

SAN FRANCISCO CITIZENS COUNCIL FOR CRIMINAL JUSTICE
1251 Second Avenue
San Francisco, California 94122

Gregory Stout, President

Jan Marinissen, Chairperson

12 September 1974

Dear Friend:

Sorry we have taken so long getting this material to you. The transcript of the June 28th forum on diversion has taken more time than we anticipated to transfer from the tapes, to edit, and to print. None of us could work full-time on the effort.

The attached is the result of much thought and concern. We wanted to distribute a document that gives a good sense of what was said on June 28th. Some of the forum was inaudible, but no expletives were deleted. The parts we did not include were either non-sensical, repetitive, or completely unrelated to the discussion. If, however, you feel the need to see all 54 pages of the official transcript, no court order will be necessary for its release.

We hope you found the forum informative. We did. We also feel it provided the beginning for some real thinking about the meaning and implications of diversion. We hope you will continue to show the active concern you showed on June 28th. We will.

In the struggle,

the Committee on the Diversion Forum

THE MEMBERS OF THE FORUM PANEL*

Jay Jackman, M.D. - Director of the Drug Treatment Program at Westside Community Mental Health Center; San Francisco

Maurice James - Director of the Postal Street Academy; San Francisco

Ted Kuntz - counselor with the Harbor Light Program of the Salvation Army; San Francisco

Professor Herb Kutchins - Professor of Social Work at the University of Hawaii; formerly the director of the San Francisco Bail Project

Linda Lawrence - Coordinator of Project 20, co-sponsored by the Community Relations Unit of the San Francisco Police Department and the S.F. Bail Project

Steven Lieberman - A director of Youth Advocates/Huckleberry House; San Francisco

Judy McDowell - Director of the Criminal Justice Project of the Northeast Mental Health Center; San Francisco

Frank Rackley - Officer with the San Francisco Police Department, training police in diversion procedures

Bud Schoeffler - Director of the People's Bail Fund; Philadelphia, Pennsylvania

Evelyn Slaughter - Director of a diversion program for youth in Baltimore, Maryland

Margo St. James - Chairwoman of Coyote, Inc.; San Francisco

Dennis Webb - Director of the San Bernadino Diversion Program; San Bernadino, California

MODERATOR

Kenneth Babb - Director of the San Francisco O.R. Bail Project

*the Committee on the Diversion Forum wishes to underscore the fact that the members of the panel and the moderator donated very generously their time and energy to present their views to the attenders of the forum

CONDENSED TRANSCRIPT OF THE DIVERSION FORUM
JUNE 28, 1974

Officer Rackley:

Currently, the police officers are instructed in any misdemeanor situation where there will be an arrest that custody is the last resort. If possible, cite. In the last two years particularly, there have been more citations and the attitude on the part of the policeman on the street has changed. First of all, those people who were cited do appear in court. Secondly, the police officer is saying I would rather cite than book - it's an easier procedure...

Question: You say cite, don't book. Is that department policy or is that just like peoples' attitudes? It sounds to me like it is fairly discretionary.

Officer Rackley:

It is discretionary. There are certain guidelines which the officers must follow. Discretion is probably the big word that is coming into law enforcement training now. There are a lot of things where the officer has the discretion whether he books or cites and he is not going to be as accountable to supervisors in that area. The problem is, how do you use discretion.

Margo St. James:

I think that is heading down the wrong path. What we need are some firm guidelines. For example, if there is a case of drug use -- no other serious crime involved, no complaining witness, you know -- I mean that ought to be a mandatory case of citation, not when the officer feels like citing.

Question: There must be some reason why San Francisco has the lowest percentage of citations, the figure of 10 percent. In fact, at last Thursday's hearings before the Board of Supervisors on citation releases, other figures given by, I guess, a competent authority, of 30 percent to 40 percent around the Bay Area counties. It seems either it is a policy that is not given a lot of credence by the administration of the police department or it is just habitual -- you haven't cited and so you continue to book. What, in your personal opinion, is the reason it is so low?

Officer Rackley:

People stay on the same assignments for a long time, there are a lot of transfers within the department and I think if you look at it geographically you will find some areas cite more than other areas. It's just really a difficult thing to say why there is only 10 percent except tradition, old time police work.

Ken Babb:

We spent some time on the question of misdemeanor citations in lieu of arrests. I did a cursory survey of the jails in December between the first and the thirteenth with the cooperation of the head of the jail and he gave me the name of 136 misdemeanor defendants who could have been cited in his opinion and they were not cited. They were booked. At the ~~outview of our project~~ (the O.R. Bail Project) we feel misdemeanors can easily be cited out of custody and I think this is one area in which we have to work vigorously. San Francisco can do as other jurisdictions do. When the misdemeanant has given a clear indication as to who he is either tell him of the OR Project or our general opinion is that he can be cited out of custody and that is perfectly legal. The fact that we came up with 136 names given to us by the Captain of the jail was an interesting phenomenon.

Officer Rackley:

I think judgments on the question of discourtesy on the part of the arresting officer is very often valid... The response of some police officers to citizens is unfortunate and I feel that the reverse occasionally is true and I wouldn't, if I were afraid of the police or I had been arrested two or three times, I would hesitate to go to Internal Affairs, Hall of Justice, at the Police Department and make a complaint. The answer is either doing that or going through one of your community agencies or the police community relations which is often out in the various neighborhoods and they will also citizens in making complaints if they wish to make a complaint.

Steve Lieberman:

Youth Advocates and myself look at diversion a little different. Now it seems if you want to talk about diversion you need to start looking at what laws and what kinds of codes and statutes need to be changed that are making people criminals or even police and people looking at the people they punish when they should be left alone...

I think the word diversion for me would be before, making services directly available, crisis facilities, crisis kinds of things,

really human services. If those are not available and if those are not the first priority, then diversion is sort of like trying to deal with something after it's out of the gate. You can hurt it and you can make it go different ways, but just the same, that is not diversion, it is channelling.

We look at the monies and those kind of things and we prevent people from staying out the more we encourage them to get involved with the juvenile justice system or the case of becoming drug abusers to get services. Sometimes you might decide to become a drug abuser, because that is the one way you can get some human services.

Judy McDowell:

I guess if I was going to spout the official party line, what we do is we divert people from the criminal justice system into the mental health system and it is still part of the same system and a whole bunch of people hooked into the system that you work for and that I work for and make an awful lot of money off the pawns within that system and I guess if I was going to say personally what I think diversion is, it is what Margo St. James is doing. It is diverting attention, it is demystifying... So, I just think if enough people like Margo would get into all the different areas and would really go in there and make it visible to the public and take away this great shroud of mystery that the criminal justice system passes out all these mandates about people, it is just a bunch of bullshit, a lot of it and I think if it was exposed for what it is, there would be some changes.

Dennis Webb:

I am probably going to sound like a heretic before the day it over but to me I don't call it a diversion program, but rather a deferred prosecution program.

Jay Jackman:

For me as Director of a Drug Treatment Program, diversion has very serious concrete meanings. For me, treating now is defined as the alternatives the individual has to incarceration who has appeared before the criminal justice system on felony drug offense. What we are talking about, from my vantage point, are felony complaints for drug abusers and what options do they have.

It is clear in the development of a diversion program for drug abusers who come in contact with the criminal justice system is the illogical outgrowth of the recognition that jail or prison has virtually no rehabilitative effect on drug users. Some experts even see drug abuse as a symptom of a mental malady and this really

should not be dismissed very lightly. Public Law 92255 which established the Special Action Office for Drug Abuse and Prevention required that 500 federally funded community mental health centers which care for some 60 million Americans make specific provisions for the treatment of drug abusers within the mental health center context.

In California, Senate Bill 714 moved the State's responsibility for drug treatment programs out of the Department of Justice and into the Department of Mental Hygiene. On a local level, jurisdiction for drug abuse programs is vested either in Departments of Health or in Departments of Mental Health. Rarely is the responsibility on a local level in the criminal justice system. What are the intents of the diversion program? From my vantage point they are several. Although the criminal justice system does not rehabilitate addicts, it still has jurisdiction over them by virtue of the fact that so many facets of drug abuse behavior are still regarded as felony offenses. The criminal justice system in our geographical area, at least, does not mete out relatively stiff penalties. Dismissed charges, probation or incarceration for less than six months are the rule. The load on the court calendar, on holding facilities, on the district attorney's office, public defender's office, on the probation office are enormous yet the outcome seems to be of very little productivity. In recent years, the massive funding of the enormous range of drug treatment programs has given rise to the possibility of alternative treatments instead of direct utilization of the criminal justice system. Those of us who are in treatment welcome the change in attitude. We do believe that treatment programs have much to offer that is of real value and help to the drug abusers. Those treatments do not need elaboration here. The mere existence of past programs and of diversion programs testify to that belief.

The real stumbling blocks lie in the operation and implementation of the diversion system. The criminal justice system insists that it must maintain jurisdiction over drug abusers who are diverted to treatment for the duration of their time in treatment. Treatment programs insist that treatment must be clearly and explicitly separated from punishment and that treatment must unequivocally be of a voluntary nature. There are those who naively say the choice between jail and treatment is voluntary. We all know that to be false but the pretense is kept up. This is not semantics and it is not nitpicking.

Involuntary treatment whether at CRC, Fort Worth or Lexington has been a dismal failure. Treatment programs if they accept involuntary patients not only have made a major treatment error, but, in effect, have betrayed their integrity as treatment programs. The commitment of treatment programs must be exclusively to their patients in order to gain the confidence of patients which is so essential to successful treatment. Treatment agencies must always be free to act in the patients' interest and not become an unwitting aid of the criminal justice system.

The criminal justice system has its primary intent, control of criminal behavior. It is extraordinarily difficult to keep these two issues in balance. It may not be possible if the criminal justice system can really insist on access to detailed information concerning specific patients in specific treatment programs. To comply with those demands is to cut the very heart out of the integrity of these programs and integrity of the physician-patient relationship where that is part of the treatment program. I do not wish to belabor the point, but must add that some patients may desire this. They would do almost anything to stay out of jail and really couldn't care less about the program's integrity. This is an issue primarily of the programs and their staffs over the issues of the long term efficacies of their programs. There have been cries that programs that take this posture are really unhumane and are not working in the patients' interest. Such an accusation seems primarily designed to generate fuel from those treatment programs and to reduce their resistance to the insidious process that will, in the long run, destroy the long term effectiveness of their program.

Rehabilitation cannot be coerced. It cannot be coerced out of an individual who is involuntary or unwilling and whose sole motive for treatment is his/her desire to stay out of jail.

I do see some solutions however. The criminal justice system, if it truly wants control over diverted drug users, should seriously consider developing and running their own treatment programs. If the individual elects treatment after trial it should also be after sentencing as well. This choice should not enter into the considerations for sentencing. Probation and/or parole or probation for an individual offender, that is an issue between the person and the criminal justice system. It does not involve the treatment system. The treatment program cannot become an active party to this, while providing detailed information to the criminal justice system about specific patients. The question arises as to why all this uproar over diversion?

Part of the answer seems to lie in the carrot that dollars provide. Every jurisdiction is eager to get any money it can to offset progressively rising costs of programs and money for diversion falls into that category. In my opinion, the cost of the program's integrity far exceeds the cost of the municipality not accepting such money. The issue is primarily a jurisdictional issue over who shall be responsible for the drug abuser, the justice system or the mental health system. This is a socio-political issue and, in my opinion, it will be determined purely on political grounds.

Herb Kutchins:

You were asking for a definition of diversion. Diversion is the latest hustle. The reason we are talking about diversion is

that the federal government is funding diversion programs and the word is totally meaningless. I have a series of concerns about diversion and my primary concern is that under the rubric of diversion we are just really expanding law enforcement and other official intervention into the lives of people and I think that's very serious and I think we have to count that out. If we are really talking about getting people out of jail, and if we are really talking about getting people out of the criminal justice system, I think we really should be talking about the ways to do it.

What I would like to hear is a variety of alternatives that don't involve us with the criminal justice system and with a variety of other official agencies that can muck around in peoples' lives.

Officer Rackley:

In terms of what the Police Department considers to be diversion we are talking, not about the pre-trial or pre-prosecution but the arrest diversion. What it involved was a crisis intervention model of police handling of domestic problems to which they are often called.

The program we are talking about is not about arresting or just leaving, but rather if we can see some problems or if we feel there is some difficulty there that is not a police problem refer it to a community agency that is not involved with the criminal justice system. We found a couple of very basic problems: Who is going to go where the police tell them to go if they don't have a hold of them? Is the police department running this agency? What do they do there? Are you going to make a report on this? However, the police are making more referrals and I think this is a result of this training program.

Bud Schoeffler:

There are a number of specific things I am concerned about about diversion. In my part of the country (Pennsylvania) diversion requires, and this is of course after the fact of arrest,... that the person has to enter a tentative plea of guilty in order to be diverted and is manipulated into thinking it really is not a plea of guilty. But if they do diversion right, good, everything will be okay and they may even get the record expunged. But then I happen to know it took a young college graduate who happened to be the son of a prominent Washington attorney from January 1968 to April 23, 1974 to expunge the record of his arrest from the NCIC in Washington, D.C...

We have had at our district attorney's office, a project where district attorney's have been assigned to police districts. They have been screening cases, bad arrests, and I would like them

to have the final authority as to what happens on a case that they review. However, they don't have it in order to get the cooperation of the police department; the commander of the district has the authority to override the assistant district attorney's decision but it is a fact of reality that doesn't happen too often and in many instances they are able to head off bad arrests, bad arrests in terms of evidence and in terms of mistaken identity, etc....

The criminal code is extensively overextended; it is broad, it's tremendous...and many things need to be eliminated from it; it is entirely inappropriate to handle prostitution; that should not be a crime. Public drunkenness should not be a crime; vagrancy should not be a crime; but they all still are and people are still arrested for them....

People's Bail Bond: Some of us and some folks that were in civil rights activities and peace activities had to raise and spend a lot of time and effort and energy raising funds to bail people out of jail.... So we got together a bail fund, proceeded by the establishment of an OR or ROR program in the City.... We had a 10 percent cash deposit program and what we have done, we have got together a pool of properties, real estate, almost entirely church property; we have \$325,000 worth of church property that I post for bail in Philadelphia County and I get about 300 people out a year, which is, frankly, a drop in the bucket.... But through the establishment of the project we have uncovered other things: a tremendously extensive human experimentation program that is going on in the Philadelphia county prisons and other county prisons around the Commonwealth and some of the state institutions.... We were able to do something.... They have, by regulation, permanently created a moratorium on human experimentation in the Commonwealth.

Dick Gross:

I would see citations and maybe non-victim crimes...be increased, reordering of police priorities, very specifically electing a new district attorney next year.... Whatever could be done on the local level. Obviously there are problems, state statutes, etc., that do not allow for certain diversion.... But I think there are certain acts that can be taken on the local level to just have certain people not enter (the criminal justice system) at all. Those are some of my priorities.

Rick Baron:

The problem is that the criminal justice system wants to have the ultimate decision as to whether a person should be diverted or not and it was my feeling, at least understanding, after talking to considerable people in the treatment end, that that is perhaps not the proper place to put the decision...in terms of a person's

treatment. At least in drug abuse diversion, it should be with the treatment facility itself. The reporting back to the criminal justice system made treatment impossible.

Dennis Webb:

Our project, when we started out, we set a number of goals. One, if you look at the court system (and again keep it in mind that if I don't get criminal justice cooperation my program doesn't work)..., you see the courts that are overcrowded.... How do you unplug some of the courts? You see a great many lives being destroyed because people are carrying the first offense around with them for the rest of their lives, be it felony or misdemeanor.... If they had to carry that with them, Penal Code Section 1203.4 notwithstanding (which is kind of a gift to a perfect California but is still an abortion) they are going to be hurting, they are going to lose their jobs, they are going to be looking around.... Also, how do you cut the costs of local government operation, specifically the criminal justice system? So we hit on what we called deferred prosecution which in many respects looks like the citizens probation authority....

We decided that since the omnipotent one in the State of California is not the Court, but the district attorney, that would be the first person from whom we would have to get total cooperation because if the district attorney doesn't file a complaint, the guy doesn't go to court, and he can override every arresting officer if he wants to. There are some exceptions with the grand jury system we have here, but here again the district attorney has a certain amount of control by just not submitting any information to the grand jury. That being aside, we had to get to the district attorney.

We said, "Look, there must be some way that we can divert a suspected criminal out of the system before you file a complaint and get all this massive paper work going? Okay?" The district attorney said, "The Federal Constitution as well as the Constitution of the State of California says a person may voluntarily contract away to anybody else almost all of his civil liberties, save his right to life. So, what if this guy comes to us? I get the arrest report, check it out. I have enough there to file, but instead of going to the complaint, I refer it to the probation department. After all, in California, the probation officer is supposed to be treatment people.... The probation officer is the one that could most easily be thrown out of the system because treatment can be done by PhD's.... So probation was the available treatment method. What if we divert these out, let the probation department take a look at it, assess the needs of the individual benefits, (for lack of a better word), get advice of defense counsel relative to that particular arrest, let defense counsel assure himself or herself that I have a cause of action and that I can in fact prosecute if I desire..., and then

all of us sit down and enter into a contract? The contract will simply specify what the defendant's giving up, what the district attorney is giving up, and what probation is giving up in order for the treatment process to take place..."..."Let's suppose that we cut probation officer caseloads from 150 down to 35 so they can be a treatment model. Let's suppose now (since we've never even discussed going to court with the case since it can't get there unless I file a complaint) that we do away with about three-fourths of your paper work and all this sounds really great." So we went to the head-honcho DA...We ultimately sold the man and that is precisely what we are doing; we are entering these contractual relationships.

Herb Kutchins:

I was sort of interested in Dennis' presentation;... I had a lot of trouble picking up what the hell he was talking about, whether it was arrestee or criminal defendants.

I think the point that has to be clear...is that the reason for involvement of a variety of criminal agencies in social services, and now the federal government in these same social services, is some kind of failure of the community to raise itself to deal with these kinds of issues. As the community absolves its responsibilities for dealing with these issues and looks to various government agencies to do that, they give up stuff, too. And the thing they give up mostly is the freedom of the citizens of their community....

Now, what I would like very much to impress on everyone here is that rather than talking about diversion, we should be talking about community resources, and community resources without strings. Those are, in fact, in my mind at least, the true forms of diversion.

Evelyn Slaughter:

From the juvenile standpoint, he really doesn't give a shit how he is diverted so long, as in fact he doesn't have to go to court. I think we ought to keep that in mind. He does not feel that he is losing any rights because he hasn't got any in juvenile court anyway.... What we have done is take approximately \$250,000, use about \$35,000 of it to set up a coordinating team, taken the rest of the money and subcontracted to community groups. So we have, we think, the best of all possible worlds. ...We felt that community and the people in that community were in fact best able to render service to the youth living there.... We applied for the monies that the state agency (LEAA) gave to us....We settled subcontracts with community groups and we are now funding them to the tune of about \$60,000 apiece to provide counseling, tutoring, and the whole gambit of services that juveniles need to stay out of court.

...We have career days; we have an extensive tutoring program; we re-integrate kids into the school system, and again, these are people that they see every day, not 9 to 5, but rather 9 to 9 and sometimes 9 to midnight, whatever it takes to get the job done.

I submit it is a mechanism, one, for hustling the money out of the feds because, after all, they are the people who have got the bread to function, and two, that you can do it given some co-operation from your state agencies...to flip the program back in the hands of the people who can respond most appropriately and that is the people who live in the community where the kids are creating the problem.

The kids we're diverting, by the way, are what we call "impact offenders". This money has come through the impact grant which is a response to the "stranger-to-stranger street crimes". I have never been able to get a definition of what that is, by the way, but, in fact, it deals with the assault, burglary, breaking and entering, etc., your major felons. So we are just not taking the kids who would be diverted otherwise, but rather the kids who most likely would end up in institutions without an alternative.

I suspect that when you are talking about the minor offenses, that in fact, as I think Joe said from New York, "Let's not get in the business of diverting people or kids who would be diverted otherwise". I think the police have a very real role to play in diversion. I think, regrettably, at least in our jurisdiction, they are not doing this because the higher-ups are not ready to let these kids off the hook so easily. I think we have got to do a better job of diverting the minor offenders and put our emphasis on service for those kids who otherwise would end up in juvenile institutions or prisons of one kind or another....

Ken Babb:

...I was looking at an overall statistic over the past ten years, and I discovered that there were 141,000 arrests which were recorded by us in the OR Project for these 10 years, out of which... we released 21,000 odd and lost in excess of 600. We have a fairly high refusal rate which is almost 9,000 over that period....

I remember in the days when Herb Kutchins ran the OR Project, our refusal rate was considerably lower ... it was somewhere between 10 and 15 percent of cases presented to judges. Today our refusal rate is 40 percent.

Our failure rate is somewhere in the vicinity of 4 to 6 percent. This, I understand, is not unlike many OR Projects around the country. Failure rates are going up. In respect to citation release, failure rates are going down, and perhaps this is one justification of expanding citation releases.

Herb Kutchins:

I think I am at liberty to say something....Judges are not all that serious about this point system....If in fact they were adhering to the point system in which some guy has 12 points, the maximum number of points, he would automatically be released. ...Then we could look seriously at that set of criteria and maybe revise them and maybe liberalize them....

You need other mechanisms to convince judges to release more people. I think those mechanisms are not going to come through the OR Project....You've reached some kind of barrier there and you need other devices to essentially get out from under the foot of judges and to get people released whom judges just don't feel like releasing...Obviously I am pushing a bail fund....

Ken Babb:

...Traffic Court, Project 20. I have with me Ms. Lawrence, Ms. Linda Lawrence, who is the coordinator of this program.... This is a volunteer assignment project.

Linda Lawrence:

...Maybe yourselves and maybe myself suddenly found ourselves being booked because we don't have the money to pay traffic tickets that we got some time ago and particularly when those tickets aren't paid and they become warrants....Project 20 poses the alternative of community service to the financial payment of traffic fines....Individuals are referred by the court to Project 20 and Project 20 refers them to various community services or government agencies in San Francisco where they are placed in activities which they view as a volunteer....And I say place, not process; we try to place people where they can be of service to others....

People can come into court (Department 20) and take issue on those tickets... We deal also with Department 16 (...the court that hears people with warrants and bench warrants on parking tickets and on moving violations). We also deal some with Department 14 (...which deals...with drunk drivers). We have just very successfully completed a program where a woman had been convicted of shoplifting and she did Project 20 in lieu of jail time....

Question: What happens if they don't finish their volunteer assignment?

Linda Lawrence:

If they are involved in a volunteer assignment,...we request from the courts an extension. If we are not able to locate them,...

if they choose to disappear,...a bench warrant is issued....Officers from Central Warrant Bureau will refer individuals to Project 20 on occasion and we will facilitate their entry into court to take issue on the tags or warrants they have....Project 20 has had about 170 referrals in approximately six months, that doesn't include... direct assistance to, say, at least 200 individuals who request access to court, who realize that they have warrants or court-related problems and they want some assistance with it....We proceed very cautiously and we do sometimes have to screen out certain people and provide other resources for them, possibly an officer in the Police Community Relations.

Ken Babb:

...There is some resistance by the courts to publicize this service....

Maurice James:

...It is very difficult to try to talk about diversion when we better talk about employment and there is people in this room who say it is almost impossible to talk about employment for young people in San Francisco because the unions are so racist....So if you was expecting me to talk about crime and all that kind of stuff, I am not really interested in that because I understand that in the black community we do have a high crime....We should talk about the causes and the cause is that the unemployment rate amongst the black community is the highest in the City of San Francisco. The housing is the worst in the City of San Francisco. The education level is the worst; the school system say the black people have high drop-out rates; Mr. Riles say San Francisco has the highest push-out rates for black kids....

When we talk about diversion, we ought to talk about taking them from the sick system and trying to create a healthy system for them to enjoy themselves and find some kind of love, peace, and happiness....

Our address is: 914 Divisadero; telephone 556-6343. And feel free to come by or call any time you want to.

Ted Kuntz:

I am with the Harbor Light Program on 9th Street. Right now, I work with the Salvation Army non-medical detoxification unit. Salvation Army contracted with the City and County of San Francisco in February to provide 15 beds at 236 - 4th Street for a non-medical detoxification unit. And in conjunction with the San Francisco Police Department they bring us 5 people in the morning and 5 people in the afternoon for non-medical detoxification,

strictly a voluntary type program. It is a diversion; it is treatment rather than incarceration or going through the court....There is a center group on South Van Ness called Mission Unity Group who also have 15 beds....

During the stay of 72 hours at our facility, he is counselled, his needs are determined, some goals are set for him, and a referral is made to an appropriate agency....We do have some recidivism, but a lot of times this is the first time these people have ever seen a clean bed in 4 or 5 years and they really don't understand. It is an opportunity for them to get out of the merry-go-round.

Question: Do they operate any programs for women alcoholics?

Ted Kuntz:

At this time, no. The order has been before the Board of Directors for some time. This creates a problem, an alcoholic woman's program creates a problem in staffing and....We do want to get into the women's business....

Ken Babb:

Judge Smith says the drunk goes out this morning and she sends him to singleman's rehab or Harbor Light and she sees him back two days later. How do you answer that?

Ted Kuntz:

The typical alcoholic is picked up on 6th Street. If he's lucky, he's got 13¢ in his pocket. He gets busted; he gets put in the drunk tank at 3 o'clock in the afternoon. At 9 o'clock in the morning he goes to trial, pleads guilty. If he's lucky, one of the judges will suspend the sentence. He says "Okay, there's the door; you're free". Where the hell are you going to go? He's got 13¢ in his pocket. Free to what? _e doesn't have anything; he didn't have any when he got in here and he sure doesn't have anything when he leaves. So what's out there for him? He goes back down to 6th Street and all he knows is Charley and Bob and Jack. "We got a mickey; let's have a drink". The wagon comes back again; he gets busted that afternoon. He can never get out of this wind-mill.

He's got to be given a chance to sober up, to do some positive thinking for himself. His needs have to be established: housing, medical problems, diets....

Ken Babb:

...I have one question and I still have the officer with me. The question bothers me somewhat in that I see large arrests of drunks on Friday....The police have got authority under 841(b) of the Penal Code to release them when they sober up. I don't know whether the officer can tell us why he thinks this has not expanded significantly.

Officer Rackley:

During the week, more people are released simply because it's a lot busier in terms of booking, especially in the Southern Police District. We don't have any holding cells which is the South of Market area where most of these street drunks are picked up. People who are laying on the street, either asleep or unable to care for themselves are picked up and taken to City Prison. The other police districts have holding cells and consequently more people are released under 849(b) in the district stations.... Southern District takes people directly to City Prison so that is why they seem to get stuck there and are seldom released under 849(b)....

Margo St. James:

...Criminalizing one party in a so-called crime that takes two is not only sexist but obliquely it comes out racist because the people who are overt and plainly in view on the street in most cities are black or minority women who are discriminated against by the hotels and other means of working out of sight....I think there is overwhelming evidence that these women are primarily in it for economic reasons and to continue to penalize them is ludicrous....

I know the corruption of the vice officers is legendary; I know three in San Francisco who are running women themselves. I don't intend to expose them....I just don't feel these men should be out there arresting mostly women, 1,500 last year, for something that they are solicited for, that they are asked to provide by a culture that operates under the double standard, that enforces a one-sided monogamy, but allows men to go out and not be cited even for soliciting when they do most of it.

What we have been trying to do (and with Ken Babb's cooperation)...we got quarantine stopped. That was the policeman's big number as far as booking the women instead of citing. And now they are claiming a "continuing offender". As I mentioned earlier, the customer wasn't considered a "continuing offender" and neither is the speeder who is likely to kill someone....

I have tried to talk with some of the judges. I have met with absolutely no success. They either snigger or hide behind their robes. They are very arbitrary when it comes to granting women charged with solicitation OR, even if they over-qualify with points, they have been denied in my presence....

The citation thing, I think, is a stop-gap measure until we achieve decriminalization. There was a move afoot, and I don't know if I have killed it yet or not, to cut the prostitutes out of the package. They have attempted to convince them, some of the homosexuals anyway, if the police were writing tickets they would abuse the privilege. I think the way around that is to demand a complaining witness other than a policeman which is what they do in England. The citation thing should not be an exorbitant amount; you know, \$25 to \$50, \$100 maybe the third time, but if they can't pay,...they should be allowed to do a thing like Project 20....I would like to see these women put into volunteer programs where they could learn something else at the same time. Perhaps a clinic, VD clinic; certainly they need paramedics in there. Let us work with the alcoholics department....

I think that, if the public is concerned with controlling street solicitation, that citation with a complaining witness is the way to do it.