Caught between criminal charges and unsafe situations, minor drinkers in limbo

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Scared. Torn. Hopeless.

That's how intoxicated minors can sometimes feel when they find themselves in dangerous or compromising situations. A call to the police can bring help — but also a criminal charge for being a minor in possession, or MIP.

With the coming of a school dance long associated with under-age consumption of alcohol, the topic is on the mind of Utah State University student Maddy Coast.

"Cops on campus won't help minors who are intoxicated without getting them in trouble," Coast said.

Progress toward fixing this predicament was made with the passage of the Medical Amnesty Law in Utah's 2013 legislative session. Utah is one of 21 states that has passed similar legislation, commonly known as 911 Good Samaritan Laws, which provide criminal immunity for those who call to help others who have overdosed on illegal drugs or alcohol. The law allows minors to get help for their friends without the risk of getting charged with an MIP themselves.

The policy does not, however, apply to individuals calling for help for themselves.

Holly Mullen, the executive director of the Rape Recovery Center in Salt Lake City, is in support of a policy that protects students from punishment if they feel they are in danger and need to call the police.

"If USU does not have some action to assist students in need of help when intoxicated, there will be liability issues," Mullen said. "Students possibly feel unsafe, but by the same token they don't feel safe enough to call the police. The police and administration should look at that very carefully. The two entities would want to look at the terms of hierarchy with safety."

Ryan Barfuss, Utah State University’s drug and alcohol prevention specialist, noted that sexual assaults surge as alcohol consumption increases.

"All of the reported campus rapes last year were alcohol related," he said.

One in five college women will be sexually assaulted during their college years, Mullen said.

"Colleges are now facing how to best avoid sexual assault from being an issue in the first place," she said.

But Capt. Steven Milne, an assistant chief for the USU Police Department, said officers can't provide aid to intoxicated minors without holding them accountable for their choices. That, he said, would promote underage drinking.

"If students are intoxicated, it is against the law and they are unsafe for others," Milne said. "I would suggest they should have a designated driver or a non-drinking friend."

Mullen disagreed, saying that students are going to drink regardless and shouldn't have to worry about personal repercussions if their lives or safety are on the line.

Barfuss said he hoped that, if a student's life was being threatened or a student was in need of medical help, "giving out an MIP would be the least of the policeman’s concerns."

"Police are not looking to get the students in trouble," he said, "but have the priority of helping them."

Barfuss said policemen should not, however, be considered a taxi service for those who are drunk and cannot drive.

"There are some campus wellness offices around the country where they give out taxi tokens to pick up students who need a ride home," Barfuss said. "It's different in Logan because we don't have a good taxi company. I won't say there's not a need, but it hasn't been on the radar where the need is high enough to implement this kind of a program right now. Most Utah State students who do drink, minors or otherwise, do so responsibly."

For now, the emphasis of the university is on prevention and teaching students about the dangers of underage drinking.
“Our focus should be on students making good choices beforehand,” Barfuss said.