

SOUND JUDGMENT

Hello Judges

By Judge Rod Ring, (Ret.)

The rains have finely slowed down at my house, but mosquito season has begun. I hope all is well with you and your communities are recovering from the terrible flooding.

It is time for the 2019 Summer Judicial Conference. It looks like a great program has been arranged! Included in the program is OBA Judicial Education Project funded by NHTSA and Oklahoma Highway Safety Office. The Judicial Education Project will offer two hours of training on Friday July 19th from 10 a.m. until noon. Kevin Behrens, Vince Barnard, and Joshua Smith from the Oklahoma Board of Tests for Drug and Alcohol Influence will present *Scientific, Technical & Legal Aspects of Breath & Blood Testing in Impaired Driving*. The Board of Tests is an independent state agency dedicated to providing a fair test and accurate results in impaired driving incidents. This program will give you the latest information about testing for impaired driving and what the future may hold as the science develops. I encourage judges dealing with impaired



driving cases, especially new judges, to attend.

We are preparing an exciting and informative program for the judicial training held in conjunction with the Oklahoma Bar Association Annual meeting November 6-8 at the Renaissance and Cox Convention Center in Oklahoma City. Remember the NHTSA and Oklahoma Highway Safety Office funded

INSIDE PAGES

Drink It In

The Impact of Youth Exposure to Alcohol Advertising

Drinking by underage youths in the United States is widespread and poses a serious public health problem. An estimated 70–80 percent of adolescents have consumed alcohol, and half have been drunk at least once...

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BREAKING NEWS

The United States Supreme Court has rendered a decision in *Mitchell vs. Wisconsin* in favor of a blood draw of an unconscious driver.

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grant allows the OBA to reimburse mileage and one night lodging in the conference hotel for judges who travel more than 60 miles. Attending the training is a great way to get free training and defray expenses of attending the OBA Annual Meeting.

I hope to see everyone in July and November.

Free DUI/Impaired Driving Webcasts

There is nothing better than improving your judicial skills with training from experienced judges through quality programs you can view from your home or office. The National Judicial College is offering FREE DUI-related webinars this summer and fall.

You can register by going to <https://www.judges.org/courses/online-learning/webcasts>.

Women and Impaired Driving	Jul. 11, 2019 @ 12 p.m. PST
Co-Occurring Disorders in Impaired Driving Cases	Aug. 8, 2019 @ 12 p.m. PST
Drugged Driving Update	Aug. 22, 2019 @ 12 p.m. PST
Identifying Masking Offenses	Sept. 4, 2019 @ 12 p.m. PST
Ethical Issues in Impaired Driving Cases	Sept. 11, 2019 @ 12 p.m. PST
Self-Represented Litigants in Traffic Court	Oct. 10, 2019 @ 12 p.m. PST

Drink It In

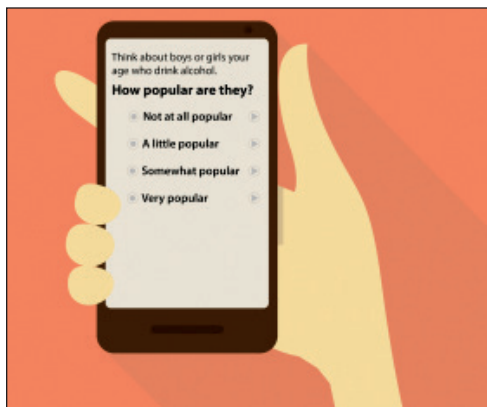
The Impact of Youth Exposure to Alcohol Advertising

Editors Note: Over the last few months since the change in Medical Marijuana laws I have noticed the number of public advertisements for Medical MJ products and dispensaries. If nothing else, the law change has stimulated the real estate business statewide. In the Metro areas every abandoned fast food restaurant or convenience store has been converted into a dispensary and advertising is everywhere. I had wondered what effect billboards and print advertising would have on people's attitudes toward marijuana in general and especially on children. This article from the RAND Corp. on the effect of alcohol advertising on children may give us some insight.

By Steven Martino, Rebecca L. Collins, Stephanie Ann Kovalchik, Claude Messan Setodji, Elizabeth J. D'Amico, Kirsten Becker, William G. Shadel, Anagha Alka Tolpadi
Original Publication: https://www.rand.org/pubs/research_briefs/RB10015.html

Drinking by underage youths in the United States is widespread and poses a serious public health problem. An estimated 70–80 percent of adolescents have consumed alcohol, and half have been drunk at least once by the end of high school. Underage drinking substantially raises the risks of death from motor-vehicle crashes, from other accidents, and from homicide and suicide, which are the four leading causes of mortality for Americans under the age of 21.

Alcohol advertising contributes to underage drinking. It can lead youths to initiate drinking and increase their consumption. Despite the established connection between alcohol ads and underage drinking, there are significant gaps in scientific understanding about this connection. Research to date has provided only spotty answers to several key questions: How much exposure to alcohol ads do youths get from all the media they consume? Do rates of exposure vary for different demographic groups? Which media are most likely to expose youths to alcohol ads? What is the immediate effect of youths' exposure to alcohol ads, and how long does the effect last?



To answer these questions, a team of RAND researchers conducted an intensive study of 600 11- to 13-year-olds over two-week period using a unique approach. Participants were given specially programmed cell phones and asked to report every alcohol ad they encountered over the two-week period as they went about their normal activities. Directly following each reported exposure and at random times throughout the day, youths were asked to report their beliefs about drinking. This method allowed researchers to compare youths' beliefs immediately after exposure to an ad with their beliefs at random moments when they were not exposed to ads.

Youths Were Exposed to an Average of Three Alcohol Ads per Day

The study found that, on average, the youths in the study witnessed three alcohol ads per day. Exposure to ads varied by race, ethnicity, and gender:

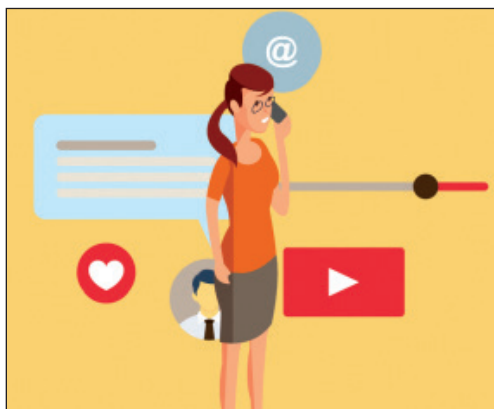
- African American and Hispanic youths were exposed to more ads: an average of 4.1 and 3.4 ads per day, respectively—substantially more than non-Hispanic white youths, who were exposed to two ads per day
- Participants encountered the most ads (38 percent) in outdoor displays, such as billboards and signs outside stores and bars. Television commercials were a close second (26 percent).
- Girls were exposed to 30 percent more ads than boys were.
- Two-thirds (66 percent) of the ads encountered were for beer, 23 percent for distilled spirits, and 17 percent for wine.

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Youth Beliefs About Drinking Shifted at Moments of Exposure

Youths registered an immediate shift in perceptions of drinking when they encountered an alcohol ad:

- Following exposure to an ad, youths reported more-favorable beliefs about the typical person their age who drinks alcohol than when they responded to the random prompts. At moments of exposure, their beliefs looked like those of youths 12 months older.
- White youths also perceived drinking to be more common among their peers following exposure to an ad than at random prompts.
- The effect that a single exposure to an ad had on youths' beliefs was evident for up to two days, after which perceptions of drinking returned to what they were during times of nonexposure to ads.



Youth Interpretations Influenced Ads' Impact

One other factor influenced youth reactions to exposure: how they interpreted the ads. Youths were asked to log brief assessments of each ad to which they were exposed, noting whether they were skeptical toward the ad ("Does it make drinking seem better than it really is?") or liked each ad and whether they identified with people shown in the ad:

- Following exposure to ads judged positively, youths viewed drinking more positively than they did when respond-

ing to queries at random moments.

- Though only a small share of ads were viewed positively overall, youths responded to most ads with at least one form of positive judgment—that is, they liked it, identified with the people in it, or saw it without skepticism. Results suggested that judging ads positively on any of these dimensions may shift youth attitudes toward a more positive view of drinking.

Implications for Policy and Research

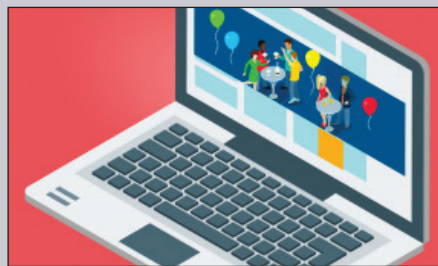
- Exposure to an average of three ads per day, with effects that persist for up to two days, raises concerns about the possible continuous effect of ads, persuading youths to view drinking more positively. In addition to reducing exposures to alcohol, it is important to develop and test strategies for interrupting cumulative effects with countermessaging through the media, as well as from parents and other influential sources, at regular intervals.
- Most youth exposures happened via outdoor signs and television commercials. Regulators should consider restrictions on alcohol ads in these venues, with particular focus on reducing exposures among black and Hispanic youths.
- Research needs to explore in greater depth how youths process alcohol ads and which ad characteristics have the greatest influence. Expanding knowledge in these areas can inform efforts to limit exposure to problematic ads and help youths become more resilient to such exposure.

This brief describes work done in RAND Health and documented in the following publications:

Rebecca L. Collins, Steven C. Martino, Stephanie A. Kovalchik, Kirsten M. Becker, William G. Shadel, and Elizabeth J. D'Amico, "Alcohol Advertising Exposure Among Middle School–Age Youth: An Assessment Across All Media and Venues," *Journal of Studies on Alcohol and Drugs*, Vol. 77, No. 3, May 2016, pp. 384–392.

Rebecca L. Collins, Steven C. Martino, Stephanie A. Kovalchik, Elizabeth J. D'Amico, William G. Shadel, Kirsten M. Becker, and Anagha Tolpadi, "Exposure to Alcohol Advertising and Adolescents' Drinking Beliefs: Role of Message Interpretation," *Health Psychology*, Vol. 36, No. 9, 2017, pp. 890–897 (EP-67324, www.rand.org/t/EP67324).

Key Findings



- **Youths in the study (ages 11–14) were exposed to an average of three alcohol ads per day; black and Hispanic youths' exposure was roughly double that of white youths.**
- **Exposure to alcohol ads led youths to view alcohol and drinking more positively.**
- **Ads that youths perceived negatively had a smaller, though still positive, impact on youths' views of alcohol's desirability.**
- **The effect of a single exposure was substantial and lasted up to two days.**

Steven C. Martino, Stephanie A. Kovalchik, Rebecca L. Collins, Kirsten M. Becker, William G. Shadel, and Elizabeth J. D'Amico, "Ecological Momentary Assessment of the Association Between Exposure to Alcohol Advertising and Early Adolescents' Beliefs About Alcohol," *Journal of Adolescent Health*, Vol. 58, No. 1, January 2016, pp. 85–91 (EP-50932, www.rand.org/t/EP50932).

Steven C. Martino, Claude M. Setodji, Rebecca L. Collins, Elizabeth J. D'Amico, William G. Shadel, Anagha Tolpadi, and Kirsten M. Becker, "Persistence of Shifts in Beliefs Associated with Exposure to Alcohol Advertising Among Adolescents," *Journal of Studies on Alcohol and Drugs*, Vol. 79, No. 3, May 2018, pp. 399–407 (EP-67628, www.rand.org/t/EP67628).

To view this brief online, visit www.rand.org/t/RB10015. The RAND Corporation is a research organization that develops solutions to public policy challenges to help make communities throughout the world safer and more secure, healthier and more prosperous. RAND is nonprofit, nonpartisan, and committed to the public interest. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors. R® is a registered trademark. Limited Print and Electronic Distribution Rights: This document and trademark(s) contained herein are protected by law. This representation of RAND intellectual property is provided for noncommercial use only. Unauthorized posting of this publication online is prohibited. Permission is given to duplicate this document for personal use only, as long as it is unaltered and complete. Permission is required from RAND to reproduce, or reuse in another form, any of our research documents for commercial use. For information on reprint and linking permissions, please visit www.rand.org/pubs/permissions.html. © RAND 2018

FREE TRAINING FOR JUDGES



Mark your calendar! The National Judicial College is offering a free 50-minute webcast for Oklahoma Judges on December 11, 2019.

Ethically Handling Commercial Drivers in Criminal & Traffic Courts

After this course, participants will be able to:

- Identify applicable Federal and state CDL/CMV laws;
- Determine what constitutes “masking;”
- Discover the unique definition of a “conviction” under CDL/CMV laws;
- Recognize the legal, financial and social consequences of failures to enforce CDL/CMV laws;
- Detect the ethical implications of mishandling CDL/CMV cases;
- Apply recent expungement laws to holders of commercial driver licenses; and
- Develop ethical and efficient procedures for the handling of CDL/CMV cases in your court.

For more information and to enroll contact the National Judicial College at: <https://www.judges.org/ethicallyhandling-commercial-drivers-incriminal-traffic-courts/>

Breaking News



The United States Supreme Court has rendered a decision in *Mitchell vs. Wisconsin* in favor of a blood draw of an unconscious driver.

We will provide an analysis of the case and

its repercussions in a future newsletter. See the link below to read the case.

<https://www.npr.org/2019/06/27/732852170/supreme-court-affirms-police-can-draw-blood-from-unconscious-drivers>

EVEN WHEN IT'S JUST AROUND THE CORNER.

**NEVER GIVE UP
UNTIL THEY BUCKLE UP.**

 VISIT [SAFERCAR.GOV/KIDSBUCKLEUP](https://safercar.gov/kidsbuckleup)

COMING THIS MONTH

July 19, 2019

Oklahoma Summer Judicial Conference

10 a.m. - Noon

Watch for registration information coming soon from the AOC.

Scientific, Technical and Legal Aspects of Breath and Blood Testing in Impaired Driving

Presented by: State of Oklahoma Board of
Tests for Alcohol and Drug Influence
Kevin Behrens, JD, *Director*
Joshua Smith, *Breath Alcohol Testing Program
Administrator*
Vince Barnard, *Training Program
Administrator*

Save the Date

November 6-8, 2019

Oklahoma City

Oklahoma Bar Association 2019 Annual Meeting

I know how busy everyone is and how fast your dockets fill up. Please SAVE THE DATE and remember the OBA Impaired Driving Judicial Education Project, funded by a grant

from NHTSA and the Oklahoma Highway Safety Office, can help defray the expenses of your attendance. We will offer six hours of free judicial training related to *Impaired Driving*, one night in the meeting hotel, and mileage for qualifying Judges. We will have more information about the program in future newsletters.

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SUBMISSIONS/ COMMENTS

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or comments to:**

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