

	<p style="text-align: center;">BRIDGEPORT POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution <b>ALL PERSONNEL</b>	General Order Number <b>5.17</b>
		Original Issue Date 5/21/19	Reissue/Effective Date 11/8/19
Order Title:  <b>INTOXICATED INDIVIDUALS</b>		Accreditation Standard: POSTC:	Section  5
		Section Title PATROL FUNCTIONS	
Rescinds: N/A		<b>Armando J. Perez, Chief of Police</b>	

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting*

**I. PURPOSE:**

The purpose of this General Order is to establish guidelines, policies, and procedures for Bridgeport Police Department members for the handling of intoxicated persons and persons who, due to intoxication, appear to be incapacitated and present a danger to themselves or others.

**II. POLICY:**

It is Department policy to protect the health and wellbeing of the general public. When any person is intoxicated or incapacitated by alcohol, and is clearly dangerous to his/her own health and safety or that of others, such person shall be taken in protective custody and place in an approved treatment facility.

**III. DEFINITIONS**

Intoxicated Persons: Someone whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.

Medical Triage: A service, which provides immediate assessment of symptoms of substance abuse, the immediate care and treatment of these symptoms as necessary, a determination of need for treatment, and assistance in attaining appropriate continued treatment.

Protective Custody: A civil status in which an incapacitated person is detained by a law enforcement officer for the purposes of: (a) Assuring the safety of an individual or the public or both; and (b) Assisting the individual to return to a functional condition. Protective custody is not an “arrest.”

## IV. PROCEDURE

### A. Protective Custody

Connecticut General Statutes Section 17a-683 governs the authority to take intoxicated and/or incapacitated individuals into protective custody.

1. If an officer determines that an individual is intoxicated in a public place and in need of help, the officer may, with such person's consent, assist the individual to his home, a treatment facility, or a hospital or other facility able to accept such person.
2. If an officer determines that an individual appears to be incapacitated by alcohol, the officer shall take him into protective custody and have him brought immediately to a treatment facility which provides medical triage in accordance with regulations adopted pursuant to C.G.S. Section 19a-495 or to a hospital. (See definition section above.)
3. An officer is not authorized to take an individual into protective custody if the individual is merely intoxicated and: (a) is capable of making rational decisions; (b) does not pose a danger to him/herself or others; and (c) there is no risk of harm to the individual.
4. The officer, when taking an individual into custody, shall make every reasonable effort to protect his/her health and safety.
5. When taking the person into protective custody, the detaining officer may take reasonable steps to protect him/her.
6. The taking of an individual into protective custody is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.
7. When determining whether an individual is incapacitated, rather than intoxicated, officers must have a reasonable belief both that:
  - a. The individual is not capable of making a rational decision regarding his need for treatment; and
  - b. The incapacity created a substantial risk of harm to the individual or others
8. When determining whether an individual is "intoxicated," making seizure under the statute not permissible, officers may consider:

- a. Whether the individual is fully conscious and aware of where he or she is at that time;
  - b. Whether the individual is able to react to people and events;
  - c. Whether the individual is capable of communicating with officers;
  - d. Whether the individual expresses a reasonable desire to accept or deny assistance;
  - e. Whether the individual is able move about without difficulty.
9. If the officer observing the conduct of the individual has any doubt as to whether or not the individual is “incapacitated,” the officer shall request a supervisor be dispatched to the scene.
  10. The supervisory officer shall determine if the individual is “incapacitated” and requiring protective custody. When the decision is made to convey, the officer observing the conduct will make the conveyance. The officer shall execute a written request for emergency examination detailing the circumstances under which the person was taken into custody, and such request shall be left with the facility. The individual shall not be taken to Booking nor be registered on an arrest card.

## **B. Reporting**

1. The placing of a person into protective custody due to incapacitation due to intoxication is not an arrest and no entry shall be made to indicate that the person has been arrested or charged with a crime.
2. The officer shall document the incident shall be documented in an incident report which will include all the details of the incident and the disposition of the person taken into protective custody.
3. The officer shall complete the Emergency Examination Request Form.
4. If the individual is admitted to a medical facility for treatment, the officer shall leave a copy of the Emergency Examination Request Form at the admission desk and an original will be placed in the case jacket.

## **C. Training**

1. Bridgeport Police Department personnel shall receive training regarding this general order, including training on the requirements and procedures set forth in Connecticut General Statutes Section 17a-683.