Underage Drinking Parties and Social Host Policy

Dylan Ellerbee
CADCA
Overview

1. Underage Drinking in Context
2. The foundation of strong public health/safety policy
3. Drinking location
4. Underage drinking house parties
5. Types of social host law
6. Focus on nuisance-style ordinances
7. Evidence of effectiveness
8. Recap: Key components of nuisance-style ordinances
Underage Drinking in Context

“Despite years of underage drinking prevention programs and laws in all 50 states restricting alcohol use by those under 21,

- Alcohol is the most heavily abused substance by adolescents in the United States (Johnston, O’Malley, Bachman, & Schulenberg, 2009).
- It is the nation’s number one drug problem among youth; and
- Is associated with the three leading causes of death among teens: unintentional injuries, homicides, and suicides (Centers for Disease Control and Prevention [CDC], 2006).
- The Surgeon General estimates that approximately 5,000 underage deaths are due to injuries experienced as the result of underage drinking each year.”

(Wagoner et al., 2012)
What Makes Good Policy?

The 4 Ps of Marketing

- Price
- Product
- Place
- Promotion
Place

As a field:

– We have been traditionally focused on retail: Why?

– But where are most of the problems?
Source of Alcohol

Study after study consistently show that the primary place where teens access alcohol is through social sources.

Drinking Locations by Age Group 12-20

- Ages 12-14
- Ages 15-17
- Ages 18-20

- In a Car or Other Vehicle
- At Home
- At Someone Else's Home
- At a Park, on a Beach, or in a Parking Lot
- At a Restaurant, Bar, or Club
- At a Concert or Sports Game
- At School
- At Some Other Place

NSDUH, 2009
Number of Drinks Consumed by Social Context

<table>
<thead>
<tr>
<th>Ages 12-14</th>
<th>Ages 15-17</th>
<th>Ages 18-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alone</td>
<td>With 1 other person</td>
<td>With 2 or more other people</td>
</tr>
</tbody>
</table>

Mean Number of Drinks

NSDUH, 2009
Problem Setting: Home Parties

Police break up house party full of teens; girl found unresponsive, two suffer dog bites

Peoria, AZ: 9/8/2015
A Setting for High-Risk Drinking
Why do we care about the setting?

Drinking Context is Important!

- Parties are high risk settings for binge drinking and consequences
- Alcohol free or cheap
- Unsupervised OR with “parental” permission
- Increased risk for DUI, riding with drunk driver, sexual assault, rape, violence, and injuries
Home Parties

• Large underage drinking parties provide a social context where young drinkers may be introduced to heavy drinking by older, more experienced drinkers. (Wagenaar et al., 1996)

• Larger parties appear to be especially risky among high school students, those consuming 5 or more drinks on the last drinking occasion were more likely to report being in a group of 11 or more. (Mayer et al, 1998)
What Tools do Communities Use to Address This Issue?

- Law Enforcement: Party Patrols, Dispersal protocols
- Education of parents and community to secure and monitor alcohol and home
- Landlord Lease Agreements
- Social Host ordinances
What is Social Host Liability?

Social host liability refers to laws that hold non-commercial individuals responsible for underage drinking events on property they own, lease or otherwise control.
What is Social Host Liability?

- Hosts are prohibited from providing a location for underage drinking events.
- Furnishing the alcohol is not a required element of the offense.
Types of Social Host Liability

- Civil/tort liability
- Criminal
- Nuisance-style recovery
Civil/Tort Liability

Laws and court opinions that allow third parties to sue social hosts for damage caused by minors who consumed alcohol on the host’s property.
Criminal Statutes

- State social host laws that impose criminal sanctions (fines or imprisonment)
- Criminal prosecution requires strong evidence of wrongdoing.
- 20 states have enacted criminal social host laws.
Nuisance-style SHOs

- Treats underage drinking parties as a public nuisance and threat to public safety.
- Imposes an affirmative duty on home owners to prevent parties from occurring.
Nuisance-style SHOs

- Imposes civil fines, including possible reimbursement to local government for cost of law enforcement and emergency services.
- May include landowners, landlords, tenants, and hotel and motel operators.
Advantages of Nuisance-style SHOs

• **Strict liability** – no knowledge or intent requirement.

• **Fines imposed administratively, not through criminal justice system.**
  - Quicker, more certain process
  - Greater likelihood that punishment will be imposed.

• **Promotes shift in community/social norms.**
Additional Advantages of Nuisance-style SHOs

- Civil SHOs require a lower burden of proof than criminal ordinances.
- Civil SHOs can make enforcement more flexible and efficient.
- Focus on deterrence not criminalization is often an effective community tool.
- Nuisance-style ordinances can complement criminal law
Evidence of Civil Social Host Effectiveness

• Where SHOs have been passed, law enforcement agencies are using them. (Evalcorp, 2013).

• Law enforcement officers report that social host laws are a useful tool in addressing underage drinking parties. (Evalcorp, 2009a and 2009b).

• The vast majority of citations for violations of social host ordinances are issued for first offenses. (Evalcorp, 2009a and 2013).
Evidence of Civil Social Host Effectiveness

- Over time, passage of a social host ordinance results in fewer calls for service for law enforcement. (Petaluma, CA. Unpublished data.; Source: San Diego, CA. ARCHS Institute, 2009).

- Communities with social host ordinances have fewer large underage drinking parties. (Wagoner, Sparks, Francisco, Wyrick, Nichols, & Wolfson, 2013).

- Underage drinkers in communities with strict social host ordinances were less likely to drink at parties compared to underage drinkers from communities without SHOs. (Paschall, Lipperman-Kreda, Grube, and Thomas, 2014.)
Recap: Key Elements of Effective Local Social Host Law?

- Civil not Criminal
- Strict liability: No knowledge standard
- Type of property: inclusive based on local issues
- Guests: Actions and Number
  - 2 or more a party make!
  - Consumption
  - Possession
  - Intent to consume
- Penalties: fines base on local community
Contacts

CADCA Technical Assistance
1-800-54CADCA  x  240
training@cadca.org

Dylan Ellerbee
(919) 951-5412
dylan.cmjones@gmail.com

Dave Shavel
307-399-1259
dshave@earthlink.net