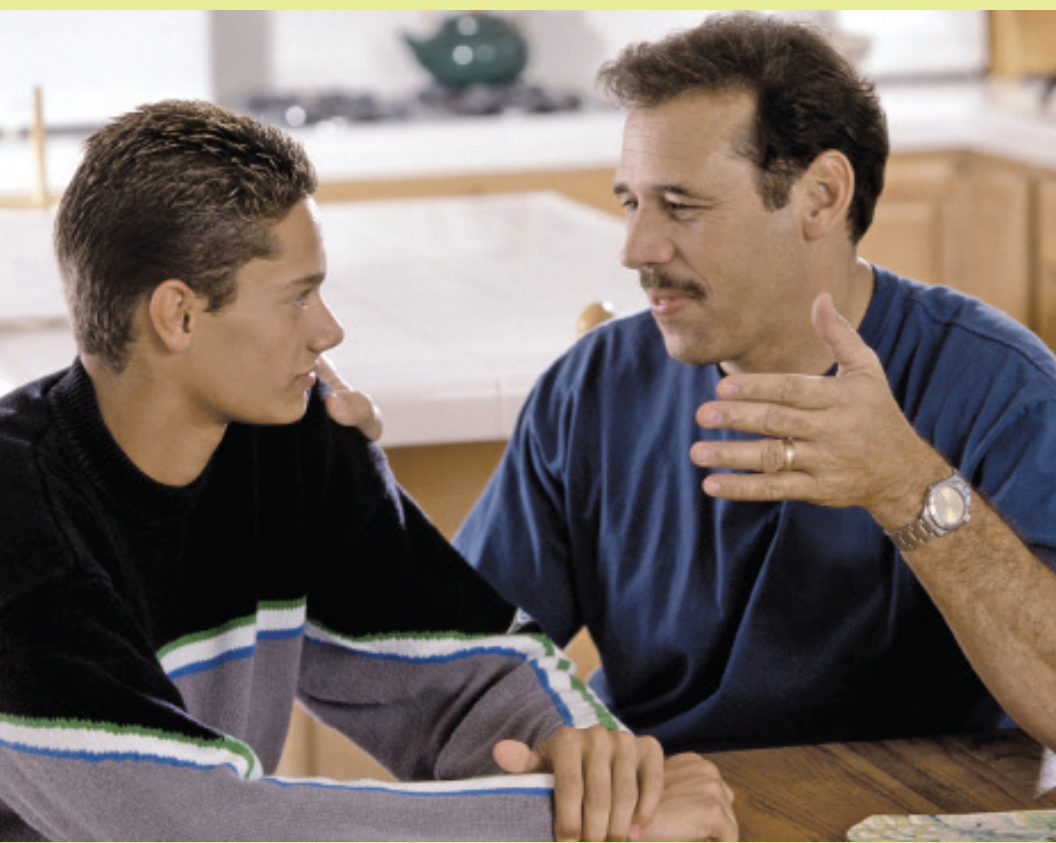


# driving under the influence

*a parent and teen guide*

Binge Drinking  
Underage DUI Laws  
Marijuana Use and Driving  
Teen Parties  
Tips for Parents & Teens  
And more...





# driving under the influence

*a parent and teen guide*

**Fourth Edition**

**Revised June 2013**

**The Alcohol & Impaired Driving Prevention Work Group  
of the Traffic Safe Communities Network (TSCN)  
Santa Clara County Public Health Department**

A project of TSCN in collaboration with  
the Trauma Center at Stanford University Medical Center,  
Santa Clara County Department of Alcohol and Drug Services,  
Santa Clara County District Attorneys Office and  
Santa Clara County Public Health Department,  
with support from the California Office of Traffic Safety.

**Dear Parent or Guardian,**

Auto crashes related to alcohol and marijuana use are one of the leading causes of death among teens in Santa Clara County. The Alcohol and Impaired Driving Prevention Work Group of Traffic Safe Communities Network developed this booklet to provide you with basic information for talking with your teen about driving under the influence (DUI). This can occur as a result of driving after drinking alcohol; using illegal drugs such as marijuana, prescription medications, or over-the-counter drugs that impair driving.

Research has shown that the number one reason that teens refuse to drink alcohol or use drugs is that they worry about what their parents will think of them. Parental involvement is critical in affecting teen behavior regarding alcohol and drug use. It's important for our teens to be safe behind the wheel by being alcohol and drug free. Please talk with your teen about this important issue.

**Dear Teen,**

This booklet is also for you. The pressures to drink or use marijuana in high school can be great, but the consequences can be serious. In addition to talking with your parents, we encourage you to talk with your friends. Pressure to drink and use drugs can come from the belief that “everyone’s doing it,” yet studies show that most teens are making positive choices, and you can be a positive role model for your friends.

We hope this booklet will help you begin these important conversations and strengthen your decision-making to choose health and stay safe.

Sincerely,  
*Alcohol & Impaired Driving Prevention Work Group*

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## Consequences For Teens

### Zero Tolerance Law

- California has a zero tolerance law. The legal maximum Blood Alcohol Concentration (BAC) is 0.01% for drivers under 21.
- It is illegal for persons under 21 to purchase or possess alcoholic beverages.
- It is illegal for those under age 21 to drink, buy, attempt to buy, possess or transport alcohol.

**In reality, “Zero Tolerance” means teens cannot drink any alcohol. In fact, less than one-half of a beer would put most teens over the legal limit.**

- It is illegal to use a fake ID to purchase alcohol.
- Anyone under 21 who drives with alcohol in his/her system will face license suspension or revocation for one to three years.
- Police will confiscate the license of a driver under the age of 21 with a BAC of 0.01% or greater. If a driver refuses to take a BAC test when asked by the police, his/her license will be suspended for one or more years.
- Drivers under 21 still can be prosecuted for Driving Under the Influence (DUI) with a BAC of 0.05% or more.
- A minor who is convicted of a drug or alcohol-related offense will suffer a one year license suspension, even if no driving was involved in the offense.

## **DUI Consequences**

- A DUI conviction stays on a driver's record for ten years.
- License is suspended for one year.
- Attend DUI education program.
- Pay fees and penalties totaling thousands of dollars.
- Limit job opportunities.
- Loss of college scholarships.

**59% of 11th grade students in Santa Clara County high schools have had at least one drink of alcohol in their lifetime; 33% of 11th grade students reported having used marijuana in their lifetime.<sup>1</sup>**

## **Other Consequences from Drinking and Drug Use**

- Expulsion from school and poor performance in sports and academics.
- Reduced inhibitions can lead to:
  - unplanned sex and unwanted pregnancies
  - exposure to sexually transmitted diseases
  - drinking and drugged driving crashes
- Criminal behavior
- Alcohol overdose or possibly death from alcohol poisoning

**24% of 11th grade students in Santa Clara county high schools have driven while drunk or ridden with a driver who had been drinking.<sup>1</sup>**

## Legal Consequences For Adults

It is against the law in California to provide alcohol to any minor, including your own child. Simply permitting a minor to consume alcohol in your home can result in serious legal consequences, discussed below. Also, if you buy alcohol for a teen who later seriously injures himself/herself or another, you face a minimum of six months in jail or as much as a year in jail. In addition to the criminal and civil consequences discussed below, providing alcohol to minors puts your child's good name, your reputation, and your family's relationship with other families at risk.

### Scenario 1

A parent encourages his daughter to host a party at home, believing that it's "safer" to have the party at his own home. He purchases a few six packs of beer, knowing some guests will be underage.

*This is against the law, even if the parent plans to be home and does not allow the guests to drive. This is also true whether the party is held inside or outside, and even if you are not home during the party.*

**The consequences:** For the misdemeanor conviction of providing alcohol to a minor, the adult can be sentenced to community service and fines of up to \$1,000, even on a first offense. Worse, the adult can be charged with contributing to the delinquency of a minor, even if the minor is your own child, and will face up to a year in jail, five years probation and a \$2,500 fine.

**The majority of underage drinkers reported that when they last used alcohol, they were in someone's home or their own home.<sup>2</sup>**



## Scenario 2

You allow your son and his friend to have a few beers while they watch a football game in your home.

*This is illegal and exposes you to prosecution for several crimes.*

**The consequences:** You face all the consequences described in Scenario 1. Additionally, if your son or his minor friend has a BAC over 0.05%, you allow him to drive and he crashes, you face prosecution for another crime with up to a year in jail and a stiff fine. You also face civil liability for damage caused by the minor.

**73% of 11th grade students in Santa Clara county high schools feel that it is fairly easy or very easy to obtain alcohol.<sup>1</sup>**

## Scenario 3

You provide alcohol for your son or daughter's party and a minor at the party falls and seriously hurts himself/herself.

*You've broken several laws.*

**The consequences:** In addition to the penalties described in Scenario 1, if you buy a minor alcohol and he/she later injures himself/herself or another, you face a minimum of six months or as much as a year in jail and a fine. You also may be required to pay money damages for the injuries caused by the minor. You face that same jail time and other consequences if the minor crashes and seriously hurts or kills someone or gets in a fight and seriously injures another.

## Estimated Costs for a First Misdemeanor DUI

The consequences of a first misdemeanor DUI conviction can be serious and can haunt the offender for many years. The following are estimated costs for a first misdemeanor DUI offense in California.<sup>3</sup> Subsequent offenses carry much harsher penalties.

Fines (minimum) .....	\$ 390
Penalty Assessment (170% of offense fine) .....	\$ 663
Tow/Impound Fee .....	\$ 150
Alcohol Education Class (3-12 mos.) .....	\$ 375
Auto Insurance Increase .....	\$ 6,600
Restitution Fund (minimum) .....	\$ 100
DMV License Re-Issue Fee .....	\$ 100
Attorney & Legal Fees (fees will vary) .....	\$ 2,500
<hr/>	
Total .....	\$ 10,878

### **Other costs include:**

- Value of lost work time and wages
- Medical costs
- Vehicle property damage
- Cost of ignition interlock device if required by a judge

If there is a crash or injuries, the costs could be many thousands of dollars more. Also, if there is an injury, the driver faces felony charges and prison time.

## Binge Drinking and Alcohol Poisoning Can Be Fatal

Binge drinking is defined as consuming five or more drinks in a row for males and four or more drinks in a row for females.<sup>4</sup> Alcohol poisoning is the most serious consequence of binge drinking and can result in death. Excessive amounts of alcohol can cause a person's brain to shut down functions that regulate breathing and heart rate.

### **Alcohol poisoning can be fatal. Call 911 if you suspect alcohol poisoning. Watch for these deadly signs:**

- Unconscious and cannot be awakened
- Cold, clammy, pale or bluish skin
- Breathing slowly or irregularly — less than twelve times a minute or ten seconds or more between any two breaths
- Vomiting, while passed out and doesn't wake up during and after vomiting

### **What can you do to help?**

- Call 911 if you suspect alcohol poisoning
- Do not leave the person alone
- Turn the person on his or her side
- Watch his or her breathing
- If you know CPR, perform as needed

## California Graduated Drivers License (GDL)

Traffic crashes are the leading cause of death in California, and drivers between the ages of 15 and 19 experience a very high number of motor vehicle collisions. To reduce crashes, serious injuries and traffic-related deaths involving teen drivers and their passengers, California enacted the Graduated Drivers License (GDL) in 1998. The law is designed to help teen drivers gain the knowledge, skills and experience needed to develop safe driving habits with minimal distractions. The Graduated Drivers License requires that all teen drivers obtain a drivers license through a three-step process. It is ultimately the parent's responsibility to ensure that the teen complies with the law.

**For teens, just one passenger increases their crash risk 48%. That risk grows as more passengers are added - a teen is 307% more likely to crash with three or more passengers.<sup>4</sup>**

The following briefly summarizes the three-step process:

- **Learners Permit** — Requires 50 hours of supervised driving, with 10 of those hours required to be nighttime driving. Must also have taken at least six hours of behind-the-wheel instruction. Parent or guardian must certify completion of those 50 hours by signing a form at the time of licensing.
- **Provisional License** — The timeframe is for 12 months after passing behind-the-wheel test or until 18<sup>th</sup> birthday. During this period, the teen driver must adhere to the following:
  - No driving passengers under 20 years old
  - No driving between 11 p.m. and 5 a.m. unless accompanied by licensed driver 25 years or older.

- **Full-Privilege License** — It is awarded after one year of provisional license if there are no outstanding DMV or court-ordered restrictions or suspensions.

## Distracted Driving

Distracted driving occurs when a driver's hands, eyes or mind are taken away from the task of driving. While distractions like eating and drinking, grooming, and adjusting the radio can cause a crash, the real dangers on the road today come from mobile device use and, for teens, getting too involved in conversation with others in the car.

In California, handheld and hands-free cell phones, smartphones, tablets and all other mobile devices are banned for drivers under age 18. Texting is illegal for all drivers. All of that applies to anytime you are on the road, including at stop lights. To prevent distracted driving, follow the tips below:

- Avoid temptation – turn off your phone and put it out of reach when you get in the car
- If you really need to talk or text, pull off the road to a safe parking area
- Never call or text anyone who you think may be driving
- Never reach across the car or down to the floor to grab something
- The driver needs to concentrate on the road. Let the others in the car talk and text. The average crash has less than 2 seconds of reaction time.

**Sending or receiving texts takes a driver's eyes off the road an average of 4.6 seconds. That is the equivalent, at 55 mph, of driving the length of a football field, blind.** <sup>5</sup>

## Being Effective Parents

### **When your son or daughter returns from going out at night, have some contact with him or her.**

When your teen comes home have a brief conversation.

- Did anything trouble your teen during the evening?
- Are there signs of alcohol or drug use — either in your teen or in his or her friends?

**In 2013, 95% of students attending a San Jose High School, reported marijuana was easy or really easy to obtain.<sup>6</sup>**

- If it's not possible to stay awake to greet your teen, set an alarm for curfew time so you can greet your teen when he or she comes home.
- If you prefer not to be awakened during the night, tell your teen that you are going to set an alarm for a time shortly after curfew. Expect your teen to come quietly into your room and turn off the alarm. In this way, if the curfew is observed, you will not be awakened. If, on the other hand, your teen is not home when he or she should be, you will know.
- In the morning, have a brief conversation about what happened during the evening.

**Youth who start drinking before age 15 are five times more likely to develop alcohol dependence or abuse later in life than those who begin drinking at or after age 21.<sup>7</sup>**

### **Establish a curfew and enforce it.**

Even though teens may protest, they expect and often want parents to set limits for them. Make your expectations clear. Let your teen know that if anyone in the car has been drinking they should call you instead of rushing home to make curfew. Also, tell your teen to never risk a crash in order to be home on time. Instead, require your teen to call if there are any delays.

Teens aged 16-18 with California provisional licenses cannot drive between 11 p.m. and 5 a.m. for the first year without a licensed driver 25 years of age or older in the car. Therefore, 11 p.m. should be the absolute latest curfew for a young driver. Make sure your teen knows in advance the consequences of breaking curfew — both legally and at home.

### **Role-play with your teen.**

Your teen will be better able to deal with difficult situations if he or she has prepared a response in advance. Practice “What would you do if . . . ?” and fill in the blanks. For example, ask: “What would you do if someone offered you a joint . . . or your ride home has been seen drinking . . . or your best friend asks you to a party where ‘everyone’ is going to try a drink?” These conversations should be light-hearted. The point of role-playing is not to dictate policy, but rather to let your teen rehearse his or her responses, to which you can offer constructive feedback.

**Keep inviting your teen’s friends to spend time with you.**

Even busy teens enjoy a good dinner before going out with friends for the evening. Inviting friends over for dinner will be an opportunity for teens and parents to get to know each other.

**Don’t be afraid to be a parent rather than a “friend.”**

Although it’s natural to progress toward a more adult relationship with your maturing teen, do not give up your role as a parent too early. Tell your teen that he or she can use you as an excuse to get out of uncomfortable situations. “My mom will ground me if I . . .”

**Involve your teen in the discipline process.**

Before it’s too late, teens should know the consequences for breaking family rules — getting speeding tickets, missing curfew, drinking, etc. If you have discussed the rules and consequences together, the rules will be easier to enforce.

**Take advantage of “teachable moments.”**

When a TV show or movie makes drinking, using drugs, or driving wrecklessly seem cool, take the opportunity to talk to your teen.



# Suggestions For Teens

## Scenario 1

You and a friend drive together to a party. Your friend drinks two beers and at the end of the evening says to you “come on — let’s go.” This is your only close friend at the party, and you know you have to be home in a half-hour because of your curfew. You know you shouldn’t drive home with your friend, but you don’t want to hurt her feelings and you need to get home.

**What you could do:** You don’t want to jeopardize your friendship nor do you want to be home late — but you also know that you shouldn’t drive with someone who has been drinking. **DON’T DRIVE WITH ANYONE WHO HAS BEEN DRINKING.** Your first priority is to get home safely. Consider the following:

1. Ask your friend for the car keys and drive her home, then drive yourself home.
2. If your friend resists giving you the keys, ask others at the party to help convince her to give up her keys, even if that means asking the parents.
3. If you know others at the party that you trust are sober, ask them to give both you and your friend a ride home. If that’s not possible, call a friend, your parents, or Safe Rides (if it exists in your city) and ask for a ride home.

Whatever you do, don’t give in. Friends don’t let friends drink and drive. In the morning, you’ll have a safer and maybe an even closer friend.

## Scenario 2

Your older brother is home from college and your parents are out of town. Your brother allows you to invite friends over. You know that this is a perfect opportunity to throw a party. Since your brother is 21, you ask him to buy some beer for you and your friends and he agrees to do it. Your brother may not realize that buying alcohol for teens is illegal and he could get in trouble for it.

**What you could do:** Consider the situation you are putting your sibling in. How would you feel if your older sibling were arrested? Since he is over 21, he will suffer the same legal consequences as any other adult who provides alcohol to minors.



Is this worth it? Instead of serving alcohol, plan a party where non-alcoholic beverages are served such as soda, water, non-alcoholic Margaritas, or non-alcoholic Spritzers.

*For the above mentioned non-alcoholic drink recipes, visit the National Highway Traffic Safety Administration at [www.nhtsa.gov](http://www.nhtsa.gov)*

### Scenario 3

You are at a party and you see that alcohol is being used. Someone at the party offers you a drink.

**What you could do:** Saying no can be tough, especially if you're not expecting pressure from others. Sometimes, a simple "No thanks" works well. Here are some other tips to turn down a drink:

- **Say "No thanks":** "I'm driving tonight;" or "I'm the designated driver;" or "It's a bad combination with the medicine I'm taking."
- **Blame a parent:** "My parents would ground me for life if they knew I was drinking!"
- **Remember your goals:** "No way! I want to make the team;" or "I have a game/practice tomorrow;" or "Not for me, I have to work tomorrow morning."
- **Be honest:** "I don't drink;" or "I hate the taste;" or "No thanks; it's not for me."
- **Hold a cup filled with soda, water or juice.**
- **Walk away:** You don't have to say anything.

Plan with a friend beforehand what each of you will do at the party. It may be easier when the decision not to drink is a team effort.

Once you have made a choice not to drink, stick to it. You'll respect yourself more for standing up for your beliefs if you don't let others talk you into drinking. Your friends will also respect your confidence.

## Tips for Parents When Supervising Teen Parties

### **When the party is at your home**

#### **Before the party . . .**

- Decide with your teen which areas of the house will be used and which are off-limits.
- Discuss acceptable behavior and the consequences of unacceptable behavior.
- Reinforce with your teen that you won't be serving beer, wine, hard liquor or controlled substances to guests because it's against the law.
- Make sure you're home at all times during the party.
- Welcome phone calls from parents calling to ask about the party at your house. Affirm that you will be enforcing guidelines for behavior.
- Keep a guest list of those invited to the party.
- Speak with your neighbors ahead of time about the party, possible noise and traffic.
- Discuss with your teen ways to handle problem guests. Let your teen know that he/she can call on you if he/she needs help.
- Remove prescription and non-prescription medications from bathrooms and bedrooms, lock up wine or liquor cabinets, and remove your personal supply of wine or beer from the refrigerator. Place these items in a room that you've designated as off-limits to the teens.

**During the party . . .**

- Have guests leave heavy coats and backpacks with you.
- Don't allow a guest inside if he/she is carrying any beverage you have not inspected. Teens may conceal alcohol in another container.
- Make it clear that once a guest leaves the party, he/she may not return.
- Serve snacks in small bowls so that you have an obvious reason to enter the party area frequently.
- Without being intrusive, watch for signs of alcohol use. Don't simply disappear in your room for the evening.
- Be at the door as the party draws to a close. Don't let anyone drive if you suspect they are under the influence.
- Don't hesitate to call a teen's parents or the police if problems develop or uninvited guests crash the party.

**When the party is elsewhere****Before the party . . .**

- Set ground rules. Let your teen know the curfew and your expectations for appropriate behavior.
- Ask to be informed if plans change.
- Discuss ways to handle unexpected situations, such as the presence of drugs or alcohol or unwanted sexual pressure.
- Make sure you and your teen have a mutual understanding about transportation arrangements — both ways.

### **During/after the party . . .**

- Make it easy for your teen to leave the party if he or she wants “out” for any reason. Tell your teen that you are always available to drive him/her home.
- Be awake when your teen comes home. Let your teen know that you appreciate his/her following the rules. Have a brief conversation and watch for signs of intoxication.
- Sleepovers, if you allow them, present a need for special attention because you cannot observe your teen at the end of the evening. It’s a good idea to check in with the hosting parent during the evening.
- If you believe substances have been used or other rules have been violated, wait until the next day to talk things out. Follow through on consequences.

### **When the party is at your house, but you don’t know it**

- If you are going to be away for longer than an evening, call your neighbors and give them the phone numbers where you can be reached.
- Call the parents of your teen’s close friends to let them know that you’ll be gone and what is permitted at your home during your absence.
- Have a responsible adult (relative, friend, neighbor) supervise your teen and your house while you’re away.
- If your teen throws a party anyway, pre-arrange for a neighbor to call the police to shut down the party if things get out of control. Tell your teen you have done this.

## Myths About Drinking and Driving

### **One drink doesn't affect driving.**

**False.** Each 0.02% increase in BAC places 16 to 20 year-old drivers at an increasingly greater risk for a crash. The crash rate of young drivers is substantially higher than those of older groups, even at low and moderate BACs.

### **Beer and wine are “safer” than hard liquor.**

**False.** One serving of each has the same amount of alcohol and has the same effects on the body and brain. One drink equals:

- 12-ounce can of beer → = 1 drink
- 5-ounce glass of wine → = 1 drink
- 1-ounce of hard liquor → = 1 drink

### **Cold showers, fresh air or hot coffee help sober you up.**

**False.** Time is the only cure. It takes most people over an hour to eliminate a beer or a glass of wine — even longer for teens. All you do when you give a drowsy drunk a cup of coffee is create a wide-awake drunk.

### **Everyone reacts to alcohol in the same way.**

**False.** There are many factors that affect reaction to alcohol, including weight, gender, physical makeup, age, illness, fatigue, etc.

## Resources

### **On-line Resources**

These resources provide general information on traffic safety issues and substance use.

**AAA Foundation for Traffic Safety**

*[www.aaafoundation.org/teen-drivers](http://www.aaafoundation.org/teen-drivers)*

**California Department of Motor Vehicles (DMV)**

*[www.dmv.ca.gov/col/teen/teen.htm](http://www.dmv.ca.gov/col/teen/teen.htm)*

**Distraction.Gov**

*[www.distraction.gov](http://www.distraction.gov)*

**Impact Teen Drivers**

*[www.impactteendrivers.org](http://www.impactteendrivers.org)*

**National Highway Traffic Safety Administration (NHTSA)**

*[www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)*

**Mothers Against Drunk Driving (MADD)**

*[www.madd.org](http://www.madd.org)*

**Stop Underage Drinking**

*[www.stopalcoholabuse.gov](http://www.stopalcoholabuse.gov)*

**Substance Abuse and Mental Health Services Administration**

*[www.samhsa.gov](http://www.samhsa.gov)*

**Voices United**

*[www.voicesunited.net](http://www.voicesunited.net)*



## **Local Resources**

### **Teen Resources**

Community Advocate Teens of Today (CATT)

*www.facebook.com/CATTSCC*

(408) 793-2700

National Organizations for Youth Safety

*www.noys.org*

Students Against Destructive Decisions

*www.casadd.org*

(323) SADD-101

Traffic Safe Communities Network

*www.facebook.com/TSCNYouth*

(408) 793-2700

Voices United

*www.voicesunited.net*

(408) 292-7292

### **Treatment Programs**

Santa Clara County Adolescent Treatment

(408) 272-6518

Santa Clara County Gateway for Adult Treatment

1 (800) 488-9919



**Resources, continued****Counseling Services**

Adolescent Counseling Services

(650) 424-0852

*www.acs-teens.org*

Bill Wilson - Contact Cares

(888) 247-7717 (24-Hours)

*www.billwilsoncenter.org/services/all/contact.htm*

National Hopeline

(800) 784-2433 (24-Hours)

*www.hopeline.com*

**Awareness/Education/Support Services**

Mothers Against Drunk Driving (MADD)

(800) 426-6233

*www.hopeline.com*

Voices United

(408) 292-7292

*www.voicesunited.net*

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## Parent/Teen Agreement

### Teen

I understand that the legal age for drinking is 21 years old and that there is a Zero Tolerance Law in California that prohibits anyone under the age of 21 to drive with any alcohol in their system. In order to stay safe, I agree to:

- Never drive a vehicle under any circumstances if my driving is impaired by alcohol or drugs.
- Never be a passenger in a vehicle where I know that the driver is impaired by alcohol or drugs.
- I promise to contact you, my parents, or a family member, friend, or Safe Rides to drive me home if I have had any alcohol to drink or used drugs. If none of these options is available to me, I promise to remain where I am and not drive or be driven by someone who has had any alcohol or drugs in their system.
- I will always wear my seatbelt when riding in a vehicle, whether I am the passenger or the driver.

### Parent

- I promise to pick you up and drive you home if you contact me because you need a safe ride home.
- If you've called for a ride home, I promise to discuss the situation with you calmly and fairly.
- I will always wear my seatbelt when I am riding in a vehicle, whether I am the passenger or the driver.

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Signature of Teen

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Date

---

Signature of Parent

---

Date

## Acknowledgments

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California Highway Patrol

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## Participating Agencies

Thank you to the following agencies participating in Traffic Safe Communities Network (TSCN) in Santa Clara County for contributing their support to the project:

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American Medical Response (AMR)

California Highway Patrol (CHP)

Department of Motor Vehicles (DMV)

Mothers Against Drunk Driving (MADD) Bay Area Chapter

Office of the District Attorney, County of Santa Clara

San Jose Police Department Traffic Enforcement Unit (TEU)

San Jose State University

Santa Clara County Board of Supervisors

Santa Clara County Department of Alcohol & Drug Services

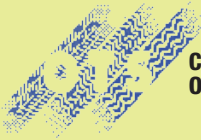
Santa Clara County Public Health Department

Santa Clara Valley Medical Center Trauma Service

Stanford University Medical Center Trauma Service

Sunnyvale Department of Public Safety

Voices United



**CALIFORNIA OFFICE  
OF TRAFFIC SAFETY**



Santa Clara County  
**PUBLIC  
HEALTH**



For copies of this booklet in Spanish or Vietnamese, contact Traffic Safe Communities Network of Santa Clara County. For more information about underage drinking and driving, how to join the Alcohol & Impaired Driving Prevention Work Group, or to give input for the next edition of the guide, please contact:

**TRAFFIC SAFE COMMUNITIES NETWORK  
IN SANTA CLARA COUNTY**  
Alcohol & Impaired Driving Prevention Work Group  
Sobrato Center for Nonprofits – San Jose  
1400 Parkmoor Avenue, Suite 120B, San Jose, CA 95126  
(408) 793-2700 - [www.facebook.com/TSCNYouth](http://www.facebook.com/TSCNYouth)

