

SOUND JUDGMENT

Hello Judges!

By Judge Rod Ring, (Ret.)
OBA/OHSO Judicial Outreach Liaison

Well, here we are again. Or I should say, we are still here.

I looked back at our Newsletter from April of 2021 to see what has changed and what has stayed the same. Last April we were walking the slow trail to “business as usual.” COVID numbers were heading down, and courts were opening with less precautions. That did not last long. By late summer, the numbers were heading up and the illness was spreading. Courts reinstated precautions and adjusted often because of new cases. Today we again are heading in the right direction and are back to our new normal. We have all learned that nothing is stable, and adjustments are necessary.

We are moving back to in-person meetings along with virtual events for conferences and training. Be sure to save the date for the Summer Judicial conference which will be held in person July 13-15 at the Embassy Suites in OKC. I have seen some of the plans and I think it will be an exciting program. I am looking forward to seeing everyone in person.

The JOL program has expanded to offer services to Tribal Courts in Oklahoma. We are working with the National Judicial College, the



National Highway Traffic Safety Administration, and the Oklahoma Highway Safety Office to bring the latest best practices to tribal courts. If any of you know of tribal judges who deal with impaired driving cases, please forward our newsletter to them. I am putting together a tribal courts and judges list and would appreciate your help with gathering information.

I have heard from judges about materials to use when you talk to community groups

INSIDE PAGES

The Need to be Trauma-Informed in Sentencing

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Social host laws and ordinances are designed to reduce underage alcohol consumption by imposing liability on adults...

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or schools about impaired driving. I do have materials and contacts with agencies who can help. Send me an email if you would like assistance with materials. I plan to hit the road again soon and try to visit as many courts as I can this summer. Remember, hearing from you is how we determine what subjects are of interest so let us hear from you with suggestions.

Have a great summer and stay safe on the highways.

Impaired Driving and the “Texting Defense”

By Judge Neil Edward Axel

CONSIDER THE FOLLOWING SCENARIO:

A Police officer observes a motorist driving at 1:00 a.m. on a two-lane road at 35 mph in a 40 mph zone. The driver is weaving across the right edge line, weaving within his lane and on one occasion his left tires touched the double yellow center line.

Following a lawful traffic stop, the officer detects the moderate odor of alcohol, and the driver admits to coming from a local bar where he had one beer. The driver explains that his driving may have been due to him texting a friend that he was on his way. He exhibits six out of six clues on the horizontal gaze nystagmus test and performs moderately well on the heel-to-toe and walk-and-turn

tests, exhibiting a number of clues on each. He refuses a breath test. While running a records check, the officer learns that the driver has two prior DUIs.

Is this driver impaired, or was he simply distracted by his cellphone? This scenario is not entirely fictitious and a “texting defense”

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NO-COST online Judicial Education

May 18, 2022 @ Noon

Every year, over half a million crashes on American highways involve commercial motor vehicles.

These crashes result in enough fatalities to wipe out the entire population of more than any one of half of America's towns. Many involve repeat violators, some of whom would not have been on the road if Federal and state CDLs/CMVs laws were properly and ethically enforced.

THIS WEBCAST SERIES IS PRESENTED
FREE OF CHARGE

What will I learn?

During this course, you will learn to:

- Identify applicable Federal and state CDL/CMV laws;
- Determine what constitutes "masking";
- Discover the unique definition of a "conviction" under CDL/CMV laws;
- Summarize the major components related to Access to Justice;
- Hone techniques designed to improve in-court caseload management and identify CDL cases with potential masking problems;
- Balance Procedural Fairness concerns to avoid federal masking violations; and
- Develop ethical and efficient procedures for handling of CDL/CMV cases in your court.

Increasingly, the modern-day Traffic and Criminal Court is experiencing higher volume and fewer resources. Despite this trend, Access to Justice remains imperative especially when balanced against the need to address cases requiring specialized attention such as CDL drivers who are prohibited from engaging in certain plea agreements. Judges who handle cases involving CDLs/CMVs are often unaware of federal regulations and state laws that require courts to treat commercial drivers differently than non-commercial drivers. This webinar will explore issues of both Access to Justice and Procedural Justice as juxtaposed against the concerns of CDL holders.



has been raised as a defense in impaired driving trials to explain away one's erratic driving. Both distracted driving and impaired driving involve activities that affect the brain's ability to perceive and react to stimuli on the roadway while the driver attempts to control their vehicle or respond to on-road emergencies.

Whether it is alcohol that clouds cognitive functions, or texting that distracts the brain from focusing on the primary task of driving, the impact can be fatal. In fact, some studies have equated texting and cellphone use with cognitive demand, as being equivalent to driving while impaired by alcohol.

Just as we are seeing drivers using multiple impairing substances, we probably are also seeing drivers who are using their cellphones while driving impaired by alcohol and/or

drugs. How do we determine which it is?

For one, to the extent possible, additional police investigation always has the potential to lead to other evidence that would support either impaired driving or distracted driving: did the driver run a tab at the bar he was coming from; do phone records support his claim of texting; is a search warrant feasible for a blood draw to test for his alcohol/drug level; are there witnesses to his drinking earlier in the evening?

These additional steps, and others, certainly are time-consuming, but may make the difference between a conviction and a dismissal. Judge Axel has served on the District Court of Maryland for 25 years, and currently sits as a Senior Judge throughout the State. He is the American Bar Association National Judicial Fellow for traffic safety issues. high

The Need to be Trauma-Informed in Sentencing

To better tailor sentences to reduce recidivism and change behavior, we need to understand the effects of past trauma on behavior. Many times, I have asked offenders "what were you thinking?" The answer usually was "I don't know" or "nothing." Understanding the background and culture of offenders will help us get past those answers and help them really understand how they make decisions and how those decisions effect behavior.

This link to the 1-hour movie "ALL RISE: For the Good of the Children" is a great introduction how Courts have adopted the



trauma-Informed concepts in dealing with offenders.

Click below to watch the movie,
<https://allriseforchildren.com/watch-the-film>

Two Sides to Every Bench:

Utilizing Trauma-Informed Court Practices to Promote Dignity and Reconciliation

JANUARY 21, 2022

SAMHSA's GAINS Center for Behavioral Health and Justice Transformation is committed to sharing information that elevates the voices of people with lived experience and taps into the expertise of practitioners in the field. This article is a unique blend of both strategies. Sarai Flores, Esq., is a returning eNewsletter contributor. She participated in a Q&A on her lived experience with trauma and justice system involvement and authored an article on advancing trauma responsiveness in the courtroom. The Honorable Michael Aloï is a prior participant in SAMHSA's GAINS Center How Being Trauma Informed Improves Criminal Justice System Responses training. The following is an edited transcript of a conversation between the two about Judge Aloï's approach towards those with a trauma history who end up on the other side of his bench, as written from Sarai's perspective. Included in the article are Sarai's thoughts about her conversation with Judge Aloï, as they relate to her own experience of incarceration. These asides are noted in italics.

As a practicing attorney, formerly incarcerated woman, mother, community member, and change agent, I sat down with the Honorable Michael John Aloï, U.S. Magistrate Judge, for the United States District Court for the Northern District of West Virginia (who also serves as a drug court judge) for a conversation about his journey to becoming trauma aware. In this interview, Judge Aloï explains why it is essential for judges, attorneys, and court staff to understand trauma. He shares how courts can use trauma-informed practices as a part of the healing process for participants who are experiencing substance use disorders, mental health issues, and poverty.

CREATING A TRAUMA-INFORMED AND TRAUMA-RESPONSIVE COURT

In our interview, Judge Aloï discussed his views on building a trauma-informed court. Building a trauma-informed and trauma-responsive court means developing a universal assumption of trauma and understanding the effects of trauma on individuals and families.

"I am not an adversarial person," Judge Aloï stated while recognizing the justice system is inherently adversarial. He continued with a question, "So, how can we solve a problem with respect, with dignity? Forgiveness, reconciliation, and redemption? These are things that last," he says.

Judge Aloï provides insight into where courts fall short and where they might improve. For example, he says, "The legal system tends to identify the surface problem. To be successful, we need to address and resolve the underlying issues. If you don't address the underlying issues, you will never solve the problem." In pondering the solution, Judge Aloï asks, "How do we create a process that addresses these underlying issues?" He recommends being trauma-informed, which to him includes providing appropriate resources to address underlying issues. According to Judge Aloï, "Every state needs comprehensive wraparound services to address the underlying issues and needs of people experiencing criminal legal issues." Judge Aloï went on to explain, "This is how we should be responding to trauma. Trauma will not go away, but how we respond to the trauma can be productive. People need to feel safe and secure in their environment."

The drug court collaborates with Jobs & Hope West Virginia to provide these much-needed resources. Jobs & Hope is West Virginia's comprehensive response to the substance use disorder crisis. Governor Jim Justice and the West Virginia Legislature established the program. Through Jobs & Hope, participants can gain free access to medical, dental, substance use treatment; employment training; housing; driver's license reinstatement; and non-violent criminal record expungement.

With the help of the US attorney's office, public defenders, probation office and other court personnel, Judge Aloï has created a treatment court that begins to meet the needs of its participants in a holistic way. The Judge notes, "Without full cooperation from all parties involved, I wouldn't be able to give the services that are needed to the drug court participants." These services include a drug and alcohol evaluation, mental health evaluation, physical and dental care, employment assistance, housing,

and cash assistance. The court provides wrap-around services with a significant success rate for drug court participants.[1]

When I was prosecuted, the focus was on what I had done and if the case could be proven or not. There were no questions about what had happened in my life to bring me to a point where I believed that selling drugs was my only option. Many factors played into my ending up in front of the bench rather than behind it. During our conversation, Judge Aloï's insight resonated with my experiences of mental illness, substance use, poverty, and trauma.

CONSIDERING CO-OCCURRING MENTAL HEALTH, TRAUMA, AND SUBSTANCE USE DISORDERS

Untreated mental health needs are highly correlated with justice involvement and incarceration.[2], [3], [4] The marginalization and stigmatization of mental illness is significant, and often these issues stem from untreated trauma, especially in women who have experienced sexual abuse, assault, or trafficking.[5], [6]

On this issue, Judge Aloï says, "My experience has been that most people charged with a drug crime are struggling with substance abuse or mental illness. My experience has also been that an indictment will not make that go away. If it would, these issues would have been solved a long time ago. Everyone I've seen in my courtroom who is struggling with substance use is also struggling with underlying mental health issues. Whether it's anxiety, depression, or trauma, people aren't going to recover without working at it; having a program and professionals to help."

Judge Aloï acknowledged that courts and the adversarial nature of the criminal justice system could be challenging for people with mental or substance use disorders. "Just being in a courtroom is inherently traumatic. What is it like for a woman or even a young man who has been the victim of severe abuse to walk into a courtroom and have a correctional officer put handcuffs on them? What do we gain as a society by implementing practices

See **TWO-SIDES** on Page 4

in a traumatic environment? As a judge and an officer of the court, I believe I have an obligation to identify harmful practices, name them, and think of ways to mitigate further harm. Courts can perpetuate trauma, and there are many days it doesn't feel like justice."

As an impacted woman, I can personally attest that courtrooms, handcuffs, shackles, and the isolation that comes with imprisonment are retraumatizing. My story is not unique. I have 9 of the currently listed 13 adverse childhood experiences. When I was arrested and later convicted of criminal offenses, no resources were offered prior to my incarceration. I was not given a mental evaluation, even though I have suffered from post-traumatic stress disorder and Attention-deficit/hyperactivity disorder (ADHD) most of my life. I was not offered any physical evaluations or dental resources. I was also not offered housing, employment, or educational assistance prior to incarceration.

The drug court requires everyone to have a mental health evaluation. However, the Judge acknowledges "how hard it is to open up." He says, "we're Americans—how do we deal with 99 percent of our problems? We act like they're not there, and we don't talk about it." It takes a lot of commitment and follow-up to access the trauma and make it safe to heal. In addition to mental health evaluations, the drug court provides educational resources to participants. Many people in the drug court program also obtain their General Educational Development (GED) as part of their participation and a certificate as a recovery coach.

Throughout my incarceration I was not given any psychiatric evaluations and continued to struggle with the effects of my untreated ADHD until recently. However, through my incarceration, I was introduced to cognitive behavioral therapy, alcohol and drug treatment, and later housing resources upon release. I first entered the criminal justice system in 1991 at the age of 13, I had no work skills. During my incarceration I was trained to weld and given typing lessons, this gave me hope that I might have enough skills upon release to find a real job.

ACKNOWLEDGING TRAUMA AND POVERTY

People living in poverty often encounter multiple traumas. Judge Aloï acknowledged the need for the court system to understand historical, generational, and racial trauma. Further, people appearing in courts may have difficulty accessing the resources that may facilitate the successful negotiation of their

traumatic experiences.[7] Judge Aloï adds, "Poverty is traumatic! When people need to wonder where they are going to live, what they are going to eat, and what they are going to wear, that is traumatic."

Judge Aloï recognized that recovery could be a matter of resources. It costs close to \$3,000 a month for a person to be incarcerated in the federal system. In contrast, he notes, "Give someone \$1,000 a month, and we can take care of most of their needs." One of the things he learned from the GAINS Center's Trauma Training is that supporting recovery from trauma involves addressing our measures of stability. This includes taking care of mental health; having a place to live, a job, a sense of family; and having a safe, secure environment.

Because I have lived below the poverty line most of my life, this conclusion wasn't new to me. As someone with a criminal record for possession and distribution of controlled substances, I still remember why I felt like I needed to do what I did as a young mother. Hearing his statement was a form of validation that my own actions didn't occur in a vacuum. When I was out of jail, I was hustling, trying to stay alive. But, when I was locked up, I had my basic needs met (clothing, food, etc.), which allowed me space to work towards recovery. If we could provide access to resources outside of being involved in the justice system, we could create another pathway for people to access healing and recovery.

FOSTERING OUR SENSE OF CONNECTION

A trauma-informed criminal justice system will look different in various contexts. Judge Aloï has shown that by understanding and meeting the need of court participants, courts can respond in a way that creates a safe space for participants. His beliefs inform how he looks at people coming before his bench—he considers that each person is made in the image of God. So, he responds to them in a way that treats them as such. Judge Aloï suggests that it is "easy to have an adversarial justice system when we treat people appearing in court as other," which disconnects us from their story and potential for recovery, "instead of as neighbors, as one of us."

As a Native person, I believe that we're all connected. When you look at a person, and you think negatively about them, telling yourself, "They're a criminal," you end up feeling bad. But when you look at a person and think about what they must have gone through and what experiences they must have missed out on, you sense more positive feelings, like compassion and hope. This is just one example of how we're all connect-

ed—having a negative or a positive thought about someone else can affect our minds and bodies. This affirms my belief in the idea that we are all connected. Developing a greater sense of our connection includes serving people with a trauma-informed approach and helping people begin a path of recovery from their traumatic experiences from their first appearance in court and throughout their time of involvement in the criminal justice system.

ABOUT THE AUTHOR

This interview and article are by formerly incarcerated attorney Sarai Flores. Ms. Flores continues to be directly impacted by many systems and cycles of oppression and poverty. Through these experiences, she has made it her life's work to empower and encourage others by modeling the possibilities of overcoming cycles of oppression. Since graduating from law school in 2011, Ms. Flores has worked in community development and public service at the Tribal level with the Muscogee (Creek) Nation, national level with the U.S. Department of Energy, and internationally. Ms. Flores is the recipient of the National Center for Native American Economic Development 40-Under-40 award, the Muscogee Creek Nation's professional of the year award, and the New Leadership Oregon outstanding alumni award. In addition to leading the National Trauma Awareness Initiative, Ms. Flores writes and speaks about the intersection between mass incarceration, disability law, civil rights law, and criminal justice system reform. She brings valuable first-hand insight into policy work, where many impacted people do not have a voice.

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- [4] Mental Health Problems of Prison and Jail Inmates (bjs.ojp.gov)
- [5] Jennifer V. Pemberton, and Tamra B. Loeb, "Impact of Sexual and Interpersonal Violence and Trauma on Women: Trauma-Informed Practice and Feminist Theory," *Journal of Feminist Family Therapy* 32, no. 1–2 (April 2, 2020): 115–31, <https://doi.org/10.1080/08952833.2020.1793564>.
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- [7] Understanding the Impact of Trauma and Urban Poverty on Family Systems: Risks, Resilience, and Interventions (nctsn.org)

Q&A with Sarai Flores, Esq.

SEPTEMBER 22, 2021

Originally published at <https://www.prainc.com/gains-qa-with-sarai-flores/>

You are an attorney and are open about your status both as “formerly incarcerated” and a trauma survivor. What does it mean for you to be a formerly incarcerated trauma survivor, and how did that translate to becoming an attorney and advocating for trauma awareness?

I’ve suffered from ongoing and complex post-traumatic stress disorder (C-PTSD) for most of my life. My trauma stems from adverse childhood experiences such as early parental abandonment, domestic violence, and abuse in a foster home before 3. These painful early life experiences led me to a substance use disorder by 12, incarceration at 13, and teen motherhood at 17.

I believe every incarcerated person has a similar story of trauma and abuse at some time in their life. Many have been beaten, raped, sexually abused. These are overt types of abuse. There are also more insidious kinds of long-term emotional abuse that often happen within toxic family structures. Individuals beaten down by life experiences like these—who have lived in the custody of people who harmed them or who have been made to feel powerless by other abusers—can be particularly vulnerable to re-traumatization by the power dynamics of the criminal justice system.

I am one of very few known formerly incarcerated women attorneys in the country. I originally became an attorney because I thought I could positively advocate for Native rights and, more specifically, advocate for my tribe, the Muscogee Nation. It took me three times to pass the Oklahoma bar exam, so during that time, I worked for Muscogee Nation as their community development director. This position created an interest in community development, program management, and technical assistance training. With that experience, I transitioned to the U.S. Department of Energy as their national program manager and worked with tribes nationwide.

I always longed to use my lived experience to create change in the criminal justice system. After becoming an attorney, I saw an opportunity to work with the Muscogee Nation Reintegration Program. I thought it would be



a chance to help people in the same situation I was once in. I represented individuals coming out of prison with their civil legal needs.

Despite regularly seeing routine courtroom practices distress my clients, I didn’t recognize them as trauma responses. I didn’t know anything about trauma at that time. However, once I started to understand trauma, it became a passion of mine to educate others. That is how I founded the National Trauma Awareness Initiative.

Many people are suffering from the effects of trauma and don’t know it. Many others are unknowingly upholding systems that perpetuate harmful practices. I have found my life’s work and calling to do my part to transform systems and institutions in a way that will enable trauma survivors to function without constantly being in a state of fight, flight, or freeze.

Through your work with the National Trauma Awareness Initiative (NTAI), you advocate for trauma-informed responses throughout the criminal justice system. Why do you think it is important for these agencies (including law enforcement and the courts) to be trauma-informed?

Unless it’s trauma-informed, the criminal justice process can strip trauma survivors of the exact things they need to feel safe. Trauma survivors need community, trust, safety, and personal autonomy over body and mind. It takes concerted, informed, and intentional work to preserve some degree of any of these in our current criminal justice system. People retraumatized by the system cannot adequately

ly advocate for themselves within that system.

Individuals in law enforcement need to be trauma-informed because of the authority they wield and their broad reach into peoples’ lives. Random stop and frisks or police questioning are often the first points of contact with the criminal justice system and can cause emotional flashbacks in a person with a trauma history. There is a period between initial police contact and arrest that is brief but can be harmful. When they don’t have probable cause for arrest, police may still approach and probe for incriminating information. Many Americans don’t know it, but they have the right to ask the officer if they are free to go, and the police must either arrest the person or let them go. If individuals don’t use this right, the process of exploratory police questioning may retraumatize a person with a trauma background.

What is needed is a combination of public education and police accountability. When using these tactics, it is not okay for police to ridicule or verbally assault citizens when they don’t get what they want. Harsh questioning and other law enforcement practices, such as invasive strip searches and excessive solitary confinement, are dehumanizing and harmful. They are harmful not just to the individual but also to the officers. They become less human as well.

As for the court, I vividly remember walking into the courtroom for my arraignment and feeling completely lost and ignorant. I would later find out that every courtroom has specific procedures and protocols. It took me three years of law school and years of law practice to figure this out. The average person may never understand the inner workings of the legal system.

The courts have the power to make the system less disorienting and traumatic. Courts can do this by first acknowledging that they are inherently disorienting and traumatic because of the adversarial nature of the legal system. To lessen the traumatic effects on court participants, courts should look at ways to be less adversarial and more cooperative.

What is some insight you would share regarding the experience of incarceration and the transition back into the community?

See **Q&A** on Page 6

SAVE THE DATE!

JULY 13-15, 2022

Summer Oklahoma Judicial Conference

Embassy Suites, Downtown/
Medical Center, OKC

Q&A continued from Page 5

Ironically, I often look back at my period of incarceration with fondness. I finally had access to much-needed job training, mental health, and addiction interventions. Now I question, “Why didn’t I have access to resources before incarceration?” In the trauma-informed world, we often say, “How can we restore you to a sanity you never had?”

However, once released, a person comes out to a world that scorns and shames them. Formerly incarcerated people face economic insecurity, housing insecurity, and job insecurity. One missed paycheck means potentially returning to prison for a parole violation. Trauma survivors live in a constant state of sympathetic nervous system arousal. I have a shame attack every time I check the box indicating my felon status.

Luckily, I was able to reenter society successfully. When I came out of prison, my basic needs were met. I had low-income housing, food stamps, and medical services. If not for this, I don’t think I would have been successful.

I also had a Native recovery community that supported me and held me accountable for my actions—people that I respected and didn’t want to disappoint. I was fortunate and didn’t have huge fines or community service hanging over my head. I also got the chance to go back to college soon after my release. The combination of having my basic needs met and an opportunity for education made my reentry successful.



**FOUNDATION FOR
ADVANCING ALCOHOL
RESPONSIBILITY.ORG**

April is Alcohol Responsibility Month led by the National Institute of Drug Abuse (NIDA) and dedicated to the sharing of information to help keep kids substance-free.

Below you will find some facts to share from [Responsibility.org](https://responsibility.org)

DID YOU KNOW?

Fewer American teens are consuming alcohol underage than ever before, more than 3 out of 5 have never consumed alcohol. (Monitoring the Future, 2021)

KIDS ARE MAKING INFORMED DECISIONS.

78% of 8th graders in the US have never consumed alcohol, and the number who are not drinking has increased 48% percentage points since 1991. (Monitoring the Future, 2021)

FACT:

52% of 8th graders perceive binge drinking to be risky behavior and 81% disapprove of it. (Monitoring the Future, 2021)

PARENTS NEED TO KNOW:

60% of underage drinkers report that the alcohol they consumed came from family and friends. (2020 National Survey on Drug Use and Health, 2021)

IF THEY ARE SEEING IT, IT’S TIME TO TALK ABOUT IT.

1 in 2 parents (50%) report that their children have had more exposure to adults drinking in the home during the pandemic. (Responsibility.org and Breakthrough Research, 2021)

PROGRESS, BUT THERE IS ROOM FOR IMPROVEMENT.

Underage cannabis use has declined by one-third over the past decade, but still one in ten 8th graders has consumed marijuana. (MTF, 2021) That’s still too many!

Social Host Laws and Penalties for Adults Who Provide Alcohol to Minors

Social host laws and ordinances are designed to reduce underage alcohol consumption by imposing liability on adults who knowingly host parties or allow the consumption of alcohol on the property they own, lease, or control. Under these laws, adults can be held liable for alcohol-impaired driving crashes regardless of whether they are the ones who provided the alcohol to minors. Several jurisdictions also have laws that can be applied even if the adult was unaware that underage alcohol consumption occurred on their property.

Parents may believe their teens are likely to consume alcohol and, subsequently, think that it is a safer option for minors and their friends to drink under the supervision of adults in the home. However, binge drinking is a common occurrence in these situations. Social host laws are passed with the purpose of deterring this practice and can carry both criminal and civil penalties.

Social host laws are closely linked to laws that prohibit adults from furnishing alcohol to minors. Individual states vary in terms of penalties, but these typically include fines and imprisonment. While it is illegal in every state to provide alcohol to minors, there are also several exemptions that are common (e.g., parent/guardian, legal age spouse). These exemptions do not extend to other youth who are not the child/spouse of the individual furnishing the alcohol.

RESEARCH HIGHLIGHTS:

Research has consistently shown that most youth obtain alcohol from individuals over the age of 21 (Dills, 2010; Fabian et al., 2008; Jones-Webb et al., 1997; Wagenaar et al., 1996). When asked where they were the last time they consumed five or more drinks in a row, 32% of 18–20-year-olds reported that they were in their own home and an additional 51% reported that they were at another person's home (Dills, 2010).

Wagenaar et al. (2001) found that 93% of individuals surveyed agreed that the liability of the host who provided or allowed for the consumption of alcohol on their property was at least equal to the liability of an underage drinking driver who was responsible for causing injury.

In another study, Wagoner et al. (2013)

found that communities with social host policies concerning underage drinking parties had minors with lower odds of drinking in large peer groups compared to minors in communities that lacked these policies.

In a study of 50 California communities, Paschall et al. (2012) found that teens are less likely to report drinking at parties when they live in communities with particularly strong social host laws. Stronger social host policies are also associated with less frequent drinking at parties among youth who have already initiated alcohol use.

Dills (2010) analyzed national survey data and Fatality Analysis Reporting System (FARS) data among 18–20-year-olds. The study found that social host civil liability laws were associated with a 3% decrease in reported heavy drinking, a 4% decrease in reported drinking and driving, and a 5–9% decrease in alcohol-related fatal crashes.

In their study, Paschall et al. (2012) identified components of strong social host laws. These provisions include:

- Specifically targeting underage drinking; Application to a full range of property types (make policies as inclusive as possible);
 - No knowledge of a party on the premise required (which makes it possible to enforce when property owners claim they did not know about the underage drinking);
 - Civil penalty that is swiftly administered;
 - Adequate levels of enforcement; and,
 - High level of public awareness of the laws.
- Highly publicizing social host laws is imperative; if adults do not know that they can be held responsible for underage drinking, there will be no deterrent effect.

PREVALENCE:

Thirty-two states¹ allow social hosts to be held civilly liable for injuries or damages caused by underage drinkers. Thirty states² have criminal penalties for adults who host or permit parties with underage drinking to occur in the adults' home or on premises under the adults' control (NCSL, 2014).

¹ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota,

Oregon, South Dakota, Texas, Utah, Vermont, Wisconsin, and Wyoming.

² Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Florida, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

RESPONSIBILITY.ORG POSITION:

The Foundation for Advancing Alcohol Responsibility supports social host laws that prohibit adults from knowingly providing and/or serving alcohol to individuals under the legal drinking age of 21. Responsibility.org recommends that adults who knowingly provide alcohol to minors should face sanctions such as driver's license suspension, mandatory community service, mandatory fines dedicated to underage drinking prevention, potential jail time, graduated penalties for repeat offenses, and other sanctions deemed appropriate by judicial discretion. Both of these types of laws should be highly publicized to maximize deterrence.

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PLEASE TELL US WHAT YOU WANT



The purpose of the State Judicial Outreach Liaison program administered through the Oklahoma Highway Safety office and the OBA is to increase judiciary knowledge of challenges in adjudication Impaired Driving cases. We do this through peer-to-peer judicial education, technical assistance and links to resources.

We try to review and distribute current research, data and information on

evidence-based sentencing practices, DUI Courts, Ignition Interlocks, caselaw and offender assessment and treatment.

But we can't meet our goal without help from you. Please let us know about interesting issues, facts and arguments you have encountered in your courts. Share your successes and failures and tell us what you want to learn more about.

SJEP Staff:

Judge Rod Ring (Ret.)
Judicial Outreach Liaison
405.246.5023
joloklahoma@gmail.com

Janet Johnson
Project Director
Director of Educational Programs,
Oklahoma Bar Association
405.416.7028
JanetJ@okbar.org

Gary Berger
Layout & Design
Production Specialist,
Oklahoma Bar Association
GaryB@okbar.org



SUBMISSIONS/ COMMENTS

Please send your submissions
or comments to:

Judge Rod Ring, Retired
Judicial Outreach Liaison
Joloklahoma@Gmail.com
405.246.5023

