

Minor in Possession: Liquor Laws and the Impact on Juveniles

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Abstract

A minor in possession of liquor is a serious social problem that seems to affect a great many of juveniles in our society. This is because many of our youths seem to feel obligated to partake in underage drinking with their peers. As research shows, the pressure for a juvenile to conform with his/her peers in order to gain acceptance is a major factor in a juvenile's life course and one that has propensity to make a juvenile engage in an antisocial behavior including but not limited to possession of liquor. Therefore, this paper strives to systematically examine the social and psychological process that may lead a juvenile into engaging in antisocial behavior which includes but is not limited to possession and consumption of liquor. This examination is important, in that, it would enable us to have a deeper insight and understanding of this complex and serious social problem many of youths find themselves in, and in the process, learn lessons that may be too important and too costly to ignore in the 21st century corrections.

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What is an MIP?

A minor in possession law, also known as a MIP, is a misdemeanor offense that each state has set in place to deter juveniles from drinking alcoholic beverages before they are of legal drinking age. The Official Code of Georgia defines minor in possession laws as follows:

“(1) No person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age;

(2) No person under 21 years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverage;

(3) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage;

(4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age; or

(5) No person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage (Georgia 3-3-23(a)).”

While a minor in possession offense is only a misdemeanor, its appearance on a criminal record can have lasting effects. The maximum penalty for a minor in possession conviction is a fine of \$300, six months in jail, and a driver's license suspension of 120 days. With the risk of jail time and a suspended driver's license, one would assume that many juveniles would refrain from consuming alcohol while under 21, but this is not the case. In the United

States, underage drinking is an accepted social norm that almost everyone is aware of and/or has taken part of in their lifetime. We see underage drinking in popular films, read about college parties with free alcohol in papers, and hear about experiences with underage drinking in popular music and podcasts. With underage drinking being a social norm in American culture, juveniles can feel a societal pressure to conform to unlawful acts and drink underage with their friends and classmates. While many never get caught or receive any form of repercussions from it, the unlucky ones that are apprehended and arrested by the police can have their college or work careers ruined by something that is socially accepted, but at the same time, against the law in every state of the nation.

Statistics and Interviews

At Georgia College & State University, 921 students have been cited in the Annual Security and Fire Safety Report between 2015 and 2018 for either a liquor law arrest or a liquor law violation that has been referred for disciplinary action by the college (G. Public Safety, 2018. 27-28; G. Public Safety, 2019, p. 27-28). With approximately 7,000 students, this means that approximately 13% of the student body has run into some legal trouble due to underage drinking. While these statistics reveal that underage drinking affects many students at Georgia College, it is likely that even more students get away with violating liquor laws than those that are caught by public safety and the Milledgeville Police Department.

While researching minor in possession laws, I was able to interview eight Georgia College students with Greek affiliation that had all received an MIP in Georgia within the past four years. Due to ongoing trials and court appearances, all eight have chosen to remain anonymous but allowed me to record our interview and share their experiences with a liquor law arrest on campus. Interviewees 1 and 3 through 8 were arrested for minor in possession offenses

while interviewee 2 was arrested last year for a MIP and open container violation. Each of the interviews I conducted had the same questions which are listed as follows:

How old were you, where were you, and what was the size of your group?
What was the process of police approach?
What was the process of arrest?
What would you have done differently if you were given another chance?
Was this, in your opinion, the most intoxicated you've been on or around campus?
Will you continue to drink alcohol while under the legal drinking age?

All eight interviewees had comparable experiences and responded similarly to most of the questions. Interviewees 1, 3, and 6 were approached by officers after they noticed that their mannerisms showed signs of alcohol consumption. Interviewee 2 was leaving a popular bar downtown when an officer patrolling the area noticed he was carrying an alcoholic beverage in public. All eight interviewees were arrested but only interviewees 2, 3, 5, 7, and 8 were given a breathalyzer test before the arrest was made (a breathalyzer test is not necessary for a liquor law arrest.) Every one of the interviewees were taken to a holding cell and stayed overnight until they could post bail in the morning. Interviewees 1 and 3 had bail set at \$50 while interviewee 2 had bail posted at \$95 due to the open container charge. Interviewees 1 and 3 are currently awaiting trial in December and are unsure of how their cases will play out. Interviewee 2 was given continual discharge and after a 6-month probationary period, drug screening, and a rehabilitation program (the Integrity Project) his criminal record was expunged by the judge presiding over his case. Interviewee 2 said that in total, he spent around \$850 in fees and rehabilitation due to this arrest. At the time of the interviews, the eight offenders had spent approximately \$3,750 on legal fees and fines.

When asked what they would have done differently, all eight interviewees had similar thoughts, they each expressed that they would have done something to avoid police detection or

involvement, but no one said that they would not have violated the law in regards to minor in possession. They would not have gone back to the dorms, where police are typically patrolling on the weekend, or not have carried an alcoholic drink into public, would have kept running, or would have stayed with an older group of people to avoid detection (Interviewee 1, personal communication, October 30, 2018; Interviewee 2, personal communication, October 30, 2018; Interviewee 3, personal communication, October 30, 2018; Interviewee 5, personal communication, October 5, 2019; Interviewee 7, personal communication, October 6, 2019.) None of the interviewees said that they would not have consumed alcohol knowing that they were underage and in violation of the law. When asked if they would continue to violate the liquor laws while underage each interviewee said, some with hesitation, that they either had already violated the law again or would do so before they were of legal drinking age.

(Interviewee 1, personal communication, October 30, 2018; Interviewee 2, personal communication, October 30, 2018; Interviewee 3, personal communication, October 30, 2018; Interviewee 5, personal communication, October 5, 2019; Interviewee 7, personal communication, October 6, 2019.)

Even though all eight interviewees have been punished in some form by the law, they have said they will continue to drink underage and accept the risk that they could encounter another minor in possession arrest due to that. Each interviewee has or is currently treating their arrest as an unlucky situation and have seemed to accept that they were in the wrong place at the wrong time. Even though Interviewee 2 and 6 had to spend close to \$1,000 out of pocket to have their criminal record expunged, they continue to violate the same law today.

Peer Pressure, Conformity, and Social Acceptance.

To understand why young adults commit deviant acts and violate laws, we must first understand what motivates them to do so. In his book *Causes of Delinquency*, Travis Hirschi theorized; “There is no reason to assume that only those who finally commit a deviant act usually have the impulse to do so. It is much more likely that most people experience deviant impulses frequently. At least in fantasy, people are much more deviant than they appear (Hirschi, 2017, p. 32). This implies that we can not assume that those who violate minor in possession laws are the only ones compelled to do so. We must consider that most people want to violate the law or commit the deviant act, but only those with the proper motivation or social group will follow through and complete the deviant act or violate the law.

In theory, motivation to commit deviant acts and follow through with them can be based on the situation or circumstances surrounding the events. Juveniles will be more likely to commit a deviant act if prompted by their companions in order to portray courage, show loyalty to peers, or simply to get kicks (Briar, 1965, p. 36). We can assume that juveniles derive their deviance from social settings among their peers. Anyone can show their deviant nature when enough situational pressure is placed on them, although some need less motivation to partake in a deviant act.

Deviance can also be looked at as a group phenomenon. The belief that juveniles are not pushed into delinquency by strain or that they can not resist the impulse due to weak social controls is not unfounded. Juveniles can observe and learn from group interactions that some deviant acts can be encouraged and rewarded by a group, and that the rewards can often outweigh the potential punishments associated with delinquent behaviors (Hirschi 2017, p. 135). Many juveniles that violate liquor laws and are arrested from a minor in possession offense

violate the law in groups. Binge-drinking with friends is a powerful social bonding tool in many youth subcultures (Junger-Tas 2012, p. 337). This can be because of a party with free alcohol, a small gathering of friends in which someone has purchased alcohol for the group, or going out to a bar or restaurant that is either relaxed on checking I.D.s or using a fake I.D. to purchase drinks. Since alcohol can be acquired with little to no effort for many juveniles, it has become a social norm to drink while under the legal drinking age. With the pressure of the need to fit in amongst peers while in high school, college, or with colleagues from work, it is easy to see how a juvenile can feel pressured by their peers to conform to this illegal social norm. Many working and middle-class Americans view conformity among peers as a valuable trait and teach that to their children. Evidence also shows that most juveniles value conformity among their peers even more than adults do. This can create a subculture among juveniles that pressures one another to “be cool” and reenact things that they see on television or hear about through social media. This strong sense of esprit de corps and comradery among juveniles can lead to violating laws that they justify as unfair, such as drinking underage (Thompson, 2017, p. 266). Parents can also pressure their children into violating liquor laws. While in the state of Georgia it is legal for a parent to provide their child with alcohol while in their own home, many parents may instill in their child that drinking is a sign of growing up or coming of age. This social acceptance partnered with knowing that their parents encourage drinking to some degree can create a complex position for a juvenile that wants to be accepted and fit in with their friends and family.

Deterrence Methods

While arresting an offender for a minor in possession or other liquor law violation punishes the offender, it does not necessarily deter them from committing the crime again. As seen with all eight of the interviewees, once the offender is off probation they will most likely

violate the same law again. The purpose of a law is not only to punish an offender, but to deter the population from violating it to begin with. The law is our societies form of social control that helps dictate the behavior of our population. When born, we are brought up with behaviors and ideals that correspond with the law and help us to not commit immoral acts (Stevens 39.) Sadly, if we are raised in a society that has a general disrespect for a certain law, we will most likely violate that law when the opportunity presents itself.

When looking at forms of deterrence, there are many options and some have shown to be more successful than others. In 1983, the Drug and Alcohol Resistance Education program, also known as D.A.R.E., was introduced into elementary and middle school programs across the country. While the goal of this program was to teach children and juveniles to say no to drugs and alcohol while teaching them the negative affects they can have, the program proved unsuccessful. This program was so unsuccessful that D.A.R.E. lost its federal funding in 1998. The program was largely unsuccessful due in part to that fact that it introduced many impressionable children and juveniles to drugs and alcohol and taught them about the “fun” effects that they can cause.

One method of deterrence that was thought to be a successful form of deterrence among juveniles is called shock incarceration. Shock incarceration is usually utilized by taking a group of at-risk juveniles to a federal or maximum security prison and showing them what life in confinement is like. They are then told stories by inmates to teach them to be a law-abiding citizen and conform with moral social standards. This form of deterrence has been popular in the United States since the mid-80s and can even be seen on television on shows like Scared Straight. Unfortunately, this form of deterrence has been shown to create repeat offenders and its heavy reliance on humiliating and scaring juveniles has led to more resentment towards

authority, causing juveniles to retreat into their own youth subculture (Costanzo 367.) In the end, the most effective means of deterrence that the juvenile justice system has at their disposal is the use of rehabilitation and mentorship programs. For deterrence to truly be effective, the social norm that minors consuming alcohol is commonplace needs to change.

Addressing the Problem

In conclusion, minor in possession offenses and liquor law violations are a serious problem that every juvenile will face while growing up and attempting to establish a group of friends and peers. Being pressured to drink underage and violate what is generally regarded by many as a “pointless” law can be a serious stressor for a juvenile trying to abide by the laws set in place by his state and nation. For many, the need to conform and fit in among peers is worth the risk of getting caught. Many take the risk and never face any repercussions. A law that is so clearly disregarded by the majority of the population begins to call into question whether that law should still be in place. The problem as it stands is that many popular media and social groups show underage drinking in a positive light more often than they show it in a negative one. They do not address it as the rampant problem and that is the current reality. Until the population stops treating underage drinking as a social norm that everyone takes part in at some point in their lifetime, minor in possession offenses will always affect juveniles as they try to find their way in society.

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