

APRI

# Between the Lines

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## December is National Drunk & Drugged Driving (3D) Prevention Month

- Since 1981, every U.S. president has demonstrated a commitment to preventing impaired driving with this proclamation.
- In December 2004, 1,210 people in the United States were killed in crashes involving a driver or motorcycle operator with a BAC of .01 or more. 1,054 of these operators had a BAC above .08.
- The holiday season, from Thanksgiving to New Year's Day, is one of the most deadly and dangerous times of year due, to an increase in impaired driving.
- 97% of Americans view drinking and driving by others as a threat to their families and themselves.
- Impaired driving is the number one cause of death for every age group between three and 33.

**Prosecutors and law enforcement must send the message: You Drink, You Drive, You Lose**



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## Enforcing Underage Drinking Laws, Should We?

By David Wallace<sup>1</sup>

**H**ow many times do we hear statements like these when a minor is charged with underage drinking:

"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."

The kids pretend it is not a crime and the parents 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 parents or other adults drank when they were young, underage drinking is a big deal and it should be dealt with in a serious manner.

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, this is too simplistic an answer. We must look beyond the simplistic answers to give parents and young people the facts to prove that underage drinking laws are appropriate and necessary.

In 1984, Congress passed the National Minimum Drinking Age Act. Now the minimum age to drink alcohol in every state in the country is 21. Congress passed that law to save lives, and it has worked. Since 1975, minimum age laws have saved more than 23,000 young lives.<sup>2</sup> These laws are important for other reasons as well.

### The Past vs. Present

Some adults consider it hypocritical to say our children shouldn't be drinking since 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 few decades. Twenty and thirty years ago when today's adults were underage, things were 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 piled into a car, because there was only one car available, and went to a field or the back of the school yard and drank.

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>3</sup> After drinking at the party, they get back into their cars and try to drive home. If they are 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>4</sup>

Or perhaps, after everyone at the party is intoxicated, a fight breaks out. In the past, it was a fist fight. Today, if a fight breaks out, weapons are more often involved. Finally, alcohol is the most common date rape drug used, and now with HIV and other sexually transmitted diseases, the consequences for unprotected sex can be deadly. Today's underage drinking parties have more alcohol and greater consequences than in the past. It is not being hypocritical to stop these parties and underage drinking. It is part of our job as adults to protect our youth from harm and from themselves.

### Internal Harms of Underage Drinking

It is not just the visible consequences, such as 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 adolescent brains. Alcohol retards those changes, and has both short and long term effects. Recently, the American Medical Association (AMA) examined two decades of scientific studies on the adverse effects of teenage drinking and unequivocally found that it is more harmful to teens than previously thought. This examination is in a report entitled *Harmful Consequences of Alcohol Use on the Brains of Children, Adolescents, and College Students*, published in December 2002. The report concluded that because of the significant changes occurring in an adolescent brain, alcohol takes a greater toll on brain development in those under 21 than on any other age group.<sup>5</sup>

### A Significant Problem

In 2004, *Monitoring the Future*, an ongoing study of the behaviors, attitudes, and values of American secondary school students, college 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>6</sup> According to the Substance Abuse and Mental Health Services

Administration, more than seven million underage youth, ages 12 to 20, reported binge drinking<sup>7</sup> in 2003.<sup>8</sup> It is reported that two out of five college students are binge drinkers.<sup>9</sup> Alcohol is the most used drug by youth in the United States, even more so than tobacco or marijuana.<sup>10</sup> In September 2004, the Centers for Disease Control and Prevention reported that 4,554 people under age 21 died from excessive drinking in 2001.<sup>11</sup> These statistics illustrate the significance of the problem. Our children are dying. While it can be discouraging to recognize how 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 was held, the police were involved, one or more minors come to court and we have to decide what to do. How do we ensure that this young person will not drink alcohol again until he or she becomes 21? We need to be willing to use all the tools available: fines, probation, community service, treatment, parental involvement, and even jail. 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

Our leadership on this issue is just as important as enforcement. As prosecutors we are leaders in our communities; we have the ability to reach a variety of groups and individuals. Underage drinking is a crime. This crime can and does destroy lives. We need to take a leadership role to make sure that everyone in the community knows it is a crime and why it is important to enforce these laws. The argument is an easy one: 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 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. When talking to teens, consider doing peer-to-peer teaching partnered

with a local MADD or SADD chapter representative. 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 a unified voice, that we can change attitudes and behaviors. The message is this: underage drinking is not allowed in our communities. If it happens there will be consequences for everyone involved. We do this to save lives and protect our youth.

*In 2003, the National Academy of Sciences (NAS) released a report that compiles and examines all of the research on underage drinking. In response to the NAS report, members of Congress introduced the "Sober Truth on Preventing (STOP) Underage Drinking" Act. The bill was introduced this Congress as H.R. 864/S.408. The bill would establish a coordinated leadership role for the federal government to combat underage drinking via an inter-agency coordinating committee; create an annual report card to monitor the progress of key underage drinking indicators; authorize a national, adult-oriented medical campaign to prevent underage drinking; make funds available to communities to combat youth alcohol use and fund additional research on underage drinking.*

- <sup>1</sup> David Wallace is the traffic safety resource prosecutor for Michigan. He works with the Prosecuting Attorneys Association of Michigan.
- <sup>2</sup> NHTSA, *Traffic Safety Facts 2004 Data*, Young Drivers.
- <sup>3</sup> 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>4</sup> NHTSA *Traffic Safety Facts 2004 Data*, Young Drivers.
- <sup>5</sup> AMA Study, *Harmful Consequences of Alcohol Use on the Brains of Children, Adolescents, and College Students*, Report released December 9, 2002.
- <sup>6</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>7</sup> Binge drinking is defined as 5 or more drinks on a single occasion.
- <sup>8</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>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> 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>11</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.

## 2006 Lifesavers Conference

**What:** Lifesavers is the premier national highway safety meeting in the United States dedicated to reducing the tragic toll of deaths and injuries on our nation's roadways. The conference addresses a wide range of traffic safety and prosecution topics, including prosecuting drug and alcohol impaired drivers, the criminal justice system and the impaired driver, and the use of technology in evidence collection. It offers the latest information on advances in highway safety, highlights successful programs and draws attention to emerging safety issues.

**Where:** Austin, Texas—Austin Convention Center

**When:** April 9–11, 2006

This is one of the few national conferences with a focus on traffic safety issues. It has topics relevant to law enforcement, prosecution, victim groups, and other traffic safety professionals. Also, learn about cutting-edge traffic enforcement technology and the latest thinking on highway safety topics by visiting the dozens of vendors who will be exhibiting at this year's conference. Education is our best weapon in bringing traffic safety violators to justice. Don't be left out!

For registration, accommodations, and other information, go to [www.lifesaversconference.org](http://www.lifesaversconference.org).

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