

# ALEXANDRIA ALCOHOL INTERDICTION PROGRAM

## ALEXANDRIA POLICE DEPARTMENT'S NOMINATION FOR THE THIRD ANNUAL HERMAN GOLDSTEIN EXCELLENCE IN PROBLEM-SOLVING AWARD

### THE PROBLEM

The Alexandria Police Department identified a specific problem of habitual public drunkenness that has continually affected both our commercial and residential communities. It has caused a burden to all citizens and has taxed the services of numerous City agencies. Persons who have been identified as public drunkards are often responsible for a significant amount of the nuisance related calls for service received by the Police Department. Their behaviors include littering, drinking in public, loitering, urinating in public, trespassing, and panhandling.

Habitual drunkards routinely drink alcoholic beverages excessively until they are so intoxicated that they become a danger to themselves and others. The described activity disrupts the tranquility of business owners and neighborhood residents. Their actions prompt calls to the Police Department for immediate service.

The police response ultimately results in the arrest of the individual causing a need for the services of the Substance Abuse/Detox Facility or the Alexandria Detention Center.

In the past, the Alexandria Police handled these nuisance complaints the same as many other departments. There was not much emphasis on the root of the problem. Officers were basically concerned with getting the habitual drunkards "off the street," and getting back into service and making themselves available for higher priority calls. The problem with this mind-set was that the nuisance complaints did not go away. Although there were other options available to deal with the problem of public inebriation, nobody had taken the time to thoroughly research the Virginia State Code for a viable solution. Officers were spending a lot of time addressing complaints which were associated with habitual drunkenness. In 1992, there were 1,148 arrests for drunk in the City of Alexandria, in 1993 this figure increased to 1,295 and finally in 1994, the arrests numbered 1,428. In addition, the court system did not effectively deal with the problem either. In the past these habitual drunkards were convicted of Class 4 misdemeanors which meant they could receive a maximum fine of \$250, but no jail time. Most often fines were assessed in the absence of these drunkards as they failed to appear in court. Without forwarding addresses, most of the fines were never collected. The system was unable to affect any change in the behavior of these drunkards.

## **DATA COLLECTION**

In the spring of 1994, Officer Joseph H. Seskey, then an evening patrol officer, began to research this on-going problem and took it upon himself to solicit data to determine what, if anything, could be done.

Officer Seskey's research led him to surrounding jurisdictions to determine how others were coping with the same problem. The Arlington County Police Department had implemented an Interdiction Program in 1993, and provided a basis for Alexandria to follow. Next, Officer Seskey began compiling statistics on the number of calls for service where were directly related to public inebriation and the hours devoted by the police to handle these calls. A review of arrest data for the past three years clearly showed an increase in drunkin public violations, and an increase in repeat offenders.

Officer Seskey obtained a copy of the Virginia House of General Assembly Document #20. The report entitled *"The Impact of Public Inebriates on Community and Criminal Justice Services Systems"* was written by the Department of Mental Health, Mental Retardation and Substance Abuse Services. This report found that arrests for public intoxication, statewide, were declining, but the cost of the chronic repetitive public inebriate on medical, business, treatment and criminal justice systems was considerable and was increasing.

Officer Seskey set up several meetings with the Alexandria Office of the Sheriff to get their perspective on the problem, and to review statistics which they had compiled. According to their statistics, Drunk in Public arrests were 12.8% higher in 1993 as compared to 1992; and 13.2% higher in 1994 compared to those in 1993. Overcrowding in the jail was impacted by the number of drunk arrests, especially repeat offenders or offenders with a history of violence which were not accepted by the City's Detoxification Center. The City's Detoxification Center is an alternative to imprisonment or confinement in jail and is operated by the Department of Mental

Health, Mental Retardation and Substance Abuse. According to the Commission on Prison and Jail Overcrowding's (COPJO) 1989 report, 75% of the total arrests for that year were for public drunkenness. Public drunkenness has also been identified as a significant cause in jail overcrowding. The next problem was the increased costs to house these public inebriates.

An estimate of the daily contribution by the State Compensation Board for a single day in 1991 was approximately \$31, inclusive of jail administration, jail and treatment officers, medical costs, and operating costs reimbursed through the "per-diem" paid for local prisoners and state responsible felon prisoners. The total public inebriate costs in Virginia in 1991 were \$5,453,785, which does not include the local contribution for jail operations, medical emergencies, or mental health and substance abuse treatment costs.

Officer Seskey continued to gather information by meeting with various City agencies such as the Commonwealth's Attorney Office, the General District and Circuit Courts, the Virginia Alcoholic Beverage Control Board, and various non-profit organizations such as Alcoholics Anonymous (AA), the Salvation Army and the United Way. Officer Seskey had no problems in gathering information about his proposed project and, in fact, was able to get cooperation from just about everyone he encountered. He discovered the problem of habitual drunkenness affected more than just the Police Department. It was a community problem and everyone wanted to help.

## GOALS AND OBJECTIVES

The primary goal was to identify the problem of habitual public drunkenness, to examine current laws and ordinances associated with habitual drunkenness, to list the roles and responsibilities of the agencies that would help address the problem and lastly, to provide a recommendation for a plan of action to deal with the problem. The implementation of an interdiction program was considered a way to assist alcoholics in addressing their addiction, create a better atmosphere in neighborhoods that are plagued by alcohol related crime and nuisance, and encourage respect for the law and the court.

## STRATEGIES

The strategy to reach the goal was designed by Officer Seskey. He wanted to complete as much research as possible, define the problem(s), and bring numerous City agencies together to develop an Alcohol Interdiction Program that would specifically address habitual drunkenness.

The interdiction plan stressed cooperation between the patrol and neighborhood officers and the General District Court prosecutors. The criminal misdemeanor prosecutor was designated to highlight the habitual public drunkards that constantly come to the attention of the court system. Once a person has been convicted of five or more alcohol related offenses within a 12-month period, the prosecutor filed a motion for interdiction in the Circuit Court.

A. Background

Intoxication or an intoxicated person is defined as a condition in which a person has consumed enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior. An habitual intoxicated person or, "habitual drunkard" in the opinion of the Commonwealth Attorney's Office, was any person who had been convicted five or more times in a year for any alcohol related offense.

Habitual drunkards are a relevant problem in many communities throughout the City. Persons who were identified as public drunkards were often responsible for a significant amount of the nuisance related calls for service received by the Police Department. In 1994, the Alexandria Police handled 2,250 calls for Drunk-in-Public. They also responded to 5,162 calls for disorderly individuals, most of which were in some way related to alcohol use. These combined calls for service accounted for 9% of all calls handled by the Alexandria Police last year.

The traditional police response ultimately resulted in the arrest of the individual causing a need for the services of the Substance Abuse/Detox Facility or the Alexandria Detention Center. In examining the arrest data as provided by the Alexandria Office of the Sheriff, it clearly shows how substantial the problem of habitual drunkenness is. Of the persons arrested and incarcerated for the charge of being drunk in public in 1993 almost forty percent were one time offenders and sixty percent had multiple arrests for intoxication. The data additionally showed that in 1992 there were sixteen persons who were arrested for being drunk in public more than three hundred

times each. In 1993, that figure rose to eighteen persons.

B. Underlying Causes

In addressing habitual drunkenness it was felt that one must dissect why and how the problem continues to exist in the community. Persons identified as habitual drunkards are simply alcoholics who choose to drink alcohol in public. Their desire for alcoholic beverages causes them to consume alcohol on a daily basis. The study did not determine why a person was an alcoholic. What was determined is what facilitates the habitual drunkards condition. Obviously, it is the alcoholic beverage they consume. If the alcoholic beverage can be restricted or separated from the habitual drunkard, then a significant step has been taken to diminish the problem. An interdicted person is defined by state law as any person whom the sale of alcoholic beverages is prohibited. Interdiction was determined to be the key to addressing this issue. The interdiction program also gives the court the power to use its full panoply of options from fines to incarceration. Without such a program, habitual drunkards were uncooperative with the police. They knew that there was no provision for a jail sentence if convicted of Drunk in Public. Moreover, they knew that there was no consequence for failing to appear in court to answer the charge, or for failing to pay a fine imposed by the Judge.

C. Interdiction Law

Title 4 of the Virginia Code relates to alcohol offenses and their enforcement. Code Section 4.1-333 addresses the habitual drunkard and the process of interdiction. An interdicted person is defined as any person whom the sale of alcoholic beverages is prohibited. The statute states that the Circuit Court may enter an order interdicting the sale of alcoholic beverages to any person that has shown themselves to be an habitual drunkard. Code Section 4.1-334 provides that an interdicted person may not possess any alcoholic beverage. A violation of this section is a Class 1 misdemeanor. Other statutes prohibit the sale of alcoholic beverages to persons known to be interdicted. Violations of these statutes are Class 1 misdemeanors which carry maximum jail sentences of up to 12 months, and a maximum fine of up to \$2,500.

**AGENCY RESPONSIBILITIES**

For the implementation of interdiction it is necessary to identify the various agencies and their respective roles and responsibilities. It was imperative for the success of the plan that all agencies work cooperatively with each other. The study briefly described each agency's expected role. Information for this study was obtained from both personal contact with the individual agency and/or duties and responsibilities mandated by Title 4 of the Code of Virginia.

### Police Department

The Police Department will continue to aggressively enforce all ordinances associated with public drunkenness. The Department will be responsible for training all officers to ensure uniformity and compliance with the interdiction program. The Department will work cooperatively with all agencies as necessary.

### Commonwealth's Attorney Office

The prosecutor will be required to work with the Police Department in identifying habitual drunkards. They will prepare and file a motion for interdiction with the Circuit Court. They will address the sentencing issues for persons found in violation as well as cooperate with any programs associated with interdiction.

### Circuit and General District Court

The Circuit Court will hear motions placed before it and make decisions of interdiction accordingly. As provided in 4.1-333, the Court is required to file copies of interdiction with the Virginia Alcohol Beverage Control Board. The General District Court will hear cases regarding violations of interdiction and will render their decisions accordingly.

### Virginia Alcoholic Beverage Control Board

The Virginia ABC Board will work cooperatively with the Police and the Courts. They will maintain a list of interdicted persons and assist with the notification of establishments that sell alcoholic beverages.

### Alexandria Sheriffs Office

The Sheriffs Office will have additional responsibilities to create and monitor a program to address the problems attributed with detoxifying habitual drunkards. This will require cooperation of medical and mental health professionals.

### Non-Profit/Volunteer Organizations

Use of these types of agencies were considered to supplement any programs initiated by an interdiction plan. These organizations could include Alcoholics Anonymous (AA) or the Salvation Army, and the United Way. Interdiction is a good starting point to eliminate many of the nuisances plaguing the City and attributed to habitual drunkards. However, one must not disregard the fact that habitual drunkards are persons of the community and have medical as well

as mental needs. With this in mind, the interdiction program was carefully thought out and put solidly in place to deal effectively with the problem. For interdiction to be most successful, the behavior of the habitual drunkard must be permanently and not temporarily changed.

## ACCOMPLISHMENTS

Since its conception eight months ago fifteen (15) individuals have been brought before the Circuit Court on motions for entry of an order of interdiction. All fifteen (15) motions have been granted, and three (3) are awaiting trials in July. Eight (8) have been jailed for a total of 16 months. Out of these eight (8), three (3) have entered into alcohol treatment programs and have had their jail sentences suspended pending the completion of these programs.

The Alexandria Alcohol Interdiction Program was designed to address the problem of habitual drunkenness and to determine a means to diminish the problem. According to the Commonwealth **Attorney's Office, the court docket, which specifically deals with drunk in public cases, has decreased 80% since January and this decrease is directly related to the Alcohol Interdiction Program.**

The continued success of this program is dependant on the partnership developed among the police, community, business and various non-profit/volunteer organizations. The Alexandria Police Department updates and distributes a color poster which shows what each interdicted person looks like. These posters are distributed to all commercial establishments with licenses

to sell alcoholic beverages. The objective is to ensure these establishments adhere to rules/regulations set forth by both Virginia State law and City ordinances which prohibit the sale of alcohol to any interdicted person. By gaining the support and getting cooperation from the business community, interdicted persons cannot purchase alcoholic beverages. Failing to adhere to these conditions is a Class 1 Misdemeanor and could result in establishments loosing their ABC license.

Attachments

## ALEXANDRIA POLICE DEPARTMENT

\* TYPES OF CALLS FOR JAN 1 1994 THRU DECEMBER 31, 1994 \*

ABANDONED AUTO	891
ACCIDENT	6753
ALARM	7934
AMBULANCE	952
ANIMAL CASE	1666
ASSAULT	1343
AUTO THEFT	1435
AUTO THEFT RECOVERY	337
BOMB THREAT	20
BURGLARY	1813
CITIZEN ASSIST	2784
DISORDERLY	5162
DOMESTIC TROUBLE	4380
DRUGS	1905
DRUNK	2250
E911 HANGUP CALLS	2303
ESCORT	559
FIGHT	906
FIRE	339
HOMICIDE	3
LARCENY	6588
LOCKED IN AUTO	101
LOUD PARTY/RADIO	651
MISSING PERSON	1134
NOISE COMPLAINT	3072
OFFICER IN TROUBLE	11
OTHER	3795
PARKING	3463
PHONE CALLS	724
PROPERTY LOST/FOUND	1231
PROWLER	143
PUBLIC SERVICE	1297
RAPE	19
ROBBERY	377
SEX OFFENSE	427
SUSPICIOUS AUTO	1693
SUSPICIOUS PERSON	3064
TRAFFIC HAZARD	487
TRAFFIC PROBLEM	1650
TRESPASS	1151
TROUBLE UNKNOWN	2248
UNAUTHORIZED USE	112
VAND/PROP DAMAGE	2340
WEAPON	858
Totals	80381
HANDLED BY TRU	6477