

Submission

1997 Herman Goldstein Excellence in Problem Solving Award**"Repeat Alcoholic Offenders in Downtown St. Petersburg"**

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Introduction

This Problem Oriented Policing Project started as a result of repeat alcoholic offenders in the downtown business district of St. Petersburg, Florida. Officer McKinnon looked at the overall problem with the drunks in the downtown area and decided to start the project with repeat ordinance offenders. These were the hardcore alcoholic offenders, who have been in the city for years and had multiple arrests for ordinance violations, along with other misdemeanor and felony arrests. Seven alcoholic offenders were targeted at the beginning of the project. Officer McKinnon looked at two sides of the triangle, victims and offenders as the main focus of the project. The guardians also became a large resource for handling this problem as the project developed.

Analysis showed that these offenders had multiple arrests, served light sentences, and cost the taxpayers thousands of dollars a year. The downtown business community felt that putting up with drunks was a part of doing business in the downtown and didn't feel there was any way to get rid of the drunks.

The response was to enforce all ordinance violations, set up a court watch, blanket trespass warnings on vacant property, and meet with other guardians who could help with solving the problem.

This project has been a huge success mainly because of the efforts of so many professionals to make it work. This project is now into its second year and we are in the process of looking at 1996 data and comparing it with our 1997 data.

On March 4, 1996, Officer McKinnon started a Problem-Oriented Policing project that could have an impact on every downtown business community in our country.

Scanning:

Officer McKinnon then proceeded to identify the offenders, victims, locations, and guardians.

Offenders:

Drunks in the downtown area are being arrested for misdemeanors in the downtown area. These include, disorderly intoxication, disorderly conduct, brawling, panhandling, drinking in city parks, open containers, and drinking within 500 feet of a business selling alcohol. They have also been arrested for several felonies in the downtown area. These include, strong armed robbery, burglary to businesses, residences, and automobiles. The drunks are also involved in setting fires in vacant and boarded up buildings.

The drunks also cause environmental problems that include urinating and defecating in public places, (doorways and alleys). The drunks leave trash, empty beer and wine bottles everywhere in the downtown area. They leave cardboard and other bedding items, they use to sleep on in vacant buildings, on porches of occupied buildings, and posted no trespassing property.

Victims:

The business community are the victims of panhandling, theft, drunks passed out in their doorways, when they open their business in the morning hours. Drunks are hanging around the restaurants begging for free food. If the business owner gives them food or drink, then the

subject tells other drunks where to get a free handout. This causes a bigger problem when the business quits giving away the food and drinks. The drunks then walk by the restaurant and if they have outside tables will grab food from customers or return when the business is closed and break in stealing food and alcohol. One business owner who was having a burglary problem who was interviewed could not believe that by helping people who were down and out would result in his business becoming a target for burglary. In the interview it was learned that the only thing missing in each burglary was alcohol. He had been inviting a drunk in for free coffee and donuts in the morning and when he ended the free coffee and donuts, his business was burglarized. Business owners come to work in the morning and find empty wine and beer bottles in their doorways, along with other trash.

Tourists are the victims of strong armed robbery and panhandling. Even the drunks themselves are the victims of strong armed robberies. Some of the drunks are receiving some money at the beginning of the month, which makes them prey to other drunks or becoming victims to offenders who wait until they are passed out somewhere and take there money or beat them up to rob them of their money. We have had drunks fall asleep on sea walls and roll into the water and drown. Drunks have walked out in front of cars in the downtown and been hurt or killed.

Police officers have been injured dealing with disorderly drunks, or have been exposed to disease. An example of this is one of our transport drivers caught tuberculosis and was out of work for a year.

Property owners have suffered damage to their buildings when drunks have broken into them to

sleep and then passed out setting the building on fire.

The Firefighters also are victims of drunks. They respond to person down calls running red light and sirens. When they arrive and find a drunk passed out, they still have to check him out and wait for the police to arrive to remove him. Sanitation department is also a victim, since they assist cleaning up after the drunks. A closed church in the downtown area was being used as a trash dump for empty bottles, bedding, and trash. Sanitation came in and assisted with a clean-up but within a month the church was again trashed.

Location:

The location of this problem that Officer McKinnon addressed was from 5th Avenue South to 5th Avenue North and east from 9th Street to the bay. (See page one of supporting documents). This area is mostly a business district but also contains rental property and some private owned housing. This area has always been a vacation spot for drunks in the winter and some have decided to remain year round. One of the main problems is that a soup kitchen that is setup for feeding the homeless also feeds the drunks and is located in the above area.

Guardians:

The Police Department, Fire Department, Sanitation department, States Attorney, Detox Centers, County Jail, Downtown Business Community, Chamber of Commerce, City Hall, Judges, State Legislature, St Vincent DePaul (soup kitchen), and the Downtown Core Group Business Association represent the guardians.

Immediate Action:

Multiple arrests for ordinance violations, trespassing, disorderly conduct, disorderly intoxication, and for failure to appear warrants on above charges when notice to appear given in lieu of arrest.

Analysis:

The alcoholic offenders in the downtown area are supported by St. Vincent DePaul Society feeding the offenders at 757 Arlington Avenue North, the various churches feeding the offenders in the City Hall parking lot, and they are given clothing by the walk-in center located at 435 11th Avenue South.

The alcoholic offenders are repeatedly arrested by the Downtown Deployment Team, which is made up of nine officers working on golf carts and bicycles in the downtown area. The arrests are for ordinance violations consisting of drinking in city parks, drinking within 500 feet of a place that sells alcoholic beverages, and open containers. The offenders are also arrested for disorderly conduct, primarily urinating and defecating in public places, disorderly intoxication for appearing in public drunk and disorderly, and are repeatedly taken into custody under the Marchman Act.

The alcoholic offenders are known to do strong armed robberies to each other and citizens traveling by foot in the downtown area. The alcoholic offenders are also involved in burglaries and thefts to support their alcoholism and frequently arrested for trespass in vacant buildings and on porches of occupied buildings. Many alcoholic offenders are sent from other cities within the county to group homes and ACLF facilities within our city. Many of these alcoholics are

transients who come to Florida because of the environment and facilities that support them.

Officer McKinnon then went to Crime Analysis and found that multiple arrests of offenders is not the solution to the problem. Instead of trying to attack the problem involving all the drunks in the downtown area, it was decided to target individuals that met specific criteria. The below listed individuals were selected as the target group to reinforce the idea that multiple arrests are not a solution:

Fred Bruce Murray, 30 arrests since 1986, 12 arrests in 1995 and 6 already in 1996. Total documented time sentenced, 759 days. Marchman Acts, 17 in 1995.

George Penrod, 122 arrests since 1986, 28 arrests in 1995 and 3 arrests in 1996. total documented time sentenced, 759 days. Marchman Acts, 6 in 1995.

Mitchell Dennis, 96 arrests since 1986, 13 arrests in 1995 and 2 arrests in 1996. Total documented time sentenced, 146 days. Marchman Acts: 4 in 1995.

Timothy Allen Irwin, 13 arrests 1994-1996, 7 in 1995 and 1 in 1996. Total documented time sentenced, 5 days.

David R. Miller, 105 arrests since 1987, 9 arrests in 1995 and 2 in 1996. "Miller was in jail on aggravated battery charges for about six months of 1995. Total documented time for alcohol related charges, 287 days. Marchman Acts, 3 in 1995.

David Jarrell, 59 arrests since 1989, 6 in 1995 and 1 in 1996. Total documented time sentenced, 68 days. Marchman Acts, 4 in 1995.

Carl Frederick Hirsch, 20 arrests since 1989, 9 in 1995 and 2 in 1996. Total documented

sentence, 30 days.

These alcoholic offenders became our target group since they account for a total 84 arrests and 34 Marchman Acts for the year 1995. Conservatively estimating that it takes one hour per arrest and one half hour for each Marchman Act, the combined total of police time to deal with these offenders equals 101 hours, or \$1818.00 of the police budget. This does not figure in equipment and equipment maintenance. The alcoholic offenders represent 101 hours of police time that could be dedicated to other police activity.

Officer McKinnon then had a meeting with the Fire Department to discuss the cost factor for the Fire Rescue Units responding to alcohol related calls, such as man down and then arriving finding a drunk passed out. Captain Wimberly who is the St. Peterburg Fire Department Rescue Operations Officer advised that he was not able to come up with exact cost figures: but estimated that alcohol related calls, totaled 319 calls in the downtown area in 1995. The estimated cost to the taxpayer for 1995 was in the area of \$50,584.00. Captain Wimberly also advised Officer McKinnon that he is going to institute a better tracking system to get an accurate account, month by month of alcohol related Fire Rescue runs. This will enable the Fire Department and Officer McKinnon to cross check the effect of this project on whether the rescue calls are decreased and how much money is saved.

Officer McKinnon then had a meeting with Officer J. Peterson and had him obtain information from the Pinellas County Jail. The legal jail capacity is 1837 inmates. The average for the year is 2087. As of 12 March 1996, the jail housed 1083 inmates. The average booking during a one

day period is 200 persons with an average of 140 inmates released. The jail is usually at full capacity. A new wing is due to open March 1998 that will add 750 beds to the jail complex.

Officer McKinnon then contacted Bayfront Medical Center Hospital to find out the cost factor when a drunk is brought to the hospital for medical clearing. The following is a list of charges:

Emergency Room basic ward charge, \$153.30

Physicians charge, \$100.00 to \$150.00

X-Ray if injured, \$118.00 and up

Injured wrist or elbow, \$58.00 to \$128.00

Basic lab fees, \$18.00 to \$35.00

Pathology fees for reading lab work, X-rays, etc., undetermined

A hospital employee stated that the fees for medically clearing a drunk person for jail could amount to \$500.00. The patient is billed for all fees; but if the patient has no income and no insurance, then the hospital assumes the bill. If the charge is criminal the hospital bills the police department for payment.

Officer McKinnon then set up a meeting with the States Attorney Misdemeanor Division. Shawn Crane and several other attorneys were in attendance. Officer McKinnon presented the attorneys with a synopsis of his project and asked for suggestions on how by forming a partnership they could work on resolving this problem. Most of the attorneys in the meeting were aware of the seven repeat alcoholic offenders on the list. The attorneys advised Officer McKinnon that when one of the seven were arrested to contact the dispatcher at the States Attorneys Office and leave a

message for the attorney assigned advisory hearings the next day. Also suggested, was the officer making the arrest attend the advisory the next day when one of the seven were arrested. The attorneys felt this would show the judge that the police department was taking an interest in the case would give enhanced penalties, instead of letting them out the next day with time served. After the meeting, Officer McKinnon gave a list to Sergeant Simmons, who distributed it among the other Downtown Deployment Team Members and all the 911 responders in Zone 42. Officer McKinnon then talked to several of the downtown business community, who had dealt with the seven offenders, and found that they were willing to go to court and speak in aggravation of the targeted alcoholic offender.

It was decided that the list of offenders would never exceed ten and no one would be added to the list until one of the targeted individuals was removed from the list. The criteria for being on the list was six arrests in a twelve month period. Officer McKinnon also had a meeting and a court watch was set up for the offenders. If an officer could not make it to court involving one of the offenders, then the officer will notify Sergeant Simmons or Officer McKinnon so arrangements could be made to make sure someone was at the advisory hearing.

Response:

The first arrest off the list came on May 22, 1996 and involved George Penrod for possession of an alcoholic beverage in a city park. It was noted on the affidavit that the defendant had over 100 prior arrests. The officer attended the next days advisory hearing and George Penrod was sentenced to 60 days in jail.

The update for current data is as follows:

Fred Murray has been amended from 6 arrests in 1996 to 9 arrests to date.

George Penrod has been amended from 3 arrests in 1996 to 5 arrests to date.

Mitchell Dennis has been amended from 2 arrests in 1996 to 4 arrests to date.

None of the other persons on the original list have been charged as of May 22, 1996

Two Persons were added to the original list:

Allen Duke, arrested 9 times in 1995, and already 5 arrests in 1996.

Darryl Stanton, arrested 3 times in 1995, and has 5 arrests in 1996.

On June 11, 1996, Officer McKinnon arrested Fred Murray, and Lawrence Crone. They were in the bathroom in the handicapped stall. Officer McKinnon attended the advisory hearing the next day and the judge offered the two a six month stay at the ACTS program which is an alcohol treatment center in Tarpon Springs. Fred Murray opted to go into the program, while Lawrence Crone advised the judge he was not going into a six month program. The judge asked him if he would like 45 days in jail even though he is not on our list. He ended up assigning him a Public Defender and upping his bond from \$50.00 to \$250.00. When he returned to court he was sentenced to eleven days in jail.

Officer McKinnon kept in touch with Annie Vinvant, the Court Liaison for the ACTS program, who advised that Fred Murray was doing very well in the program. She advised that the program had no way to keep anyone in the program as there was nothing that could be done if they decided to walk away from the program. Officer McKinnon tried to arrange a meeting with

the Administrative Judge to try and make the ACTS program a part of their probation and if they walked away from the program then they would return to jail for the remainder of their sentence. Mrs. Vinvant advised that some of the subjects who get accepted to the program stay for a couple of days, get cleaned up, eat some food, and then walk out of the program. Officer McKinnon has not been able to get an appointment with a judge and feels that they do not want to address this issue.

Lawrence Crone was again arrested by Officer McKinnon for Open Container. Officer McKinnon did not go to the advisory but informed the State Attorney of the arrest. Even though Crone is not on the list, he was sentenced to 12 days in jail.

Because of the heavy enforcement in the downtown area and the drunks being sentenced to more than time served, we began to see a decrease in the drunks downtown on July 4, 1996. When we interviewed some of our downtown regulars, we found that it was the fact that they couldn't smoke in jail rather than not being able to drink that was causing them to relocate from the downtown area.

Allen Duke was arrested for panhandling in the downtown area but both times the officers did not list aggravating factors on the affidavits and he was released with time served. This was brought to the attention of the States Attorney and the next time he was arrested for panhandling, he was given 3 days.

George Penrod is a constant problem at the businesses downtown. On August 13, 1996 a security guard observed Mr. Penrod making lewd propositions to female employees and Officer

McKinnon arrested him. Paul Morin, Security for Templeton agreed to go to the advisory hearing the next day and speak in aggravation of George Penrod. As a result of this, Mr. Penrod was sentenced to sixty days in jail.

As the word got out in the community of alcoholic offenders of the sentences being handed out by the judges, several of them packed up and left the downtown area. Some migrated to the far north boundary of St. Petersburg, some left the city and took up residence in Pinellas Park, Florida. We have also heard that several have moved west of the downtown area, but are being greeted by more enforcement and keep moving west. When subjects who are not on the list get arrested, either by our agency or an outside agency, officers are going to the advisory hearings and getting them more time or sent to the ACTS program.

Officer McKinnon attended a Downtown Core Business Meeting on August 8, 1996, and gave them a presentation on what was going on with this project. They had seen less and less drunks downtown and were interested in how this had happened. Officer McKinnon advised them how important it was for them to get all the business community involved in this project and together we could rid the downtown of its alcoholics. The business community started calling the Downtown Deployment Team whenever someone was panhandling, hanging around a business, or just being a nasty drunk. Officer Mckinnon then advised the business community, he was going to contact Senator Charlie Crist and try and get a State Statute changed. The problem being that a judge could only sentence a person on the list to 60 days in jail because of sentencing guidelines. Because all of the offenders on the list have multiple arrests, the new guidelines

would allow the judges to impose stiffer sentences for offenders who have a certain number of second degree misdemeanor arrests. This bill would up the sentencing to not to exceed one year in jail. This would give the judges more latitude to deal with the hard core offenders.

On August 21, 1996, Officer McKinnon arrested a subject who was not on the list of targeted subjects. He was sentenced to 30 days in jail. The significant fact is that the judges are looking at prior arrests. This subject did not even fit the criteria as he had only four arrests for the year in 1996, and only two arrests in 1995, but did not have six arrests in a twelve month period.

During this period, the Downtown Deployment Team would also do sweeps in the downtown area. The unit comes in at 0300 hours and we look for trespassers on posted property and use an ordinance called "sleeping in public", which goes into effect after 11 PM. These sweeps keep the drunks from sleeping in the doorways of businesses and gets them off the street.

George Penrod continues to stay in downtown St. Petersburg, even with the heavy enforcement.

On September 10, 1996, George Penrod was arrested by Officer McKinnon for disorderly intoxication at Williams Park. He was harassing women. They were very upset and each signed a victim witness statement against Mr. Penrod. He was sentenced to 45 days in jail. Mr. Penrod made a statement to the court, that he did not have time to get drunk, since he had only been out of jail for twelve hours. When asked about the harassment of the women, George advised the judge, he only asked them for a couple of bucks so he could get a drink.

On October 4, 1996, George Penrod was again arrested for an open container and the judge sentenced him to 60 days in jail.

Officer McKinnon has tried to get George Penrod placed in a Detox facility but they refuse to take him. He explained to the judge that the only place where George Penrod is accepted is at the Pinellas County Jail.

Mitchell Dennis is the only other person on the list that we have not been able to help or drive out of town. He has been to the ACTS program twice and dries out, but within two days of returning to downtown, he is drinking again.

Assessment:

This project is still on-going and we are in the process of comparing data from last year with month to month totals to see if we have made an impact on this problem. The response plan worked better than we had planned. Not only have we gotten rid of most of the targeted individuals, we have also gotten rid of drunks who could have become a problem, but when the word got out as to how much time the offenders were receiving in jail, several new drunks left the downtown area.

In interviewing some of the drunks downtown, we learned that the hardcore targeted individuals were helping get rid of the new drunks coming into St. Petersburg. They were told of the infamous J.C. McKinnon. Some of the hardcore had told them that he works twenty-four hours a day and he will crawl through the bushes to get you drinking. This is because Officer McKinnon has the ability to flex his hours and can adjust his work schedule to suit the needs of the community. Some days Officer McKinnon will come in the morning and work a couple of hours then return later in the evening and work the rest of his hours. This has really upset the hardcore

alcoholic offenders, as they never know when Officer McKinnon may appear. They really believe he works twenty-four hours a day.

Officer McKinnon did meet with Florida State Senator Charlie Crist and he sponsored a bill titled: Misdemeanor Offenses. This bill made it through the House of Representatives, but died in the Senate. This bill will come up again next year and should make it through the Senate and become a bill sometime in 1998.

The Bill #SB 260 would give a judge the power to sentence an offender who has been found guilty of committing six or more second-degree misdemeanors within any 12-month period is found guilty of committing an additional second-degree misdemeanor, the court shall sentence the offender to serve a definite term of imprisonment not exceeding 1 year and to pay a fine of not more than \$1,000.00

The Downtown Business Core Group nominated Officer McKinnon for the "Downtown Hall of Fame Award". He is the first police officer who has ever won this award. It reads: For outstanding service and leadership as a Community Police Officer in Downtown St. Petersburg, helping to make the district a safer place for everyone to visit and enjoy. Presented by the St. Petersburg Downtown Core Group, September 17,1996.

Others receiving the award for their contributions:

Al Downing, Jazz Musician, for bis accomplishments in music.

Vincent Naimoli, Owner of the Tampa Bay Devil Rays, for bringing baseball to St. Petersburg.

Officer McKinnon was nominated for this award by a business owner in the downtown area and

went before a selection committee of the Downtown Business Core Group Association.

When this project was started we had no idea it would give us the results we have seen in the last

year. Drunks have been part of the downtown since I came on the St. Petersburg Police

Department twenty-eight years ago. In all those years, it was not hard to find a drunk in the

downtown area, but now with the work of a twenty-four year veteran who is still very dedicated

to the quality of life issues of others, the downtown area is a much nicer place to visit and work.

Usually the winter months produce more drunks migrating to Florida, and downtown St.

Petersburg, but when the data is put together, it should show that our drunk population was much

lower than in the past years.

It is amazing how many people have become actively involved in not only getting the drunks out

of the downtown area, but keeping them out. Officers have started working areas of the city,

where the drunks have migrated and are using Officer McKinnon's project as a guide.

This problem-solving initiative started at the patrol community policing level. Every officer on

our department has been to Community Policing Schools put on by the department. As a

sergeant, it is my job to act as a coach and facilitator to the officer doing the project.

Community Policing Officers are able to flex their hours and we did not use any money over the existing department budget.

We used the S.A.R.A. problem-solving model to address this problem.