THE GOOD PRACTICE OF THE POLICE: AN ALTERNATIVE APPROACH IN DEALING WITH OFFENDERS WHO ABUSE/MISUSE ALCOHOL

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Abstract — The office of constable is taken by declaration and specifically says '. . . prevent all offences against the persons and properties . . .'. The police service, like many hospitals and particularly casualty units, comes into initial contact with a high proportion of society's problems, including those related to people who cannot handle alcohol. This results directly or indirectly in a significant number of issues affecting social life detrimentally and at a tremendous cost to the public purse. These points at some time or another have been adequately illustrated by articles or television documentaries. The police service has a duty to prevent crime. The author maintains that, through the collaboration of the criminal justice agencies and health services, and using a simple approach, behaviour could be altered significantly enough to contribute towards a reduction in repeat offending and a consequent decline in the use of public funds. The author believes that a great number of people, too large to even contemplate quantifying, would have a better quality of life, a goal sought by many, and that the police service is well placed to participate constructively in the rehabilitation of offenders who have a 'drink' problem.

INTRODUCTION

Many people who enter police custody are in an intoxicated state, even to the point where it is possible to exclude those people who commit offences where it is necessary, evidentially, to prove the existence of alcohol, i.e. drink-driving. For the purposes of understanding my rationale on the issue of alcohol and crime, I advocate that there is very strong connection between the two. This belief is based on 23 years of professional experience, drawing from personal dealings with people, anecdotal evidence and some spasmodic statistical data (which I have to say would not perhaps stand up to critical examination). Having made my standpoint, it would, however, be foolhardy, I believe, to overlook or perhaps even ignore this inference.

Hore (1988) stated that '. . . The link between alcohol and crime has been recognised for many years'. Seven years later, the report of the All-Party Group on Alcohol Misuse (1995) appeared to support this argument and recommended, among other considerations, that the Home Office should consider the requirement of all agencies, within the criminal justice system, to collect statistics on alcohol-related crime routinely. I support this recommendation, but would go one stage further to suggest inclusion of figures which indicate the number of people who enter police custody, who are influenced by alcohol, irrespective of whether or not the crime is alcohol-related. In my opinion, this would produce the necessary information in support of the argument that the ratio of intoxicated detainees is high irrespective of whether or not detention is because of an alcohol-related crime.

In order that it is well informed, the Home Office requires Chief Officers of Police to collate varied amounts of statistical information, particularly where it relates to people entering custody, the implications of various sections in the Police and Criminal Evidence Act (1984) make this necessary. Other such issues involving the ethnicity of detainees arrested, an issue of much political and social debate in recent years, has also made this data gathering necessary. To extend the information-gathering process along these and other lines would be valuable, not only for

*Any reference to this article is not to be interpreted as being representative of the policies of Essex Police, and any opinions expressed here are purely personal to the author.
research on alcohol and crime, but also in relation to socially important aspects. To my knowledge there is no strategy nationally or indeed among individual police forces, which has gathered information of this type on a regular systematic basis. However, progress is being made and I am pleased to say that the Essex Police are part of this change. Before describing our activities in this respect, it is important to discuss briefly two important aspects: (1) the presence of a link between crime and alcohol, even if the crime is not alcohol-related and; (2) interaction between offenders and police officers.

THE IMPORTANCE OF ESTABLISHING A LINK BETWEEN ALCOHOL AND CRIME

If no account is taken of crime committed where alcohol is a factor but is not relevant to the offence, e.g. theft from a shop, no account can be taken of this or of the possibility that the offending person’s criminal behaviour was significantly influenced by the presence of alcohol and/or strongly motivated by their dependence on it. This, from personal experience, seems particularly evident when an identified alcoholic steals alcohol. In the absence of such knowledge, the judicial system will continue to address only the symptoms and not the cause with the certain result that reoffending will occur and the cycle will continue unbroken.

THE INTERACTION BETWEEN POLICE OFFICER AND OFFENDER

Interaction of attitudes between police officers and offenders can also have an important effect. When a person offends, either for the first time or repeatedly, the behaviour of the offender whose action was influenced by alcohol tends in general, although not always, to be aggressive after having been arrested and ‘detained’ against their will. There can of course be other extreme situations where a person is not threatening, but has uncontrollable bodily functions and other variable behaviour. Such behaviour is often witnessed by police officers, both outside and inside the police cells and does not endear the offender to the police officer. What inevitably follows is interpersonal friction, which generally manifests itself at an increasingly alarming rate and dialogue is irreparably lost. At this stage, there is very little opportunity for human understanding to take control and to evaluate the situation. The deadlock is hard to break and consequently the opportunity to engender any sympathies towards the offender’s addiction is almost always lost, as is also any opportunity to help the offender to tackle their problem. This cycle will continue, unless interrupted. I believe that officers are not entirely to blame, as there is generally a lack of understanding and insufficient training in this area; a situation which seems illogical, given the fact that police officers are far more likely to have come into contact and dealt with these people early in the natural course of the phenomenon of addiction and before it has manifested itself at the level of criminal behaviour. This being the case, police officers are in a position, provided they receive adequate training, to offer an alternative route to that of the criminal justice system. I have no doubt that many officers take it upon themselves to offer help on an ad hoc basis, with positive results being achieved. Whilst this is very laudable, it is highly unlikely to be an effective approach nationally. A more strategically applied approach, either nationally or forcewide would, in my opinion, have a measurable impact.

This is an opportune point for me to clarify my position on offending behaviour and diversion from the criminal justice system. The alternative route to the judicial system should not imply advocating that offenders should not be prosecuted; this is not my argument. In fact, I should like to emphasize that whether a prosecution is likely or not, the police service is in a unique position to help put in place the rehabilitation process. What follows thereafter is not within the police’s remit, but the police service will have been seen as having played an important role, together with other agencies within the criminal justice system and indeed the health service, in doing something positive about a real problem.

SURVEYS AND THEIR OUTCOMES

A number of surveys have been conducted within my organization using differing criteria, by different individuals and for different purposes. Between August and December 1988, a survey was conducted consisting of a questionnaire completed in respect of every person arrested
Table 1. Elements of the survey questionnaires

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>Offence by category</td>
</tr>
<tr>
<td>2.</td>
<td>Drugs consumed prior to arrest</td>
</tr>
<tr>
<td>3.</td>
<td>Alcohol consumed prior to arrest</td>
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<tr>
<td>4.</td>
<td>Time of arrest</td>
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<tr>
<td>5.</td>
<td>Day of week</td>
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<tr>
<td>6.</td>
<td>Sex of offender</td>
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<td>7.</td>
<td>Employment status</td>
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<td>8.</td>
<td>Residence within the police district</td>
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<tr>
<td>9.</td>
<td>Age of offender</td>
</tr>
<tr>
<td>10.</td>
<td>Place of arrest</td>
</tr>
<tr>
<td>11.</td>
<td>Where alcohol or drugs were purchased</td>
</tr>
<tr>
<td>12.</td>
<td>Where alcohol or drugs were consumed</td>
</tr>
<tr>
<td>13.</td>
<td>Whether drugs were in possession on arrest</td>
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<tr>
<td>14.</td>
<td>Whether drugs were required during detention</td>
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<tr>
<td>15.</td>
<td>Disposal of detainee</td>
</tr>
<tr>
<td>16.</td>
<td>Name of licensed premises from which alcohol was purchased immediately</td>
</tr>
</tbody>
</table>

and taken to a police station by police personnel. The survey covered the 16 specific questions listed in Table 1. Of interest from this particular survey was the finding that 47% of those arrested during the survey period had consumed alcohol prior to arrest. It cannot be said, however, that these people should be regarded as alcoholics; the vast majority did not meet alcoholism criteria.

Further research was undertaken at this police station and at one other. The geographic and social make-up of the two towns where the surveys were done were so vastly different that results could not be compared realistically, but could only be used as indicators. The second survey was conducted between July and September in 1993 and we found that the percentage of people arrested, having consumed alcohol, dropped dramatically from the 1988 figure of 47% to 26% in the station of the first town surveyed and 29% in the second. Of the total number of people arrested in this period in one station (1182), 293 had consumed alcohol prior to arrest. In 67% of these cases, arrests were for violence and public disorder, a similar percentage (68%) was found in the second survey.

The data gathered from the later survey did not cover the same calendar period as the first, and were not therefore directly comparable, hence my argument for a national uniform strategy in the gathering of such information.

ATTITUDES

With my personal experience coupled with this very basic information, I concluded that a link existed between alcohol and crime. However, I was only too well aware that many bridges needed to be crossed, not least the appreciation of an offender’s/alcohol perspective of the police organization and appropriate training of police personnel to understand and accept that perception as well as a willingness to commit themselves to a change in working practice.

In 1992, over 7000 people were detained at one station where I worked and I was aware that some of these people had indeed sought help from a local counselling service. Frequent visits to these sessions eventually produced some very useful, if basic, solutions e.g. consumption of large quantities of water. The dehydrating effects of alcohol did not generate much sympathy on the part of police officers towards a person who had broken the law and was likely to face criminal charges. The physiological need for water takes no account of social etiquette when an ‘arrested’ person is in need. The resultant interaction between detainee and police officer forms no basis of good dialogue, sometimes resulting in extremely vociferous and physically violent exchanges. What was not readily identified by police personnel was that this nurtured ‘stress’ within the working environment and formulated entrenched stereotyping of attitudes towards one particular group, the drunk; a similar view by the detainees towards the officer had the same effect, and the supply of water in small cups did nothing to meet physiological demands. Providing 1.5 litre plastic bottles of water had dramatic effects and benefits began to materialize. To further a greater understanding of dealing with such problems, training sessions were organized locally, which included a speaker who was a rehabilitated offender and alcoholic. The outcome was dramatic. Police officers were beginning to change their approach towards detainees suffering from drunkenness and recovering in police cells; attitudes were changing.

THE ROLES OF PUBLIC AGENCIES

With the passage of time this developed further to incorporate a multi-agency approach to help
divert offenders out of the criminal justice system by means of referral to the Drug and Alcohol Advisory and Treatment Service (a publicly funded body) to address what the police considered to be the cause of offending, namely abuse of and dependency on alcohol. Such an approach involves the following agencies: (1) the police; (2) the Crown Prosecution Service; (3) the Magistrates' Courts; (4) the probation service; (5) the Drug and Alcohol Advisory and Treatment Service. The following is a brief description of the role of each of these agencies.

The police

To make professional judgements about a voluntary referral of individuals, consent was needed. Details were forwarded to the Drug and Alcohol Advisory and Treatment Service, irrespective of whether the person had been charged or not. Details of charges, if any, would not be provided, unless consent was given. Should the person choose not to take part in this referral, they were given an information leaflet and encouraged to think about self-referral at a later stage (the outcome of this could not be measured). Case papers to the Crown Prosecution Service provided the necessary confidential information, giving all the relevant detail regarding the consumption of alcohol, perhaps contributing towards the commission of the offence and whether or not the offer of voluntary referral was taken up.

The Crown Prosecution Service

Having received the above information, the prosecutor would not be aware that the offending behaviour could be attributed to alcohol abuse, or whether the offer of help was accepted or rejected. The prosecutor, independently of the police, relates the facts of the matter to the court, to dispose of the case according to the circumstances. The Crown Prosecution Service is supportive of any system which helps prevent offending.

The Magistrates' Courts

Where a defendant is to be sentenced by the court, and the court concludes that alcohol was a contributory factor in the commission of the offence, the magistrates will consider the following: (a) has the defendant taken up the offer of voluntary referral, they will be encouraged by the court to continue with that referral; (b) if an offer of voluntary referral has not been taken up, the court will inform the defendant that it is still not too late. Copies of the referral information are available to the court.

The law requires the court to impose a punishment commensurate with the seriousness of the offence. It is not possible to say whether, or how, a voluntary referral will be taken into account by the court when fixing an appropriate sentence. But a failure to take up the offer of voluntary referral cannot make an offence more serious and therefore cannot result in a harsher sentence. So the decision on the part of the offender to seek help is an independent one and they must be willing to accept treatment, if it has any chance of success. It is hoped that the reinforcing message by the courts will cause individuals, who have chosen to reject/ignore police advice, to question their drinking habits, once again.

The probation service

The probation service has a long history of managing cases where crime arises as a consequence of alcohol. The service works closely with offenders in helping them to realize the links between their drinking and offending and in arranging for appropriate programmes. The probation service provides a means within the criminal justice system whereby encouragement and support can be given to individuals taking up assistance as a result of police or court intervention. Where this has proved unsuccessful, the probation service would encourage the individual to seek professional help where the links between alcohol and offending have been established through the police and court process. The probation service values identification of the links by police and others at the earliest possible stage. This proves particularly valuable in identifying those cases where the service may need to intervene in its statutory role.

The Drug and Alcohol Advisory and Treatment Service

This agency provides professional advice, help, or counselling to those people who, at any stage of referral, seek their help. Any consultation with any of these 'clients' will be 'strictly confidential' and any information supplied to the Drug and Alcohol Advisory and Treatment Service will not be divulged (save in exceptional circumstances) to
the police, the courts or probation service without the consent of that client. However, it is recognized that 'feedback' to those agencies is beneficial in the development of such a system.

EVALUATION OF THE REFERRAL SCHEME

A trial period for this referral scheme was carried out between 1 November 1995 and 31 October 1996. During that period, 2981 people were arrested. The number of detainees assessed as having alcohol present was 590 (19.8%). In 16.5% of cases (491), alcohol was considered to be a factor in the crime (this figure includes alcohol-related and non-alcohol-related crimes).

The outcome of this referral system enabled 19 individuals (0.64%) to take up the offer of self-referral through direct police intervention. Depending upon one’s perspective, will this make it possible to make a decision on whether or not the investment is worth the outcome? You will by now, most probably, have answered this question in your own mind. Having drawn a conclusion consider this real-life situation. During the trial period, a 17-year-old woman had, over a period of 6 months, been arrested by the police a total of six times. During that same period, she had been to the local casualty unit 10 times. When this young woman was detained, she was intoxicated, verbally and physically aggressive and very difficult to handle. It took a lot of will to show any sympathy. The police seized upon an opportunity to encourage this young woman to do something for herself. The response was pleasingly positive and an immediate response was provided by Alcoholics Anonymous (working in conjunction with the referral scheme). From that date until now, she has not been arrested again. That does not mean that this young woman’s problems have been resolved; I suspect they have not, nor would I be surprised if she were to reoffend, albeit that this would be very disappointing.

Given this real-life situation, and imagining this to be someone you know, now ask yourself the question again. Was the investment worth the outcome? There are many individuals who in some way are related to someone affected by alcohol and criminal behaviour and just maybe the police can help, in a different kind of way, for the common good of the community.

GENERAL COMMENTS

Much time and effort have been devoted to establishing or negating the link between alcohol and crime. Structures are in place, nationally within the police service upon which good foundations can be laid to research this link enabling scientific conclusions to be drawn. A further benefit will be that the police service will be held accountable for the reduction in crime. This, in my opinion, would go one step closer to integrating with other agencies in addressing the cause of some criminal behaviour, where alcohol plays a significant part. Opportunities are being passed by.

REFERENCES

