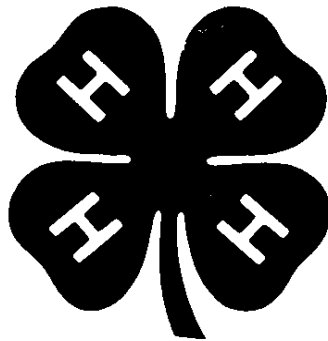


Prevention and Procedures: Possession and Use of Controlled Substances at 4-H Events and Activities



**Colorado
State**
University
Cooperative
Extension

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Introduction

The Colorado 4-H Youth Development program has a long-standing set of expectations for conduct and behavior at events and activities. These expectations are based upon principles of caring, citizenship, fairness, respect, responsibility and trustworthiness. The 4-H Code of Conduct is a foundation of these expectations.

Colorado Law

No one under the age of 21 is allowed to consume or possess alcohol unless a parent or guardian gives permission for their child or ward to drink ; only on private property, and under the supervision of the parent or guardian.

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Policy for Alcohol and Drug Issues

The Policy

The Colorado 4-H Youth Development Program has no tolerance for the possession or use of alcohol or other illegal drugs at youth events. 4-H prohibits the unlawful distribution, dispensation, possession, or use of controlled substances, illegal drugs, and alcohol by youth or adults.

The Situation

Each year, alcohol use results in significant and costly health and social problems. These problems include traffic crashes, accidental falls, burns, drowning, cirrhosis, suicide, alcohol dependence and alcohol abuse, interpersonal violence, Fetal Alcohol Syndrome, underage drinking, and other medical problems (Reynolds, Stewart, and Fisher 1997). Youth who engage in alcohol use are not immune from experiencing all of these problems, whether during their youth or later on in life. During youth, the problems related to underage drinking have been identified as binge drinking, impaired driving, poor school performance, and crime (Clark and Hilton 1991; Stinson and Campbell 1996).

Some of the more disturbing statistics on youth alcohol use show that:

- alcohol is the drug of choice for most youth (Johnston, O'Malley, and Bachman 1998),
- alcohol is the most common contributor to youth injury, death, and criminal behavior (U.S. Department of Health and Human Services 1992),
- and underage use can result in significantly increased risk for alcohol addiction (Grant and Dawson 1997), and
- while it may be true that youth and young adults tend to drink less than older adults, they tend to drink considerably more alcohol when they do drink (Clark and Hilton 1991).

Despite the fact that 21 years old is the minimum purchase age (MPA) in all states, youth continue to purchase and consume alcohol every day across the nation. Researchers suggest that youth consumption of alcohol often leads to the commission of crime and a higher incidence of victimization for individuals under the influence. Statistics supporting these claims detail that alcohol consumption is associated with over 27 percent of all murders, 31 percent of all rapes, 33 percent of all property offenses, and more than 37 percent of all robberies committed by young people (Connecticut Clearinghouse 2001).

While alcohol related issues are not pervasive in 4-H Youth Development programs, incidents have been frequent enough to raise concerns. There are enough legends of alcohol use during different 4-H activities and events that we must address the issue with clear policies and procedures. Alcohol use among underage youth is a primary issue, but adults who knowingly purchase or provide illegal substances to youth will be prosecuted to the full extent of the law and lose their volunteer status.

Prevention Efforts

To deal with alcohol and drug use most effectively, youth, parents, volunteers, and the entire 4-H community must be involved and communicate consistent messages that the use of these substances is wrong. This message must be reinforced with policy and disciplinary measures. What are the steps?

1. Teach standards of right and wrong and demonstrate these standards through personal example. Children learn the most by watching adult behavior. Parents and important adults in children's lives have a responsibility to act appropriately.
2. Supervise activities. Parents and individuals in 4-H can help children to resist peer pressure by supervision, knowing who their friends are and talking with them about their interests and problems.
3. Recognize symptoms of problems. Learn about the extent of problems in your community and the early signs of drug and alcohol use.
4. Establish clear and specific rules. We have adopted policies and procedures over the years and this document is an attempt to pull it all together.
5. Enforce established policies. We need to communicate the policies clearly to all the stakeholders: youth, parents, volunteers, staff and others associated with the 4-H program. Then, we must be consistent, fair and impartial in enforcing the policy. Law enforcement, volunteers, staff and youth in leadership positions all have a role in supporting enforcement efforts.
6. All participants and their parent/guardian must have a signed Code of Conduct. The Code identifies behaviors and contraband which will not be tolerated.

A brochure has been developed for use with teens attending 4-H events about the policy, the consequences and other questions important to this age group.

4-H Code of Conduct

Legal Name _____ County _____

Address _____

City _____ Zip _____ Phone _____

Name of Parent/Guardian _____

Emergency #'s (H) _____ (W) _____ (C) _____

Other name to contact if parent unavailable _____

Emergency #'s (H) _____ (W) _____ (C) _____

Program participants at all levels are expected to abide by the stated rules for 4-H activities and events and will:

- conduct themselves in a courteous, respectful manner, use appropriate language, exhibit good sportsmanship and act as a positive role model;
- adhere to program rules, curfews, dress codes, policies and guidelines;
- fully participate in scheduled activities;
- respect other's property and privacy rights;
- apply rules of safety to individuals, groups and property; and
- accept personal responsibility for behavior.

The following behaviors will not be tolerated:

- behaviors including the possession or use of alcohol or illegal drugs, tobacco products, stolen goods, weapons (unless part of a sanctioned shooting sports event), and fireworks.
- sexual, physical or verbal abuse;
- females in males rooms, and males in female rooms.

Conduct not in keeping with Colorado 4-H Youth Development standards will not be tolerated. Violation of items listed above will result in consequences to the participant. Law enforcement may be called and illegal behaviors may result in citations or arrest. Consequences may include removal, at the individuals' expense and without refund, from participation in the event; restitution or repayment of damages; sanctions on participation in future local, state, regional or national 4-H events; forfeiture of financial support for this event; removal from offices held in 4-H; loss of status as a member in good standing, etc.

We understand the reason for this agreement is to ensure the safety of the 4-H member and to ensure conduct and behavior that will result in each participant receiving the full benefit of enjoyment and educational experience from this event. It is not intended to place undue restrictions upon participants.

4-H member signature _____ Date _____

Parent/Guardian signature _____ Date _____

Defining a 4-H Event

It is important to define official 4-H events for several reasons. Medical insurance for 4-H members and leaders is designed to cover accidents at 4-H events. Claim forms ask for the name of the activity and an agent's signature to confirm that the activity was authorized. Liability coverage of staff and volunteers is limited to authorized activities as well. In cases of either youth or volunteer violations of the Code of Conduct at events, we must identify what constitutes a 4-H activity in order to clarify sanctions and consequences. The following are guidelines which may help you decide if a 4-H event is official. Contact your county extension office if you have questions.

4-H Club

- Club events must be sponsored by a chartered or recognized 4-H club or group with events approved by the Organizational Leader.
- Club events where other clubs within the county are invited - notification of county extension office if inviting others (individuals and/or clubs) within the county.
- Club events where others are invited from outside the county - events cannot be marketed across county lines without written approval from the agent in county sponsoring the event to agents in other counties where invitation is being extended.
- Examples: club or project tours, field trips, project meetings, judging meets, horse shows, etc.

County

- County events must have approval of the Cooperative Extension staff member responsible for the 4-H program
- County event where other counties are invited - 4-H professional in the host county must communicate the invitation.
- Examples: camps, speech contests, creative cooks, training sessions, judging contests, horse shows, promotional and fund raising events, etc.

Multi-County/Regional

- A 4-H agent and/or representatives from the counties involved must be included in the planning and communication.
- Planned by a committee representing all counties in the region with documented and/or written correspondence. Does not preclude anyone from another region from attending.
- Examples: training sessions, leadership retreats, camps, etc.

State

- Any event planned, listed and/or advertised as a state 4-H event or activity must be planned by representative groups and have the approval of the Director, 4-H Youth Development.
- Across state lines will include notification to other programs by the State 4-H office.
- Examples: leadership conferences, contests, training events, fund raising events, Colorado State 4-H Conference, Leadership Development Conference, and 4-H contests including, but not limited to, creative cooks, horse show, and demonstration contest that take place in conjunction with the Colorado State Fair.

Regional/National

- Any event authorized or sponsored by the Cooperative State Research, Education and Extension Service, National 4-H Council or other consortium of states.
- Examples: Citizenship-Washington Focus, National 4-H Conference and Congress, regional volunteer forums, training and leadership events.

Events which require 4-H membership for participation

There are many other events in which youth and volunteer participation is based upon membership in 4-H Youth Development but are not sponsored or organized by 4-H Youth Development. Cooperative Extension agents are often required to verify the membership and good standing of individuals for events such as county fairs, state fair, and other regional or national junior livestock shows. When youth need an agent's signature to participate in those events, they are representing 4-H, must continue to abide by the 4-H Code of Conduct, and are subject to consequences for violations of the Code.

- Examples: Colorado State Fair, National Western Stock Show, etc.

Alcohol and 4-H Events

4-H volunteers and professional staff should separate themselves, and the organization, from being directly involved in the sale or distribution of alcoholic beverages as much as possible. The context, location, time of day, number of youth present and their interaction with participants, and the control and distribution of beverages must all be considered in assessing whether alcohol may be offered. If it is offered, avoid serving additional beverages to intoxicated or under-aged individuals.

When the presence of alcohol is being discussed as an option at events bearing the 4-H name or emblem, Colorado law, and civil and criminal liability issues should also be considered. There are questions to answer when evaluating the presence, sale or distribution of alcohol at 4-H events:

1. **Is it an event designed for youth?**

If the purpose of the event is to recognize, train, educate, allow opportunities for competition, or develop leadership, citizenship and social skills of 4-H members in club, county, district or statewide events, then alcohol should not be present. Examples include 4-H club holiday parties, State 4-H Conference, 4-H horse shows, Leadership Development Conference and district retreats.

2. **Is it an event designed for adults without youth being present?**

If the purpose of the event is professional or volunteer development, then alcohol may be present. Examples include CAE4-HA, the Fall 4-H Leader Forum, and other events. The sale or distribution of alcoholic beverages should be done by caterers, hotel, restaurant or facility staff and other individuals whenever possible.

3. **Is it an event designed for adults but a limited number of youth *will* be present?**

If the purpose of the event is to develop support for the 4-H program through golf tournaments, recognition or fund-raising activities and a few, representative, 4-H youth will be present, alcohol may be present. Hotels, restaurants, golf courses and caterers may offer alcoholic beverages for sale as part of these events. The sale or distribution of alcoholic beverages should be done by caterers, hotel, restaurant or facility staff and other individuals whenever possible.

Colorado Law Regarding Alcohol

Colorado State University Cooperative Extension personnel and volunteers should be aware of the civil and criminal liability associated with conducting formal events and informal parties, such as dinners, parties or privileges associated with junior livestock sales, which involve serving alcoholic beverages. Consider policies that actively reduce high-risk drinking patterns and address problems that do arise to prevent and deflect liability suits. It is important to emphasize you may be held liable whether or not the person you serve is a minor. Keep in mind the following points:

1. In Colorado, a social host who willfully and knowingly serves alcohol to anyone under the age of 21 may have a civil action commenced against him or her and incur liability up to \$150,000. A social host may also face criminal charges.
2. A person or organization with a liquor license may face criminal charges and/or a civil action for knowingly serving alcohol to any person who is visibly intoxicated.
3. It is a crime to drive any vehicle while under the influence of alcohol or one or more drugs, or to drive any vehicle while the ability to operate the vehicle is impaired by the consumption of alcohol or one or more drugs.
4. It is a crime for minors to purchase, possess or consume alcoholic beverages.
5. The conviction of any of these alcohol and drug-related offenses may result in penalties including incarceration, fines, community service, alcohol and drug assessment and education, and the revocation of drivers' licenses.

Search Procedures

What happens when prevention efforts fail and a 4-H member violates the Code of Conduct? If you're certain of a violation go to page 13, Investigation and Action Protocol. If you *suspect* a violation, follow the guidelines below. There are legal implications for searching individuals and their property. The procedures and court cases most applicable to us come from public schools.

The Fourth Amendment prohibits all unreasonable searches and seizures. Reasonableness is determined by balancing the governmental interest behind the search against the privacy intrusion of the search. The Supreme Court has held that students have a legitimate expectation of privacy in their persons and accompanying possessions. However, the Court also has held that schools have a substantial interest in maintaining security and order in the classroom and on school grounds. The Court has determined that this interest justifies a more flexible standard of reasonableness for searches of students that are conducted by school officials as opposed to law enforcement officers. Thus, the Court has held that school officials, unlike the police, do not need to obtain a warrant prior to conducting a search. Nor do they need probable cause to believe that a violation of the law has occurred. Reasonable suspicions that a student has or is violating either the law or school rules is sufficient.

In interpreting and applying the "reasonable suspicion" standard set forth by the Supreme Court, lower courts generally have required more than general suspicion, curiosity, rumor, or a hunch to justify searches of students and their possessions. Factors identified by courts in sustaining a search of a student include the observation of specific and describable behavior leading one reasonably to believe that a particular student is engaging in or has engaged in prohibited conduct. The more specific the evidence in support of searching an individual student, the more likely the search will be upheld. For example, courts using the reasonable suspicion standard have upheld the right of school officials to search the following:

- A student's purse, after a teacher saw her smoking in a restroom and the student denied having smoked or being a smoker.
- A student's purse, after several other students said she had been distributing firecrackers.
- A student's pockets, based on a phone tip about illegal drugs from an anonymous source believed to have previously provided accurate information.

Can 4-H Youth Development search individuals for any reason (or no reason at all)?

No. Although we are not as strictly bound by the Fourth Amendment as police officers, there still must be a reason for a search. Police may search individuals or their belongings if they believe there is probable cause (that it is more likely than not) that the search will turn up contraband.

Youth Development personnel must have a reasonable suspicion to search personal belongings. Searches must be specific to the youth who are searched; you may not search the bags of the entire group because you believe one youth is harboring prohibited objects.

What is Reasonable Suspicion?

Reasonable suspicion means a belief, drawn from specific objective facts and reasonable inferences drawn from those facts, in light of experience, that an individual is using or may have used illegal drugs or alcohol in violation of the 4-H Code of Conduct or Colorado law. The

assessment is based upon any of the following:

1. Observations may include:
 - the odor of alcohol on one's breath
 - flushed appearance
 - lack of muscular coordination
 - speech difficulties
 - disorderly or unusual conduct
 - mental disturbance
 - visual disorders
 - sleepiness
 - muscular tremors or loss of muscle coordination
 - dizziness
 - nausea
 - divided attention impairment
 - observation of possession, or consumption, of alcoholic beverages
 - bragging about alcohol possession or consumption by individuals
2. Reports of behavior by a credible source
3. Evidence that an individual is involved in the possession, use, transfer or distribution of illegal drugs or alcohol while participating in a 4-H event, or representing 4-H.

Wherever possible, the observation should be corroborated by another person.

Can we require youth to take drug or alcohol tests?

There must be a reasonable belief that youths are using prohibited substances before they can be tested for illegal drugs or alcohol. If the requirements of reasonable suspicion are met, a breath alcohol test may be administered. A refusal of permission to conduct a breath alcohol test will be treated as a positive test.

It is unlikely that drug testing would be warranted in most 4-H circumstances. Such a decision should be made only after consultation with legal counsel.

What procedures should we use in a search?

Staff who have reasonable suspicion that a youth has contraband, as defined in the Code of Conduct, at a 4-H event shall have the authority to detain and search, or authorize the search of, any youth, and his or her property (backpack, luggage, purse, etc.), desk, temporary living quarters (hotel, dorm, tent, etc.) or any vehicle driven by the youth to a 4-H event, for contraband such as dangerous weapons, controlled dangerous substances, intoxicating beverages, or missing or stolen property. Students are personally responsible for any items found in their temporary living quarters, desks, vehicles, backpacks, purses or on their person. In addition, any police officer in possession of a valid warrant or with probable cause may search a youth or their vehicle. If 4-H staff conduct a search in conjunction with or in the presence of a police officer, the staff is held to the higher standard applicable to police officers.

Any search of a youth to be conducted by 4-H staff shall be conducted by a person of the same sex as the child being searched and shall be witnessed by at least one other person, also of the same sex. The extent of any search shall be reasonably related to the objective of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the

infraction. No strip searches shall be conducted and only cold weather outerwear shall be removed prior to, or during, any search.

If a youth, his or her property, desk, temporary living quarters or any vehicle driven by the youth to a 4-H event is searched and contraband such as dangerous weapons, controlled dangerous substances, intoxicating beverages, or missing or stolen property are found, such items may be taken from the child and preserved, and the child in possession of such items may be disciplined according to 4-H Youth Development policy and/or the matter referred to appropriate law enforcement authorities.

In conducting any search, if the area to be searched is locked and staff does not have the ability to unlock the area to be searched, the child shall be requested to unlock the area; i.e., open rooms, closets or luggage, vehicle's doors and trunk for which staff has no access to keys. If the child refuses, their parent or guardian shall be notified and they will be asked to provide access to the locked area. If the parent or guardian refuses, the appropriate law enforcement personnel may be contacted to respond to the issue. A refusal of permission to search will be treated as possession of contraband.

Investigation/Action Protocol:

When you've established that there has been a violation of the Code of Conduct the following protocol will help you answer questions and make decisions. Any positive test result (field sobriety test, breath alcohol, etc.), refusal of testing, or possession of an alcoholic beverage is cause for the removal of an individual from a 4-H event. If known, document the type of test administered, type and amount of alcoholic beverages found, person administering the test, and the blood alcohol content. These should be part of a final report.

Every effort should be made to determine who is actually in possession of alcoholic beverages. Youth may try to deny involvement, stretch the truth or be unwilling to state who brought or received the alcohol in order to protect their friendships. When individuals understand that the consequences for possession of contraband will be assessed to everyone involved, they may be more willing to offer information which will help to identify those responsible.

A. Crisis intervention

1. Call 911 if there is a health risk to individuals or of violence to others.
2. Contain the situation.
 - a. Have at least one adult present with youth at all times.
 - b. Take possession of contraband.
 - c. Notify the person(s) in charge of the event, individual, or delegation to substantiate the suspicion.

B. Law enforcement

Law enforcement personnel are trained to deal with these issues. They can be an ally to assess the situation, question participants and consistently apply the law to challenges with contraband. If, based upon previous experience with participants, there may be reason to work within the legal system, contact local authorities prior to conducting a search.

1. The law enforcement agency having jurisdiction may be called at any time based upon the judgement of the persons in charge.
2. Law enforcement may conduct breath alcohol or field sobriety tests.
3. A search may be conducted based upon probable cause.
4. Citations may be issued for possession and/or use of contraband.

C. Search

1. Enlist the help of an uninvolved agent or adult for record keeping.
2. Notify and summon chaperons and/or agents of involved youth.
3. Separate youth if more than one is involved.
4. Substantiate reasonable suspicion.
5. If present, parents of involved youth need to be separated from the situation and the youth.

Search the room, personal effects, and/or personal automobile for contraband.

1. Youth need to be present during search.
2. Same gender search.
3. Need witness (uninvolved agent or adult).
4. Search must be related to the issue at hand.
5. Search cannot be excessive; i.e., strip search.

6. If a bag is locked, ask the individual to unlock.
7. If permission to unlock a bag is refused, it will be treated as possession of contraband.
8. Parents may be called at this point to request permission to search. If they do not give permission to search the bag, then call law enforcement.
9. Take possession of contraband.

During Search:

1. Work one side of the room to the other.
2. Have youth in the room, standing in one place.
3. Possible places to look: toilet tank, under and inside box springs, between mattresses, under chairs, rolled up towels, dirty clothes, above suspended ceiling tiles, obvious bags and luggage, water bottles, soft drink containers, refillable hair spray containers, etc.

D. Breath Alcohol Test

If reasonable suspicion is validated, a breath alcohol test may be performed. Regardless of the outcome of the breath alcohol test:

1. If participants refuse a breath alcohol test, the refusal will be treated as a positive test.
2. Any positive breath alcohol level is cause for removal from the event and additional sanctions.

E. Contact Parents/guardians

1. Person in charge of event or delegation chaperon places the call to the parent.
2. After parent is on the line, hand the phone to the member to explain the situation.
 - a. Make transportation arrangements.
 - b. Individual is sent home.

If parents are coming:

Youth is held/observed away from the event by 2 adults until parents arrive to take youth home.

If parents are not coming:

Transportation arrangements are made for the earliest reasonable departure from the event.

F.

Documentation

Immediately after the event, the person in charge or county staff document pertinent information and shares it with the Director, 4-H Youth Development.

G.

Notification

After conferring with Extension administration and county staff, the Director, 4-H Youth Development will communicate the final finding and sanctions on the participants and communicate those findings and sanctions to county staff, youth and parents involved.

Members in Good Standing

Participation in certain state and county events is limited to those members who are in “good standing” with their local 4-H club and county. This includes abiding by the 4-H Code of Conduct, meeting deadlines, attending a majority of club and project meetings, and the following requirements:

- exhibit each project taken during the club year (exhibit may be local)
- participate in a demonstration or other speech arts presentation.
- participate in a club citizenship program or activity.

Consequences for violations of the Code of Conduct may include, but are not limited to:

- loss of status as a member in good standing for one year
- immediate removal from 4-H events and activities at the individual’s expense
- restitution for any damages
- repayment of registration, travel and scholarships to sponsoring organizations
- removal from offices held in 4-H organizations
- sanctions from participation in future 4-H events, including, but not limited to: overnight activities at the county level, interstate exchanges, Colorado State 4-H Conference, Citizenship-Washington Focus, Leadership Development Conference, National 4-H Conference, National 4-H Congress and other state, regional and national events
- sanctions from participation in events which require Cooperative Extension agents to certify that members be in good standing including, but not limited to: county fairs, Colorado State Fair, National Western Stock Show, AKSARBEN, and other regional and national events
- forfeiture of financial awards or support