



Applied Research for Community Health & Safety

Holding Adults Accountable for Underage Drinking at House Parties through Social Host Laws

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Executive Summary

Research shows that underage drinking is a major threat to the health and safety of youth, not only with drinking and driving, which is a major cause of death among teens, but also with a host of other negative consequences such as lowered academic performance, sexual assault, fights and violence resulting in personal injury. And the earlier a young person is exposed to alcohol the more likely they are to develop life-long drinking problems.

However, despite legal prohibitions against anyone providing alcohol to minors, it is still easy for them to obtain, especially at house parties. Such gatherings have been shown to be the primary source for alcohol for underage youth; and alcohol is available at gatherings of teens, research shows they tend to drink more heavily than they would in some other venues. Even so, there are some adults who 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.

Reducing access to alcohol is considered to be one of the best strategies for prevention. However, laws that were developed for this purpose (prohibitions against possession, intoxication, and providing alcohol to a minor) are difficult to enforce. For this reason, laws that make the hosting of underage drinking parties illegal – also known as social host accountability laws – have become increasingly popular in states as well as local municipalities. In California, where the state law against social hosting is weak, many cities and counties have passed local ordinances to compensate.

Many types and variations of social host laws have been passed, some with civil penalties, some with criminal, some with a combination of both. Such laws hold either the actual host of the party or the owner of the property accountable for any disruptive behavior and/or underage drinking that is going on, regardless who provided the alcohol. This allows law enforcement to issue citations without having to establish who actually provided the alcohol, which is often difficult to prove. They can also cite the minor for having consumed alcohol without having to establish possession or intoxication. As such, social host laws provide an additional tool for law enforcement to address underage drinking.

As social host ordinances have been implemented only recently, there is limited research to establish their effectiveness. But because of the powerful message they send and the potential they have for reducing youth access, such laws are recognized as best practices by leading prevention and research institutions. However, it has been noted that to be consistently effective, social host laws need to be publicized so that hosts understand their potential liabilities. This should include information designed to disabuse adults of the idea that underage drinking is not harmful as long as the youth are not allowed to drink and drive. Training programs from law enforcement agencies and their personnel should also be planned so that line officers are familiar with the procedures involved with issuing citations. Finally, additional research should be conducted to measure the impact social host laws have on underage drinking rates and the problems that result.

Background

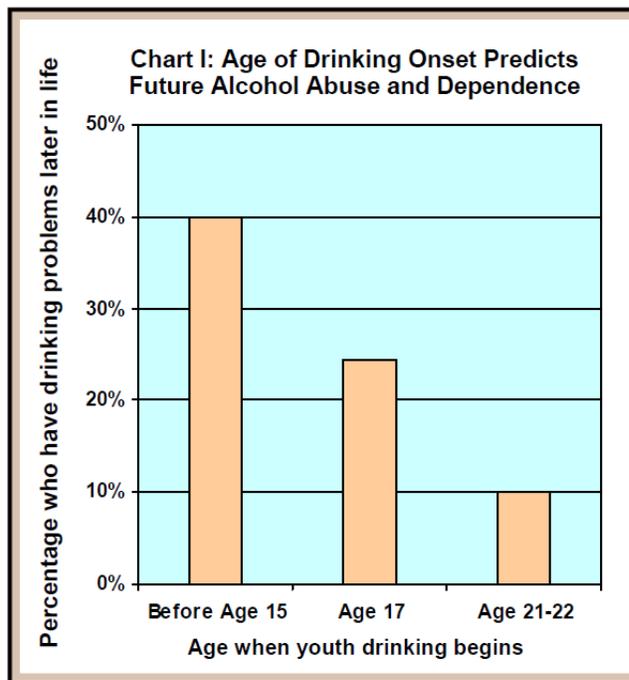
Alcohol, the Top Threat to Youth

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. 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

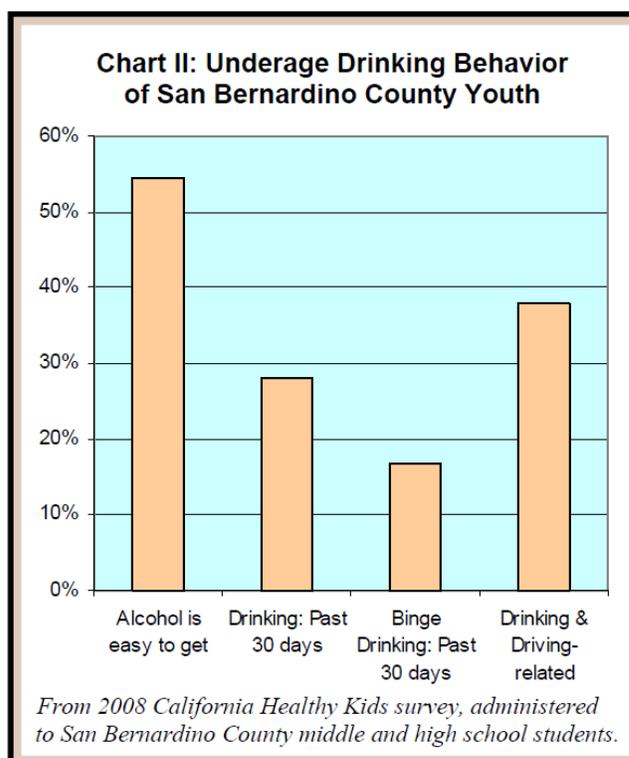
Even so, many still cling to the belief that underage drinking is an inevitable “rite of passage” and that youth are so determined to drink, that no prevention efforts can ever be truly successful. Some also believe that underage drinking need not be harmful as long as it is supervised and/or the youth are not allowed to drive while intoxicated. They argue that young people can easily recover from any physiological harm 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.



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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)

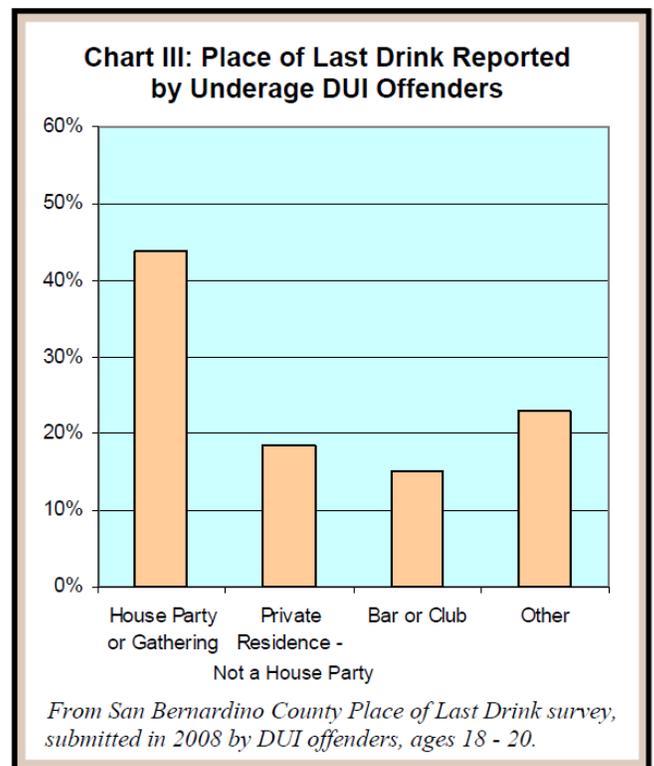
The full impact of this problem is hard to estimate as alcohol-related events involving underage youth often go underreported. However, in California records are kept of such incidents where emergency services are required. In 2008, there were 13 incidents of this kind reported in San Bernardino County, seven of which resulted in fatalities, more than any other county in the State.¹⁰ However, this represents only the tip of the iceberg since these statistics do not include the many consequences of underage drinking referred to earlier that do not take place until later on 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} Moreover, young people report their heaviest drinking takes place during large parties with their peers — almost all of whom are underage — at someone else’s residence.¹¹ Such gatherings also provide a venue for introducing young teens to a heavy drinking culture. In one study, older teens (ages 17 – 19) reported “breaking in” younger teens (ages 14 – 16) at teen parties by encouraging them to become very intoxicated.¹⁴

In an effort to keep people safe, the hosts of such parties will sometimes 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 44 percent of them did their drinking at a house party and/or gathering prior to being arrested.¹³ It should also be noted that another 18 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



Social Host Accountability Laws

A social host is an individual who makes alcohol available in a social setting such as a party or gathering held on private property. This is distinguished from alcohol that is sold or otherwise made available by businesses in commercial settings such as a bar, club or restaurant. Social host accountability laws are designed to hold private individuals responsible for any underage drinking that takes place at parties or gatherings on property they own, lease or otherwise control. Such laws usually apply to residential property as there are a different set of laws in place that regulate alcohol in commercial settings. However, there are some social host laws targeting hotels and motels, as these are sometimes the venues for teen parties sponsored by private individuals, especially during graduation or prom season.¹⁵

While it is already illegal to provide alcohol to anyone under the age of 21, enforcing the law can be difficult. When law enforcement officials arrive on the scene of an underage drinking party, it is often hard to determine who furnished the alcohol. However, through social host laws the host of the party can now be held accountable regardless of who provided the alcohol.¹⁶ As such, social host laws can be a more effective way to address underage drinking at house parties.

Types of Social Host Laws

In general, there are two different types of social host laws. The first are civil laws that assign financial liability to social hosts for damages that result from a drinking party. The second are criminal laws, either at the state or local level, which make it illegal to be the host of a party where underage drinking takes place.

1. Civil Laws

Civil social host laws include state laws that allow private parties to sue a social host for personal injuries caused by an underage person who became intoxicated at the host's party. At the state level, such laws are based on court decisions or state statutes on negligence. The following 33 states currently have laws of this type:

Alabama, Arizona, Colorado, Connecticut, Florida, Georgia, Iowa, Idaho, Indiana, Louisiana, Massachusetts, Maine, Michigan, Minnesota, Mississippi, Montana, North Carolina, North Dakota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming¹⁷

Many local ordinances also contain civil penalties for loud or unruly parties or ones where underage drinking occurs. Here the offense is treated as a public nuisance with monetary administrative penalties, community service, education and/or counseling. There may also be a response cost recovery allowance that empowers the city or county to recover law enforcement costs incurred while responding to a party where a disturbance has been reported. Usually this occurs only when law enforcement must visit a given location on a number of occasions. In some cases, money collected is used to fund the enforcement of the ordinance itself.

2. Criminal Laws

As with civil laws, criminal social host laws can be found at both the state and local level, but both kinds of laws make it illegal to host an underage drinking party. State laws, which have become increasingly popular in recent years, make it a misdemeanor to host such a party. As of January 1, 2008, there were 23 states with social host criminal statutes.¹⁸ City and county ordinances containing criminal penalties, either a misdemeanor or an infraction, have also become a growing trend. According to the Pacific Institute for Research & Evaluation, there are currently more than 160 local ordinances of this kind in 21 different states.¹⁹

Criminal vs. Civil Social Host Laws

While criminal laws have stronger penalties, they may be more difficult to enforce as prosecutors usually give infractions and misdemeanors a lower priority. Furthermore, criminal penalties require a higher standard of proof than do of civil ones, which can be adjudicated outside the criminal justice system. In criminal proceedings there must also be “prima facie” evidence that the defendant – the person in control of the premises – “knew or should have known” that minors were consuming alcohol. This is not usually required in civil cases where monetary fines rather than time in jail are the penalties being considered. The differences between criminal and civil laws are summarized in Table 1, below.

Table 1: Criminal vs. Civil Social Host Ordinances

Criminal	Civil
Prosecutors give infractions and misdemeanors low priority.	A civil case can be addressed in a proceeding before the city, outside the criminal justice system.
Burden of proof: beyond a reasonable doubt.	Burden of proof: a preponderance of the evidence.
Must show that the defendant knowingly allowed underage drinking/possession to occur on private property; that is, defendant knew or should have known of presence minors and failed to take steps to prevent underage drinking.	Strictly civil fines may or may not require proof that the responsible person knowingly allowed service of alcohol to persons under 21 or underage drinking/possession to occur.

These differences suggest that civil penalties will be swifter and thus more effective to impose than criminal penalties. However, in communities where violence occurs at an unruly or underage gathering, it is recommended that criminal penalties also be available.¹⁹ It may also be true that in particular counties, infractions (treating social hosting like a parking ticket) move as swiftly through the courts as civil penalties move through a city or county’s own administrative process. This is likely to be the case in San Bernardino County.

Elements of Social Host Laws

Social host accountability laws often contain multiple elements, especially those passed by local municipalities. These typically include a definition of a party or gathering, a prohibition against allowing underage drinking at such an event, a provision defining who is regarded as the responsible party, restrictions against loud or unruly conduct, notations on the constitutional limitations, a section on penalties and a description of the appeal process.¹⁹ These elements are discussed in more details below.

1. Definition of Gathering

Ordinances of most cities and counties define a gathering as two or more persons gathered together in a setting where alcohol is being consumed, possessed, or served to minor. However, these laws are not intended to address incidents with such a small number of participants. The number is set this low so that law enforcement may issue citations regardless of how many are involved. Law enforcement officers will typically respond to an incident only upon complaint from a neighbor that disruptive behavior is going on. So there would usually be a significant number of people involved and/or some kind of illegal behavior sufficient to cause alarm by nearby residents.

Along with the definition of the gathering, there is usually a description of the kinds of locations where the ordinance will be in force. As mentioned earlier this is usually a private residence, either in single-family or multi-housing units. Sometimes ordinances specify other locations that have been identified as being problematic in the community. These may include motels and hotels or public facilities where weddings, picnics or private parties take place. In such ordinances specific requirements related to the venue, such as monitoring of mini-bars or obtaining a special event permit, may be imposed.

2. Prohibition against Underage Drinking:

Underage consumption of alcohol is a key element of many social host ordinances. Without this element, it would not be technically illegal for minors to drink on private property, as most current laws make only possession and being intoxicated illegal. But when the drinking takes place at a private residence, possession of alcohol by a given individual is difficult to prove, and to establish intoxication, law enforcement must have observable evidence before they can administer any kind of test. However, when consumption has been made illegal, a law enforcement officer may conduct a breathalyzer test of any minors present; and if the test is positive for any alcohol consumption, the minor can be cited as well as the host of the party. (Note: the combination of factors – being called to a party because of disruptive behavior, noting young people present and seeing that alcohol is being served – constitutes probable cause for law enforcement officers to conduct the breathalyzer test.)

3. Loud or unruly conduct:

Many ordinances contain at least a section with noise-restrictions that are consistent with local codes regarding allowable levels of noise during specified hours. However, other types of disruptive behavior such as fights, property damage, public urination and a host of others may also be included. Violations of such a section do not require that underage drinking is taking place.

4. Responsible Persons:

Nearly all ordinances identify property owners as persons that can be held responsible for violations. However, if some other party has control of the property during the time period in which the party may be taking place, such as renters or lessees, those persons are usually the ones cited. This is especially true in a criminal case, as according to the doctrine of “prima facie” evidence, the person held responsible must have knowledge of the underage drinking. So if they are not at the location at the time of the gathering, they can not be held responsible unless it is proven that the party was held with their knowledge and/or consent. On the other hand, if they are physically at the location of the gathering, they can not use lack of knowledge as a defense, as most often there is some kind of “duty to inspect” that is imposed. This includes taking reasonable steps, such as the following, to ensure that minors do not have access to alcohol:

- Control access to alcoholic beverages
- Control the quantity of alcoholic beverages present
- Verify the age of persons attending the gathering by inspecting drivers’ licenses or other government-issued identification cards
- Supervise the activities of minors

With regard to civil cases, a person need not be present at the gathering to be held responsible, but some kind of knowledge on their part that problems are occurring has to be established. Therefore, if absent from the property at the time of the party, the property owner is not held responsible until they have received at least one notice that illegal behavior is taking place. An exception to this rule would be if the violator was a juvenile who acted as the host while his or her parents were away. This would be fall under a provision known as “Joint and Several Liability,” where the parents can be held accountable, at least for civil penalties, even if they were away and had no knowledge of what was going on.

5. Penalties:

Depending on the city or county, violation may be punishable as an infraction, a criminal misdemeanor, and/or treated as a civil public nuisance. As mentioned above, the infraction is tantamount to a parking ticket, although it can be much more costly, up to \$2500.00 per occasion. There is a fine of \$1000 with a misdemeanor charge in most California municipalities, but jail time may also result up to a maximum of six months. However, this is usually waived in favor of community service, education or counseling. Cost recovery for law enforcement services can also be substantial. These may include a cost \$75.00 per hour for each officer involved in the incident, any medical expense incurred, the cost of city/county property that is damaged or destroyed as well as attorney’s fees if the case goes to litigation.²⁰ Any or all of these penalties may be imposed depending upon the seriousness of the case.

Table 2: Penalties Listed in Social Host Ordinances

Type	Penalty
Criminal infraction	Monetary fine
Criminal misdemeanor	Monetary fine and/or up to 6 months’ imprisonment
Civil public nuisance	<ul style="list-style-type: none"> • Civil/administrative monetary penalties • Community service, education, counseling • Civil/administrative response cost recovery

6. Process to Challenge Penalties:

There can also be a description of the hearing process and the right of the violator to appeal to the courts. This usually includes a notification procedure showing how violator is made aware of the penalties being assessed as well as his or her rights to be heard and offer a defense.

7. Constitutional Limitations

There are constitutional protections in some states, ensuring a parent’s right to provide alcohol to their children on certain occasions, at least in limited amounts. In California, this includes the use of alcohol in religious ceremonies conducted by an ordained minister; also the right of a parent or legal guardian, at his or her discretion, to provide alcohol to his or her child at a family gathering, such as a glass of wine with dinner. These rights do not extend to the children of other parents, however.

Social Host Laws in California

As noted previously, many states have civil and/or criminal social host laws. However, California is not one of them. To the contrary, in California the laws on hosting of underage drinking parties 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.²¹ Moreover, the State Civil Code specifically exempts social hosts from any responsibility for damages resulting from alcohol consumption at the host’s party:

“No social host who furnishes alcoholic beverages to any person may be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any third person, resulting from the consumption of those beverages.”²²

Because of the weakness of the state law, many California cities and counties have compensated by passing local social host ordinances. This is allowable because the state constitution, while granting the exclusive right and power to the state to regulate alcohol-related commercial activities,²³ leaves local municipalities free to regulate consumption of alcohol.²⁴

To date there seven counties and over 50 cities throughout California have taken advantage of this authority and passed some version of a social host law.¹⁸ These are listed in Table 3, below. Ordinances with civil penalties and provisions for cost recover are the most common type, but a substantial number also have criminal penalties. These are listed in Table 4.

Table 3: California Municipalities with Social Host Ordinances

Counties	Cities				
Contra Costa	Agoura Hills	Escondido	Modesto	Palo Alto	Santa Paula
Fresno	Benicia	Fairfax	Morgan Hill	Petaluma	Santa Rosa
Marin	Berkeley (2)	Fillmore	Moorpark	Poway	Santee
Mono	Camarillo	Gilroy	Moreno Valley	Port Hueneme	Thousand Oaks
Napa	Carpintería	La Mesa	Newman	Ross	Tiburon
San Diego	Ceres	Lemon Grove	Norco	Roanoke Park	Vallejo
Ventura	Chula Vista	La Puente	Novato	San Anselmo	Ventura
	Clearlake	Los Altos	Oceanside	San Diego	Vista
	Corona	Los Gatos	Ojai	San Marcos	Waterford
	El Cajón	Mammoth Lakes	Ontario	San Rafael	
	Encinitas	Manhattan Beach	Oxnard	Santa Cruz City	

Table 4: California Municipalities by Types of Civil and Criminal Penalties

Civil Penalty Types	Number	Criminal Penalty Types	Number
Response Costs Recovery	43	Infractions	3
Civil Remedies	15	Misdemeanors	18
Administrative Remedies	14	Either Infractions or Misdemeanors	10

Effectiveness of Social Host Ordinances

Evidence supporting the effectiveness of social host laws comes from several different sources. These include recommendations from a 2003 report published jointly by the National Research Council and Institute of Medicine.²⁵ There is also a set of “Best Practices” for substance abuse prevention published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) that includes social host and other teen party ordinances.¹⁴ This document was developed by the Pacific Institute for Research and Evaluation (PIRE), one of the nation’s preeminent independent nonprofit public health organizations. In 2008, this group also published a review of social host liability research.²⁶ Although they found only mixed results, the analysis was limited to civil ordinances. Finally, from a case study of the

implementation of a social host criminal ordinance in the City of San Diego, there are results showing a decline in house party related calls for service after the ordinance was passed. These findings are summarized below.

1. National Research Council & Institute of Medicine Report

In the landmark report, *Reducing Underage Drinking – A Collective Responsibility*, these two groups joined together to provide a comprehensive review of the problems of underage drinking and their growing seriousness. Developed for anyone concerned with youth health and safety, the report established a series of strategies, based on scientific evidence, for reducing such problems. These included taking action to control both commercial and social sources of alcohol. Recommendations 9-12 of the report, included below, address what can be done about underage drinking parties.²⁴

Local police, working with community leaders, should adopt and announce policies for detecting and terminating underage drinking parties, including:

- Routinely responding to complaints from the public about noisy teenage parties and entering the premises where there is probable cause to suspect underage drinking is taking place
- Routinely checking, as part of regular weekend patrols, open areas where teenage drinking parties are known to occur
- Routinely citing underage drinkers and, if possible, the person who supplied the alcohol when underage drinking is observed at parties.

2. OJJDP Best Practices

In their report: *Regulatory Strategies for Preventing Youth Access to Alcohol*, OJJDP lists the following recommendation for addressing youth consumption at underage drinking parties, which they identify as one of the highest risk settings for youth consumption:

- Best Practice #14: Implement teen party ordinances: Prohibit teen drinking parties at private residences, and impose fines and fees on homeowners or renters for law enforcement services.

This kind of law, they propose, provides law enforcement an additional legal basis for investigating teen parties at private residences. They also recommend specific laws for hotels and motels, requiring management to provide adequate security and holding them liable if they negligently rent rooms for teenage parties.¹⁴

3. Research on Social Host Liability Laws

According to the review of such laws published by PIRE in 2008, there is very little research on the effectiveness of social host liability laws and what evidence exists is conflicting. One study found such laws were associated with decreases in alcohol-related traffic fatalities among adults, but not among minors. However, no reduction in single-vehicle nighttime crashes was noted for either group. Another study found decreases in reported heavy drinking and in drinking and driving by lighter drinkers, but no such effect was noted for heavier drinkers. According to PIRE, the conflicting findings may reflect the lack of a comprehensive program that insures that social hosts are aware of their potential liability. That social host liability laws send a powerful message is acknowledged in their report, but they suggest the message must be effectively disseminated before it can have a consistent deterrent effect.

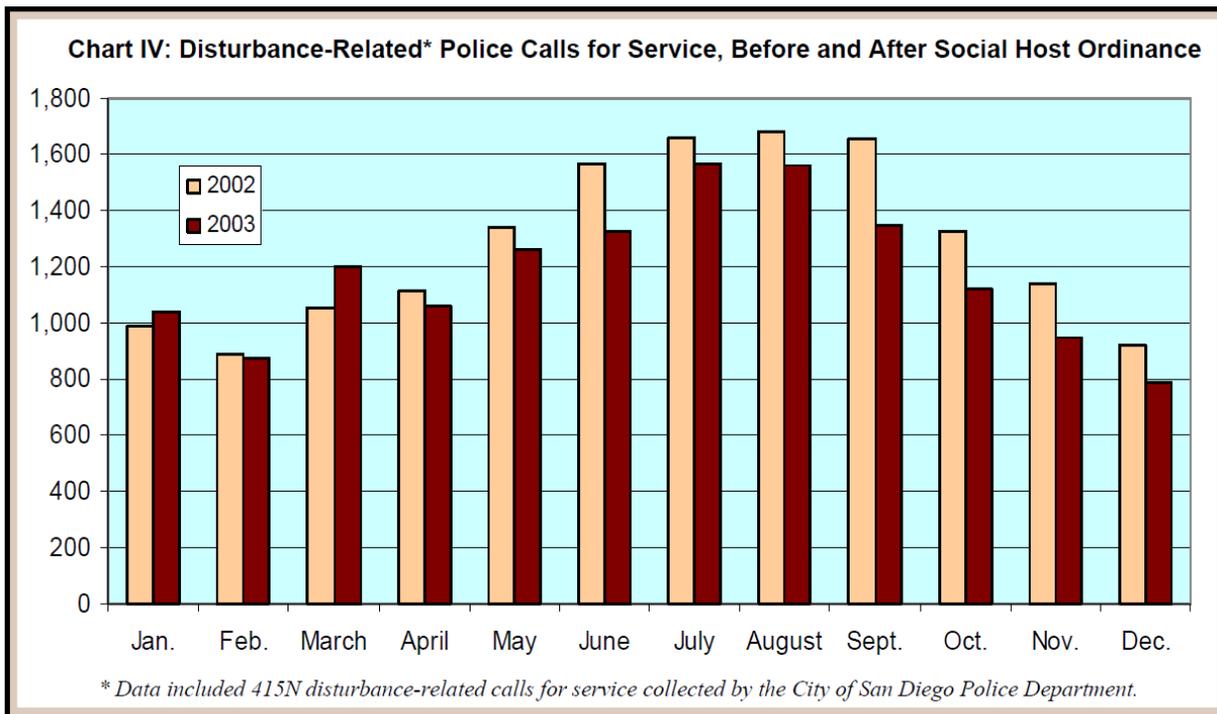
As mentioned above, it should be noted that this research only applies to social host liability laws or those that impose civil penalties. Still, it is reasonable to assume that the same limitations would apply to criminal ordinance, i.e. unless the potential penalties are well communicated to the general public, such laws can be expected to have little effect. But, it

should also be noted that the research studies referred to used only drinking and driving-related incidents as an outcome measure, e.g. traffic fatalities, nighttime crashes and reported incidents of drinking and driving. However, other data show that such incidents are only partially related to underage drinking parties, as only about one-third of DUI-related crashes involving youth where trauma results can be shown to originate at house-party situations.¹⁰

4. Reduction in Disturbance for Service: City of San Diego

One of the first cities in California to pass a social host ordinance was San Diego. The law, adopted in May, 2003, applied criminal penalties only with violators being charged with a misdemeanor. The law was intended to deal with college drinking parties, mostly in the vicinity of San Diego State University, which was known as one of the nation’s top party schools. Such parties often resulted in violence with students being transported to the hospital for emergency services. A great deal of police time and resources was also needed to deal with these incidents. Therefore, when measuring the effectiveness of the ordinance, reductions in police calls for service were used as the indicator for a successful outcome.

It should be noted that the San Diego Police Department does not collect routine data about police calls for service at underage drinking parties. Therefore, they were able to track only the general disturbance calls for service know as a 415. However, in the year following the implementation of the ordinance, they found an eight percent reduction these kinds of police calls. (See Chart IV)



It should also be noted that in 2004 the San Diego ordinance was challenged on grounds of constitutionality. After hearing the case, the California Court of Appeal did find fault with the law in that it held adults criminally responsible for underage drinking parties on their property, even if they were out of town and had no knowledge that such an incident was taking place. The court took the position that simply leaving unsupervised minors alone in the house for an extended period of time was not sufficient cause for parents to expect that some kind of trouble

would result. While prevention advocates disagreed with this position, the ordinance was revised to exclude those not present at the location from being liable unless it could be shown that they had specific knowledge of the event, such as giving permission for it to take place. The new ordinance, subsequently implemented in 2006, also included the provision imposing the “duty to inspect” of the host that is on the premises of a location where minors are present and alcohol is being served. This ordinance currently serves as a model for other cities to follow.

Enforcement Issues

Using the City of San Diego’s law as their model, most other cities in San Diego County, as well as the County itself, went on to adopt criminal versions of the social host ordinance. But enforcement seemed inconsistent at best, most of it taking place only in the City of San Diego. From follow-up interviews it was determined that lack of awareness was at least part of the problem. So a series of trainings for law enforcement personnel was conducted by county-funded prevention service providers. The trainings took place between August and September of 2008, with 232 local police officers and/or sheriff’s deputies from six different cities attending. A survey conducted in conjunction with the training identified the following issues.

1. Lack of Awareness Regarding the Social Host Ordinance

Lack of awareness was an issue but it varied from city to city and was pronounced in only one city. Overall, only about 30 percent of the officers said they were unaware of the ordinance before the training. However, in one city that number rose to 70 percent. In two of the cities the percentage of those aware of the ordinance was roughly equivalent to those that were unaware. As expected, in cities where awareness was greater, there were more citations for violations of the ordinance.

2. Underage Drinking as a Priority

The perception of underage drinking at house parties as a priority as compared with other crimes also varied from city to city. Most of the officers saw the problem as a medium priority, but there was disagreement in different cities with the percentage ranging from 40 – 70 percent. The percentage that saw the problem as having a low priority also varied significantly, ranging from 20 – 60 percent. Only a very few assigned the problem a high priority, but those cities were typically the ones that were issuing the most citations.

3. Social Host Ordinances as an Effective Tool

There was greater agreement about the ordinance being an effective tool, with about 70 percent of the officers believing that it was. However, once again there was seemed to be a substantial variance from city to city with percentages ranged from just over 50 to just under 90.

4. Problems with Enforcement

Despite the fact that the vast majority of law enforcement personnel felt that their local social host ordinance was an effective tool to deal with underage drinking parties, a substantial number, about 25 percent, felt that there would be problems in trying to enforce the law. About half were undecided about this issue with the remaining 25 percent reporting seeing no such problem. Most of the obstacles to enforcement sited had to do with a lack of resources, according to follow-up interviews with selected officers. However, specific problems with enforcement in rural areas, where officers were acquainted with many of the local residents, were also mentioned.

Support for Social Host Laws

As mentioned previously, there is support for social host laws from some of the nation’s top institutions involved in substance abuse prevention, research and enforcement. These include the National

Research Council, the Institute of Medicine and the Office of Juvenile Justice and Delinquency Prevention, which has listed social host laws as a “Best Practice.” In addition, popular support for such laws is also high. For example, 80 percent of respondents in a national study supported increased penalties for adults who illegally provide alcohol to minors.²⁷ A recent survey of San Bernardino County residents, conducted by regional substance abuse prevention advocates, also found support strong support. Sixty four 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.

Finally, although there is mixed opinion among law enforcement officers about various aspects of social host laws, there seems to be a consistent belief among their ranks that such laws can be an effective tool for dealing with underage drinking parties. There has also been strong support among the leadership of California enforcement agencies, as many top officials have taken an active role in advocating for their passage in cities throughout the state. This seems also to be the case in San Bernardino County, as meetings with Sheriff’s Deputies to discuss the feasibility of a local social host ordinance has met with a positive response.

Conclusion & Recommendations

Underage drinking has been verified by research to be a major threat to the health and safety of youth, even more than other illicit drugs that are perceived to be more dangerous by the general public. Furthermore, underage drinking parties, sometimes hosted by adults in the mistaken belief that no harm will result, are the primary source of alcohol for underage youth, often being the venue where young people first have the opportunity to drink. Such parties have also been associated with heavy drinking and a variety of problems that extend into later life. Furthermore, research shows that the earlier young people are exposed to alcohol the more likely they are to develop such problems.

Reducing access to alcohol is considered to be one of the best strategies for prevention. However, laws for this purpose that are currently in effect have been shown to be difficult to enforce. For this reason, social host laws that provide law enforcement an additional tool could prove to be a viable alternative for San Bernardino County, especially given the support from law enforcement and local residents. An ordinance with a combination of both civil and criminal penalties seems the most reasonable approach. However, for it to be effective there would need to be a public awareness campaign advising potential hosts of their liability under the new laws. A training program from law enforcement agencies and their personnel should also be planned so that line officers are familiar with the procedures involved with issuing citations.

To better document the effectiveness of social host laws, research showing the impact of such laws on ease of youth access to alcohol is needed. Long-term research focusing on any changes in the prevalence of negative consequences of underage drinking after such laws are implemented would also help to establish effectiveness.

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