



OFFICE OF THE
ORANGE COUNTY DISTRICT ATTORNEY

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DAVID M. HOOVLER
District Attorney

June 11, 2021

Dr. Frank Sheboy
Superintendent
Highland Falls - Fort Montgomery Central School District
P.O. Box 287
Highland Falls, NY 10928

RE: 2021 Spring and Summer Events

Dear Dr. Sheboy:

Spring is here again, and summer has almost arrived, as well. Due to the COVID-19 pandemic, we did not send you a letter like this last year, and we are overdue this year in reminding our students, their families, and ourselves, about the challenges that spring and summer may bring as our students transition between childhood and their futures as adults.

This year, like every other, spring and summer will be a time to celebrate for many children and their families. Proms, formals, graduations, and graduation parties all signify important rites of passage for students, events that are important bridges between students' activities in high school, college, and beyond. Unfortunately, what should be happy events too often end in tragedy. Too many children use illegal substances, leading many to alcohol or drug abuse or dependence, to physical fights, or to serious injuries or deaths from motor vehicle accidents. Those incidents occur more frequently each year, as we all continue to negotiate an epidemic of opiate abuse, an epidemic that doesn't discriminate based on class, or race, or gender, or geography, one that has only worsened during the past year of COVID. This year, more than ever, we must be vigilant in protecting our students from those dangers, due to recent legislation decriminalizing marihuana, legislation that, in our opinion, does not provide sufficient means to keep marihuana out of the hands of our children.

I and my staff have made one of our priorities the fight against childhood alcohol and drug use. I urge you to share this letter with your students and their families, so that they may all understand the priorities of my office, so that they may understand some of the legal consequences of drug and alcohol use and abuse by children, and so that they may take advantage of some strategies that can limit that use and abuse. Hopefully we and parents together can ensure the safety of our children this spring and summer.

New York State Penal Law Section 260.20 makes it a crime for anyone 18 years of age or older to provide alcohol to children under the age of 21. In addition, Penal Law Article 222 establishes various criminal penalties for people age 21 and over who provide marijuana to those under age 21, and the New York State Cannabis Law makes it unlawful for anyone under the age of 21 to possess marijuana. Finally, Orange County's Social Host Law imposes criminal penalties on anyone 18 years of age or older who knowingly allows underage drinking on premises under their control, or who fails to take steps to stop underage drinking once it is discovered on those premises. (Incidentally, the impetus for the Social Host Law was a party where underage drinking was allowed, resulting in a partygoer's being stabbed to death.) The Social Host Law's penalties apply to parties that are held on private property and on public property that is under the host's control, such as a municipal park or firehouse where a party is held. The Social Host Law also applies to anyone 18 years old or older, so an 18-year-old hosting underage drinking at his or her own graduation party could be charged under the law. The Penal Law sections and the Social Host Law are all meant to protect children from alcohol and drug consumption and its effects, and we take those laws very seriously.

Anyone hosting a party must refrain from serving alcohol to minors and must ensure that minors are not drinking alcohol on the premises, whether the host served it to them or not. Those responsibilities require parents and other hosts to provide adequate supervision for minors at parties, to ensure that underage drinking is not occurring. Parents should also discuss with hosts at other locations whether supervision is adequate at those locations. And, above all, no one 21 years of age or older should be providing marijuana to anyone under age 21.

Importantly, we should all remind our children to immediately seek medical attention for anyone experiencing a life-threatening medical emergency resulting from alcohol or drug consumption. New York's "Good Samaritan" Law prevents prosecution of drug- and alcohol-possession offenses committed by people whose possession of those substances is discovered as a result of their reporting such a medical emergency. Students who have saved someone's life by seeking medical attention should therefore not be afraid of being arrested for their own possession of illegal substances.

In the past few years, my office has sponsored two public-awareness campaigns directed at childhood substance use. First, *Connect 2 Disconnect* is designed to give parents and students some tools that might help them "connect" with their children and friends, in an effort to "disconnect" them from opiates. Second, the *You Permit It, You Promote It* campaign is directed at parents, to impress on them the dangers of allowing children to drink alcohol. Materials for both of those campaigns are available on request. In addition, if you would like to arrange for someone from my staff to speak in your schools on this subject, or any other, please just ask.

I hope that once again this spring and summer we can work together for the safety and happiness of our children as they step onto the bridge into adulthood.

Sincerely,

A handwritten signature in black ink, appearing to read "D M Hoovler". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

David M. Hoovler
District Attorney