



# The Artful Dodger

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## Enforcing Underage Drinking Laws, Should We?

### Prosecuting Attorneys Association of Michigan

This publication, with a nod to Charles Dickens's "Oliver Twist" is designed to provide information on the problem of Underage Drinking.

The nickname, "Artful Dodger", is still commonly used to refer to someone who is good at avoiding responsibility or the consequences of his/her actions.

*By: David Wallace  
Traffic Safety Training Attorney*

*"What's the big deal? It's only beer, it's not like it was pot."*

*"What, I can vote; I can join the army; why can't I drink booze?"*

*"It's okay; they're only drinking at home."*

How many times do we hear statements like this when a minor is charged with underage drinking? The kids pretend it is not a crime and the parents at times are horrified that their baby might have a criminal record. After all, it's no big deal; everyone did it when they were young, right? Wrong, whether or not it was done by the parents or other adults when they were

young, it is a big deal and it should be thought about in that way.

So why enforce underage drinking laws? The easy answer is because it is the law, and our job as prosecutors is to enforce the law. But for many people, that is a simplistic answer. We hear just because it's against the law doesn't mean the law is right. However, all of the facts show that the law is right.

In 1984 Congress passed the National Minimum Drinking Age Act. Now every state in the country has 21 as the minimum age to drink alcohol. The reason congress passed that law was to save lives, and it has worked. Laws that put

the drinking age at 21 have saved thousands of lives. Since 1975, these laws have saved more than 23,000 lives of our youth.<sup>1</sup> But these laws are important for other reasons as well.

### The Past vs. Now

Some people consider it hypocritical to say our children shouldn't be drinking since as adults they did it when they were young. However, as Bob Dylan said in 1964, "The times they are a-changing." That statement is still true today. Consider the changes in our society over the past couple of decades. Twenty and thirty years ago when today's adults were underage, things were

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### Did You Know?

If a child starts drinking before age 15, they are 5 times more likely to develop a drinking problem as an adult.

## Underage Drinking Enforcement Training Center



The Underage Drinking Enforcement Training Center was established by the Office of Juvenile Justice and Delinquency Prevention (within the U.S. Department of Justice) to

support its Enforcing Underage Drinking Laws Program. The Center's mission is to provide science-based, practical, and effective training and technical assistance services

to States and communities working to combat underage drinking through law enforcement and environmental strategies. The Center achieves this goal through several services:

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## Enforcing the Underage Drinking Laws

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different. When kids of that day got together, they would pool their money. When all the money was put together, there was enough for a case of beer. The fake licenses used at the time were either someone else's license or a modified paper license. Then after getting the beer, all the kids pile into a car, because there was only one car available, and go to a field or the back of the school yard and drink.

Today, many children have at least \$20, they meet at the store with a computerized fake ID, purchase any kind of alcohol they can get, and then drive their individual cars to a private home for a party.<sup>2</sup> After drinking at the party, they get back into their cars and try to drive home. Maybe, if they're lucky, they make it. "In 2004, 24 percent of the young drivers age 15 to 20 who were killed in crashes had BAC levels of .08 or higher."<sup>3</sup>

Or maybe while at the party, after everyone is intoxicated, a fight breaks out. In the past, it was a fist fight.

**In our colleges, it is reported that 2 out of 5 college students are binge drinkers.**

Today, if a fight breaks out, weapons are more easily pulled. Finally, as we all know, alcohol is the most common date rape drug used, and now with HIV/AIDS, the consequences for unprotected sex can be deadly. So it is clear that today's underage drinking parties now have more alcohol and higher consequences than in the past. It is not being hypocritical to stop these parties. It is doing our job as adults protecting our youth from harm and from themselves.

### Internal Harms of Underage Drinking

However, it is not just the visible consequences, that of drinking and driving, we must keep in mind, it is also the unseen damage done to our youth when they drink. Numerous studies have shown the brain of a person under 21 is still developing. There are

important changes occurring in our brains while we are adolescents. Alcohol retards those changes, and



**The Underage Drinking Laws have saved over 23,000 lives.**

has both short term and long term effects. Recently, the American Medical Association (AMA) examined two decades of scientific studies on the adverse effects of teenage drinking and found that there is no question it is

more harmful to our teens than we thought. It released that examination in a report called: *Harmful Consequences of Alcohol Use on the Brains of Children, Adolescents, and College Students* in December 2002. It found that because of the significant changes occurring in a brain, alcohol takes a greater toll on its development of those individuals under 21 than on any other age group.<sup>4</sup>

### A Significant Problem

In 2004, *Monitoring the Future*, an ongoing study of the behaviors, attitudes, and values of American secondary school students, college

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## Designated Driver Idea Needs Revisiting

The phrase designated driver (DD) is meaningless for many young adults who, instead of choosing a sober chauffeur, pick the "least drunk" of the group to get behind the wheel, says a new University of Alberta study that challenges the idea behind the impaired driving intervention.

"The idea of having a designated driver is a great one, but it's problematic for many people," said Dr. Peter Rothe, lead investigator from the U of A's Al-

berta Centre for Injury Control and Research (ACICR). "The concept and practice of using designated drivers should be re-thought to make it more effective."

Rothe led a study that combined a survey of just over 1,000 Albertans with 14 province-wide focus groups, looking into how young Alberta drivers—between 18 and 29—are using different drinking and driving interventions. He found that choosing a designated driver

is not typically a "thought-through" strategy. Although the majority of respondents said they have used a DD (82.4 per cent in small urban sites to 75.5 per cent in rural sites), many said the biggest problem is that DDs drink alcohol while on duty.

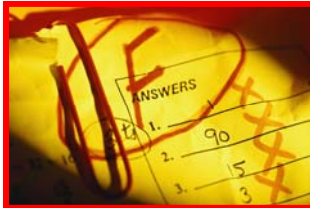
"One of the biggest surprises to me was how often designated drivers faced verbal and physical abuse from their

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## Should We?

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students, and young adults, found that nearly one out of five eighth graders, more than one in three 10th-graders, and nearly one out of two 12th-graders had had an alcoholic drink within the past month.<sup>5</sup> According to the Substance Abuse and Mental Health Services Administration, more than 7 million underage youth, ages 12 to 20, reported binge drinking<sup>6</sup> in the past 30 days in 2003.<sup>7</sup> More youth in the United States drink alcohol than smoke tobacco or marijuana, making it the drug most used by American young people.<sup>8</sup> Remember, alcohol is a drug. In our colleges, it is reported that 2 out of 5 college students are binge drinkers.<sup>9</sup> In September 2004, the Centers for Disease Controls and Prevention reported that 4,554 people under age 21 died from excessive drinking in 2001.<sup>10</sup> As we can see, the problem is significant. Our children are dying. However, while it can be discouraging to many to recognize how



**Alcohol causes a greater toll on persons under 21 than any other age group.**

severe the problem is, we should also recognize that our communities have the power to reduce this problem.

### Enforcement

Of course as prosecutors we commonly come in after the fact. The party has already happened, and now there's a case, or cases, before us. A minor stands before us and we have to decide what to do with this person. Naturally how to resolve the case varies from case to case and from state to state. But our objective is similar everywhere. How do we ensure that this person will not do this again until they become of legal age? We need to be willing to use all the tools that we have available: fines, jail, probation, community service, treatment, and even parental involvement. Consistent, vigorous enforcement reinforces the message that adults and youth must be responsible for their actions and that violating the law is unacceptable. Enforcement also

helps to validate the activities of prevention specialists and can help treatment specialists identify youth in need of help.

### A Leadership Role

However, just as important as enforcement, is our leadership on this issue. As prosecutors we are leaders in our communities and we are able to speak with a variety of groups and individuals. Underage Drinking is a crime. This crime can kill. This crime can destroy lives. We need to lead and make sure that everyone in the community knows it is a crime and why it is important to enforce these laws. Explain that our youth are dying on our highways; our youth are committing crimes; our youth are harming themselves when they start to drink before age 21. Leadership also means bringing everyone together in different ways. Sometimes teens don't need more lectures; they

**4,554 people under age 21 died from excessive drinking in 2001.**

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## Underage Drinking Enforcement Training Center

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- On-site training
- Expert technical assistance by Center staff
- Monthly audio-teleconferences
- Publication of documents and other materials
- Monthly electronic Resource Alerts
- Toll-free technical assistance hotline

- Internet web site
- Annual National Leadership Conference

For more information on the Underage **Drinking Enforcement Training Center** go to [www.udetc.org](http://www.udetc.org) or write: 11710 Beltsville Drive, Suite 125, Calverton, MD 20705-3102 Phone: 1-877-335-1287. Email: [udetc@udetc.org](mailto:udetc@udetc.org)

### Did you Know?

**In 2001, underage drinkers consumed 16.2% of all alcohol sold in the United States, totaling \$18.1 billion in sales.**

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## Designated Driver Idea Needs Revisiting

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friends and passengers," said Rothe, also a professor in Public Health Sciences. "When a friend tries to stop someone from driving drunk, there is often a threat of a fight. We heard from many people who said more often than not, they will back down and allow someone who has been drinking to get behind the wheel rather than risk a fight."

Rothe said it wasn't surprising that young people are still driving after a few drinks when many reported that their parents had driven a vehicle after having consuming at least three drinks within four hours. About 22 per cent of those from the small cities and 19 per cent of the

large urban centers answered yes. "It seems okay for 'good parents' to drink and drive if it's for a good reason," said Rothe.

Rothe said educating newly licensed drivers on how best to deal with drunk drivers is one of many recommendations that came out of the focus groups. Parents can play a more prominent role by talking to their children about driving drunk, offering rides for money and taxis and not "bailing out" their children if they crash a vehicle.

The study is available at <http://www.med.ualberta.ca/acicr> (under research).

**Editor's Note:** Article from: NEWSWISE Life News, December 2, 2005. Edited due to space.

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need fun, non-drinking, party alternatives. When there is a community sponsored event, consider being a co-sponsor or endorsing the event if it is something you can support as a prosecutor. Consider doing peer to peer teaching partnered with a local MADD or SADD chapter representative when talking to teens. You can be there to help adults and teenagers learn the facts and think of safe and fun alternatives. Then, if appropriate, you can remind them that if they do make a mistake and get in trouble, there are consequences.

It is only through a consistent message, with everyone speaking as one, that we can change attitudes and behaviors. It is through a consistent message, saying underage drinking is disapproved in all of our communities, and if it is done then there will be consequences for everyone involved, that we will save lives and protect our youth.

**Editor's Note:** This article was first published in "Between the Lines," a publication of the National Traffic Law Center.

### End Notes

<sup>1</sup> NHTSA, *Traffic Safety Facts 2004 Data*, Young Drivers.

<sup>2</sup> However, stores are not the only place teens get alcohol. A study done for the Century Council by Teenage Research Unlimited found that 65 percent of individuals between the ages of 10 and 18 who had consumed alcohol reported they got the alcohol from friends and family members. *Underage Drinking: A Resource Guide to State Laws*, The Century Council.

<sup>3</sup> NHTSA *Traffic Safety Facts 2004 Data*, Young Drivers.

<sup>4</sup> AMA Study, *Harmful Consequences of Alcohol Use on the Brains of Children, Adolescents, and College Students*, Report released December 9, 2002.

<sup>5</sup> L.D. Johnston, P.M. O'Malley, J.G. Bachman, and J.E. Schulenberg, *Overall teen use continues gradual decline; but use of inhalants*

*rises* (Ann Arbor, Mich: University of Michigan News and Information Services, December 21, 2004).

<sup>6</sup> Binge drinking is defined as 5 or more drinks on a single occasion.

<sup>7</sup> Substance Abuse and Mental Health Services Administration, *Overview of Findings from the 2003 National Survey on Drug Use and Health* (Rockville, MD: Office of Applied Studies, 2004).

<sup>8</sup> National Research Council and Institute of Medicine, *Reducing Underage Drinking: A Collective Responsibility*, R.J. Bonnie and M.E. O'Connell, eds. (Washington, DC: National Academies Press, 2004).

<sup>9</sup> H. Wechsler et al., "Trends in College Binge Drinking During a Period of Increased Prevention Efforts: Findings From 4 Harvard School of Public Health College Alcohol Study Surveys: 1993-2001," *Journal of American College Health* 50, no. 5 (March 2002): 203-217.

<sup>10</sup> L.T. Midanik et al., "Alcohol-Attributable Deaths and Years of Potential Life Lost—United States, 2001," *MMWR Weekly* 53, no. 37 (24 Sept 2004): 866-870.