

A. **PURPOSE.** To outline police officer responsibilities for the custody of incapacitated persons under MCL 333.1400-1401 and 1427 (formerly Public Act 339)

B. **DEFINITIONS**

1. *Approved Service Program.* A licensed substance abuse treatment rehabilitation service program.
2. *Incapacitated Person.* A person who, as a result of ingestion or other use of alcohol, drugs, and/or other intoxicating substances, is unconscious or whose mental or physical functioning is so impaired that he or she poses either an immediate and substantial danger to his or her own health and safety or to the health and safety of the public.
3. *Protective Custody.* The temporary custody of a person who is or appears to be incapacitated for the purpose of protecting that person's health and safety or the health and safety of the public. Protective custody is civil in nature and is not an arrest.

C. **SPECIFIC RESPONSIBILITIES**

1. Police officers shall be responsible for:
  - a. Protective custody of incapacitated individuals and for providing, or obtaining, transportation for them to either:
    - (1) The nearest emergency medical care facility, if necessary.
    - (2) An approved service program facility.
  - b. Handling incapacitated individuals pursuant to the law in order to ensure their safety and care by:
    - (1) Providing first aid.
    - (2) Removing the individual from potentially hazardous or life-threatening circumstances.
  - c. Providing transportation for unconscious or non-ambulatory incapacitated individuals by notifying Dispatch and having an ambulance sent. The ambulance should transport the individual to the nearest emergency medical facility.

- d. At the officer's discretion, transporting incapacitated, non-combative individuals who are able to walk and agree to be taken into custody in a police cruiser to an approved service program. Currently, the only approved service program utilized by the Grand Rapids Police Department is the Mel Trotter Detoxification Facility located at 225 Commerce Avenue SW, Grand Rapids, Michigan 49503. Their telephone number is 454-8249.
  - e. Taking reasonable necessary steps to protect themselves and others. This may include a "pat down" search of the person and his/her immediate surroundings, but only to the extent necessary to discover and seize any dangerous weapon that might be used against the officer or others. Protective steps shall be conducted before an ambulance transports the person to an approved service program or to an emergency medical facility.
  - f. Handling individuals who are uncooperative, combative, or being charged with a disorderly offense pursuant to current use of force and arrest procedures.
2. Communications Unit Personnel shall:
- a. Notify an appropriate emergency services agency to dispatch an ambulance for unconscious or non-ambulatory incapacitated individuals when requested by an officer.
  - b. Inform appropriate service program personnel when an officer transports incapacitated, non-combative individuals to their facility.