

Holding Adults Accountable for Underage Drinking at House Parties

Research shows that most underage drinking takes place in private settings such as house parties. Some adults are willing to provide alcohol at such venues because they believe young people will be drinking anyway and it will be less harmful if it is supervised. However, the evidence indicates both of these assumptions are false.

Alcohol, the Top Threat to Youth

Alcohol is the number-one drug of choice for American youth¹ and the leading cause of death among teenagers.² As such, it's involved in the deaths of more teens than all other illicit drugs combined — by a ratio of four to one.³ This includes nearly half of all fatal teen automobile crashes and 50 to 65 percent of youth suicides.³ Alcohol abuse has also been linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students. In addition, it is a major factor in unprotected sex and other high-risk behavior among youth.²

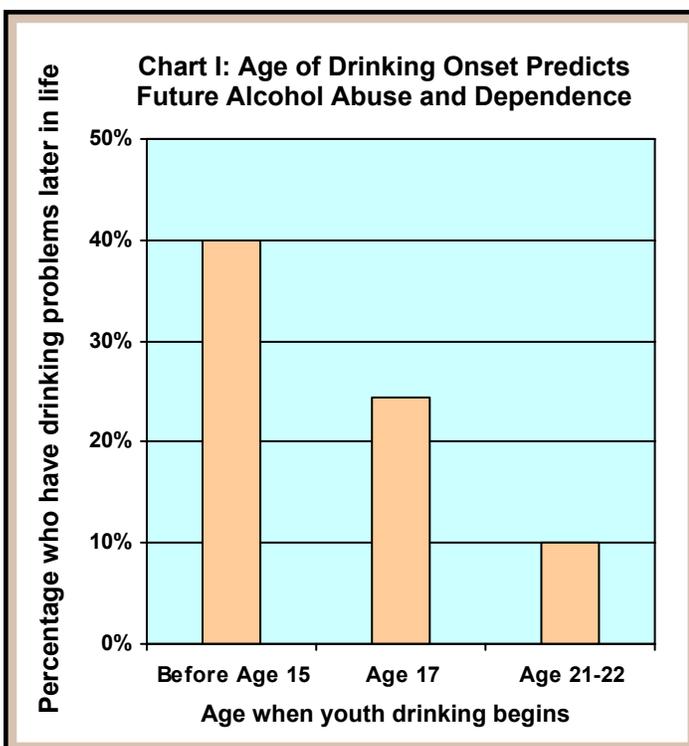
Even so, many still cling to the belief that underage drinking is an inevitable “rite of passage” and that youth are so determined to drink, that no prevention efforts can ever be

truly successful. Some also believe that underage drinking need not be harmful as long as it is supervised and/or the youth are not allowed to drive while intoxicated. They argue that young people can easily recover from any physiological harms because their bodies are more resilient than those of adults. However, studies show just the opposite: the brain changes dramatically during adolescence and its development can be seriously inhibited by alcohol consumption. Such damage is often long-term and irreversible. Even short-term or moderate drinking impairs learning and memory far more among youth than adults.⁴ Adolescents need to drink only half as much as adults to suffer the same negative effects.⁵

Furthermore, youth who begin drinking early are more likely to develop long term alcohol-related problems later in life. For example, those who have their first drink before the age of 15 are four times more likely to become dependent on alcohol than those who wait to begin drinking until age 21.⁶ Those who begin drinking before age 13 are twice as likely to have unplanned and unprotected sex during college as those who do not start drinking until after age 19.⁷

Finally, research also indicates that neither underage nor binge drinking among youth is inevitable. To the contrary, the prevalence of such activity can be reduced through policy changes at the state and local level.^{2, 8} This would include stronger regulations to prevent youth from obtaining alcohol from commercial sources such as bars and restaurants; also laws that reduce availability in social settings such as house parties on private property.

Youth who begin drinking early are more likely to have alcohol-related problems later in life



Underage Drinking at House Parties in San Bernardino County

The Extent of the Underage Drinking

Underage drinking is a major problem in San Bernardino County where, on the average, youth have their first experience with alcohol at the age of 12.⁹ Part of the reason is easy access, as 55 percent of the county's teens report that alcohol is easy for them to get, according to the California Healthy Kids Survey.⁹ Other data show that local teens are consuming alcohol at high rates and some are engaging in risky behavior while intoxicated. This includes almost 40 percent reporting driving after drinking or being in a car with someone else who had been drinking. (See Chart II)

The full impact of this problem is hard to estimate as alcohol-related events involving underage youth often go underreported. However, in California records are kept of such incidents where emergency services are required. In 2008, there were 13 incidents of this kind reported in San Bernardino County, seven of which resulted in fatalities, more than any other county in the State.¹⁰ However, this is only the tip of the iceberg since these statistics do not include the many consequences of underage drinking referred to earlier, which do not take place until later in life.

House Parties: The Primary Source of Alcohol

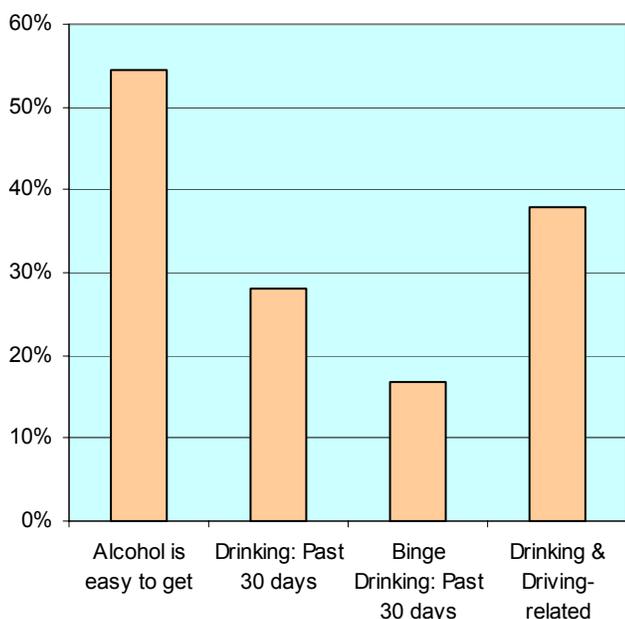
National and local research studies have repeatedly identified house parties as the primary source from which minors obtain alcohol.^{11, 12, 13} Sometimes the hosts of such parties take steps to ensure that no one will be able to drive. However, DUI-related incidents still take place all too often. For example, in San Bernardino County data collected from underage DUI offenders show that 37 percent of them did their drinking at a house party and/or gathering prior to being arrested. It should also be noted that another 36 percent reported drinking at a private residence, although the occasion was not identified as a house party. (See Chart III)

Even if young people do not drive after drinking at a house party, it has been shown that many other negative consequences such as fights, vandalism, property damage, personal injury and sexual assaults are likely

to occur.^{6, 7} Furthermore, data collected in San Bernardino County show that in traumatic incidents stemming from underage drinking—the ones in which severe injury or death results—the alcohol was obtained at a house party over 38 percent of the time.¹⁰

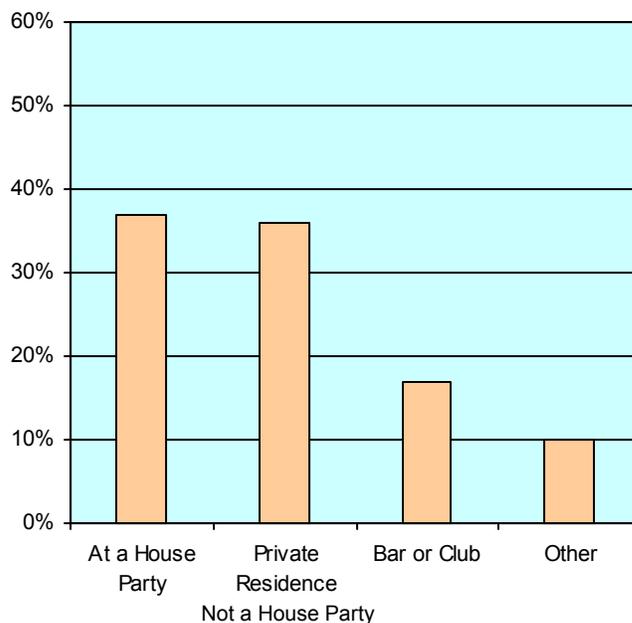
House parties are the primary source of alcohol for underage youth in San Bernardino County

Chart II: Underage Drinking Behavior of San Bernardino County Youth



From 2008 California Healthy Kids survey, administered to San Bernardino County middle and high school students.

Chart III: Place of Last Drink Reported by Underage DUI Offenders



From San Bernardino County Place of Last Drink survey, submitted in 2008 by DUI offenders, ages 18 - 20.

Holding Adults Accountable through Social Host Laws

What are Social Host Laws?

Social host accountability laws refer to state and local regulations that hold individuals responsible for underage drinking parties held on property they own, lease or otherwise control. This usually applies to residential property as these laws are not intended to regulate commercial activity such as sales of alcoholic beverages. However, there are some laws targeting hotels and motels, as these are sometimes the venues for teen parties, especially during graduation or prom season.¹⁴

In general, there are three different types of social host laws. The first are state civil laws that allow private parties to sue a social host in court for personal injuries caused by an underage person who became intoxicated at the host's party. The second type are criminal statutes that make it a misdemeanor to be a social host of an underage drinking party. The third type consists of city and county ordinances containing criminal penalties and/or administrative fines for acting as a social host. Such laws may also require community service, education, counseling as well as the recovery of the monetary cost of law enforcement services.¹⁵

Social host laws have become increasingly popular in recent years, both at the state and local level. As of January, 2008, 23 states have adopted criminal statutes, making the

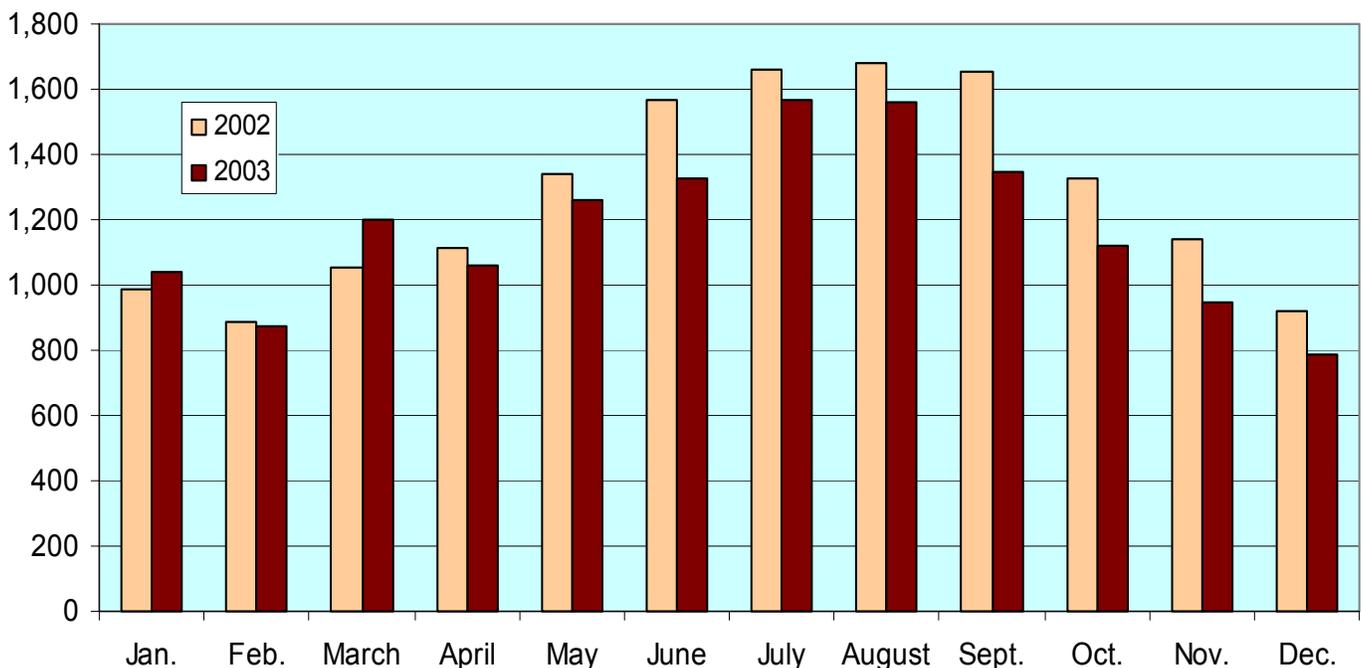
hosting of underage drinking parties a misdemeanor.¹⁶ In addition, there are currently more than 160 local ordinances of this type in 21 different states.¹⁵

Social Host Laws in California

In California the laws on social hosting are weak. The only criminal penalty is for a parent or legal guardian who knowingly allows his/her child to drink and then drive. But this law only applies if the child is under the age of 18, has a BAC over .05 and is subsequently the cause of a collision.¹⁷ Moreover, the State Civil Code specifically exempts social hosts from any responsibility for damages resulting from alcohol consumption at the host's party.¹⁸ To compensate for the weakness in the state law, seven counties (Contra Costa, Fresno, Marin, Mono, Napa, San Diego, Ventura) and over 50 cities throughout California have passed local social host ordinances.¹⁵ Recent among these are Ontario, Corona, Norco, Moreno Valley and Pomona.

One of the first cities in California to pass a social host ordinance was San Diego. The law, adopted in May, 2003, was considered successful as it was followed by an eight percent reduction in disturbance-related police calls during the following year. (See Chart IV) After a court challenge, the San Diego ordinance was revised in 2006 and currently serves as a model for other cities.

Chart IV: Disturbance-Related* Police Calls for Service, Before and After Social Host Ordinance



* Data included 415N disturbance-related calls for service collected by the City of San Diego Police Department.

Support for Social Host Laws

There are laws currently in effect in California that make it illegal for anyone to provide alcohol to minors in both commercial and social settings. But when underage drinking takes place at a house party, it is often difficult to prove who actually supplied the alcohol, hindering enforcement efforts.¹⁵ However, through social host laws the host of the party can now be held accountable regardless of who provided the alcohol.¹⁹ As such, social host laws are a more effective way to address underage drinking at house parties, garnering support from many law enforcement agencies.

There is also support from some of the nation's top institutions involved in substance abuse prevention. These include the National Research Council and The Institute of Medicine both of which have recommended communities adopt and announce policies for detecting and terminating underage

drinking parties.²⁰ In addition, social host laws are listed as a "Best Practice" by the Office of Juvenile Justice and Delinquency Prevention.¹⁴

Through these laws, the host of an underage drinking party could be held accountable regardless of who provided the alcohol.

Finally, popular support is also high for such laws. For example, 80 percent of respondents in a national study supported increased penalties for adults who illegally provide alcohol to minors.²¹ A recent survey of San Bernardino County residents, conducted by regional substance abuse prevention advocates, also found support strong support. 64 percent of the respondents identified underage drinking parties as one of the three top problems in their communities and 57 percent agreed that adults should be held more accountable.

Given the research findings and the strong support from law enforcement and local residents, adopting a social host ordinance would be a positive step toward reducing underage drinking in San Bernardino County.

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