INTRODUCTION

In 1913 Eugene Ehrlich spoke of the living law when he stated that "[a]t the present as well as at any other time, the center of gravity of legal development lies not in legislation, nor in juristic science, nor in judicial decision, but in society itself." This article is premised on the belief that Ehrlich's perception is as valid today as it was then. If you
want to know the law relating to public intoxication you cannot be content with the statutes and ordinances, in the court decisions nor even the administrative rules and regulations of those charged with enforcing the laws. It is necessary to deal with the happenings in society generally. In this instance it is necessary to confront the day to day decision-making of the primary actor in enforcement of the legal policy relating to drunkenness. It is the manner in which the patrol officer exercises his street discretion that truly defines the operative legal policy, and, it is in the manipulation of that judgment through the use of incentives and disincentives that the desired policy goals can be best pursued.

In the first part of this article, we probed the myriad of public policy goals that the public drunkenness laws are designed to serve and the potential conflict with organizational (bureaucratic) and individual (self interest) goals. With decriminalization, new goals are introduced into the scenario. But this does not necessarily mean that the objectives of the criminal justice system, such as crime prevention and street cleaning through removal of the public inebriate, are eliminated. Instead, the new therapeutic aims are merely introduced into the mix of policy goals underlying the formal laws on the books. As might be expected, the conflict of policy goals is far more of a reality than is their compatibility. These conflicts greatly complicate the possibility of more rational decision-making and discretionary justice.

It is to this mixture of objectives that the police officer, as pickup and delivery agent, is asked to respond. How does he reconcile the varied and inconsistent demands? How can his behavior be directed along desired lines once policy priorities are defined? What alternative mechanisms, police and non-police, are available to better achieve these administrative goals? Further, decriminalization introduces another relatively autonomous bureaucracy—the public health agencies—sharing work responsibilities in the intake, servicing and discharge of public inebriates. This enlarges the potential for organizational and self-interest antagonism to impede public policy ends. It is also another source of disincentives for police to handle public inebriates in the manner designated by the "law on the books." How can state and local governments move toward a more effective blending of therapeutic programs with criminal justice responsibilities? Can reliance on guidelines and rulemaking alone provide an effective response? These are the questions that underlie the second part of this article.

As indicated, there are limits to rationality in achieving criminal justice and therapeutic public policy goals. Individuals and groups may have to set aside concern for achievement of such objectives if
they are to achieve their own self-interest aims. We postulate that policy change—decriminalization of public drunkenness—introduces a mass of disincentives to continued police pickup and delivery of public inebriates in a legally approved manner. It is this introduction of disincentives operating on police attitudes that largely explains the quantitative and qualitative changes in the police pickup of public drunks that was described in the first part of this article and elsewhere. For example, there was a decline in pickup rates in Washington, D.C. from well over 40,000 under the criminal model, to approximately 10,000 following decriminalization and its accepted emphasis on the emergency case skid row drunk. It is through the manipulation of these incentives and disincentives affecting police attitudes toward the pickup of intoxicated persons that priority public policy goals can be more effectively achieved.

The above perceptions and data lead us to question whether the approach advocated by Professor Kenneth Culp Davis, and others, is adequate to assure administrative conformity to law and public policy mandates. Attempting to confine, structure and check police discretion through directives, guidelines, rules and review procedures is not sufficient to improve discretionary justice. Rather than relying solely on administrative guidelines and rulemaking to control discretion, we present an organizational framework based on the implementation of

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4Why is it that decriminalization tends to produce disincentives to police pickup and delivery of public inebriates? The answer to this question requires an understanding of police on-the-beat decision-making, particularly the considerable discretion vested in the police in handling public inebriates, that is best addressed through our model of police discretion. See text accompanying notes 7-17, infra. A few general observations may be offered. Our study indicates that with the removal of the criminal sanction, the intake of public inebriates falls outside the parameters of what both patrol officers and the command structure of police departments consider a proper and important police task. Further, elimination of the criminal sanction may remove critical organizational incentives—"credit" for making arrests—that motivate patrol officers to carry out this often messy and time consuming job. Indeed, the very fact that the officer is no longer being asked to enforce the criminal law provides a source of dissonance. Finally, police intake of inebriates under a public health mandate requires the cooperation of two disparate public service bureaucratic organizations that diverge in both their organizational structure and value orientation. The resulting fragmented authority structure provides a significant potential impediment to goal achievement.

5See note 1 supra.
incentives and disincentives by administrative personnel. A variety of reinforcement or change devices (incentives and disincentives) is needed to overcome limits to rationality in achieving public policy goals and to develop a sense of the importance of directives guiding or governing the way police officers exercise their discretion on the street.\textsuperscript{6}

This part of the article is organized into four sections. Initially a model of police discretion reflecting attitudinal factors that we have found to be useful in understanding and explaining police behavior is set forth. While recognizing the environmental constraints and situational factors that impact on any police action or non-action, it was found that attitudinal predispositions markedly condition whether an officer responds to a situation and the mode of response. After presenting this model, methods of police pickup of public drunks involving exclusive reliance on the police officer as pickup agent are briefly discussed. An attempt is then made to apply our organizational framework based on incentives and disincentives to explore how improved police discretion can be obtained. In conclusion, innovations in public inebriate pickup that involve the use of civilian pickup agents, primarily the civilian van pickup system, are evaluated.

I. MODEL OF POLICE DISCRETION

A model of police discretion can be useful in addressing the day to day decision-making of the primary actor in enforcement of the legal policy relating to public drunkenness. This model may be generalized to other types of discretionary behavior of police and criminal justice personnel and, perhaps, to other forms of administrative conduct. It provides a framework for designing and implementing incentives and disincentives to elicit organizational support at both the administrative and street levels for realizing public policy aims.

While prior studies of police discretion have identified several factors which partially explain the invocation or non-invocation of the criminal process by police officers,\textsuperscript{7} very few studies attempt to identify

\textsuperscript{6}Many large police organizations have an overabundance of written directives, guidelines and rules. Many of these regulations and procedures deal with such topics as the personal conduct of officers on and off duty, uniform and firearm regulations, use of departmental property, court appearances by officers, the preparation and filing of police reports, and so on. For example, the Washington Metropolitan Police Department directives and orders, exclusive of the various statutes, traffic and City Council regulations affecting the work of patrol officers, are printed on two sides of the page and are roughly three and one-half inches thick.

\textsuperscript{7}See, e.g., K. Davis, Police Discretion (1975); W. LaFaye, Arrest: The Decision to Take a Suspect Into Custody (1965). As Davis states the proposition, "The police
a typology of variables that can be used to explain police discretion in regard to specific policy decisions made by patrolmen on a routine basis. Even fewer investigations exist which assess police discretion in relation to a low-visibility task, like the intake of public drunks. Despite this limited source material, we fashioned a model in which police officers are perceived as the units of analysis. With police attitudes serving as the dependent variable, our objective was to explain the manner in which the police exercise their discretion in deciding: 1) whether or not to intervene when encountering a public inebriate and 2) the appropriate form of disposition. Our research indicated that the following independent variables are relevant in explaining police behavior:

1. Organization Variable: This variable focuses on the efforts of the police department's chief administrators to influence patrol officer's decisions to arrest or pick up specific categories of individuals. The referents include the department's training programs, the general orders, the chief's letters, statements of top officials (or lack thereof), the opinions of line supervisors, the allocation of resources and the standards established for promotions and benefits.

make policy about what law to enforce, how much to enforce it, against whom, and on what occasions." K. Davis, supra at 1.


10 For a discussion of the results of the police discretion phase of our research, see Aaronson, Dienes, & Musheno, The Impact of Decriminalization on the Intake Process for Public Inebriates, in Final Report, supra note 1.

11 Wayne LaFave, for example, stresses the budgetary restraints on a full-enforcement policy of a police organization. W. LaFave, supra note 7.


On the ability of the police organization to control the exercise of officer discretion in the field, compare Goldstein, supra (control possible), with J. Skolnick, Justice Without Trial 74 (1967) (patrolman more like craftsman than bureaucrat, and behavior not susceptible to organizational pressures). James Q. Wilson takes a middle ground position, saying the ability of the organization to manage police discretion varies according to the issue involved. He suggests, for example, that activities cate-
2. Police Role Variable: The forces that collectively influence the police role are identified and "role" as a factor affecting the officer's daily behavior is evaluated. Especially relevant is the influence of patrol officers' perceptions of professionally appropriate and inappropriate tasks, i.e., order maintenance, law enforcement and community service.12

3. Strategic Environment Variable: This variable refers to the police officer's attitudes toward significant groups and processes that may predispose discretionary action concerning public inebriates. In part, it reflects attitudes toward the inebriate, including physical needs, threats posed and anticipated problems. It also includes officer beliefs concerning the institutions and personnel, e.g., courts, prosecutors, detoxification centers. Finally, it involves perception regarding the seriousness of alcoholism and public intoxication as social problems.13

4. Strategic Interaction Variable: The officer's perceptions of what significant actors desire in regard to removing public inebriates from the streets and how they are assessing his work are related. Relevant actors would include the business community, the general public, local community residents, detox personnel, political leaders, liquor store owners and the inebriates themselves.14

The relevance of police organization to police behavior in the area of public drunkenness has been noted in R. Nimmer, supra note 9, at 116. The need for training and organization incentives to encourage police pickups has been noted in Pittman, Interaction Between Skid Row People and Law Enforcement and Health Professionals 19 (May 8, 1973) (paper prepared for the National Institute on Alcohol Abuse and Alcoholism, Seminar on the Role of Public Health Services in the Skid Row Subculture). Helen Erskine suggests the relevance of training and complexity of procedures and forms on police practices. H. Erskine, Alcohol and the Criminal Justice System: Challenge and Response 17 (1972).

James Q. Wilson identified three basic role orientations of a police officer—law enforcement, order maintenance, and community service. J. Q. Wilson, supra note 8, at 17-49. Although the latter two functions probably consume the greatest part of an officer's time, research has indicated officers identify with and evaluate jobs in terms of law enforcement. The Police and the Community 16-30 (R. Steadman ed. 1972).

The relevance of this role perception in creating a negative predisposition to the task of removing inebriates from public places has been noted in D. Bradley, Project Report: Alcoholic Detoxification Center; R. Nimmer, supra note 9. Egan Bittner has noted this negative bias is especially strong when delivery is to a medical treatment center. Bittner, supra note 9.


The relevancy of pressures from the public and businessmen on police behavior is noted in W. LaFave, supra note 7, at 129; R. Nimmer, supra note 9, at 116; D. Castberg, The Exercise of Discretion in the Administration of Justice 13 (1972)
5. Peer Relationship Variable: This variable simply refers to the effect that officers have on each other's discretionary habits. Specifically, it refers to the veteran-rookie and apprentice-partner relationships that emerge in team patrol and influence attitudes and behavior including picking up public inebriates.\textsuperscript{15}

6. Personal Background Variable: The last variable reflects age, education, sex, and race as partial determinants of police decisions to invoke authority for picking up public inebriates.\textsuperscript{16}

Any change in the behavior of police officers in handling public drunks will depend on the nature and intensity of the incentives and disincentives introduced in the system operating on police attitudes and perceptions through the above independent variables. In addition to the attitudinal predispositions, consideration was also given to the myriad of specific factors that affect every individual encounter situation between an officer and a public inebriate. We have termed this the "situation specific" variable. The objective of the discretion model, however, was not to explain the individual police behavior in a particular situation, but to indicate the factors predisposing patrolmen to intervene or not intervene and to choose one form of disposition over another.

While emphasizing the police discretion model, the independent significance of environmental and resource constraints on police officer's behavior independent of individual discretion are also examined. Certain factors may operate either to severely limit or even to preclude the exercise of an officer's discretion, e.g., no transport vehicle available to take a person to the treatment center. The discretion model operates only within the constraints that environmental variables place on the ability to exercise discretion (e.g., if there are few public inebriates in a jurisdiction, there will be a lower rate of pickup; if detoxification centers are filled to capacity, police temporarily cannot use this form of disposition).

The relation of the independent variables to the various forms of the dependent variable (decisional behavior) is indicated in the following diagram:

\textsuperscript{15}The importance of peer group socialization to the exercise of police discretion is noted in J.Q. Wilson, supra note 8, at 283; Bittner, The Police on Skid Row: A Study of Peace-Keeping, 32 Am. Soc. Rev. 699, 701 (1967); D. Castberg, supra note 14, at 9.

\textsuperscript{16}See, e.g., J.Q. Wilson, supra note 8, at 280; D. Castberg, supra note 14, at 10.
FIGURE I
Discretion Model on Police Pickup Behavior

**INPUTS**

**Attitudinal Inputs**
- Organizational Variable
- Strategic Environment Variable
- Police Role Variable
- Strategic Interaction Variable
- Peer Relationship Variable
- Personal Background Variable

**Situation Specific Inputs**
- Myriad of incidental elements that define a specific situation

**Environmental Inputs**
- Police Resources
  - number of transport vehicles
- Detox Facilities
  - capacity

**DECISIONAL BEHAVIOR**

**Intervention**
- Approved behavior
  - to intervene
- Non-approved behavior
  - not to intervene

**Form of Intervention**
- Approved behavior
  - send to Detox
  - send home
  - send to other facility
- Non-approved behavior
  - do nothing
  - order to move on
- Arrest on alternate charge

*This may vary for some jurisdictions. Non-intervention or non-action may be an approved mode of response.
†The legitimacy of such an arrest will be dependent on the presence of the elements required for the charged offense.
In using the above framework to fashion incentives and disincentives to improve pickup performance within either a criminal or decriminalized jurisdiction, attention must be given to two different systems of pickup. Forms of intervention and disposition differ markedly for the skid and non-skid row inebriate.\(^{17}\) For example, in Washington, D.C., and other therapeutic jurisdictions, we found that police officers tend to perceive detoxification centers as inappropriate places to deliver non-skid row public inebriates. Several factors account for this perception. Police officers feel that they have more options in handling non-skid row public drunkards, such as informally sending the intoxicated person home with a friend or acquaintance. While the non-skid row inebriate is usually released within hours of an arrest for public drunkenness in a criminal jurisdiction by forfeiting collateral, many detoxification centers detain clients for a minimum of 72 hours and police officers feel that such custody may interfere with a non-skid row person’s family and employment ties. Additionally, non-skid row inebriates are more likely to be boisterous and provoke a disturbance of the peace when encountered by a police officer and, if formal intervention is indicated, an arrest for disorderly conduct may be necessary.

Also, significant differences in organization, role, etc., affecting the manner of policing, can exist because of special characteristics of particular police districts. For example, in downtown areas of the cities site-visited, police officers perceive—accurately, based on our interviews with businesses, etc.—much greater pressure to remove public inebriates from the streets than in other areas of the city. Since skid row public inebriates tend to congregate in downtown areas of large cities while non-skid row public inebriates are more widely dispersed, this “strategic environment” factor also operates in favor of more intense focus on the pickup of skid row inebriates. Hence, special attention must be given to intra-jurisdictional pickup patterns in considering appropriate incentives and disincentives. Some incentives, such as a requirement that a district commander file a monthly report showing public inebriate pickups to the police chief, may only be needed in particular police districts.

**II. METHODS OF POLICE PATROL AND PICKUP OF PUBLIC INEBRIATES**

Police may be used as the exclusive pickup agent in both criminal and decriminalized jurisdictions. These collections may require the

\(^{17}\)This phenomena of differential enforcement of the public drunkenness laws by class has been frequently noted. See, e.g., A. Gammage, D. Jorgensen & E. Jorgensen,
assent of the inebriate or may involve more traditional involuntary approaches. In criminal jurisdictions, police pickup of public drunkards is one of the tasks usually assigned to the patrol division, although traffic division police officers may regularly arrest intoxicated persons. Variations used in both criminal and decriminalized jurisdictions, which retain the police as the exclusive pickup agent, include: 1) increased use of specialized transport vehicles, especially the police wagon or van; 2) increased use of specialized foot patrol officers; and 3) use of jails as a drop-off point for subsequent delivery to a therapeutic facility and for "protective custody" (release when sober).

Many jurisdictions use a combination of such police pickup approaches. For example, in Houston, Texas, a criminal jurisdiction, two-officer patrol cars typically cover relatively large beats. When an inebriate is arrested, he is placed in the back seat of the patrol vehicle. A shield separates the front and back seats and the doors to the back seat lock from the outside. The inebriate is transported by the patrol vehicle either to the central cellblock or one of the outlying district cellblocks. This approach results in the patrol vehicle being unavailable for patrol fifteen to forty minutes, depending upon where the individual is picked up. In the central district, where Houston skid-row inebriates are concentrated, a police "wagon man" specializes in transporting public inebriates to the central cellblock. Also, officers in the traffic division, including foot patrol, those using solo's (motorcycles) and three-wheelers, as well as patrol division officers are instructed to make public inebriate arrests, especially in the downtown business area. When arresting a public inebriate, these officers call for the wagon to transport the public inebriate to jail.

Specialized Transport Vehicles—The Police Wagon

A primary advantage of the police wagon is the ability to pickup and transport several people on one trip. Inebriates remain in the back of the wagon until several others are picked up. Use of the wagon means that scout cars do not have to leave their beat to make an inebriate pickup. In Kansas City, Missouri, a criminal jurisdiction, wagon officers actively seek out intoxicated persons in the course of their patrol, and, especially in the central patrol division, the wagon is heavily relied upon to transport street drunkards. It is expected that wagon officers will devote a considerable amount of time to the pickup and transportation of public inebriates. In a ride-a-long with a

Alcoholism, Skid Row and Police 6 (1972); W. LaFave, supra note 7, at 439-44; R. Nimmer, supra note 9.
wagon officer, we observed the pickup and delivery of four inebriates to Sober House, the Kansas City therapeutic facility for the police diversion program. Arriving at Sober House, the transport officer filled out an admitting report and called police headquarters to get identification numbers for his report, a process which took about thirty minutes or an average of about eight minutes per inebriate. In such a context, both the goals of keeping the streets clear of inebriates and improving treatment of the emergency case can be met through the use of an aggressive, trained and sympathetic wagon patrol which can deliver people to a therapeutic facility, as well as to the jail.

Overall, we found no better means of keeping the streets clear of public inebriates than through the use of police wagons as either the core or a vital part of the pickup process.

Increased Use of Foot Patrol Officers

Increased use of foot patrol, or walking beat officers, in areas where public inebriates are concentrated can be very effective for achieving both law enforcement and therapeutically oriented goals. For example, the St. Louis Police Department places an emphasis on foot patrol officers in the downtown business area. Officers who remain on walking beats for a period of years get to know many of the public inebriates and become familiar with the areas where they hang out, including the bus station, bars and alley areas that are inconvenient places for patrol vehicles to monitor. Foot patrol officers also know the bar owners and managers of cheap hotels and missions, and informal dispositions are facilitated by these contacts. The presence of the police officer on the street provides police involvement and a sense of protection not offered by scout car patrol. When a foot patrol officer decides that a formal disposition is needed, a call can be placed for a wagon or patrol vehicle.

A combination of a van and foot patrol officers may be organized into a specialized squad to conduct "police sweeps" to clear the streets of public drunks. In San Francisco, California, we observed such an operation. This practice had been suspended to allow the civilian pickup agent, Mobile Assistance Patrol, maximum leeway. In response to citizen complaints (primarily businessmen) and dissatisfaction with Mobile Assistance Patrol for not being able to achieve the goal of clearing the streets of public inebriates, police sweeps were resumed. A patrol wagon was slowly driven down a street with five or six foot patrol officers led by a sergeant. The officers walked on both sides of the street. Each public drunk encountered was walked, carried, or pushed into the back of a poorly ventilated police van. The van may
hold ten or more passengers. The sweeps were undertaken twice each day, which leaves the officer free to engage in general patrol during the rest of the shift. Such an approach clears the streets, but has the negative impact of undermining many public health goals.

**Use of Jails as a Drop-Off Point for Subsequent Delivery to a Therapeutic Facility or for "Protective Custody" (Release When Sober)**

Other variations in tactical approaches involve the use of alternative drop-off points to ease the patrol officer's burdens. The jail may serve as an intermediate shelter for subsequent delivery to a therapeutic facility, or it may serve as a short-term holding facility in a criminal jurisdiction where the public inebriate is released when sober with no further criminal processing. Also, the jail may be used in lieu of therapeutic facilities in decriminalized jurisdictions for "civil protective custody." Each of these approaches alters the traditional use of the jail as the initial detention facility.

**A. The Jail as a Temporary Drop-Off Point**

In Boston, Massachusetts, both police officers and civilian street "rescue teams" pickup public inebriates under the Alcoholism Treatment and Rehabilitation Act, which decriminalized public drunkenness. When a police officer picks up a street inebriate, the drunkard is usually transported by the police to the local stationhouse and held, for a maximum of 12 hours, under "civilian protective custody." The civilian street rescue team has the responsibility for transporting these individuals from the stationhouse to detox. When a person is taken into protective custody, police officers are then obligated to notify the detoxification center. Rescue team members also make regular, informal visits to the police station to pickup intoxicated persons about whom the center had not yet been notified. In the year following decriminalization, approximately 20 percent of admissions to the detoxification center resulted from police use of this two-stage processing system.\(^{18}\)

The availability of the two-stage processing system in Boston provides an incentive for the police to pick up inebriates by saving transportation time and assuring that space is always available. In addition, this approach has the advantage of providing a choice to the person

who would prefer not being taken to a detoxification center. In practice, inebriates who elect not to be transferred to the detox center are released after an average of 6.54 hours.19

B. The Use of Jail for Protective Custody
   (Release When Sober)

   In criminal jurisdictions, such as Philadelphia and Pittsburgh, Pennsylvania, we observed street drunkards being arrested and then released when sober, without any criminal record or other penalty. In Pittsburgh, we were informed that this practice saves substantial jail costs, including meal expenditures, as well as court and correctional expenses. In Philadelphia, some 26,000 inebriates are “arrested” annually without a courtroom appearance. In St. Louis, while a charge of “protective custody” is technically available only for drunkenness in a private place, this charge has been heavily used for processing public inebriates.

   In decriminalized jurisdictions, police pickup and delivery to the jail may be continued for many inebriates, especially where inadequate bed space is available in detoxification centers. In Oregon, the state statute decriminalizing public drunkenness has provided for civil custody in a city or county jail where appropriate treatment facilities are lacking.20 The individual can be held up to 48 hours, although the court having local probate jurisdiction must be informed of the admission within 24 hours.21 In Salem, Oregon, prior to the opening of the detoxification center, civil protective custody pickups were ex-

19E. Rubington and R. Geddes, supra note 18, at 6. In Boston, however, certain problems exist in the two-stage delivery system as a result of differences in work schedules of the police and public health bureaucracies which should be addressed by jurisdictions considering this approach. In the year following decriminalization, while almost 35 percent of all inebriates taken into “civil protective custody” between 8:00 a.m. and 4:00 p.m. were released to detox, only 5.4 percent of those taken into protective custody between 4:00 p.m. and midnight and 2.1 percent of those taken in between midnight and 8:00 a.m. were released to detox. Beds in detox become available during the day when public health officials discharge patients. The pressure to fill empty beds that are in demand by persons on the street and in protective custody during this period results in few beds being available during the evening and night. On the other hand, police pick up public inebriates 24 hours a day and pick up fewer during the day than during either the evening or night. Also, rescue team members work four 10-hour shifts per week. The detoxification center, which is understaffed, suffers its most severe staff shortages during the evening and at night, when rescue teams are “on-call” only. ABT Associates, supra note 18, at 10–11; E. Rubington and R. Geddes, supra note 18, at 11–16.

20"In the absence of any appropriate treatment facility, an intoxicated person ... who would otherwise be taken by the police to a treatment facility may be taken to the city or county jail where he may be held until he is no longer intoxicated." Ore. Rev. Stat. § 426.460(3).

tensively used with the jail serving as the statutory "detoxification center."

III. AN ORGANIZATIONAL APPROACH TO IMPROVE COMPLIANCE WITH PUBLIC POLICY GOALS

Before discussing types of incentives and disincentives that may be applicable in light of the attitudinal and other factors influencing police behavior, some examples of changes in the incentives and disincentives structures illustrate the usefulness of the approach to understanding variations in police behavior in gathering street inebriates. In Richmond, Virginia, in 1972, the number of arrests for public drunkenness declined nearly 50 percent from the preceding year. This decrease was preceded by a change in police department orders (resulting from pressure generated by a lawsuit) which required police officers to appear in court at the first appearance of the inebriate. A court appearance in Richmond typically involved a substantial amount of police time, often after a late tour of duty, and the rate of overtime compensation was deemed inadequate by police officers. Hence, a substantial and precipitous decrease in police pickups resulted.

In St. Louis, in 1963, the number of arrests of public inebriates more than doubled from the preceding year. In connection with the introduction of required medical services, a department directive ordered an increased arrest rate. This was associated with reduced demands on arresting officers to complete paperwork and the use of designated police cars to transport the inebriate. Subsequently, after an initial intensive effort, there was a return to a position that de-emphasized pickups. Arrest rates sharply declined to their former levels within the next two years, and then continued to decline following introduction of a therapeutic alternative. Unlike the experience in St. Louis, the change in the incentive and disincentive structure in Richmond was more permanent, producing a continuation of pickups at the substantially reduced levels.

Sources of Incentives and Disincentives Available to Policy Makers and Administrators

Our review of the literature and site visits to police departments throughout the country suggest that police administrators and other policymakers can potentially draw upon five sources of incentives and disincentives to alter police behavior. Although interrelated, a brief
discussion of economic, information, communication, authority and power incentives follows.

A. Economic Incentives

In classic management theory, economic rewards were thought to be the most important way to motivate individuals. However, the advent of the human relations movement, the discovery of the importance of informal group norms and advances in the behavioral sciences, particularly in information theory, have made us realize that economic gain is often not the critical incentive. Individuals may even accept lower economic rewards to protect security and independence. Indeed, unionization, civil service systems and heightened professionalization make it more difficult to use economic incentives as a means of promoting compliance with organizational goals.

In interviews with police officers, we attempted to identify whether there are any economic advantages or disadvantages in picking up or not picking up public inebriates, such as overtime pay or promotion. For example, in Kansas City, Missouri, a police officer received a minimum of three hours extra pay for any court appearance not a part of the regular (day) shift. This has given rise to a practice informally termed “headhunting” for public inebriates in order to increase income through court-time payments. We were informed that a police officer “could make up to $1,000 a month court-time picking up inebriates.” One of the Kansas City police department’s goals in supporting informal diversion to Sober House, the Salvation Army operated detoxification center, has been to limit officers’ time in court and reduce the practice of “headhunting.”

Indirect economic incentives involving changes in resource allocations and techniques to improve productivity, such as giving “credit” for public drunkenness pickups, are also available. Manpower and equipment can be reallocated on a temporary or longer term basis to focus more intensively on certain types of drunkards or in geographical “problem” areas. Resources can be made available to augment training programs to provide information on alcoholism and handling public inebriates. Changes in patrol organization with heavier reliance on specialized units, as discussed above, can be effective. Officers in special squads can be more carefully screened to consider their attitudes and interest in working with public inebriates.

It was apparent during our site visits that "credit" is often given for making public inebriate arrests in criminal jurisdictions, similar to credit given for making traffic and other misdemeanor arrests. This means that the officer's performance is considered in evaluations related to improvements in job assignment and promotion. Indications are that police officers respond to "credit" with higher levels of public inebriate pickup. This incentive was available in the District of Columbia, but appears to have vanished following decriminalization.

B. Information Incentives

Policymakers (e.g., superior police officials) can and often do control the amount and type of information as a means of getting subordinates to accept specific decisions. Persons frequently will accept decisions if they are unaware that other alternatives are available, or if the cost of searching is too high. It may well be the case that control or manipulation of information about various alternative courses of action, what they are supposed to achieve, and how achievement is to be measured is a much more effective way to produce desired role behavior than manipulation of economic rewards. The use of information is important also because police behavior is influenced by the degree to which patrol officers believe that goals are being achieved (regardless of the "objectively true" situation). Perceptions about whether given aims are being achieved are related both to the kind of information made available as well as the attitudes and theories officers have toward the approach used.

In our interviews, we examined the manner in which a Department's policy is communicated to patrol officers, including police orders, roll call communications, academy or in-service training and informal communications. The contacts or communications existing between public health personnel (e.g., Detox personnel) and the Department were reviewed along with how communications take place: through a liaison officer, word-of-mouth between high level personnel, informal communication between police officers and public health staff, cooperation on policies and procedures, in budgets, written communications, joint records, and public health training or briefing of police personnel.

officers. These multiple channels of communication offer ample opportunity to use information incentives as a means of getting patrol officers to accept the police department's commitment to specific public policy goals in the handling of public inebriates.

Two examples show the importance of information incentives. In St. Louis, we were informed that an influential citizen, Henriette Johnson, a Board Member of the Alcoholic Task Force, was concerned that black people comprised only 18 percent of the people at Detox when the city is 40 percent black, and there are a substantial number of black public inebriates. She went to one of the police districts and "raised hell." Meetings of police officers were arranged with her. Officers were told to pick up blacks and within a few months, black patients at Detox increased to 33 percent. We were informed that the main problem was a lack of information on the availability of Detox and the importance of picking up black street inebriates. This example also shows the importance of feedback about goal achievement, discussed under communication incentives, below.

In Washington, D.C., in the fall, 1969, the police chief was informed that many derelict drunkards in the downtown area were not being taken to the detoxification center because the center was usually filled to capacity. The police chief ordered the Field Inspections Division to follow through on the report. The report indicated that the detoxification center had never been filled to capacity and would welcome additional clients. Information was relayed through staff meetings to the patrol force that the detoxification center is open 24 hours daily and that there was no record of its ever being full. Officers were directed to increase use of the detoxification center.24

C. Communication Incentives

An organization must be aware that it is not achieving its goals through feedback before it will try new procedures.25 When feedback about organizational achievement is weak, groups in the organization become isolated and unconcerned with problems faced by other groups in the system. Important decisions may not become known until well after they are made. When communications in an organization deteriorate, the organization may become afflicted with the pathology called "displacement of goals." Rules of behavior become ritualistically

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24Washington, D.C. Metropolitan Police Dept., Field Operations, Staff Minutes (Sept. 25, 1969) reports the finding that there is no record of the detoxification center ever being filled to capacity.

important; they become an end themselves rather than a means. They
displace goals as the primary factor in motivating organizational
behavior. Change under these conditions usually can occur only after
a crisis.

D. Authority Incentives

When use of information to achieve goals fails, police officials may
turn to the use of authority. There are two sides to organizational
authority: sanctions of force or "benevolence." Sanctions of force in-
clude both positive and negative sanctions such as threats, suspension,
dismissal, praise, promotion and so on. The use of coercion has di-
minished in modern organizations because unionization, civil service
rules, and professionalism all tend to inhibit its use. Superiors there-
fore have turned to other means of persuasion or control such as pro-
gramming decisions. When a decision can be programmed, policy-
makers simply designate rules that are to be followed under different
contingencies. The only choice available to subordinates is the deter-
mination of which rule applies. Through interviews and examination
of departmental orders and procedures, we sought to inquire whether
there are differences among jurisdictions in the degree of program-
ming of alternative forms and disposition of public inebriate pickups.

E. Power Incentives

Power in organizations is related to the degree of uncertainty faced
by various groups in an organization. The groups that deal with
more uncertain environments are likely to have more power. It seems
clear that people have power over other people insofar as the latter's
behavior is narrowly limited by rules whereas their own behavior is
not. A new program or procedure will not be given a fair trial in an
agency if it does not fit into the power relationships of groups in the
organization. Many workers prefer to adhere to rules that are pre-
dictable because it provides them with protection against arbitrary
behavior on the part of superiors. There will be pressure in any or-

26See, e.g., W. Bennis, supra note 23; M. Cruzier, supra note 23; R. Guest, supra
note 23; R. Likert, New Patterns of Management (1961); R. Peabody, Organiza-
tional Authority (1964); C. Perrow, supra note 22; S. Verba, Small Groups and
Political Behavior (1961); M. Zald & G. Wamsley, supra note 23; Bennis, Leadersh-
ship Theory and Administrative Behavior, 4 Ad. Sci. Q. (1959); Blau, Decentraliza-
tion in Bureaucracies, in Power in Organizations (M. Zald ed. 1970); Bucher, Social
Process and Power in a Medical School, in Power in Organizations (M. Zald ed.

27See note 26 supra.
RATIONALITY IN HANDLING PUBLIC INEBRIATES

organization to reduce uncertainty and make most situations fairly predictable, even if this means that information about goal achievement must be distorted. The introduction of a new procedure in an organization has an impact upon power relations because it introduces new uncertainties into the organization. We attempted to determine the degree of certainty or uncertainty over pickup goals and procedures by officers at various levels in the police organization, and the degree of acceptance of these goals.

Application of the Incentive and Disincentive Approach to Improve Handling of Public Inebriates

A. Formulation of Goals at Upper Levels of Police Command Structure, Public Health Agencies and Municipal Government

The police chief executive and upper levels of the police command structure should give personal attention to the task of explicitly formulating priorities in the handling of public inebriates. The priorities should be based on a consideration of the number, types, and location of street inebriates, as well as available resources and desires of community members and local groups. If a question arises concerning authority to formulate and set forth priorities, they should consider whether legislative authorization, formal or informal, and municipal government approval is desirable. In order to obtain information relevant to fashioning these priorities and enhanced legitimacy and acceptance, they should use a process that includes communication with public health agencies, personnel at various levels of the police department, including patrol officers, and, perhaps, representatives of interested groups and the general public.

28National Advisory Comm'n on Criminal Justice Standards & Goals, Police Chief Executive: Report of the Police Chief Executive Committee of the International Association of Chiefs of Police 87 (1975) in Standard 11, "Establish and Communicate Objectives and Priorities," includes the following commentary: "Setting objectives occurs in every police agency—sometimes with no conscious effort to set objectives. The difference between a mediocre and an outstanding policy agency may depend upon whether a conscious effort is made to set, measure, and accomplish objectives."

29National Advisory Comm'n, supra note 28, at 87, provides in part: Every police chief and executive should encourage employees at every level of the agency and members of the community to provide input for the establishment of agency objectives. Individuals at all levels of the policy agency should recommend, determine, or agree upon unit objectives and priorities that are consistent with agency objectives and priorities. . . . Every immediate superior of a police chief executive should review and approve the objectives and priorities determined by the policy chief executive. . . .
Interviews with police chief executives, top level police command officials, and high level public health officials suggest that inadequate attention has been given in most jurisdictions to formulating public policy goals for handling public inebriates. While more attention seems to have been given to goal formulation in jurisdictions adopting therapeutic alternatives (reflecting the requirements of goal statements in grant applications), both criminal and decriminalized jurisdictions have failed to explicitly identify the diversity of objectives and desired trade-offs among them.

Interviews with command level police officials in criminal jurisdictions suggest that statements of goals are often couched in such generalities that they provide little operationally meaningful guidance to the police officer on the beat. Other jurisdictions seemed to follow a more or less conscious policy of delegating the formulation of objectives in dealing with public drunkards to lower levels in the police command structure and to the individual police officer. We heard statements in police departments such as "our policy is that it is up to the judgment of each patrol officer to decide which drunks to pick up." Much policy making relating to enforcement of the public drunkenness laws seems aptly described as "unarticulated improvisation."

In therapeutic jurisdictions, public policy relating to the handling of intoxicated individuals requires the collaborative efforts of at least two public service agencies. Individual police officers are not equipped to deal with these issues. Strategies must be developed, the relative responsibilities of the police and public health agencies must be identified, the relationships of these agencies to each other must be determined and appropriate budgetary and resource allocations among the

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30 *The President's Comm'n on Law Enforcement & Administration of Justice, Task Force Report: The Police* 18 (1967) states:

The Need to Recognize the Police as an Administrative Agency with Important Policymaking Responsibilities: There are two alternative ways in which police can respond to the difficult problems currently confronting them: (1) the first is to continue, as has been true in the past, with police making important decisions, but doing so by a process which can fairly be described as "unarticulated improvisation." This is a comfortable approach, requiring neither the police nor the community to face squarely the difficult social issues which are involved, at least until a crisis—like the current "social revolution"—necessitates drastic change. (2) The second alternative is to recognize the importance of the administrative policymaking function of police and to take appropriate steps to make this a process which is systematic, intelligent, articulate, and responsive to external controls appropriate in a democratic society; a process which anticipates social problems and adapts to meet them before a crisis situation arises. Of the two, the latter is not only preferable; it is essential if major progress in policing is to be made, particularly in the large, congested urban areas.
agencies may be required. Since the police are only one of the bureaus involved, decisions may be required on how the municipal government—not just the police or public health agencies—is going to respond.

B. Operationalizing Public Policy Goals: Policy Directives, Guidelines and Rules

Upon establishing priorities among public policy goals, information should be communicated to police and other pickup agents to enable such persons to understand the purposes and practical meanings of these priorities. Given the dimensions of the problem of selective enforcement in handling public drunkenness, goal statements should be supplemented by police directives, guidelines, and rules to provide adequate guidance to pickup agents.\(^3\)

The growing literature on approaches to “confine,” “structure” and “check”\(^3\) police discretionary power may be of assistance procedurally and substantively in the task of formulating directives.\(^3\) Models may be considered in other areas of police discretion, for example, the comprehensive and detailed guidelines and rules to regulate police

\(^3\)Four national organizations and commissions have endorsed the need for police administrators to follow up setting public policy priorities with specific explanations of their meaning and implications to guide patrol officers: (1) The President’s Comm’n on Law Enforcement, \textit{supra} note 30, at 18–21; (2) American Bar Association’s Project on Standards for Criminal Justice, \textit{The Urban Police Function} 116–44 (1972); (3) National Advisory Comm’n on Criminal Justice Standards and Goals, 21–28 (1973); and (4) International Association of Chiefs of Police. The International Association of Chiefs of Police has approved the ABA Standards on the Urban Police Function and sponsored the preparation of a set of Model Rules for Law Enforcement Officers.

\(^3\)K. Davis, \textit{supra} note 7, at 145, defines these terms as follows:

A rule that confines discretion says to the officer: “Here are the boundaries of your discretion. You are free to make your own choices within this area, but don’t go outside the boundaries.” A rule that structures discretion says to the officer: “Within the area in which you have discretionary power, let your discretion be guided by these goals, policies, and principles, and follow these procedures that are designed to minimize arbitrariness.” Discretion of an officer is “checked” when it is reviewed by a supervisor, by a prosecutor, by a judge, by a private party, by the press, by legislators, or by someone else; discretion that is checked is obviously less likely to be arbitrary than discretion that is unchecked.

discretion in the handling of juvenile curfew violations by the Day-
ton, Ohio Police Department.34

In our site visits, we found examples of efforts of police administra-
tors to set boundaries and provide guidance to police officers in deal-
ing with public drunkards in Washington, D.C.,35 Minneapolis, Min-
nesota,36 Kansas City, Missouri,37 and Salem, Oregon.38 Also we saw
examples of more traditional police department regulations, such as
field procedures to be used on making a public inebriate pickup, reg-

ary Rule, 36 L. & Contemp. Prob. 488 (1971); Wright, Beyond Discretionary Justice,
81 Yale L.J. 575 (1972); Project on Law Enforcement (1973).

34Dayton, Ohio Police Dep't, Office of Public Information, Police Brief (Jan.
24, 1974).

35The police chief in Washington, D.C., issued a special order following the con-
gressional enactment of the District of Columbia Alcoholic Rehabilitation Act of
1967 which eliminated intoxication as a criminal offense except when public intox-
ication endangers the safety of the individual or other persons or property. In Section
II of the regulations, the general policy of the police department was set forth:

II. Policy. Intoxication shall be handled on a public health rather than on a
criminal basis. No intoxicated person shall be taken into custody except where
his conduct clearly and immediately endangers the safety of himself or of any other
person or of property. An intoxicated person shall be accorded the same considera-
tion as any individual suffering from an illness.

The chief of police also provided an interpretation of the phrase "clearly and imme-
diately endangers..." to provide clearer guidance to police pickup agents:

III.C.1. Intoxication is a criminal offense only when it results in a substantial
and immediate danger to the safety of the intoxicated individual or other persons
or property. A hazard that is theoretical or potential does not constitute a sub-
stantial danger. The normal manifestations of intoxication, such as, staggering,
falling down, sleeping on a park bench, lying unconscious in the gutter, begging,
singing, although perhaps disagreeable and disturbing to the senses, do not under
this statute constitute a substantial or immediate danger and do not justify placing
the criminal charge of intoxication. John B. Layton, Chief of Police, Washington,
D.C. Metropolitan Police Dep't General Order No. 11 (Oct. 24, 1968).

36In Minneapolis, Minnesota, the chief of police issued guidelines in July, 1971,
explaining to police officers that under the revised Hospitalization and Commitment
Act decriminalizing public drunkenness, the decision to pick up and transport an
intoxicated person to the detoxification center is discretionary. The officer was in-
formed of several criteria he might use in making his decision, including: speech,
clothing, odor of breath, manner of walking or position, hazard to inebriate or others,
physical condition, appearance of eyes and face, ability to understand and answer
questions, ability to identify self, surrounding conditions and circumstances, and
what was said or admitted. Interpretation of the criteria and consideration of other
factors were left to the officer's "own experience and judgment." Once the officer has
made his decision to transport the inebriate, no consent is necessary and "such force
as is reasonably necessary" may be used. Minneapolis, Minnesota Chief of Police,
Memorandum (June 29, 1971). While at first glance the above criteria may appear to
be unbiased, a closer look suggests a bias in some of the criteria (e.g., surrounding
condition, clothing) that increases the likelihood that police would pick up destitute
and transient inebriates.

37Clarence M. Kelley, Chief of Police, Department Memorandum no. 27 (May 14,
1971).

38After Oregon formally decriminalized public intoxication in 1972, providing for
detoxification custody in lieu of other detoxification facilities, the Salem, Oregon
ulations on admitting intoxicated persons to a detoxification center, communicating with the police radio dispatcher, completing police reports, and so on.\footnote{See, e.g., Curtix Brostron, Chief of Police, St. Louis Metropolitan Police Dep't, St. Louis Detoxification Center Procedure, Special Order 67–5–8, (March 3, 1967); John B. Layton, Chief of Police, Washington, D.C. Metropolitan Police Dep't, General Order No. 11 (Oct. 24, 1968).}

Police Department issued a Training Bulletin. Commenting on the general discretion vested in the police officer to take or send an inebriate home or detain him, the Bulletin stated:

Our department policy prohibits transporting an intoxicated person to his home or other place except a treatment facility. It is also department policy to allow an intoxicated ('sick') person to continue on their way whenever possible. Place the intoxicated person in the same category as the 'sick' person and you should have little trouble deciding when assistance is required. Determine if immediate health or life is at stake.

In instructing the police officers on the mandatory delivery requirement for incapacitated persons, the Bulletin stated: "[t]his becomes necessary when the situation is serious and there is no violation requiring an arrest." It noted that while this left "considerable leeway for detoxification custody," it was departmental policy that "the situation must be serious with no other solution available before using detoxification custody." Salem, Ore. Police Training Bulletin, SPD – TB 72–2, vol. 6, no. 2.

After detoxification facilities were established, the Salem Police Department issued the following regulations, effective May 24, 1976:

I. Use of Detoxification Custody

A. Detoxification custody should only be exercised when all other reasonable efforts to take care of the individual have failed (for example, if the subject has no friend or relative to transport him home, or no funds for a taxi).

B. Police officers will not transport the subjects unless they have been taken into detoxification custody.

II. Guidelines

A. Unconscious or Seriously Injured Subject.
   1. DO NOT take into detoxification custody.
   2. Call for an ambulance and have the subject transported to Salem Memorial Hospital. Do not transport the subject in the patrol unit.
   3. Complete an Incident Report (sick or injured person).

B. Subject is Antagonistic, Mildly Abusive or has Minor Injury Not Needing Emergency Treatment.
   1. Attempt to get the subject to commit himself to the Oregon State Hospital.
   2. The State Hospital does not have the emergency facilities to take the seriously injured, but can accept patients that do not need lab work or emergency care.
   3. If the subject refuses to commit himself, the officer has the alternative of making an emergency commitment.
   4. The State Hospital has the necessary staff to handle the combative subject, and have advised they will accept emergency commitments in most detoxification cases.

C. Intoxicated Person.
   1. If the subject is non-combative and is unable to care for himself, take the subject to the Detoxification Center.
   2. The Command Center supervisor should call ahead to ascertain if there is room at the Center.
   3. The Detoxification Center usually has only one female staff member on duty and is not equipped to handle the violent or combative subject.

Controversy exists on how particular and detailed guidelines and rules should be made for handling public inebriates without being impractical and interfering with the needed leeway for individual interpretation. Understandable police department apprehension can be dealt with by using drafting phrases such as "absent extraordinary circumstances" and "ordinarily" to leave room for necessary discretion to individuals in light of all the facts and circumstances of particular cases, yet clarify the overall policy and its implications. Whatever procedure is adopted for formulating policy directives, we submit that a process that at least involves lower level command and line officers in its design will probably increase the likelihood of successful implementation.

The examples cited above suggest the feasibility of developing practical and effective guidelines and rules to preserve an appropriate mix of guidelines and rules with discretion. Improving the uniformity of public policy in the control of public inebriates requires that efforts be made to go beyond general statements of priorities. Establishing clear, understandable and realistic guidelines and rules can increase the likelihood that the administrative priorities will be applied by the pickup agent. Also, they will facilitate the review of actions of pickup agents by providing standards for evaluating their behavior.

C. Reinforcement of Policy Directives, Guidelines and Rules

A variety of reinforcement or change devices (incentives and disincentives) is needed to develop among police officers a sense of the importance of public policy priorities with respect to public inebriates and to ensure that the implementation of legal and public policy norms is not thwarted by conflicting self-interest and organizational goals. While many types of reinforcement devices may be successfully used, we have selected those that are most subject to the short-term control of the police chief (and higher level governmental officials); hence, they tend to emphasize the organizational variable in our police discretion model. We do not discuss some devices, such as review panels and various forms of discipline that are unlikely to be very helpful in implementing these policies.

40See K. Davis, supra note 7, at 158–63.

41We acknowledge our indebtedness to Jerry V. Wilson, former Chief of Police, Washington, D.C. Metropolitan Police Department, for improving our understanding of how police chief executives can successfully implement policy changes in a large urban police department. In addition to numerous conversations, we drew upon his unpublished paper, Executive Control of Policies for Police Handling of Public Inebriates (1975) (filed with The American University Law School's Project on Public Inebriation).
RATIONALITY IN HANDLING PUBLIC INEBRIATES

1. ECONOMIC INCENTIVES: SPECIALIZATION

There are various kinds of specialization available to a police chief executive to increase the likelihood of attaining the various public policy objectives involved in handling public inebriates. The most common form of specialization used is the general patrol specialist who operates within the ordinary organization of the patrol division. Two examples of the general patrol specialist, discussed in a preceding section, are patrol wagon drivers and foot patrol officers. They may be used for implementing order maintenance and/or therapeutic goals both in criminal and decriminalized jurisdictions. A combination of walking beat officers and a wagon has proved especially effective in achieving street clearing aims in the downtown areas of large cities.

Since general patrol specialists are in the patrol division and work for the regular precinct supervisors, they are motivated to do a considerable amount of generalist police work, such as traffic enforcement. Yet they and their supervisors know that their primary responsibility is the control of public inebriates. General patrol specialists greatly reduce the number of police officers who may need to be trained and reinforced in the goals and procedures of handling of public inebriates.

The use of general patrol specialists provides the opportunity to select police officers who may be more motivated and understanding in dealing with public drunkards. Selection procedures may include: evaluation of the role orientation of police officers (e.g., community service, order maintenance, order enforcement oriented); their attitudes toward the strategic environment (e.g., attitudes concerning the detoxification center, the seriousness of alcoholism and public intoxication as a social problem, destitute skid row inebriates, etc.); attitudes regarding strategic interaction (e.g., the officer's perceptions of what other significant actors, such as the business community, local community residents, and public inebriates themselves, desire in regard to removing public inebriates from the streets); reaction to peer attitudes and personal background variables.

One problem of the use of general patrol specialists is that they also deal with a variety of other police tasks which may militate against their developing a commitment to the notion that dealing with public inebriates is really a matter of high departmental or social importance.

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42 See text at 102-03 supra.
43 See text at 99 supra for a discussion of the various independent variables that shape police attitudes and influence how police officers tend to exercise their discretion in handling public inebriates.
An alternative is to organize a specialized unit within the police department for handling public inebriates. A department could establish a relatively small unit, either within the patrol division, a special operations division, or some other division of the department, and assign that unit the responsibility for achieving all or part of the department's objectives within geographic areas of high incidence of street inebriates. Undistracted by the wide range matters, both mundane and emergency, which confront the generalist patrol officer, specialist units tend to develop pride in their function, even though it may be disdained by generalist patrol officers. A specialist unit would be given either primary or exclusive responsibility for controlling public drunkards within designated geographic areas and, in therapeutic jurisdictions, could function as the police department counterpart to the civilian van programs.

Although the benefits of a specialist unit seem to be great, such units are expensive, not only in terms of basic personnel to perform the function, but because the unit needs supervisory, administrative, and support personnel to fulfill needs usually absorbed when a function is performed by patrol division generalists, rather than by specialists.

2. POWER AND AUTHORITY RELATIONSHIPS

a. Personal Attention of Police Chief. The amount of personal time and attention devoted by the police chief and the commander of the patrol division—as well as by other high level governmental officials—to emphasizing policies regarding public inebriates will significantly influence how those policies are perceived by the line police pickup agents. The real tone of a policy change may be set by public speeches and media statements of the chief of police and other high governmental officials rather than through written directives, guidelines, and rules. In this way, patrol officers are much more likely to pay attention to the written directives. Additionally, the police chief discussing the topic at staff meetings, conferring on a regular basis with the departmental coordinators, and reviewing and commenting on statistical reports will pay large dividends in the response of patrol officers implementing the department's policy directives.

b. Designation of Part-time Supervisor Coordinators. A well tested technique to induce compliance with policy directives is the designation of a departmental coordinator or coordinators to give continuing attention to their implementation. For example, the police chief of the Kansas City Police Department designated a senior official of the department to be responsible on a part-time basis for monitoring the
level of public drunkeness in various parts of the city and the extent to which there is compliance or non-compliance with department policies. The deputy police chief in charge of the patrol division of the Houston Police Department similarly designated a senior supervisory official to monitor police operations involving public inebriates in the downtown area. The importance this kind of part-time assignment is likely to have for the designated coordinator will depend on how significant he thinks the matter is to the chief of police. This will depend, in part, upon how often the chief of police discusses the matter with the senior official. In turn, the perception among field personnel of whether or not the chief of police views the matter as important may be inferred from whether the designated coordinator is an official who sees the chief of police very often and is someone in whom the chief of police is believed to have confidence.

Another approach which can be used to supplement the part-time supervisor is for the chief of police to require each patrol district or other similar subunit of the department to select a unit coordinator, perhaps of the rank of lieutenant or sergeant, to be delegated specific responsibility within that unit for monitoring the implementation of the revised policy. If problems of public inebriation are concentrated within one or two patrol districts, unit coordinators may be advisable only within those areas. The value of the unit coordinator method can be enhanced if the chief of police insists that they be selected from among the ambitious junior officers seeking promotion. Also, the unit coordinators should be brought together on a fairly regular basis by a departmental coordinator or other senior official and/or be required to submit regular written reports to some reviewing official.

Finally, the police chief and public health officials should ensure coordination with the detoxification units in jurisdictions using therapeutic alternatives. Good relations with all levels of the patrol division and the detoxification unit are important. In order to "institutionalize" such contacts, the police chief should designate a high level official with the specific responsibility for coordinating and monitoring the interaction between the police and the detoxification unit. The function can be performed by the same senior level official designated to oversee the implementation of the department's objectives for handling public inebriates. In Kansas City, the commander of special operations routinely monitors police performance regarding street inebriates and maintains regular informal contact with the director of the detoxification center. In the District of Columbia, the inspector assigned as night supervisor was given responsibility for monitoring re-
lations between the patrol force and the detoxification center while the director of planning was assigned responsibility for maintaining administrative coordination with the detoxification center.

3. COMMUNICATION AND INFORMATION INCENTIVES

a. Training and Reminders. Training is an obvious and basic form of reinforcement of policy directives, guidelines, and rules. Most of formal police training is done in the recruit school, but much is also done through in-service training sessions and roll-call training by supervisors. Recruit school training can be a valuable opportunity for instilling an understanding of the department's policies and approaches relating to public inebriates, alcoholism, the operation of the detoxification center, etc. Nevertheless, if recruits are taught new approaches in recruit school and then are sent to the field where experienced officers are using different approaches, the “peer relationship” interaction will operate to nullify or significantly diminish the impact of the formal training. Hence, a major change in departmental processes requires specific training of all patrol officer pickup agents including first-line supervisors.

But training programs can be very expensive. While proponents of training programs often count the cost only in salaries of instructors, classroom facilities, and supplies, the largest cost of instruction for a police agency is in the time of the police officers attending classes. For example, Jerry Wilson, former chief of police, Washington Metropolitan Police Department, has estimated that just one hour of roll-call training for each patrol division officer (not counting supervisors) of a 3,000 complement police department would cost about $10,000 in police time (measured by direct salaries) if performed during regular tours of duty and about $15,000 if performed as overtime assignments.44 Since salaries are fixed costs, however, the true economic cost would be the opportunity cost of lost work productivity, assuming training occurs during regular working hours. This is very difficult to measure. The potential benefits, however, in terms of improved management of public inebriates should be substantial.

Less expensive than formal roll-call training is the use of roll-call for brief informational purposes, as well as for oral reminders by supervisors. In Erie, Pennsylvania, detoxification center officials used roll calls as the primary vehicle for explaining the new detoxification diversion program to all of the patrol officers. If oral reminders are specifically required on a weekly basis, there is a danger that some super-

44J. V. Wilson, supra note 41, at 19.
visors will engage in such routinized litany that the reminders become meaningless. At the executive levels of the department, oral reminders may consist of discussions by the chief of police with other senior officials at staff meetings.

In our site visits, little use of training programs and reminders for handling public inebriates was observed. When the St. Louis Detoxification Center opened in 1966, the personnel of the Social Science Institute of Washington University participated in designing and providing instruction at the police academy. Six hours were devoted to the subject of problems of alcoholism, including instruction by Dr. Joseph B. Kendes, one of the founders and the first Medical Director of the detoxification center. Today there are less than two hours of a 640-hour training program devoted to the subject. Even this figure is generous since detoxification procedures are taught in connection with the subject of Driving While Intoxicated and mixed in with numerous other subjects. Similarly, in Minneapolis, Minnesota, following decriminalization and the opening of the detoxification center, two classes of police cadets were put through the training academy. A syllabus was developed by the detoxification center, and officers received instruction on the detection of alcohol withdrawal as well as an explanation of the detoxification center's role in managing public drunkards. Since 1973, however, the Minneapolis Police Department has held no training sessions on public intoxication. In Washington, D.C., the request of public health officials from the detoxification center to participate in the formal training program was denied because of the need to use the scarce training time for higher priority topics.

b. Reporting Requirements. The requirement of statistical reports is probably the most prevalent form of reinforcement of written directives. Police departments require that monthly or quarterly performance tabulations be made showing the activity of each officer within a given organization or unit for such items as offense reports taken, traffic accidents investigated, and felony and misdemeanor arrests, including public drunkenness. While these performance reports often are criticized as constituting "arrest quotas," in practice they are usually less than quotas, serving as measures by which supervisors can judge which officers are "producing" while on patrol and which are not. In order to provide the information for these reports, patrol officers are required to submit a daily or weekly activity report of formal actions taken.

An illustration dramatically reveals the incentive of reporting requirements to direct police activity in handling public inebriates. In Washington, D.C., decriminalization of public drunkenness resulted in a substantial reduction of police interest in the problem. At one point
in 1971, the spectacle of derelict inebriates on the downtown streets resulted in action by the chief of police to stimulate the police to pick up and transport such persons to the detoxification center. The primary device for accomplishing this was the requirement of a monthly statistical report from the First District commander to the police chief on the number of individuals taken to the detoxification center each day. Consequently, the number of derelict inebriates on downtown streets was reduced. After a time, the first district ceased submitting the report (due to inattention and lack of feedback on the reports), resulting in a reoccurrence of a noticeable problem. The police chief, in 1972, reinstituted the reporting requirement to ensure increased street level attention to the problem. More recently, in Houston, "Operation Sparkle," an effort to clean up the downtown area including removal of skid row inebriates from the streets, resulted in a requirement of daily reports showing the number of citizen complaints and of public inebriate arrests.

In Kansas City, the police department uses its computer facility for a monthly tabulation on the number of individuals arrested for public drunkenness and the number informally diverted to the detoxification center by precinct and watch (i.e., shift). Printouts are routinely monitored at headquarters by the Commander of Special Operations. The department has been using a rough guideline that at least one-half of formal public inebriate dispositions should be made to the detoxification facility. When the use of Sober House drops below 50 percent, the department coordinator notifies the field commander urging increased use of Sober House.

There are numerous hazards in using statistical reports for measuring performance toward objectives. Aside from the possibility that false statistics may be submitted, there is the potential that personnel at the operational level will simply revise their procedures to produce the statistics demanded without achieving the objective. Applying statistical reinforcement to the goal of taking derelict inebriates to a detoxification center might stimulate patrol officers to take in public inebriates who could just as well be sent home or derelicts who are not intoxicated.

D. Interagency Communication and Information Patterns: Improving Police and Detoxification Center Cooperation

Attention must be given to improving the contacts between police department and detoxification center personnel. The interaction of

45Id. at 5.
RATIONALITY IN HANDLING PUBLIC INEBRIATES

these two autonomous public service bureaucracies is accounted for in our police discretion model through the strategic environment and strategic interaction variables and non-discretionary environmental factors. As criminal justice system responsibilities are increasingly blended with therapeutic state programs, improved coordination requires focusing on communication and information incentives and, perhaps, eventually developing authority and power relationships that cut across these two independent systems.

Police intake of public inebriates under a public health mandate requires the cooperation of two agencies that diverge in their organizational structure and value orientation. The public health personnel in detoxification centers who were interviewed generally would prefer to work with public inebriates who are middle class types or at least from the upper band of the skid row public inebriates. This preference is reinforced by their superiors in the public health bureaucracy who tend to define success in terms of rehabilitation and make funding allocations that are heavily influenced by this consideration. Consequently, we found evidence in St. Louis, Minneapolis, and in some of the detoxification centers in San Francisco of a desire to encourage voluntary, non-police and non-civilian van admissions. The St. Louis detoxification center has dramatically shifted from an emphasis on police referrals.

On the other hand, the needs of the police officers are to respond to a problem on their beat which frequently involves destitute skid row inebriates as well as unruly and difficult to manage non-skid row drunkards. Many of these non-skid row types do not desire to spend 72 hours or more in a detoxification center with a possible disruption of family and employment ties. Police officers are under constant pressure from businesses and citizens to perform an order maintenance function as well as to provide a community service for needy public inebriates.

What can be done through the public health bureaucracy to improve the interaction between the detoxification center and the police department to increase the likelihood of attaining public policy goals? The following discussion attempts to respond to this question and, unless specified, assumes that police officers have responsibility for delivering intoxicated persons directly to the detoxification center. Ci-

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46See text at 98 supra.
47Differences in work schedules of the police and public health bureaucracies in Boston, Massachusetts, and their effect on the intake of public inebriates are discussed in note 19 supra.
villian van pickup systems, including police officer contacts with civilian agents, are briefly discussed in the final section of this article.

1. **CONSULT WITH THE POLICE DEPARTMENT IN THE EARLY PLANNING STAGES**

   As indicated earlier, the police department should be consulted when the initial goals are being established to insure that order maintenance needs and pressures are taken into account. In St. Louis and Kansas City, consultation took place with significant initial beneficial results. In Washington, D.C. and Minneapolis, consultation to any significant degree did not take place, resulting in a failure to obtain a consensus of public policy goals and inadequate consideration of practical issues in designing an effective pickup process.

2. **CONVENIENTLY LOCATE THE DETOX CENTER OR PROVIDE DROP-OFF CENTERS**

   In addition to the needs of the public health bureaucracy, adequate consideration should be given to the location of the public inebriation problem and the needs of police pickup agents. There is a direct relationship between the transportation time and police costs and attitudes in delivering individuals to detoxification centers. If detoxification centers cannot be conveniently located, several alternatives are available, including the location of a separate intake unit, such as in Santa Clara County, California, or the use of the jails as the first stage of a two-stage pickup and delivery system.\(^{48}\)

3. **PROVIDE ADEQUATE BED SPACE OR DEVELOP GUIDELINES AND COORDINATE DETOX ADMISSIONS**

   Delivery to detox should be ingrained in police officers as ordinary operating procedure. If adequate bed space is not available, detox should consider setting aside bed space for police referrals if the objectives include encouraging police referrals. In St. Louis, bed space was reserved for police cases after the detoxification center moved to the state hospital, but eventually, as the number of beds increased and the objectives shifted, this practice was discontinued with the result that police referrals declined. When beds are simply not available, a procedure should be worked out for giving advance notice through the dispatcher so that a wasted trip will not be made.

   A serious problem in the allocation of bed space may result when the work schedules of the police and the public health officials are in

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\(^{48}\)See text at 104-05, supra.
conflict, such as occurred in Boston. The detoxification center, which is understaffed, suffers its most severe staff shortages during the evening and night shifts. Patients are discharged during the day making available new space which is quickly filled so that few empty beds are available during the evening and night shifts. Police pick up inebriates twenty-four hours a day and pickup is heavier during evening and night shifts.\(^4\) When conflicts occur in work schedules, joint efforts should be made to coordinate scheduling of admissions and, if necessary, adjust work schedules to better attain public policy objectives.

Another manifestation of conflict between the organizational and value orientations of police and public health personnel is informal, and often secret, "do not admit" lists of detoxification center personnel. These are lists of public inebriates who are deemed unacceptable. Indications of this practice were apparent in nearly every therapeutic jurisdiction encountered. Criteria for exclusion from detox services include: 1) persons who have been disruptive in previous stays; 2) persons who have indicated no interest in alcoholic rehabilitation or who are overtly hostile to rehabilitation referral; and, occasionally, 3) overt homosexuals. The Kansas City detoxification center has been the most open about their monthly updated "blackball" list which is distributed to police officers at roll calls.

The use of "do not admit" lists reinforce police perceptions that the detoxification center cannot be relied upon to respond to their need to promptly and efficiently make all public inebriate dispositions. An accommodation between conflicting therapeutic and order maintenance goals of this importance should be legally authorized or at least based on criteria arrived at through joint consultation of higher level police and public health policymakers. A unilateral determination of lower level detoxification center personnel is likely to be heavily influenced by pressures to achieve rehabilitative success at the expense of other administrative goals.

4. EFFICIENT AND PLEASANT INTAKE PROCEDURES AT THE DETOXIFICATION CENTER

Intake Procedures should be designed so as to minimize the paper work and reporting requirements of the admitting officer, to give priority to servicing the police, to reduce their out of service time, and to make the atmosphere and reception pleasant for police officers. At one detoxification center police officer perceptions of a warm and friendly detoxification center staff were reinforced by free coffee and cookies.

\(^{40}\)See note 19 \textit{supra}.\n
or doughnuts. Police officers were encouraged to get to know the detoxification center personnel and their operations.

5. IMPROVE COMMUNICATION WITH ALL LEVELS OF THE POLICE DEPARTMENT

Consideration should be given to inviting the chief of police, or his representative, to sit on the board of directors of the detoxification center. For example, in Kansas City, one police officer has always served as a member of the board of trustees of the detoxification center. Further, detoxification centers in cities where skid row inebriates are a major problem in the downtown area should consider inviting a representative of the local merchants' association to sit on the board of directors. Since business establishments are a major source of pressure for clearing streets of public inebriates, their improved understanding of what the detoxification center is attempting to accomplish and their active assistance should aid in accommodating conflicting order maintenance and therapeutic goals. In San Jose, California, such an invitation was extended to the merchants' association after the downtown merchants, tired of unheeded complaints, took their complaints directly to the mayor and city council.

Detoxification center officials should communicate with patrol officers not only at the detox center, but in police training programs, roll calls and through the preparation and dissemination of reports detailing such information as the number of inebriates handled and the numbers and types of referrals. Detoxification center officials rarely consider police personnel as important members of the audience to which evaluative and other information should be disseminated.

Public health officials should make a concerted effort to counteract false and unrealistic impressions of what detoxification centers can accomplish for street drunkards. In most of the cities that were site-visited, the detoxification center has been "sold" to police officers as a place where public inebriates can be "rehabilitated." When police officers see the same intoxicated persons on the street (especially where the revolving door is actually speeded up due to the absence of longer-term therapeutic facilities) they become disillusioned. It is preferable to emphasize the improved humane handling and emergency services provided by a detoxification center and the saving of scarce criminal justice resources, especially court and correctional resources. Additionally, in most cities that we visited, police officers tend to perceive detox as a place that is not generally suitable for non-skid row public inebriates. If public policy priorities include the use of the detoxification center for non-skid row inebriates, education and other efforts should
be undertaken to alter these police perceptions, unless non-police sources, including voluntary admissions, can provide adequate intake.

IV. RECENT INNOVATIONS FOR IMPROVED HANDLING OF PUBLIC DRUNKS

Use of Non-Police Personnel in Pickup and Delivery Systems

Both criminal and decriminalized jurisdictions are experimenting with approaches in which non-police personnel are used to pick up and transport public inebriates to therapeutic facilities and other destinations. The most prevalent form of non-police pickup is the civilian van program. Other approaches that use non-police personnel include: combined police and non-police rescue teams, e.g., the Manhattan, New York, Bowery Project; the increased use of public transportation—e.g., taxi-cab transportation in Santa Clara County, California; increased emphasis on private agency referral and transportation; and encouraging walk-ins as a partial substitute for a pickup service.\(^5\)

Limited space does not permit a discussion of each of the above alternatives; the interested reader is referred to the final report of the Project on Public Inebriation.\(^5\) Since civilian van pickup probably represents the most important innovative alternative to police pickup, we conclude this article with a discussion of one civilian van program—the San Francisco Mobile Assistance Patrol.

The Mobile Assistance Patrol (M.A.P.), sometimes referred to as the “Boozer Cruiser,” is a civilian-run transportation system for public inebriates who “voluntarily” elect, or are persuaded, to be transported to a variety of public health facilities.\(^5\) It supplements the activities of the San Francisco Police Department in a jurisdiction that treats public drunkenness as a crime, simultaneously acting as a “pre-arrest” case finder and police diversion program. M.A.P. has two vans, al-

\(^{50}\)The increased use of public and private ambulances has been suggested as another alternative to police pickup. We have been unable, however, to identify an example of the general use of ambulance service for skid row public inebriates. In all site visits, ambulances were used for public inebriates with serious medical problems, especially unconscious inebriates. We found a strong reluctance among ambulance services to assume other responsibilities for pickup and delivery of public inebriates.

\(^{51}\)See note 1 supra.

\(^{52}\)During the first 15 months of M.A.P.’s operation, January 20, 1975 through March 16, 1976, M.A.P.’s statistics show 9,857 clients assisted. Most of the persons assisted were males: 9,218 (93.5%) male as compared with 639 (6.5%) female. M.A.P. client assists were approximately 80% white (7,910–80.2%), 11% black (1,039–11.1%), 9% American Indian and Oriental (835 American Indians–8.5% and 28 Oriental–0.2%). Mobile Assistance Patrol, Statistical Summary, January 20, 1975—March 16, 1976 (mimeograph on file at the San Francisco Alcoholism Consortium, Inc.).
though only one is generally used, with operating capacity 24 hours per day, seven days each week through the services of eight driver-counselors and a supervisor. M.A.P. primarily responds to telephone calls from the police, public health personnel, and private citizens through a central office conveniently located in the downtown skid row area which maintains radio communications with the van. M.A.P. de-emphasizes routine patrol. It operates in a narrow geographical area of downtown San Francisco and primarily serves skid row and transient drunkards.

M.A.P. functions as a first stage screener and resource coordinator in determining which street inebriates are in need of services and which services should be made available to them. At the time of our site visit, the four social setting detoxification centers, each servicing a somewhat different clientele, had a total capacity of only 70 beds. Typically, there were few or no available beds after 5:00 p.m. and on weekends.\footnote{M.A.P. provides services in addition to transporting street inebriates to social setting detoxification centers: calling an ambulance for public inebriates needing medical attention; delivering an intoxicated person from a hospital to a detox center; removing an inebriate from an unsafe area or a high arrest area to a safer, more secluded park or other place to dry out; talking with inebriates and letting them know that they have a friend on the street; and providing a ride to a drop-in center.}

Many street inebriates do not desire the services of M.A.P., especially where the alternative is not an impending arrest. The type of encounter most likely to lead to a request for M.A.P.'s services occurs when a police officer is the source of the call for M.A.P. and elects to remain with the inebriate until M.A.P.'s arrival. Then, the choice confronting the inebriate often is between an M.A.P. pickup and an arrest. Many inebriates do not meet the criteria used by M.A.P. in making pickups.\footnote{Inebriates are ineligible for M.A.P. pickups if they demonstrate: (1) combative or assaultive behavior which is dangerous to staff or other clients; (2) inability to walk; (3) indications of illness more severe than intoxication, or injury requiring medical care or observation; (4) need of detoxification from drugs other than alcohol; (5) need of physical restraints; (6) refusal to accept services. Public Inebriate Program Diversion System Services Agreement, Exhibit A, part C (October, 1975).}

As we found in many other cities, the stimulus for the M.A.P. program was the availability of federal funds, in this case, N.I.A.A.A. funding\footnote{Through direct funding of community treatment programs and formula grants to the states, the National Institute on Alcohol Abuse and Alcoholism has funded} through the Mayor's Criminal Justice Council. Adminis-
RATIONALITY IN HANDLING PUBLIC INEBRIATES

tratively, M.A.P. is a program contracted out by the San Francisco Bureau of Alcoholism to a private non-profit corporation, the San Francisco Alcoholism Consortium, Inc. A major advantage of the sub-contract is flexibility in program operations, such as the hiring of para-professional employees, including former alcoholics, who might have difficulty meeting civil service requirements. Since the Consortium represents all the providers of alcohol services, M.A.P. is not directly associated with any one detoxification center.

Evaluating Civilian Van Pickup in Relation to Public Policy Goals

M.A.P., as a voluntary, non-police pickup mechanism, is premised on the philosophy that, as an illness, alcoholism cannot be adequately treated or remedied through the use of coercion. A street inebriate must freely choose the alternative of an M.A.P. pickup and such voluntary choice is more likely to result in subsequent rehabilitative treatment. This philosophy of pickup is keyed to subsequent features of the mental health treatment system. Detoxification, referral and rehabilitation services in San Francisco have no way of requiring a client to remain at their facilities.

This philosophy may be ideally suited both to promote the goal of rehabilitation and accommodate the shortage of detoxification beds. Nonetheless, improved on-the-street services may or may not further rehabilitation goals. If the detox isn’t furthering rehabilitation objectives for the resourceless skid-row inebriate, it is unlikely that a van system will make any difference. A transportation service need not be limited to delivery to detox, or just to skid row inebriates. A variety of drop-off points, including transportation to home or to hotels, would seem a valuable service for all social strata. For the non-skid row inebriate, merely leaving a card with the person stating where assistance can be obtained might yield rehabilitative results. Further, a civilian pickup service need not be limited to the streets, but might service bars and restaurants, physicians, drunken drivers and so on.

On the other hand, M.A.P.’s philosophy and approach would seem to be limited in terms of a major goal of the M.A.P. program—having an impact on the criminal justice system by reducing the number of public drunkenness arrests. The contractual documents state that the approximately 700 alcoholism service programs across the country. N.I.A.A.A. is one of three Institutes of the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA), the newest of six health agencies in the Public Health Service, U.S. Department of Health, Education and Welfare. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION, MEETING AMERICAN’S NEEDS 1, 11 (1975).
primary objective of M.A.P. is an absolute reduction of public drunkenness arrests by 25 percent. During the first year of M.A.P. operations, in 1975, public drunkenness arrests, in fact, were reduced by about nine percent.\[^{56}\] Even this impact may be, in part, a result of M.A.P.'s policy of giving top priority to police complaints and next to complaints from citizens and public health agencies (which could result in requests for police assistance). By engaging in relatively little active patrol, M.A.P. foregoes finding clients who might be more motivated for treatment in order to have a greater impact on the criminal justice system.

Probably the greatest potential impact from any civilian van program lies in the potentially improved services offered the public inebriate. This has both a quantitative and a qualitative dimension. First, the addition of a van service means that probably the total number of inebriates serviced will increase. Some corroboration for this view was found in our site visits to Minneapolis, Minnesota and Salem, Oregon, both of which have civilian van programs. When van drop-offs are added to police drop-offs, the total number of street drunkards serviced may increase. The relatively small number of detoxification beds available in San Francisco limits this quantitative impact.

The qualitative dimension is hardest to measure, but is the impact most often experienced in studying these civilian van programs. As in other cities, the personnel of the M.A.P. are dedicated, understanding persons who, unlike the police, sought and were hired to work on a full-time basis with public inebriates. Watching counsellor-drivers sit and talk with a client impresses one with the patience and humanitarian attitude required. The counsellor-driver's constant involvement with the problems of the inebriate and a background in alcoholism and its treatment provide a better appreciation of the services needed. Greater awareness and sensitivity in identifying and handling public inebriates acutely in need of services, earlier and more expert diagnosis of the particular services needed, and an increased ability to handle an inebriate's "acting out" without an escalation of violence are all

\[^{56}\]Total arrests for public intoxication in San Francisco from 1971 through 1975 were as follows: 1971—17,291; 1972—15,208; 1973—15,130; 1974—15,202; 1975—13,846. Explanations for the less than expected reduction in the arrest rate may be that the population of public inebriates is actually much larger than the police and M.A.P. combined can handle, the population is increasing, or the population of public inebriates with which M.A.P. is concerned is only in part the same population with which the San Francisco Police Department is concerned. See C. Winslow, Public Inebriate Diversion System; Mobile Assistance Patrol—Evaluation Report 2 (1976) (paper submitted by Mayor's Criminal Justice Council, San Francisco, Calif.). Also reductions that have occurred in arrests of public inebriates may be partly the result of a deemphasis within the San Francisco Police Department on such arrests rather than the direct result of M.A.P. diversion.
likely advantages of a van pickup system. More diagnostic training of van drivers might add to the emergency services offered the inebriate.

On the other hand, it is simplistic to assume that police, ipso facto, are inhumane and that civilian intake workers are humane. We personally observed a civilian admissions counsellor at a detoxification center engage in abuse of inebriates. The police have a history of providing community service in addition to crime fighting and law enforcement functions, whether settling an explosive dispute or caring for those who cannot care for themselves. The critical issues may be what type of individual—whether police or non-police—is selected to perform the pickup function, what type of training is provided, and how incentives and disincentives are structured to reconcile conflicting public policy, self-interest and organizational goals. Further, in every jurisdiction site visited, the police were the only public service personnel on the streets twenty-four hours each day, seven days a week, available to deal with large numbers of widely dispersed skid and non-skid row public drunkards.

A variety of police and non-police pickup approaches are available in jurisdictions seeking to better orient their collection mechanisms to attain public policy goals. If the emphasis is on traditional order maintenance aims (street clearing and crime prevention), the continued police involvement in pickup and delivery is fully justified. If the emphasis is on therapeutic objectives (providing improved emergency services, more humane handling, and increasing the likelihood of rehabilitation or resocialization of public inebriates), the use of non-police pickup agents, as a supplement to police involvement, merits serious consideration. Well-selected, well-trained, caring counsellor-drivers available to the public inebriate population provide a valuable overlay to police services. The extent of the project—the number of civilian vans and counsellors, the size of the area serviced, the hours of operation, the number of inebriates serviced, the use of active patrolling, rather than merely responding to calls—must necessarily vary within budgetary constraints and competing policy objectives. The availability of federal funding has been a key factor in the initiation of civilian van programs. Whether local jurisdictions will determine that they can afford permanent funding from state and local sources may determine the future of many of these programs.

CONCLUSION

Improving the rationality of the exercise of police discretion along desired policy lines and the quality of discretionary justice in the handling of public inebriates depends initially on a recognition of the
myriad of objectives—public policy, organizational, and self-interest—competing for dominance. Only if some priorities are defined is it realistically possible to use administrative devices to channel behavior along desired lines.

In identifying goal conflicts and defining priorities, attention must be given to the resources presently available for pursuing the objectives because resources place necessary constraints on policy implementation. Once this is accomplished, it is possible to assess the organizational techniques available for influencing the exercise of street level discretion. Through the use of incentives and disincentives affecting attitudinal predispositions, the policy-maker can ultimately influence street behavior. In some cases, alternative or supplementary systems—e.g., the use of civilian pickup agents—might be required to achieve policy priorities.

In any case, failure to come to grips with the conflicts in goals and disincentives to policy achievement introduced by a significant policy change, e.g., decriminalization of public drunkenness, necessarily produces unintended consequences. Decreased rationality in policy implementation and a heightened level of discretionary arbitrariness might well result, especially in a heavily discretionary area such as this. The use of directives, guidelines, and rules can help, but they are not a substitute for directly confronting the attitudes influencing the behavior of those charged with implementing the policy mandate. Only when the focus includes the “living law” that is practiced on the streets and the elements that produce it can greater rationality and a heightened sense of administrative justice be realized.