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## THE REVOLVING DOOR: REACTIONS OF CHRONIC DRUNKENNESS OFFENDERS TO COURT SANCTIONS\*

KEITH LOVALD AND HOLGER R. STUB

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The purpose of this paper is to investigate the reactions to various "degrees" of punishment of 1649 chronic drunkenness offenders (recidivists). It was found that in attempting to control deviant behavior, official sanctions vary in effectiveness. The apparently greater influence of fines rather than workhouse sentences in deterring drunkenness recidivism was an unexpected finding in terms of dominant theoretical orientations that emphasize interpretations focusing on the individual deviant.

In 1957 there were 11,031 arrests for public intoxication in Minneapolis, Minnesota. As a result of police surveillance and action, a total of 5,763 persons appeared in Municipal Court to answer charges of drunkenness or such related charges as drunk and disorderly conduct. In a manner typical of most lower courts in the United States, the cases were disposed of either by committing the individual to the workhouse, imposing a fine, or suspending the charge. Although a majority of these individuals were not arrested and punished again for their drinking behavior (even a suspended sentence may entail a tongue-lashing from the presiding judge), a total of 1,649 did reappear in Municipal Court on a drunkenness charge at least once more during that year. These individuals contributed to what has been called the "revolving door" phenomenon of our lower courts.

The term "revolving door" is used to describe the repetitious legal punishment<sup>1</sup> of persons ac-

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<sup>1</sup> We are aware of the recent typology of sanctions developed by Gibbs. In general, our definition of

cused of public intoxication. The term explicitly indicates that punishment does not act as a deterrent to future encounters with the police and, subsequently, with the courts. Indeed, it would appear that there are few advocates of the view that legal punishment actually prevents acts of public intoxication. Regarding the use of incarceration as a means of social control, the authors of a recent study of the revolving door phenomenon conclude: "The results of our investigation negate completely the assumptions that incarceration acts as a deterrent to the chronic public inebriate."<sup>2</sup>

Although we may hypothesize that in general punishment does not deter acts of drunkenness, individuals caught in the process of the revolving door may, in fact, react differentially to the type of sanction imposed by the court. It is generally thought that the lower courts tend to incarcerate recidivists; therefore, the possibility that a fine or even a suspended sentence may account for variability in the reactions of recidivists to court actions may be overlooked. The purpose of the present paper is to investigate the reactions to various "degrees" of punishment meted out to the 1649 Minneapolis recidivists.

punishment (*i.e.*, negative sanctions) conforms to Gibbs' A1 type although under some circumstances it might be defined in terms of C1. Gibbs, *Sanctions*, 14 Soc. Probs. 147-59 (1966).

<sup>2</sup> PITTMAN & GORDON, *THE REVOLVING DOOR: A STUDY OF THE CHRONIC POLICE CASE INEBRIATE* 139 (1958).

## PROCEDURES

Previous researchers in the area of recidivism, including those who have studied persons found guilty of major crimes, have obtained their data from prison records and interviews with inmates. For major crimes this procedure may yield a sample whose size and characteristics are probably very similar to the parameters of the total population of recidivists, but investigations of drunkenness recidivism (or any similar offense, for that matter) that rely solely on prison data obviously ignore cases in which the court hands down sentences of fines or other dispositions than imprisonment. Since the present study focuses on drunkenness recidivism, our data were gathered from the police department and the court rather than from prison records.

The data were obtained as part of a study of the Minneapolis Skid Row district.<sup>3</sup> The files of the Minneapolis Police Department and of the Minneapolis Municipal Court were made available to the investigators working on this project. All "prisoner showup sheets" and court records for the entire year of 1957 were extracted from these files, and the information from each source was collated. The following information was obtained for each person arrested in Minneapolis who subsequently appeared in Municipal Court (N = 5763): (1) charge; (2) day and month of arrest; (3) sex of offender; (4) home address of offender; (5) court sentences; and, (6) court disposition (*i.e.*, final court action).<sup>4</sup>

Since there were so few females in the sample, only males were included in the analyses. Persons arrested on a drunkenness or related charge two or more times during 1957 were classified as chronic offenders.

The three most common court dispositions used in American lower courts for offenders found guilty of public intoxication are jail sentences, fines, and suspended sentences. In the present study, the nature of the disposition is treated as the *independent* variable. The *dependent* variable is operationalized as the period of time between court appearances for drunkenness or a related charge.<sup>5</sup>

<sup>3</sup> CAPLOW, LOVALD & WALLACE, A GENERAL REPORT ON THE PROBLEMS OF RELOCATING THE POPULATION OF THE LOWER LOOP REDEVELOPMENT AREA, *The Minneapolis Housing and Redevelopment Authority* (1958).

<sup>4</sup> Our data consists of police department and court records. The magnitude of our sample and the fact that the data were made available to us a year after the events occurred precluded any possibility of gathering social psychological data through the use of interviews.

<sup>5</sup> This procedure was suggested by two English

A one-way analysis of variance was utilized to investigate the relationship between difference in response to different types of court dispositions among chronic drunkenness offenders. In this model the types of court dispositions were used to classify subjects. Since the revolving door phenomenon is associated in the prevailing literature with residence in Skid Row areas, we classified the sample cases according to address given upon each arrest. The vast majority of arrests occurred in Skid Row and contiguous areas.

## FINDINGS

Tables 1 and 2 suggest that the revolving door actually describes social phenomena somewhat more complex than simply the repetitious punishment of persons whose drinking behavior is judged illegal. The most striking fact revealed by these findings is that, regardless of the number of arrests,<sup>6</sup> court fines apparently have a greater deterrent effect than workhouse sentences. Five of the six comparisons show longer periods of time between arrests when offenders are given fines compared to workhouse sentences. Three of the six F ratios are significant.

Thus with one exception fines apparently inhibit future offenses more effectively than is the case for a jail or suspended sentence. This is especially surprising since a drunkenness offense cannot occur while the individual is serving a jail sentence. With respect to Skid Row offenders, Table 1 shows that upon the second arrest a mean of 73 days had transpired after the first arrest of offenders who had been fined, compared to 60 days for those given jail sentences and 62 days for those given suspended sentences. Although the analysis yields a nonsignificant F ratio, the comparison does show the trend we have been discussing—a greater inhibitive effect for fines than for jail sentences. The same pattern is obtained for the non-Skid Row sample upon the second arrest, and the trend is significant (see Table 2). It should be noted that the mean number of days since the first arrest is consistently higher than for the Skid Row group.

A similar pattern characterizes Skid Row offenders who reappear in court after a third arrest—

studies of the "habitual" criminal in which periods of time between incarcerations were measured. HAMMOND & CHAYEN, *PERSISTENT CRIMINALS* (1963); MORRIS, *THE HABITUAL CRIMINAL* (1951).

<sup>6</sup> The analysis did not extend beyond the fourth arrest because of unreliability associated with small sample size.

TABLE 1

COMPARISON OF REACTIONS BY SKID ROW CHRONIC DRUNKENNESS OFFENDERS TO TYPES OF COURT DISPOSITIONS BY CHRONOLOGY OF COURT APPEARANCE, MINNEAPOLIS MUNICIPAL COURT, 1957

| Court Appearance    | Court Disposition Previous Appearance | N   | Mean Number of Days Since Last Appearance | F     | P       |
|---------------------|---------------------------------------|-----|---|-------|---------|
| After Second Arrest | Workhouse                             | 425 | 60.                                       | 1.691 | P > .05 |
|                     | Fine                                  | 104 | 73.                                       |       |         |
|                     | Suspended                             | 320 | 62.                                       |       |         |
| After Third Arrest  | Workhouse                             | 366 | 49.                                       | 6.310 | P < .01 |
|                     | Fine                                  | 46  | 74.                                       |       |         |
|                     | Suspended                             | 118 | 42.                                       |       |         |
| After Fourth Arrest | Workhouse                             | 233 | 49.                                       | 1.564 | P > .05 |
|                     | Fine                                  | 32  | 35.                                       |       |         |
|                     | Suspended                             | 87  | 43.                                       |       |         |

TABLE 2

COMPARISON OF REACTIONS BY NON-SKID ROW CHRONIC DRUNKENNESS OFFENDERS TO TYPES OF COURT DISPOSITIONS BY CHRONOLOGY OF COURT APPEARANCE, MINNEAPOLIS MUNICIPAL COURT, 1957

| Court Appearance    | Court Disposition Previous Appearance | N   | Mean Number of Days Since Last Appearance | F     | P       |
|---------------------|---------------------------------------|-----|---|-------|---------|
| After Second Arrest | Workhouse                             | 274 | 69.                                       | 4.267 | P < .05 |
|                     | Fine                                  | 254 | 85.                                       |       |         |
|                     | Suspended                             | 272 | 70.                                       |       |         |
| After Third Arrest  | Workhouse                             | 201 | 52.                                       | 0.109 | P > .05 |
|                     | Fine                                  | 94  | 55.                                       |       |         |
|                     | Suspended                             | 71  | 52.                                       |       |         |
| After Fourth Arrest | Workhouse                             | 135 | 55.                                       | 4.207 | P < .05 |
|                     | Fine                                  | 39  | 63.                                       |       |         |
|                     | Suspended                             | 40  | 33.                                       |       |         |

74 days for those who had been fined, compared to 49 days for jail sentences and 42 days for suspended sentences (see Table 1). These differences are significant. The same pattern emerges for the non-Skid Row sample after the third arrest, but it does not reach significance (see Table 2). Only after the *fourth arrest* does a jail sentence seem to result in the greatest period of time between offenses for Skid Row individuals (49 days, compared to 35 days for fines and 43 days for suspended sentences), but the differences are not significant. The Skid Row sample continues to show the same pattern as for second and third arrests; the F ratio is significant for the fourth arrest.

The reactions of Skid Row offenders to court sanctions shows a remarkably similar pattern to those offenders living in other parts of Minneapolis. Tables 1 and 2 show some variation in response pattern when type of court disposition is included. When this factor is omitted from the analysis, however, a comparison of weighted means for each of the three court appearances, regardless of previous disposition, reveals an identical pattern—that is, for both Skid Row offenders and offenders living in other parts of Minneapolis, the periods of time between arrests decrease following each court appearance. Even more important is the fact that none of the t-tests is statistically signifi-

cant. While there is some ecological and demographic similarity between Skid Row and other areas of Minneapolis where the highest concentrations of drunkenness arrests occurred, the similarities are not as important as the differences in social configurations. Among other differences, for example, is the fact that the non-Skid Row areas are family slums. Our findings tend to support Becker's contention that what "deviants" have in common is the fact of being labelled deviant.<sup>7</sup>

Our data clearly indicate that once a man gains a "reputation" as a deviant the likelihood of additional encounters with the police are increased. However, this "labelling process" did not carry over into the court room. In part, the reason for this is because in the Minneapolis Municipal Court in 1957 the six judges were rotated in such a manner that an offender was likely to face a different judge each time he was arrested. Furthermore, the sheer volume of cases handled by each judge was so great that the characteristics of specific offenders apparently did not affect the judicial process. Only in extreme cases did an offender become known to a particular judge. Analysis of court procedures clearly shows that although records were kept the judges seldom referred to them and, thus, were inconsistent in making judicial decisions.

#### DISCUSSION

Our findings indicate that official sanctions used in attempting to control deviant behavior vary in effectiveness. The apparently greater influence of fines in deterring drunkenness recidivism is an unexpected finding, both in terms of dominant theoretical orientations employed in explaining deviant behavior in general, and with respect to violations of drinking norms in particular. These orientations emphasize interpretations that focus on the *individual* deviant.

A review of the literature on drinking behavior reveals either a persistent tendency to conceptualize this phenomena in biological terms or to view it from a psychological or narrow social-psychological perspective. These dominant themes obviously place the individual at the center of analysis. For example, in explaining why chronic drunkenness offenders are insensitive to such normative controls as incarceration and thus find themselves in repeated difficulties with the law,

<sup>7</sup> BECKER, *OUTSIDERS: STUDIES IN THE SOCIOLOGY OF DEVIANCE* 8-18 (1963).

Pittman and Gordon<sup>8</sup> hypothesize that such individuals are deficient in certain crucial socialization experiences. Chronic drunkenness offenders are defined as being undersocialized. Hence, according to their study different types of court sanctions should elicit a similar response on the part of the offenders.

The sociological aspects of drunkenness recidivism have been given little attention. Most studies have failed to analyze adequately: (1) the social setting in which drunkenness recidivism occurs—for example, the socio-economic structure of the sub-community; (2) the normative structure of the sub-community and the functioning of the various sanctions used to curb this particular form of deviance; (3) the process and consequences of labeling the deviant in a particular manner; and (4) the relationship between areas such as Skid Row and the rest of the urban community.

Our concern with these aspects of drunkenness as deviant behavior, and with recidivism and its relation to social control has its theoretical basis in the work of Lemert, Becker, Goffman, and Erickson.<sup>9</sup> This recent research directs specific attention to the broader context of community and society in analyzing deviant behavior. These formulations diverge from the dominant individualistic approach to deviance. Erickson's discussion of deviance in terms of sociological phenomena is relevant:

"Deviance is not a property inherent in certain forms of behavior; it is a property conferred upon these forms by the audience which directly or indirectly witness them. Sociologically, then, the critical variable in the study of deviance is the social audience rather than the individual person, since it is the audience which eventually decides whether or not any given action or actions will become a visible case of deviation"<sup>10</sup>

The community from which the recidivist comes possesses a set of characteristics that virtually flaunts the dominant values of American society. The drunkenness recidivist usually resides in that

<sup>8</sup> See note 2 *supra*.

<sup>9</sup> BECKER, *op. cit. supra* note 7, at 1-18; ERICKSON, *WAYWARD PURITANS: A STUDY IN THE SOCIOLOGY OF DEVIANCE* (1966); GOFFMAN, *STIGMA: NOTES ON THE MANAGEMENT OF SPOILED IDENTITY* (1963); LEMERT, *HUMAN DEVIANCE, SOCIAL PROBLEMS, AND SOCIAL CONTROL* (1967).

<sup>10</sup> Erickson, *Notes on the Sociology of Deviance*, in SHEFF, *MENTAL ILLNESS AND SOCIAL PROCESSES* 294-304 (1967).

area of the city labeled "Skid Row", or in transitional areas similar to Skid Row. This type of area is a slum; many of its residents are transients who do not hold steady jobs; when they do work, they obtain jobs of the most unskilled nature. Skid Row is a place where "panhandling" is an acceptable mode of obtaining money; its religious institutions are of the emotional type; it is an area populated by homeless men who condone such types of deviance as drunkenness and prostitution and who are, in general, the most "disreputable" of the poor.<sup>11</sup>

Life in Skid Row centers on its unique institutions, many of which have existed relatively unchanged since before the turn of the century. However, the great national economic changes during the past 30 or 40 years have virtually destroyed the economic basis of Skid Row. Casual labor of the type available there is no longer of much consequence for the functioning of the national economy. Although Skid Row is a kind of refuge for some younger "unsuccessful" males in American society, it is primarily a residential area for older men. In Minneapolis the median age of this population in 1958 was 60 years.<sup>12</sup>

Although employment is available in Skid Row (casual labor and other short term jobs), the greatest source of income for Skid Row residents is public welfare and pension programs. In the Minneapolis Skid Row in 1958, various kinds of assistance and pensions accounted for 60 percent of all income.<sup>13</sup> The median monthly income for this aggregate in that year was \$77.<sup>14</sup> Minimum living costs in the district were very close to this figure.<sup>15</sup>

We may hypothesize that variations in frequency of drunkenness arrests are partly a function of the ability to absorb financial sacrifice resulting from indulgence in drinking. Our findings show that financial loss apparently deters future drunkenness episodes more effectively than does incarceration. In addition to difficulty in raising money for fines, the use of "the drinking money" for this purpose may act as a further deterrent. Thus, the economic status of the Skid Row resident may provide one reason why the workhouse sentence is less of a

deterrent than a fine to future drunkenness behavior. Many of the men living on Skid Row rely solely on monthly OASI or public assistance checks. During a period of imprisonment, an offender is unable to spend any money, and he may find an extra check waiting for him at his place of residence upon his release. The individual who is fined for his drinking offense must spend money that might otherwise be used to buy liquor.<sup>16</sup> A court fine is a luxury few can afford. Our data indicate no difference in length of time between arrests for the workhouse sentence and the suspended sentence. Neither of these two types of court sanctions involve a financial loss.

Another aspect of Skid Row life may be linked to the revolving door. Skid Row residents attach no particular stigma to serving time in jail. This does not mean that Skid Row lacks a normative structure, but rather that middle class norms do not operate there. Knowledge that a man has served a jail sentence has little if any effect upon his status in the community, since Skid Row residents regard a month in jail (especially during the winter) as a good way to recuperate from the effects of cheap liquor, poor food, and haphazard sleeping arrangements.

A considerable amount of drinking takes place out-of-doors, in alleys and behind buildings (for lack of a better place). So-called "bottle gangs" engage in this outdoor form of drinking behavior. Much of the drinking done in the context of these groups is characterized by customs not common to other social situations in which drinking occurs. Freely expressed conviviality, good natured horseplay, and what can best be described as carelessness in the maintenance of bodily functions creates arrest-provoking situations. An adult male is not likely to escape the attention of a policeman, especially if the former is severely intoxicated.

Another relevant factor in interpreting the revolving door phenomenon is the way in which formal agencies of social control operate within a city. Although we do not have precise quantitative evidence to this effect, it can be asserted that during the period of data collection the Minneapolis Skid Row district was one of the most heavily

<sup>11</sup> Matza, *The Disreputable Poor*, in BENDIX & LIPSET, *CLASS, STATUS, AND POWER* 289-303 (1966).

<sup>12</sup> See note 3 *supra*.

<sup>13</sup> *Id.* at 94.

<sup>14</sup> *Id.* at 97. The median monthly income for those who were employed was \$120.

<sup>15</sup> *Id.* at 98.

<sup>16</sup> BOGUE, *SKID ROW IN AMERICAN CITIES* 102 (1963). Some of Bogue's findings seem to support our conclusion of an economic variable in Skid Row drinking patterns; he notes that 23% of the heavy drinkers in Chicago's Skid Row earn \$2500 or more per year, a higher percentage than is found among moderate drinkers.

police patrolled areas in that city. A Skid Row area usually contains a large number of bars and night clubs and therefore, often holds the distinction of being among a city's major "trouble spots." The area, thus, receives an inordinate amount of police attention.

With respect to the phenomenon of the revolving door, an approach that concentrates primarily on the individual deviant as being psychologically different or, for example, undersocialized, cannot adequately account for differences in the deterrent

value of incarceration and fines as alternative punishments for public drunkenness. An explanation that fails to consider those features of social control inherent in the social structure of a sub-community such as Skid Row, is inadequate.

Findings presented in the present paper are not meant to deny that biological and/or psychological variables are important in reaching a fuller understanding of alcoholism; however, such theoretical orientations seem insufficient to explain drunkenness recidivism.