

**Federal Class Action Challenges Antiquated Virginia
“Habitual Drunkard” Law That Jails Homeless Individuals**

Charlottesville, Va., March 3, 2016—Today, the Legal Aid Justice Center of Virginia (LAJC) and Skadden, Arps, Slate, Meagher & Flom LLP filed a class action lawsuit in federal court challenging the constitutionality of the Commonwealth of Virginia’s “habitual drunkard” statute, to the extent it criminalizes the possession or consumption of alcohol by homeless individuals suffering from alcoholism.

The complaint asserts that Commonwealth’s Attorneys Offices across Virginia have used the state’s outdated “habitual drunkard” statute, or Interdiction Statute (Va. Code § 4.1-322), to repeatedly incarcerate homeless individuals, violating their constitutional rights by punishing homeless alcoholics for having the disease of alcoholism. It also violates their right to due process by criminalizing the possession or consumption of alcohol—an otherwise lawful activity—without required constitutional protections. The complaint also challenges the statute as unconstitutionally vague because it fails to define “habitual drunkard” and encourages arbitrary police enforcement.

Virginia’s antiquated interdiction law imposes penalties far beyond the state law prohibiting public intoxication, which results in only a small fine. The Interdiction Statute, by contrast, allows a Commonwealth’s attorney to petition the circuit court to declare someone a “habitual drunkard.” Once given this stigmatizing label, that person is subject to up to a year in jail if caught simply possessing alcohol.

“This is a civil rights violation, plain and simple,” said LAJC attorney Mary Frances Charlton. “The interdiction proceedings create a crime where none exists, and place criminal sanctions on individuals who are guilty of nothing more than being homeless and addicted to alcohol—ultimately placing even more obstacles between them and the help that they severely need.”

According to data reported to the Virginia Department of Alcoholic Beverage Control, as of fall 2015, in the past nine years, 60 cities and counties across the state have interdicted more than 1,220 “habitual drunkards.” During this time period, the city of Roanoke interdicted approximately 140 individuals, and at least nine individuals were interdicted in the city of Richmond. As of August 2015, there were 4,743 convictions of interdicted persons pursuant to the code in the state.

Plaintiff Bryan Manning has been jailed more than 30 times under the interdiction law, spending the majority of the last five years in the Roanoke City Jail. “I’m tired of being harassed by the police because I’ve been labeled a ‘habitual drunkard,’” said Manning. “Since I don’t have a home, every time I go to jail I lose what little possessions I have.” Manning also stated his mental health problems worsen with the frequent incarcerations. “My psychiatric medications and treatment stop when I get locked up.”

“Virginia’s interdiction law runs contrary to the current state of medical and scientific understanding of addiction and alcohol use disorder,” said LAJC attorney Amy Walters. “We’ve moved well beyond the days when we thought locking people up would cure their alcoholism.”

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About the Legal Aid Justice Center

The [Legal Aid Justice Center](#) provides civil legal assistance to low-income families and individuals in Virginia with a focus on vulnerable populations, including children, immigrants, the elderly, and the institutionalized. Their mission is to seek equal justice for all by solving legal problems, strengthening the voices of low-income communities, and rooting out the inequities that keep people in poverty. Follow Legal Aid Justice Center on Twitter @LegalAidJustice and find us on Facebook. www.justice4all.org.

About Skadden

With 23 offices, approximately 1,700 attorneys and more than 50 distinct areas of practice, Skadden, Arps, Slate, Meagher & Flom LLP and affiliates serves clients in every major international financial center, providing the specific legal advice companies across a spectrum of industries need to compete most effectively in a global business environment. Skadden's participation in the filing of this lawsuit is consistent with its long-standing tradition of assisting individuals and groups unable to afford legal services. Skadden is pleased to partner with the LAJC in trying to end an outdated approach to law enforcement that mistreats homeless alcoholics.

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