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**OJJDP's 13<sup>th</sup> National Enforcing Underage Drinking Laws  
(EUDL) Leadership Conference: Youth Track  
Spotlight on Youth: Affecting Real Changes**

On August 10-12, at this year's National Leadership Conference in Orlando, Florida at the Rosen Shingle Creek Hotel, youth participants between the ages of 15 and 18 will convene to participate in the Conference's Youth Track! The youth program agenda, designed to champion the prevention of underage drinking, is youth-led with the assistance of our National Youth Council and input from youth from all over the country. As participants, presenters and youth ambassadors, the youth will lead conversations, coordinate activities and develop action plans to encourage their peers back home to support stronger and healthier environments by preventing youth access to alcohol and help inform their adult allies by broadening their understanding of the problem.

The Conference's Youth Track provides an opportunity for youth and youth leaders to learn more about effective strategies, share what's going on in states/territories and have lots of fun meeting other youth driven by the same cause. UDETC recognizes the leadership achievements of our youth and will continue to support their leadership potential throughout the future. Attend the Youth track and enjoy opportunities for learning, sharing and networking! Please visit our website to register now: [www.udetc.org](http://www.udetc.org) and click on the Conference icon. The Youth registration rate is only \$50 – so don't wait, register now!

**RESOURCE ALERT LEGAL CASE**

***"On appeal, the juvenile defendant challenges the sufficiency of the evidence used to convict him in a minor in possession case."***

On May 25th, 2011, Court of Appeals of Washington, Division II rendered by the Clark County Juvenile Court finding juvenile A.A.S. guilty of being a minor in possession of alcohol.

On or about November 30, 2009, juvenile A.A.S. was apprehended at an underage drinking party by the Washington State Patrol and charged with the offense. Due to his status as a juvenile, the case against A.A.S. was heard in juvenile court. A.A.S. admitted to having consumed alcohol earlier in the evening at home with his parents which is an exception to the minor in possession laws in the State of Washington. Officers at the scene detected the odor of an alcoholic beverage and took admissions from A.A.S., but the defendant appeals based upon his belief that he could not be charged without evidence of his actual physical possession of alcohol. This case presents an interesting question on the sufficiency and weight of the evidence used to convict a person of unlawful possession in

light of the defenses allowed under the law. To read more about this interesting case and determine whether her arguments prevailed, please click on this link: <http://www.udetc.org/documents/ResourceAlerts/July2011Case.pdf>

**SUCCESS STORIES: AMERICAN SAMOA AND ILLINOIS  
American Samoa Makes Responsible Beverage Service  
Training Mandatory for Violators.**

In American Samoa, as with other Territories/States, underage drinking and its consequences presents a challenge to the health and safety of the community. In 2009, representatives from various sectors worked to develop strategies to improve enforcement and increase public awareness surrounding underage drinking prevention. In April 2011, the First Lady of American Samoa, the Alcoholic Beverage Control Board, and representatives from the high court met to establish guidelines/procedures for a policy making responsible beverage service training mandatory for alcohol and beer licensees and employees who violate the law. This story is an example of strong leadership, effective enforcement and sustained collaborations.

**Eastern Illinois University Administration and Law  
Enforcement Partner to Reduce Underage Drinking.**

Eastern Illinois University (EIU) is home to more than 9,100 undergraduate students with approximately 60 percent or more being under the age of 21. In 2008, with an Enforcing Underage Drinking Laws (EUDL) college discretionary grant to support its efforts they increased enforcement supported by education and policy change. Their results were significant. The story tells their enforcement, education and policy strategies and shares changes the effective results of collaborative partners resulting in sustained efforts.

**NATIONAL ELECTRONIC SEMINARS  
JULY 2011**

***Translating Research into Action on Alcohol Issues***

Date: Thursday, July 21, 2011

Time: 3:00-4:15 p.m. ET

Speaker: Penny Norton, CEO and Founder of FACE

This audio-call will help participants understand the key components that are needed to create social and environmental change on alcohol issues. Examples of successful national public health efforts will be highlighted. The presenter will create a picture of what is needed to successfully address alcohol problems at both local and state levels.

\*Visit [www.udetc.org/audioconfregistration.asp](http://www.udetc.org/audioconfregistration.asp) to register.\*

To print a copy of this month's Resource Alert visit: [www.udetc.org/documents/ResourceAlerts/ResourceAlert0711.pdf](http://www.udetc.org/documents/ResourceAlerts/ResourceAlert0711.pdf)

**Resource Alert Legal Case  
July 2011**

**STATE OF WASHINGTON, Respondent,**

**v.**

**A.A.S.,<sup>[1]</sup> Appellant.**

No. 40804-0-II.

**Court of Appeals of Washington, Division II.**

May 25, 2011.

Catherine E. Glinski, Attorney at Law, Po Box 761, Manchester, WA, 98353-0761, Counsel for Appellant(s).

Randolph J. St. Clair, Clark County Prosecuting Attorneys Office, 1013 Franklin St, Vancouver, WA, 98660-5000, Counsel for Respondent(s).

**UNPUBLISHED OPINION**

JOHANSON, J.

The juvenile court found A.A.S. guilty of being a minor in possession of alcohol. He argues that the State failed to present sufficient evidence that he possessed, consumed or otherwise acquired alcohol. Concluding that the evidence was sufficient, we affirm.<sup>[1]</sup>

Following A.A.S.'s apprehension at an underage drinking party, the State charged him with being a minor in possession of alcohol.<sup>[2]</sup> After trial, the juvenile court found him guilty and entered the following pertinent findings of fact:

3. [On or about November 20, 2009,] [a]n underage drinking party with numerous minors and no adults was occurring inside Unit #D-81 [of the Cascadia Village apartment complex].
4. [A.A.S.] and his parents all testified that approximately 3 hours before he was apprehended, [A.A.S.] had two glasses of wine during a family dinner.
5. [A.A.S.] was at the location of the underage party for at least two hours prior to being apprehended. The Court did not find credible [A.A.S.]'s testimony that he did not consume alcohol while at the party.
6. Upon law enforcement entry into the underage drinking party, [A.A.S.] did flee the residence through a bedroom window and this was witnessed by other residents of the apartment complex who reported this to the responding officers.

7. [A.A.S.] was later caught by a Washington State Patrol Trooper that responded and returned him to the investigating officers still at Unit #D-81.

8. The Court found that [A.A.S.]'s assertion that he did not consume or come into contact with any alcohol at the underage drinking party was not credible.

a. This was due to the following factors, as indicated by the Court: containers of alcohol were found/observed by law enforcement throughout the residence (unopened/opened/partially full/empty/etc.); testimony/reports of Off. McCarthy indicated that at least 13 minors, including [A.A.S.], were all in various stages of intoxication when found at the residence; [A.A.S.] was in a back bedroom with two girls and fled through a back window when law enforcement arrived; and, when finally apprehended that evening, Off. McCarthy indicated that [A.A.S.] smelled of alcohol, furthermore, [A.A.S.]'s own testimony was that he could not remember any contact with Off. McCarthy, couldn't remember being transported by Off. McCarthy to detention center, and could not remember being booked into detention by Off. McCarthy. ([A.A.S.] indicated on the record that he thought the first time he had ever seen Off. McCarthy was at the time of trial, 26 May 2010).

9. [A.A.S.] is under the age of 18 years of age.

Suppl. Clerk's Papers at 19-21.

A.A.S. argues that the State failed to present sufficient evidence that he had possessed, consumed or otherwise acquired alcohol at the time he was apprehended. We review a claim of insufficient evidence for whether, when viewing the evidence in the light most favorable to the State, "any rational trier of fact could have found the essential elements of the charged crime beyond a reasonable doubt." [State v. Yarbrough, 151 Wn. App. 66, 96, 210 P.3d 1029 \(2009\)](#) (quoting [State v. Rempel, 114 Wn.2d 77, 82, 785 P.2d 1134 \(1990\)](#)). A sufficiency challenge admits the truth of the State's evidence and all reasonable inferences therefrom. [State v. Theroff, 25 Wn. App. 590, 593, 608 P.2d 1254, aff'd, 95 Wn.2d 385, 622 P.2d 1240 \(1980\)](#). "In determining the sufficiency of the evidence, circumstantial evidence is not to be considered any less reliable than direct evidence." [State v. Delmarter, 94 Wn.2d 634, 638, 618 P.2d 99 \(1980\)](#). Determinations of credibility are for the trier of fact and are not subject to review. [State v. Thomas, 150 Wn.2d 821, 874, 83 P.3d 970 \(2004\)](#) (citing [State v. Camarillo, 115 Wn.2d 60, 71, 794 P.2d 850 \(1990\)](#)). We defer to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. [State v. Walton, 64 Wn. App. 410, 415-16, 824 P.2d 533, review denied, 119 Wn.2d 1011 \(1992\)](#).

A.A.S. notes that because he consumed wine with his parents at dinner, which cannot constitute being a minor in possession of alcohol under RCW 66.44.270(3), and because the presence of alcohol in a minor's body is not sufficient to constitute possession, the State was required to present corroborating evidence that he possessed alcohol after leaving his home. [State v. Francisco, 148 Wn. App. 168, 175-76, 199 P.3d 478, review denied, 166 Wn.2d 1027 \(2009\)](#). He contends that the smell of alcohol on his breath and his specific lack of memory of Deputy<sup>[3]</sup> McCarthy are insufficient evidence that he possessed alcohol after leaving his home because

there was no evidence of alcohol containers on him or in the bedroom from which he fled. [Francisco](#), 148 Wn. App. at 175-76; [State v. A.T.P.-R.](#), 132 Wn. App. 181, 185-86, 130 P.3d 877 (2006).

The State presented evidence that A.A.S. admitted to being at the party, at which alcohol was observed and was being consumed, and admitted to having drunk some alcohol, although he told Deputy McCarthy that "he hadn't drank [sic] very much." Bench Trial Report of Proceedings (BTRP) at 21. He also admitted to fleeing the apartment because he "was going to get into trouble." BTRP at 21. Although three hours had elapsed since A.A.S. had consumed two glasses of wine at home, he still smelled of alcohol. His parents testified that A.A.S. showed no signs of impairment when he left the house. Finally, A.A.S. had no recollection of Deputy McCarthy who had significant contact with him. These facts are sufficient when viewed in the light most favorable to the State, to support a finding of minor in possession of alcohol.

We affirm.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

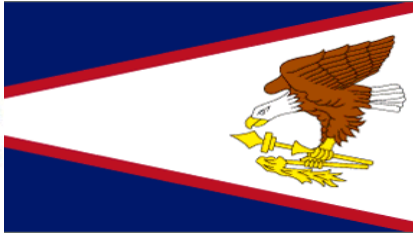
ARMSTRONG, J. and WORSWICK A.C.J., concur.

[†] It is appropriate to provide some confidentiality in this case. Under RAP 3.4, we change the title of the case to use the juvenile's initials.

[1] A commissioner of this court initially considered A.A.S.'s appeal on the State's motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

[2] The State later amended its information to add a charge of bail jumping. The juvenile court found A.S.S. guilty of that charge. He does not appeal that conviction.

[3] The juvenile court mistakenly referred to Deputy McCarthy as Officer McCarthy. We refer to him by his correct title of Deputy.



Enforcing the Underage Drinking Laws Program

# Success Stories

NEWS FROM THE FIELD

[www.udetc.org](http://www.udetc.org)

July 2011

## American Samoa Makes Responsible Beverage Service Training Mandatory for Violators

In American Samoa, like other Territories and States, underage drinking and its consequences presents an ongoing challenge to the health and safety of the community. Over 3 months in 2009, key representatives from the community, business, and government sectors worked to develop specific strategies to improve law enforcement operations and increase public awareness and education surrounding underage drinking prevention. From these efforts, a uniquely American Samoan responsible beverage service training (RBST) was created. The new RBST has four goals:

1. To teach alcohol/beer licensees and their employees about alcohol law and policies and to educate them regarding the consequences for noncompliance (such as criminal or civil liability, fines, and job loss).
2. To provide the necessary skills and practices to support licensees and their employees to comply with laws and policies.
3. To publicly support, through media coverage and acknowledgement from the First Lady of American Samoa, the establishments who have RBST certified staff.
4. To foster changes in vendor and server behaviors by preventing access to alcohol by minors.

Change takes patience and commitment. In June 2009, the first American Samoan RBST took place. Forty-four stores and nightclub owners and employees completed the training. They represented 26 licensed vendors. Following the successful RBST, First Lady Mary Ann Tulafono's Ta'ita'itama Prevent Underage Drinking Initiative worked tirelessly to encourage all of the alcohol and beer license holders and their employees to participate in RBST.

In April 2011, the First Lady of American Samoa, the American Samoa Alcoholic Beverage Control Board, and representatives from the High Court met to establish guidelines and procedures for making RBST mandatory for alcohol and beer license holders and their employees

who violate the law. This amendment establishes the following:

*Any alcohol and beer licensee and agents who are found in violation of American Samoa alcohol law under P.L. 30-16 or under Title 27 of the American Samoa Code:*

- ✓ *Must attend RBST within 30 days of conviction or plea bargain; and*
- ✓ *Pay applicable penalties as mandated by the District Court of American Samoa.*

This new policy change is intended to decrease the number of illegal alcohol sales to minors and intoxicated patrons throughout the Territory. Because of this amendment, mandatory RBST will be sustainable, which will result in a safer and healthier Territory.

Looking toward the future, the First Lady of American Samoa has pledged that 100 percent of licensed alcohol and beer vendors in the Territory receive RBST, and beginning in May 2011, RBST recipients will be formally recognized through, "Lunch with the First Lady," where acknowledgement will be provided by First Lady Mary Ann Tulafono, the District Court Judge, and the Governor's Cabinet members. This success story is an example of strong leadership, effective enforcement operations and sustained collaborations.

### For more information contact:

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EUDL Project

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***The views expressed in this document do not necessarily represent the views of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) or the Underage Drinking Enforcement Training Center (UDET) and are solely of the author/source.***



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July 2011

## Eastern Illinois University Administration and Law Enforcement Partner to Reduce Underage Drinking

Eastern Illinois University (EIU) is home to more than 9,100 undergraduate students with approximately 60 percent or more being under the age of 21. In the City of Charleston, Illinois, like many college towns, alcohol is readily available, and misuse is a major concern. In 2008, EIU and the City of Charleston were awarded an Enforcing Underage Drinking Laws (EUDL) college discretionary grant to support its efforts in preventing underage drinking. Its strategies were multifaceted and resulted in strong collaborations that included increased enforcement supported by education and policy change. Its results were significant.

**Enforcement:** EIU and the City of Charleston improved campus and community environments by a 100 percent retailer compliance with minimum legal drinking age laws (school year 2010–2011) and reduced recidivism rates of student alcohol-related offenses by 16 percent (in the first 6 weeks of the school year). Through high-visibility enforcement and information dissemination, positive changes were realized. Since fall 2009, data have shown a dramatic decrease in the number of students receiving alcohol-related citations during the first 6 weeks of school, as well as *reduced* recidivism rates (203 repeat offenders in 2009 to 169 repeat offenders in 2010). Worth noting is that EIU did see a dramatic jump in alcohol-related citations during fall 2009 (from 213 in 2008 to 433 in 2009). This was due to increased enforcement resulting in a 274 percent increase in citations being referred to EIU’s Office of Student Standards from the Charleston Police Department. This referral system was established to create a consistent campus response to student alcohol-related offenses, *whether committed in the local community or on campus*. Campus adjudication does not replace the legal consequences, but rather augments fines and court sanctions resulting from these offenses. The collaboration between the college and local law enforcement has resulted in consistent attitude-changing norms in the community and on campus. According to Erica Roa,

Standards staff, and during their interactions with students, it is not uncommon for them to refer a student who has never been in trouble to the proper office.”

**Education:** EIU’s educational sanctions also address behaviors associated with alcohol consumption and includes a new class, *Party Partners*, which is a partnership among EIU’s Student Standards and Student Community Services, the University Police Department, and the Charleston Police Department.

**Policy Change:** On January 18, 2011, improved norms were reflected through the passage of a local ordinance (City of Charleston) to prohibit restaurants from serving alcohol after their kitchens have closed. The ordinance also encourages a “two ID” check system that is an added advantage because it is expected to reduce the number of borrowed identifications and make identifications more difficult to borrow.

Lastly, EIU has worked collaboratively with the nearby city of Champaign (home to the University of Illinois, Urbana-Champaign) by providing minors for underage drinking enforcement operations to limit alcohol availability during events that draw multitudes of students. The collaboration between EUDL discretionary sites has provided sites with resources they would otherwise not have had.

### For more information contact:

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Office of Student Standards, “the police know Student



# National Electronic Seminars Enforcing Underage Drinking Laws Program

The OJJDP Audio-TELECONFERENCE Series

## 2011 National Electronic Seminars Calendar

July 21, 2011

3:00 – 4:15 p.m. Eastern Time

### ***Translating Research into Action on Alcohol Issues***

This audio-call will help participants understand the key components that are needed to create social and environmental change on alcohol issues. Examples of successful national public health efforts will be highlighted. Participants will be exposed to a presentation that will create a picture of what is needed to successfully address alcohol problems at both local and state levels.

13th National EUDL Leadership Conference | August 10-12, 2011 | Orlando, FL

## Spotlighting Community Solutions



***There will be no August Audio Call due to the National Leadership Conference: August 10-12, 2011.***

September 22, 2011

3:00 – 4:15 p.m. Eastern Time

### ***Massachusetts District Attorney's Help Lead the Way on State EUDL Efforts***



## **We want to hear from you!**

Do you have an Underage Drinking Topic that would make a great National Electronic Seminar? Send us your suggestions at [udetc@udetc.org](mailto:udetc@udetc.org) and put 'NES Topic Suggestion' in the subject line!

For audio-conference registration information, please visit [www.udetc.org](http://www.udetc.org)

All programs provide opportunities for presentation, discussion, and sharing information. Telephone dial-in instructions and accompanying materials will be mailed to registrants two weeks before the audio conference.

To register for any of these free electronic seminars by phone, call toll-free 1-877-335-1287 extension 230



# Enforcing Underage Drinking Laws Program

## AUDIO CONFERENCE

### TOPIC

#### Translating Research into Action on Alcohol Issues

This audio-call will help participants understand the key components that are needed to create social and environmental change on alcohol issues.

Examples of successful national public health efforts will be highlighted. Participants will be exposed to a presentation that will create a picture of what is needed to successfully address alcohol problems at both local and state levels.



### DATE

July 21, 2011

### TIME

3:00–4:15 p.m. ET

### PRESENTER

#### Presenter 1:

**Penny Norton**

*FACE, CEO and Founder*

[Pnorton@faceproject.org](mailto:Pnorton@faceproject.org)

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- **To register by phone**, please dial our toll-free number, 1-877-335-1287, extension 230, and follow the prompts.

**Telephone dial-in instructions and accompanying materials for the audio conference will be mailed one (1) week before the call.**