin Drive, southeast to Holly Drive, northeast to East Casino Road. SW Everett Mall Way at Evergreen Way, northeast on SW Everett Mall Way to SE Everett Mall Way,

continue northeast to East mall Drive. 7th Avenue SE at SE Everett Mall Way, south on 7th Avenue SE to 112th Street SE, east to 19th Avenue SE, north to El Capitan Way.

5. The area bounded by Evergreen Way at 108th Street SW, west to Hollow Dale Place, west to Paine Field Way, southeast to 112th Street SW, west to Airport Road, southeast to Evergreen Way, northeast to 108th Street SW the point of origin. The sections of 11200 Evergreen Way to Airport Road and northwest on Airport road are the Everett City limits and therefore will only include the Everett sides of the roadway.
- B. Except as stated in Section 1.A.5 of this Ordinance, the Core Commercial Areas AIA includes businesses on either side of any and all roads, streets, alleys, or other public right-of-ways that are a part of the AIA, including those roads, streets, alleys, or other public right-of-way that are the outermost boundaries of the AIA.
- C. By November 30, 2015, the Chief of Police shall provide a report to the City Council on the voluntary efforts to address chronic public inebriation issues in the Core Commercial Areas AIA. This report may include relevant crime statistics, police reports, emergency response data, detoxification reports, sanitation reports, public health records, and other information that document the success or failure of the voluntary efforts to address chronic public inebriation in the Core Commercial Areas AIA. Based upon the information contained in the report, the City Council may consider the adoption of legislation directing the Chief of Police to request the Washington State Liquor Control Board to impose mandatory restrictions on liquor licensees in the Core Commercial Areas AIA pursuant to WAC §314-12-215. Such legislation must be adopted by the City Council before any representative of the City requests the Liquor Control Board to impose such restrictions.

Section 2. Product Restrictions

Exhibit B to this Ordinance is a restricted products list. This is a list of products the City will seek to restrict the sale of on a voluntary basis. Products may be added to or deleted from the restricted products list administratively by the Chief of Police based on findings that a product is contributing to or no longer contributing to chronic public inebriation in the AIA. A Product that is materially similar to a restricted product but not currently contributing to chronic public inebriation may also be included on the restricted products list.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared

unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. General Duty

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 5. Savings

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.


RAY STEPHANSON, Mayor

ATTEST:


City Clerk

Passed: 4/15/15

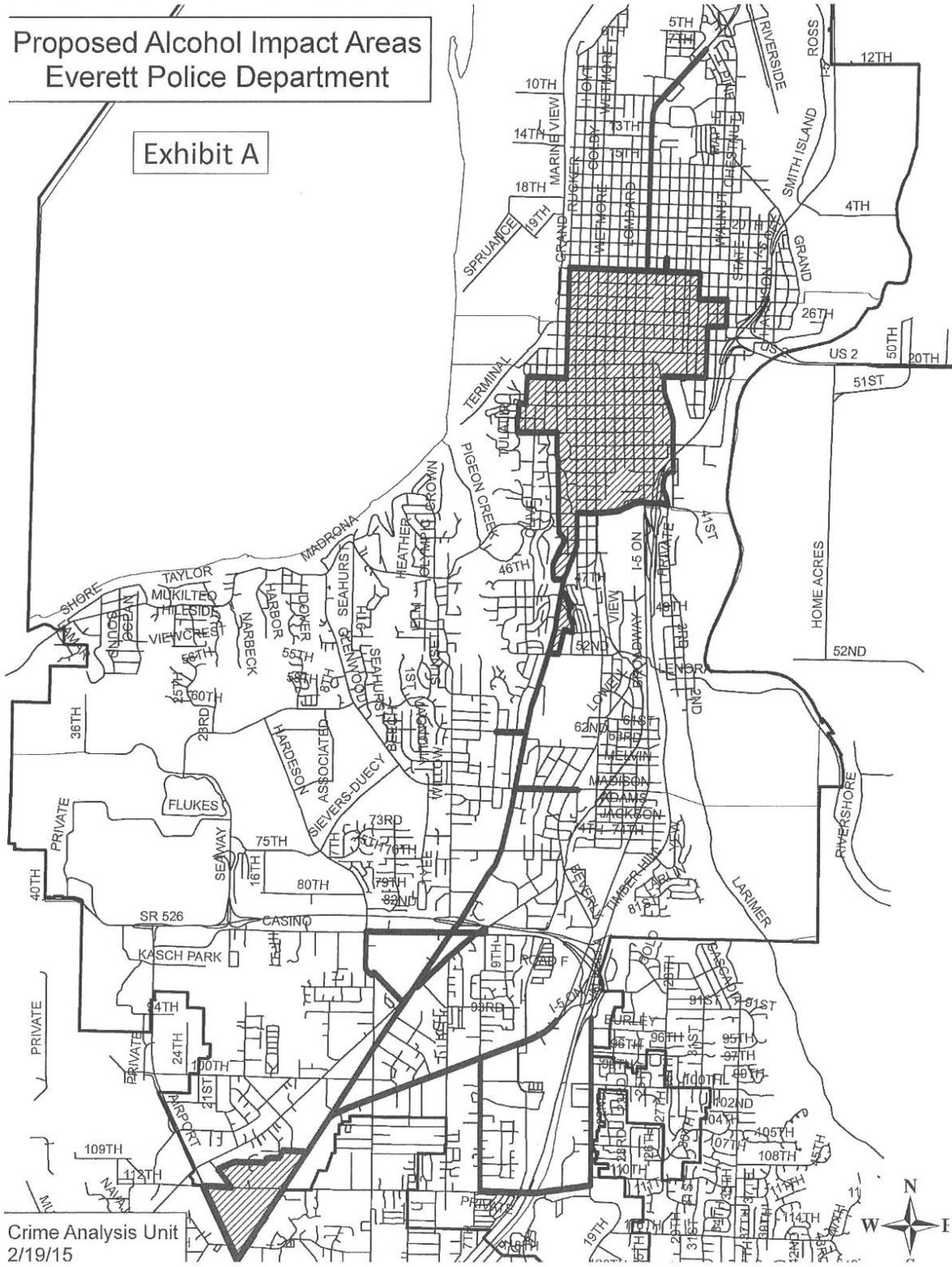
Valid: 4/20/15

Effective: 5/5/15

Published: 4/24/15

Proposed Alcohol Impact Areas Everett Police Department

Exhibit A



Crime Analysis Unit
2/19/15

EXHIBIT B

Core Commercial Areas Alcohol Impact Area

Restricted Products List

ALL CONTAINER SIZES AND FLAVORS ARE RESTRICTED

BEER / MALT LIQUOR

Bud Ice

Busch Ice

Colt 45 Malt Liquor

Colt 45 High Gravity

Four Loco

HG 800

Hurricane Ice Malt Liquor

High Gravity Hurricane

Ice House

Joose

Keystone Ice

High Gravity Earthquake

Mickey's Iced Brewed Ale

Mickey's Malt Liquor

Mike's Hard Lemonade

Milwaukee Best Premium Ice

Natural Ice

Olde English 800

Pabst Ice

Steel Reserve

APPENDIX H
Ordinance No. 3475-15³



ORDINANCE NO. 3475-15

AN ORDINANCE Directing the Chief of Police to Request the Washington State Liquor and Cannabis Board Recognize the Core Commercial Areas AIA Adopted Pursuant to Ordinance No. 3430-15 and Impose Mandatory Restrictions on Off-Premise Alcohol Sales.

Whereas, upon meeting certain criteria set forth in the Washington Administrative Code (the "WAC") §314-12-215, including adopting an alcohol impact area ("AIA") by ordinance, the City may request the Washington State Liquor and Cannabis Board recognize its AIA and impose mandatory conditions and restrictions on the sale of off-premise alcohol; and

Whereas, on April 15, 2015, the City Council adopted Ordinance No. 3430-15, establishing the Core Commercial Areas AIA, with a purpose of reducing the negative effects of chronic public inebriation within the AIA; and

Whereas, the attempt to reduce the effects of chronic public inebriation by requesting that sellers of off-premise alcohol stop selling certain low cost, high alcohol content products has not been successful; and

Whereas, City Council finds that it is appropriate to direct the Chief of Police to request the Liquor and Cannabis Board recognize the Core Commercial Areas AIA and impose mandatory conditions and restrictions on the sale off-premise alcohol products to reduce the negative effects of chronic public inebriation;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. The City Council has considered the evidence supporting the establishment of the Core Commercial Areas AIA and current evidence regarding the City's efforts to reduce the negative impact of chronic public inebriation through voluntary efforts within the community, and it makes the following findings:

- A. The City established the Core Commercial Areas AIA pursuant to Ordinance No. 3430-15, which is attached to this Ordinance as Exhibit A.

³ Ordinance No. 3475-15, includes, as an exhibit, Ordinance No. 3430-15. Ordinance No. 3430 is included as Appendix E. To avoid duplication, it has not been included as a part of this Appendix F.

- B. City data, together with input from City stakeholders, including businesses, services, and residents, supports the findings that the Core Commercial Areas AIA has increased levels of public inebriation.
- C. The effects of chronic public inebriation in the Core Commercial Areas AIA includes increased crime, blight, and the use of social and public safety services, and these effects negatively affect the health, safety, and welfare of the nearby businesses, residents, and visitors.
- D. In the six months since the City established the Core Commercial AIA the City has not seen a significant decrease in the effects of chronic public inebriation.
- E. An important element in the plan to reduce chronic public inebriation, and one that is contemplated by AIA regulations, is the restriction on the availability of alcohol commonly sold to chronic public inebriants, like low cost products with high alcohol content.
- F. Since the establishment of the Core Commercial Areas AIA the City has made efforts to reduce chronic public inebriation within the AIA, including by eliciting voluntary participation by community stakeholders.
- G. In May 2015, the Everett Police Department (the "EPD") met with each of the 101 businesses with licenses to sell off-premise alcohol products in the Core Commercial Areas AIA. The businesses received a copy of the WAC §314-12-215 pertaining to the establishment of AIAs, a copy of the City's ordinance establishing the Core Commercial Areas AIA, a letter explaining the City's request for voluntary participation in its AIA efforts, and a point of contact with the City.
- H. The businesses were asked to voluntarily stop selling a list of alcohol products that were sold at a low cost and had high alcohol content, and which the City had identified as products commonly consumed by chronic public inebriants.
- I. Thereafter, the EPD invited each business to attend one of two public meetings to discuss the purposes of the AIA and answer any questions.
- J. Only six businesses voiced an interest in attending and so rather than hold the public meeting, EPD met with each business individually.
- K. In September 2015, EPD again visited all 101 affected businesses in the AIA. About 70% of the businesses were still selling products that the City

asked to be removed from the shelves; about 15% were no longer selling the products; and about 14% never sold the products.

- L. After six months the City's efforts to mitigate the impacts of chronic public inebriation by requesting off-premise alcohol retailers to prohibit the sale of certain products have been unsuccessful.
- M. From April 1, 2015 through October 31, 2015, following the establishment of the Core Commercial Areas AIA, the Everett Fire Department ("EFD") responded to 1,031 alcohol related incidents. This is a mere 10% reduction from the same period in 2014 (prior to the establishment of the AIA), in which EFD responded to 1,122 alcohol related incidents.
- N. Additionally, local business owners have not seen a reduction in the effects of chronic public inebriation, and litter of low cost, high alcohol content products remains prevalent.
- O. The effects of chronic public inebriation continue to negatively impact the residents, businesses, and visitors of the Core Commercial Areas AIA. These effects include blight on the neighborhoods, crime, and increased use and presence of public safety services.
- P. A mandatory restriction on the sale of certain alcohol products by the Liquor and Cannabis Board would promote the health, safety, and welfare of the public, and reduce the negative impact caused by chronic public inebriation.

Section 2. Pursuant to section two of Ordinance No. 34309-15, the City Council directs the Chief of Police to request the Washington State Liquor and Cannabis Board to recognize the Core Commercial Areas AIA and to impose mandatory restrictions on liquor licensees therein in accordance with WAC §314-12-215.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. General Duty

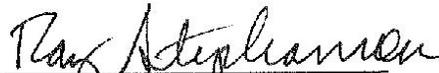
It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 5. Savings

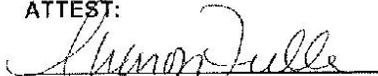
The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. Corrections

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.


RAY STEPHANSON, Mayor

ATTEST:


City Clerk

Passed: 12/30/2015
Valid: 1/05/2016
Effective: 1/20/2016
Published: 1/08/2016