

**Youth Empowerment
and
Policy Project
Findings and
Recommendations**

**Enforcement of Underage Drinking Laws
2004**

Ideas and suggestions from Maine youth designed to help communities enhance and improve their ability to reduce underage drinking activity.

Endorsed by the following:

Commissioner Michael Cantara from the Department of Public Safety

Introduction

In June 2001, AdCare Educational Institute was awarded a grant from the Maine State Office of Substance Abuse (Department of Behavioral and Developmental Services) for the Youth Empowerment and Policy Project. The goal of this on-going project is to change factors in the social, legal, economic and political environment that encourage, enable or support underage drinking, thereby decreasing underage drinking. The philosophy of the project is that—because underage drinking is a problem affecting the youth population—the most effective way to analyze and improve the environment is to directly involve youth in the discussion.

The grant application proposed the creation of an active and diverse group of students from around the State of Maine and included provisions for training in public speaking, facilitation, and policy issues, as well as to create opportunities for the group to develop Findings and Recommendations about drug and alcohol policy. It also included provisions for transportation and other support in their efforts to work with communities to implement some of their Recommendations. The group would be named the Youth Empowerment and Policy Group (YEP).

This document represents the third year of the project and contains the Findings and Recommendations of YEP concerning the enforcement of underage drinking laws. The document is the result of an intensive three-day institute during which the youth members learned from experts in the field and coalesced their new knowledge with their own ideas and experiences. The group developed survey instruments and proceeded to interview dozens of law enforcement and community people statewide. The results of the interviews were used to develop the Findings upon which the Recommendations were based. Extensive time, labor and thought have been committed to this project.

The Youth Empowerment and Policy Group fully intends that these documents encourage further discussion and improve policy in communities around the State. The group welcomes the opportunity to interact with law enforcement, other youth, coalitions, and parent or school groups interested in improving underage drinking policy in their communities. If you or somebody you know might be interested in working with YEP, please call AdCare at 626-3615.

Acknowledgments

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Thanks to everyone who gave of their time to share knowledge and experience with the group.

The project will be evaluated by :

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The opinions, findings and conclusions or recommendations expressed in this publication are those of the youth group and do not necessarily reflect the views of the Maine Office of Substance Abuse (BDS), AdCare Educational Institute, or groups endorsing this project.

PREAMBLE

Research has shown that the consistent and fair enforcement of underage drinking laws and laws pertaining to the provision of alcohol to minors can have a positive impact in reducing underage drinking in communities. These findings have influenced a number of underage drinking prevention efforts.

The *Maine Underage Drinking Task Force Report, October 2000*, organized their recommendations into four categories. One of these was consistency of enforcement. The Task Force determined that this was an important need area based upon many factors:

- The need for coordination between many law enforcement groups including the State Bureau of Liquor Enforcement, local law enforcement, district attorneys and courts to increase consistency.
- Enforcement occurs within the limits set by community standards.
- Access, both in communities and on campuses, is often influenced by the perception of enforcement and penalties.

The Task Force concluded that efforts needed to be made to improve communication and consistency between schools/colleges and law enforcement, and between different stages of the criminal justice system. The need became more critical with the elimination of the enforcement section of the State Bureau of Liquor Enforcement.

The Office of Juvenile Justice and Delinquency Prevention (DOJ) has promoted, and supported with research, the concept that laws related to access and possession of alcohol can be effective prevention measures. However, laws are only effective if they are consistently and fairly enforced. The knowledge of certainty of apprehension and prosecution of offenders can serve as an effective deterrent or protective factor.

The Youth Empowerment and Policy Group (YEP) determined, based upon their own experiences and knowledge, there was substantial uncertainty and confusion regarding enforcement and prosecution in their local communities. The group also identified the need for an elevated priority within law enforcement and the community regarding the enforcement of underage drinking laws. Reducing underage drinking promotes community safety and is extremely cost-effective when the relationships between alcohol use and criminal behaviors are specifically factored into law enforcement budgets.

YEP is tasked with examining the consistency of enforcement efforts within and across agencies and departments at the local and state levels. The overall goal is to ensure that in the consistent enforcement of underage drinking and furnishing laws, law enforcement agencies consistently take actions that deter repeated behaviors by the same individuals or similar behaviors of other individuals. YEP is aware of the value of a certain amount of discretion in any enforcement procedure. The group hopes to shape and direct this discretion to produce the desired result of increased consistency and clarity of enforcement.

YEP happily discovered that most law enforcement personnel and community leaders were serious about enforcing underage drinking laws and doing the best they felt they were able to do. However, they all wanted to do better.

The attached Findings and Recommendations is meant to be a living document. It is not designed to be light reading for informational purposes. It's purpose is for those individuals and agencies responsible for law enforcement in Maine to examine their existing policies in relation to these recommendations and take actions to improve upon what they are already doing. This document is most effective as a whole. Certain Findings and Recommendations influence and benefit from each other. It has been recognized that there are numerous factors deterring the enforcement and prevention of underage drinking. Thus, policies must be improved from several angles simultaneously to prove most effective.

The Youth Empowerment and Policy Group

DEFINITIONS

A **Hallmark** is an ideal. It is our goal, what we strive for.

Findings describe what the reality is. This is what really happens in practice from a youth perspective.

Recommendations are what the Youth Empowerment and Policy Group think needs to be done to achieve the hallmarks. They should be remedies to the findings.

Suggested actions represent examples of how to implement the recommendations.

YEPP

Findings and Recommendations

Enforcement of Underage Drinking Laws

Hallmark I

There is effective and ongoing communication within agencies and departments responsible for enforcement, which will ensure consistent understanding of the policies, regulations and procedures when enforcing underage drinking laws. This will include supervision within agencies and departments to ensure compliance with the policies, regulations and procedures.

Finding # 1

The vast majority of law enforcement personnel believe they have a complete understanding of the laws regulating underage drinking and they receive a thorough orientation at the Police Academy and from other sources.

Recommendations

1) Specific training on laws regulating underage drinking should continue to be a vital part of the Police Academy training.

2) Training should be enhanced to include information on the positive linkage between alcohol use and crime, thereby demonstrating the long term cost-effectiveness of enforcing underage drinking laws as effective prevention.

Finding #2

Some Officers and Juvenile Community Correction Officers (JCCO) feel their department policy regarding underage drinking is not clearly defined. This is true even when chiefs and administrators felt that the policy was clear.

Recommendation

All law enforcement agencies involved in the enforcement of underage drinking laws will have a clear and workable policy with procedures in place to assist personnel in understanding and applying the policy.

Suggested actions:

- If no written policy exists, develop one.
- All Officers and JCCOs will receive an orientation to the departmental policy.
- There will be opportunity at standard and ongoing departmental meetings, at least twice a year, for personnel to discuss the policy and the enforcement of underage drinking laws.

- Annual meetings of police chiefs, district attorneys, judges, DOC regional administrators, and sheriffs will include discussion of effective enforcement of underage drinking laws.

Finding #3

There is often inadequate supervision within departments to ensure the consistent enforcement of underage drinking laws. This is true even when chiefs and administrators felt that supervision was being applied.

Recommendation

To increase and improve regularly provided supervision to front-line enforcement personnel by supervisors focusing on underage drinking laws.

Suggested actions:

- Supervisors will use all available tools including electronic devices such as radios, video and audio taping to assist in providing field support and follow-up advice.
- Require written reports for all underage drinking actions taken and situations encountered, and supervisors will thoroughly review all reports on underage drinking actions taken by the people they supervise.

Hallmark II

Law enforcement resources will be used to target the suppliers of alcohol to minors and those providing locations for minors to consume the alcohol, with the intent that those people are held accountable to applicable laws.

Finding #1

Most law enforcement personnel and community members reported that homes and friends/acquaintances over the age of 21 were the primary sources of alcohol to minors.

Recommendation

Law enforcement should take aggressive steps to identify and hold accountable the suppliers of alcohol to minors.

Suggested actions:

- Law enforcement personnel should not be deterred by a youth's reluctance to identify the supplier, but should persevere in efforts to identify the source.
- Qualified law enforcement personnel should regularly meet with community members and groups to inform them of the intention to vigorously enforce the furnishing laws. The press and media should be used to spread the word.

Finding #2

Minors obtain some alcohol directly from merchants.

Recommendation

There should be mandatory and frequent compliance checks of merchants by law enforcement.

Suggested actions:

- Law enforcement will announce and publicize their enforcement efforts to minimize negative merchant reaction and obtain public support.
- Suggested action: Law enforcement will provide training for merchants and their employees regarding the law, identifying false IDs, etc...

Finding #3

All departments and organizations report a lack of resources available for the enforcement of underage drinking laws. All parties, including the community members, felt that the reduction of the enforcement section of the State Bureau of Liquor Enforcement (BLE) was extremely detrimental.

Recommendations

1) Departments need to make better use of existing resources by raising the priority of the enforcement of underage drinking laws based on the preventative and cost-effectiveness of such enforcement.

2) The State Department of Public Safety should provide training in effective underage drinking enforcement for local law enforcement.

3) The State Department of Public Safety should consider reinstating the enforcement section of the BLE as the most effective and cost-efficient way to deal with the enforcement of furnishing laws.

4) The local communities should provide additional resources to enforce the underage drinking laws.

Finding #4

The greatest occurrence of underage drinking happens at teen parties—often in a home.

Recommendations

1) Officers should have set policies and procedures to deal specifically with the breakup of both small and large parties.

Provisions in these policies should include:

- Efforts to hold **all** underage drinkers accountable.
- Identification of and citations for the host(s) of the party as well as the property owners.
- Aggressive investigation to determine and hold responsible the supplier of the alcohol.
- Notification of parents of all minors present.
- Provisions that parents of all minors **will** be required to pick up their child.
- Larger consequences applied to minors who attempt to flee the scene.

2) Departments will enter into mutual aid agreements with neighboring jurisdictions and other law enforcement groups to ensure there is adequate personnel available to break-up parties.

3) Departments will implement public awareness programs.

Suggested actions:

- Officers will attend annual school and parent meetings to explain the law and what will happen if someone's child is caught at a party.
- Departments will utilize the press and media to communicate to the community the department's party policy as well as to illustrate the legal consequences associated with parties.
- Departments will establish party hotlines for the public to assist in locating pending or existing parties.

Hallmark III

There is effective and ongoing collaboration between agencies and departments tasked with the enforcement of underage drinking laws that is mutually supportive of consistent enforcement.

Finding #1

Each law enforcement group (officers, chiefs, JCCO, DA) feel they are less tolerant of underage drinking than the others, and that inconsistent enforcement is the other groups' fault. In actuality, the groups are very similar in their views.

Recommendation

Hold quarterly regional meetings consisting of representatives of all departments and agencies to coordinate policy and activities around the enforcement of underage drinking laws. Barriers to consistent enforcement will be identified and addressed.

Finding #2

Many officers and JCCOs feel they do not communicate or work well together.

Recommendations

1) Within each department someone should be dedicated to the enforcement of underage drinking laws, helping to clarify procedural steps.

2) Conduct regularly scheduled meetings to improve efficiency, and develop agreements on

how each department will respond to violators.

Hallmark IV

Law enforcement and community standards parallel each other.

Finding #1

Compared to law enforcement personnel, community members are less certain of their understanding of the underage drinking laws and their commitment to zero-tolerance as a policy.

Recommendations

1) Law enforcement personnel will attend school, parent, and community meetings or, if necessary, initiate such meetings to communicate with and educate the community about the underage drinking laws and enforcement efforts. These events should include but not be limited to the following.

- Town meetings
- PTA/PTO meetings
- Student assemblies
- Public events

2) Law enforcement agencies will utilize the press and media to communicate with the community.

Finding #2

Individual community members and individual law enforcement personnel share similar values regarding underage drinking and zero tolerance. However, in reality they view each other, and the community as a whole, as more tolerant of underage use.

Recommendation

Frequent community meetings and forums with law enforcement to discuss and develop consensus on enforcement policies.

Suggested action:

- Law enforcement, schools and community coalitions will initiate at least three community events per year.

Finding #3

The community members are generally satisfied with law enforcement efforts, although less so than law enforcement itself. Most community members feel they can influence enforcement efforts and are willing to support additional resources to enforce underage drinking laws.

Recommendation

Law enforcement should encourage this support by utilizing some of the communication avenues already suggested.