

**Social Host Ordinances:
Enforcement and Public Awareness
Partnerships**

Thursday, August 19, 2010

1:45 pm - 3:00 pm,

Anaheim Marriott.

Presenters:

Erica Leary – North Coastal Prevention Coalition

Michael Sparks – SparksInitiatives

Lt. Leonard Mata – Oceanside Police Department

Learning Objectives:

- 1) Become familiar with different types and elements of social host ordinances;
- 2) Recognize the potential of police department briefings as an effective training opportunity to increase law enforcement personnel understanding of social host ordinances; and
- 3) Identify opportunities for partnering with community coalitions and local agencies to increase public awareness of social host ordinances.



Understanding Social Host Liability Ordinances

Michael Sparks

UNSUPERVISED TEEN PARTIES:

An Enforcement Priority



▼

**High Rates Of
Hazardous Drinking**

▼

**High Risk For Violence, Trauma,
Unplanned Sexual Encounters**

▼

**Occasions That Introduce
Young Teens To Heavy Drinking**

What is Social Host Liability?

Social host liability refers to laws that hold non-commercial individuals responsible for underage drinking events on property they own, lease or otherwise control

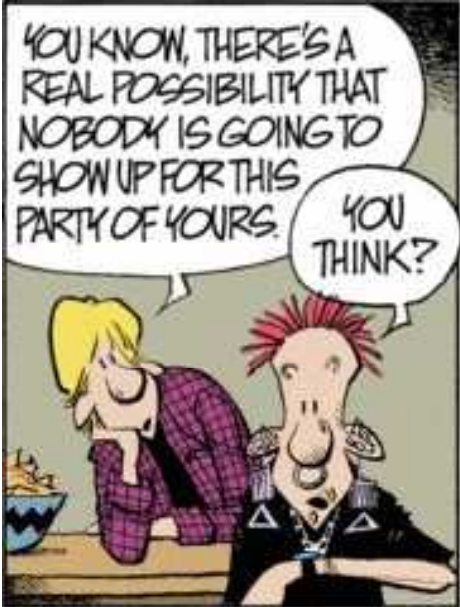
What is Social Host Liability?

- Hosts are prohibited from providing a *location* for underage drinking events
- Furnishing the alcohol is not a required element of the offense

THE PROBLEM OF UNDERAGE DRINKING PARTIES

- Primary setting for underage drinking by high school and college students
- Alcohol-related trauma common result
- Drain on law enforcement resources





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How Youth Drink



How Youth Drink

**“even though u look
extremely wasted and ur
on the ground making a
weird face, ur really hot
in this picture!”
-19 yo female,**



1. TYPES OF SOCIAL HOST LAWS

In general, the hosting of a party on private property at which an underage drinker becomes intoxicated could result in different forms of liability against the social host: **criminal liability**, **civil liability**, and **response costs recovery**



Type 1: Civil/Tort Liability



Laws and court opinions that allow third parties to sue social hosts for damage caused by minors who consumed alcohol on the host's property

Type 2: Criminal Statutes

- Social host laws that impose criminal sanctions (fines or imprisonment)
- Criminal prosecution requires strong evidence of wrongdoing
- 20 states have enacted criminal social host laws



Type 3: Civil/Cost Recovery



- Treats underage drinking parties as a public nuisance and threat to public safety
- Imposes an affirmative duty on home owners to prevent parties from occurring

Type 3: Civil/Cost Recovery (cont.)



- Imposes civil fines, including possible reimbursement to local government for cost of law enforcement and emergency services
- May include landowners, landlords, tenants, and hotel and motel operators

Type 3: Civil/Cost Recovery (cont.)

Liability occurs at the level of local government in the form of municipal (city or county) ordinances

Key Benefits of a Social Host Ordinance

- Powerful law enforcement tool that allow officers to address underage drinking
 - Often law enforcement can do little more in response to complaints about large parties with underage drinkers than dispersal
- Social host ordinances hold a person (of any age) who allows underage drinking to be held liable
- Support parental expectations
 - For their children as well as school polices and provide young people with social support to abstain from alcohol

Key Benefits of a Social Host Ordinance (Cont.)

- Help to change community norms
 - Decreases acceptance of underage drinking parties
- Fines collected from cost recovery help to offset law enforcement and prosecution expenses
- Reduces strain on police resources
 - Social host ordinances can increase police availability and resources to respond to other important community needs

Social Host Ordinance Considerations

■ Social Host Definitions (Options)

- Loud or unruly gathering is two or more people at a residence or other private property where unruly behavior occurs
 - These behaviors constitute a *public nuisance*
- No person may allow a party, gathering, etc where there are X or more youth in possession of or are consuming alcoholic beverages
- Responsible person: Must have “knowledge of” vs. “permit party”
- Responsible person: Need not be present at gathering, can be adult, youth, parent, landlord, etc. Need not be present to incur financial penalty (fine)

Social Host Ordinance Considerations

■ Social Host Penalties

- Violation is a **civil** fine
- Violation is **(Criminal) infraction** for responsible person to allow, permit, etc unruly gathering at residence or private property
- Violation is a **misdemeanor** punishable by a fine and/or jail time