

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1208.1, SUBSTANCE ABUSE SERVICES

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CHIEF OF POLICE	ORLANDO ROLÓN

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POLICY: It shall be the policy of this Department to conform to current state law in regard to treatment and services for substance abuse impaired individuals.

PROCEDURES:

1. TREATMENT AND SERVICES FOR SUBSTANCE ABUSE IMPAIRED PERSONS

1.1 DEFINITIONS

Substance abuse impaired indicates that the person has lost the power of self-control as a result of substance abuse. The officer will evaluate the person's level of impairment and if the officer determines that the person has lost the power of self-control in accordance with Section 1.3, the officer shall either take the person into protective custody and deliver him/her to the closest receiving facility or to a hospital if medical care is appropriate due to the level of substance abuse impairment. When considering the level of impairment the officer shall consider all the evidence available, including but not limited to, the person's ability to speak, walk, answer questions coherently, be aware of his/her surroundings, make decisions or otherwise care for him/herself. Officers should attempt to gather any information which may be available through witnesses, family members, or prior contact with the person, to document the person's substance abuse.

1.2 AUTHORIZATION

Section 397.677, Protective custody; circumstances justifying, and §397.6771, Fla. Stats., Protective custody with consent, authorizes police officers to:

- a. Assist any person who appears to be substance abuse impaired, and is either in a public place or brought to the attention of a law enforcement officer and is in need of help, and who consents to that assistance. Such a person may be delivered or directed to his/her home or to an appropriate resource facility.
- b. Take a person, whether a MINOR or ADULT, into protective custody when such person who appears to meet the criteria for involuntary protective custody is either brought to the attention of the officer or is seen by the officer in a public place.

1.3 CRITERIA FOR INVOLUNTARY PROTECTIVE CUSTODY

A person meets the criteria for involuntary protective custody if there is a good faith reason to believe the person is substance abuse impaired, and because of that impairment:

- a. Has lost the power of self-control with respect to substance use; AND either
- b. Has inflicted, threatened or attempted to inflict, or unless admitted is likely to inflict, physical harm on self or another; OR
- c. Is in need of substance abuse services, and by reason of substance abuse impairment, the person's judgment has been so impaired that he/she is incapable of appreciating the need for such services and of making a rational decision in regard thereto; however, mere refusal to receive such services does not constitute evidence of lack of judgment with respect to the need for such services.

NOTE: If the person is a minor, the nearest relative must be notified by law enforcement; if an adult, the next of kin shall be notified unless the patient requests that the next of kin not be notified.

1.4 PROCEDURE FOR INVOLUNTARY PROTECTIVE CUSTODY

A law enforcement officer may take a MINOR or ADULT into protective custody if the person appears to be substance abuse impaired and is either brought to the attention of law enforcement, or is in a public place and appears to meet the criteria for involuntary protective custody, and the person fails or refuses to consent to assistance. Persons taken into involuntary protective custody should be delivered to a licensed detoxification or addictions receiving facility, or hospital, or taken into protective custody and delivered to a jail or other detention facility for up to 72 hours.

If the person does not have the means (through insurance or otherwise) to be taken to a private facility, the facilities listed below may be used for involuntary protective custody.

If a substance abuse impaired person appears to be incapacitated, the person's next of kin must be notified as promptly as possible.

No unreasonable force shall be used to effect the person's delivery to a treatment resource facility.

1.4.1 CENTRAL RECEIVING CENTER (CRC) FOR ADULTS

The Orange County Central Receiving Center, located at 1800 Mercy Drive, accepts adults who are alcohol or drug impaired. The statute requires that a person taken into involuntary protective custody be a threat to self or others, or be unable to appreciate the need for help. CRC will accept a person who is a threat to him/herself, if that threat is based upon the person's inability to stop using alcohol or drugs, or because he/she is not taking proper care of him/herself due to the substance abuse.

A person who is suicidal or violent will be accepted by the Orange County Correctional Facility (OCCF); however, the person must first be taken to CRC for evaluation. OCCF will only accept a person who has been rejected by CRC either because CRC does not have sufficient beds or because the person does not meet the criteria for admission, i.e., the person is a threat to self or others.

1.4.2 ORANGE COUNTY CORRECTIONAL FACILITY FOR ADULTS

If CRC refuses to accept a substance abuse impaired person, that person should be delivered to the Orange County Correctional Facility where he/she will be held until stabilized or until either a substance abuse facility or mental health facility can admit the person for treatment.

A substance abuse impaired person not under arrest will only be accepted at the jail when the person cannot be placed at a treatment resource facility (CRC), and the individual is substance abuse impaired with a blood alcohol level below .30 percent. Portable Breathalyzer devices may be utilized at the jail to determine blood alcohol amount. If the individual has a blood alcohol level of .30 percent or greater, the individual should be taken to a medical facility for evaluation. Detainees will also be taken to the nurse's station for evaluation.

If the individual is charged with a criminal offense, the OCCF will continue to accept the person under the criminal charge.

If you are dealing with a person who is a threat to self or others, under either the Hal Marchman Act or Baker Act, and who has been drinking or using drugs, and you can articulate that the person has a history of substance abuse, the person should be taken into involuntary protective custody under the Hal Marchman Act. The person should then be delivered to a CRC facility for evaluation and then to the OCCF if the CRC facility will not take him/her due to a suicidal/violent nature. The OCCF will accept and hold the patient until he/she is sober.

Once the officer has transported the patient to the OCCF, and if the patient is suffering from a mental health problem, the officer will advise the corrections officer on duty that the patient needs to be evaluated by the OCCF's staff psychologist. The corrections officer will then fill out a "Mental Health Referral" form to request the psychological evaluation.

The OPD officer will complete a incident offense report and leave a copy of the report at OCCF to be attached to the "Mental Health Referral" form. The OPD officer will file the original incident offense report through normal channels. OCCF will then evaluate the patient and determine whether to Baker Act the patient or refer the patient for substance abuse treatment.

1.4.3 ADDICTION RECEIVING FACILITY (ARF) FOR MINORS

If persons taken into involuntary protective custody are between the ages of 12 and 17, they are to be transported to the Addiction Receiving Facility (ARF), 434 W. Kennedy Blvd., Orlando, FL 32810, (407) 875-3700 ext. 2220. The Addiction Receiving Facility will take children who meet any one of the following criteria:

- a. Adolescents who are impaired or incapacitated from the use of alcohol or other drugs to the extent they display behavior that indicates neglect or harm to themselves or others;
- b. Adolescents who are impaired or incapacitated from the use of alcohol or other drugs and who have threatened, attempted, or actually inflicted physical harm on themselves or others;
- c. Adolescents who, because of the use of alcohol or other drugs, show psychological signs of withdrawal, but not to the extent of needing emergency medical attention;
- d. Adolescents who are committed by the court through an ex parte order to be evaluated for alcohol or other drug impairment due to previously failed attempts to be evaluated or treated; or
- e. Adolescents who show evidence of dysfunctional behavior that is directly related to the chronic abuse of alcohol or drugs, and who have refused treatment recommended by a physician or qualified substance abuse specialist.

Any officer admitting a child to ARF shall complete the following procedures:

- a. Prepare a report which constitutes the authority to hold a minor at ARF.
- b. Attempt to contact the child's parent or guardian.
- c. Complete a law enforcement Marchman Act document.

Note that juveniles who are arrested for DUI shall also be taken to ARF once they have completed the Breathalyzer test at the Orange County DUI Center. See the Traffic Operations Manual for further information on juvenile DUIs.

If there is no space available at ARF, the juvenile may be taken to the Family Services Project, 1800 E. Michigan Street, 407.836.7626, which will accept juveniles only if a medical release has been obtained from a medical facility. Family Services Project should be notified prior to transporting the juvenile.

If a minor is in need of medical treatment (i.e., the juvenile is extremely intoxicated or impaired, or is unconscious, or has registered .30 percent or above on a Breathalyzer machine), the juvenile should be taken to the nearest medical facility for treatment. The juvenile should be transported by ambulance, or, if appropriate, the sector sergeant may allow the child to be transported by police car.

In cases when the juvenile has been arrested, officers shall comply with the current issue of 1204, Juvenile Procedures.

1.4.4 EMERGENCY SERVICE FACILITY OR HOSPITAL

Any person having a blood alcohol level of .30 percent or above should be taken to an emergency service facility or hospital. Ambulances should be used to transport such individuals due to the increased potential for immediate medical assistance.

1.5 PROCEDURE FOR VOLUNTARY PROTECTIVE CUSTODY

If a person appears to be substance abuse impaired and is either brought to the attention of law enforcement, or is in a public place and appears to be in need of help, and that person consents, the person should be:

- a. Directed to the person's home if he/she has one. If the person has no funds for taxi fare, he/she may be delivered to his/her home by the officer, with the approval of the officer's supervisor, or
- b. Directed to a hospital, or
- c. Delivered by law enforcement to the Central Receiving Center (CRC) at 1800 Mercy Drive, if an adult.

If the person is a minor the nearest relative must be notified by law enforcement; if the person is an adult the next of kin shall be notified unless the person requests that the next of kin not be notified.

NOTE: If the person withdraws consent or if the facility cannot take the person, the person may not be forced to remain unless the criteria for involuntary admission is met.

1.6 PROTECTIVE CUSTODY

The police officer, in detaining a substance abuse impaired person, is deemed to be taking the person into protective custody. This shall not be considered an arrest for any purpose and no record shall be made to indicate the person has been arrested or charged with a crime, although an incident report should be generated to document the incident.

1.7 RELEASE OF LIABILITY

A police officer and any public safety officer or agency which acts in good faith pursuant to this statute may not be held criminally or civilly liable for false imprisonment.

1.8 DISCLAIMER

Nothing herein shall affect any laws, ordinances, resolutions or regulations against drunken driving, driving under the influence of alcohol, or other similar offenses which involve the operation of motor vehicles, machinery, or other hazardous equipment.

2. DISORDERLY INTOXICATION

Section 856.011, Fla. Stat., Disorderly intoxication, states as follows:

"No person in the State shall be intoxicated and endanger the safety of another person or property, and no person in the State shall be intoxicated or drink any alcoholic beverage in a public place or in or upon any public conveyance and cause a public disturbance."

Any intoxicated person who acts in a disorderly manner in violation of state statute shall be arrested and charged under §856.011, Fla. Stat.; however, the member shall exercise good judgement in deciding whether a person is merely intoxicated or a disorderly intoxicated person.