



The
UNIVERSITY
of VERMONT

Vermont Legislative Research Shop

The Incarceration of the Intoxicated

The incarceration of publicly intoxicated citizens is a growing problem and putting a burden on Vermont's already overtaxed prison system.¹ Since 1980, the amount of people picked up by police and sent to jail as inebriates without being charged with a crime has gone up 9%, as of 2006.² This is also a growing concern for many people throughout the country who understand the effects it is having on the prison system.

Vermont's policy decriminalized public intoxication, treating it instead as a public health concern. The idea behind this is to keep people from freezing to death in a snow bank, if they are too intoxicated to care for themselves without giving them criminal charges and taking up police and court time that would be necessary if they were charged. Vermont lacks a system of local and county jails, which means that incapacitated people are being placed under the responsibility of state prisons. State officials are saying that the jail is not the correct place for these people for several reasons, including that the incarcerated have not committed crimes, their mental conditions pose a liability risk to the Corrections Department, and they are taking up prison space, which is consuming staff time and resources.³ In addition to those problems, the health of the incapacitated person is also something that they worry about, as they do not know what, or how much, they have consumed. These medical needs cannot be met in a correctional setting and pose a liability risk for the jail system.⁴

While there are locally based programs that have helped to alleviate the stress on the jails (see Table 1), such programs are limited because they cannot hold people against their will. Unfortunately, there are very few programs such as these currently available, and changing that will not be easy.⁵

¹ Terri Hellenbeck, "Incapacitated People Pose Problems for Prisons," *Burlington Free Press*, April 8, 2008, <http://www.burlingtonfreepress.com/apps/pbcs.dll/article?AID=2008804080310> visited 4/21/08.

² Vermont Department of Health Agency of Human Services. "Public Inebriate Report." <http://www.leg.state.vt.us/reports/2008ExternalReports/228945.pdf> visited 4/23/08

³ Terri Hellenbeck, "Incapacitated People Pose Problems for Prisons."

⁴ Vermont Department of Health Agency of Human Services. "Public Inebriate Report."

⁵ Terri Hellenbeck, "Incapacitated People Pose Problems for Prisons."

Table 1: Current Capacity for Public Inebriates

Northwest Hospital/ Champlain Drug & Alcohol Services St. Albans	4 beds
Champlain Drug & Alcohol Services Burlington	9 beds
Rutland Grace House (depending on gender mix)	4 or 5 beds
Bennington United Counseling Services	1 bed
Northeast Kingdom Mental Health	1 bed

Source: Vermont Department of Health Agency of Human Services, "Public Inebriate Report," <http://www.leg.state.vt.us/reports/2008ExternalReports/228945.pdf>, accessed April 23, 2008.

Policies of Other Governments

Manitoba, Canada

Officials in Manitoba are looking to find alternatives for places to send intoxicated teenagers who are picked up by police on the charge of being under the influence of alcohol. Similar to Vermont, public intoxication is not a criminal offense, but people can be detained temporarily. Those advocating for new destinations want a facility created especially for those picked up for public intoxication. An example of such a center is the Manitoba Youth Centre which is able to provide services such as around the clock supervision and available medical care if one becomes a danger to themselves or others. Funding would come from municipal, provincial, and federal government sources.⁶

California

The concept of "sobering centers" is used in the cities of Santa Barbara, Escondido, and Chula Vista, California. In these communities, individuals who are publicly intoxicated are sent voluntarily to a staff facility to sleep off the intoxicants. Trained personnel are on duty to provide oversight. Inebriates are not incarcerated and are free to leave at any time.

A 2005 Santa Monica city council report examined the feasibility and effectiveness of establishing a similar "sobering center" to address the problem of public inebriation. Due to the strain placed on local hospitals having to use bed space and resources attending to intoxicated individuals, an alternative sobering center has been looked into. According to the Santa Monica data, local hospitals responded to an average of five to seven chronic public inebriates per day. The Medical Director of the Santa Monica Hospital emergency room estimates a cost of \$900,000 annually for public inebriates to use the emergency room.

⁶ Cbcnews.ca, "Government under fire for jailing drunk, stoned teens," August 8, 2007, <http://www.cbc.ca/canada/manitoba/story/2007/08/08/youth-detox.html>, accessed April 21, 2008.

Missouri

Sedalia, Missouri recently enacted a law addressing the issue of intoxicated persons in public. Much like Vermont, the health of the prisoners is a main concern for Missouri officials. Under the new system a person who appears to be drunk in public is asked to take a portable breathalyzer test when brought to the jail. Medical clearance is required if the person has a blood alcohol level higher than .25 percent. It is within the judgment of the jail staff to decide whether a person needs clearance from a medical personnel if the breathalyzer test is refused. Under the new law jails are required to protect citizens by sending them to get medical help if needed. Conditions such as being unconscious, seriously ill, or seriously impaired by drugs or alcohol warrant such action.⁷

This report prepared by Jamie Parot, Ryan McCormick, and Kevin Channell under the supervision of Professor Anthony Gierzynski on April 28, 2008.

Disclaimer: This report has been compiled by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the report does not reflect the official policy of the University of Vermont.

⁷ Sarah Nail, "Officials Adjust to New Law for Drunk Prisoners," March 29, 2008, *The Sedalia Democrat*, http://www.sedaliademocrat.com/news/div_7502_article.html/jail_officers.html, accessed April 23, 2008.