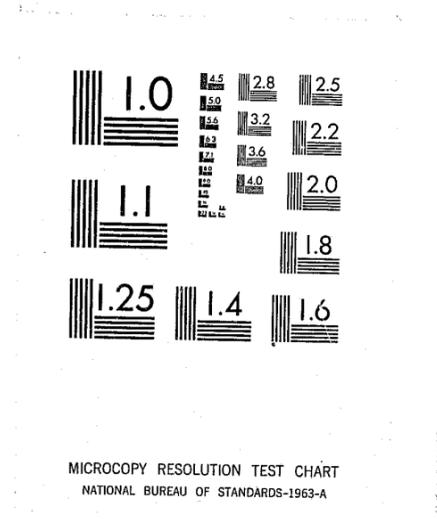


National Criminal Justice Reference Service



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National Institute of Justice
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REPORT
OF THE
SUBCOMMITTEE
TO STUDY
THE PUBLIC INEBRIATE

U.S. Department of Justice 85765
National Institute of Justice

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Virginia State Crime Commission
801 East Broad Street, Suite 701
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Special thanks to Dr. Rudolph Gordon, Norfolk State University; Mr. James Kouten, Division of Justice and Crime Prevention, and Mr. Frank Patterson, Department of Mental Health and Mental Retardation.

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The Virginia State Crime Commission undertook the study of the public inebriate to assess the impact that inebriates have on the criminal justice system and to determine how to best handle this problem. Ten public hearings were held across the state to gather information and seek advice from law enforcement officials, commonwealth's attorneys, magistrates, judges, private and public treatment professionals, merchants, and interested citizens. Last year, there were almost 60,000 arrests in the Commonwealth. This figure does not reflect the incidences of disorderly conduct, loitering, petty larceny, and other offenses that frequently are directly related to alcohol abuse. Law enforcement officials, judges and magistrates across the state expressed concern for the burden that these arrests place on their time and limited resources.

Figures vary from locality to locality, with inebriates arrested averaging from 26 to 53 percent of all jail commitments. One sheriff said that on weekends 80 percent of his cells are occupied by inebriates. At this writing, well over 75 percent of Virginia's jails are overcrowded. Sheriffs do not have adequate room for inmates who are sentenced to the jails. Inebriates, who under present law cannot be given jail time, are tying up precious bedspace.

Virginia law provides that persons arrested for public drunkenness can only be jailed as long as they are a threat to themselves or to others. Actual detention varies according to jurisdiction, with stays averaging 4-16 hours. When fined for the misdemeanor offense of D.I.P., many inebriates cannot afford to pay their fines and cannot be jailed for failure to pay.

Another problem is that of recidivism. Law enforcement officers in urban and rural areas alike can name the "problem drunks" in their respective jurisdictions, often by first name. Most officers will take an inebriate

home, or try to find a family member or a friend who will take responsibility for him in order to avoid placing him under arrest. But many of the "true" inebriate population have no home. National statistics show that 77 percent of inebriates are homeless; based upon information received at the public hearings, we assume that Virginia's statistics are similar. This contributes to the revolving-door syndrome in the jails. Sheriffs told of individuals who had been arrested 50 to 100 times in one year; the record number for one year in the state was 100 arrests. The general consensus in the Commonwealth is that recidivism rates are as high as 95 percent. Arresting inebriates serves as no deterrent. Many even look forward to going to jail as a means of escape from inclement weather conditions.

Jail is an expensive and time consuming means of dealing with this population. When one considers the time and effort of police officers, magistrates, jailers, court clerks and judges in handling one inebriate, the hours as well as dollars are staggering. Most law enforcement officers estimate one-half hour to an hour per inebriate arrested; 30-45 minutes to book and place in holding; as well as considerable time in court. The time and resources involved in each arrest, when multiplied by 60,000 arrests is a drain on the entire criminal justice system.

Medical costs magnify the expense of handling many inebriates. In the City of Bristol, medical bills exceeded \$2,300 for a period of one month. In Rocky Mount, a small rural town, one man's medical bill was \$1,500 and thirty-five inebriates' bills totaled \$14,000 last year.

Across the state, the need for twenty-four hour, "sobering-up" facilities was voiced. Several localities, of which Winchester and Alexandria are good examples, have established "Social" or "Environmental" Detox Centers which are designed to provide care for the inebriates and to divert them from the jails.

Following consideration of a number of strategies for positive action, the subcommittee recommends the adoption of a "sobering-up station" or "public safety" model. A working model of a facility would show it to be housed in a community structure meeting zoning and health department requirements. At least two meals would be provided each day. Residents would be "logged in" upon arrival and allowed to stay up to 72 hours. No specific treatment would be offered, yet staff would be responsible for the general welfare of clients and for referrals for services. Program staff would be able to monitor and interpret vital signs, administer first aid, and determine the need for professional medical assistance.

Transportation of the public inebriate to the detox center would be the responsibility of local law enforcement officers, private citizens, the inebriate himself, or the detox facility. If the inebriate is inappropriate for admission or refuses admission to the facility, he would be arrested and jailed as long as he is considered a threat to himself or to others.

Each of these centers would be under the direction of the Department of Criminal Justice Services, and would work closely with the Department of Mental Health and Mental Retardation, local mental health and health services providers, local law enforcement personnel and the local government. Based upon the experience of pilot programs, this type of program is ready to be implemented statewide.

Development of these programs will relieve the overcrowding in the jails as well as provide effective crisis and survival care. It will present the opportunity for motivating the client beyond the revolving-door condition. Avenues will be opened for referral, for those interested, to existing treatment programs. The costs to and time of law enforcement officers,

magistrates, jail personnel, and court officials may be significantly decreased.

It has been decided that an additional surtax on distilled spirits would be the most appropriate revenue source to fund these programs. The subcommittee proposes an increase of 26 cents per gallon, 25 cents to go toward the operation of these facilities and one cent for central administrative costs. Based on the 1980 sales of 9,325,430 gallons of distilled spirits, revenues of \$2,424,611.80 would be generated.

Legislation will be necessary to provide for the ABC tax and to establish these programs. This is currently being drafted for consideration during the 1982 Session of the Virginia General Assembly.

END