

# MERIDIAN TOWNSHIP POLICE DEPARTMENT GENERAL ORDER

Subject: <b>INCAPACITATED PERSONS</b>	General Order: 901
Effective Date: September 10, 2003 Revision Date: August 30, 2016	Distribution: All Sworn

## I. PURPOSE

This general order establishes procedures for providing protective custody and related services to incapacitated persons.

## II. POLICY

Michigan Law requires that officers who come into contact with an individual who appears to be incapacitated in a public place, shall take the individual into protective custody and to transport, or arrange for transport, to an approved service program or emergency medical service.

Officers should first act to ensure the physical safety of the individual and other persons present. The officer should then determine the need for medical evaluation by EMS personnel.

Even though a criminal violation may not be present, the officer is still authorized to act on behalf of the individual and the community in an attempt to protect the parties from harm [Mental Health Code 330.1276].

## III. PROCEDURE

### A. Definitions

1. "Incapacitated" means that an individual, as a result of the use of alcohol or other drugs, is unconscious or has his or her mental or physical functioning so impaired that he or she either poses an immediate and substantial danger to his or her own health and safety or is endangering the health and safety of the public.
2. "Protective custody" means the temporary custody of an individual by a police officer with or without the individual's consent for the purpose of protecting that individual's health and safety, or the health and safety of the public, and for the purpose of transporting the individual if the individual appears, in the judgment of the peace officer to be a person requiring treatment. Protective custody is civil in nature and is not to be construed as an arrest.

- B. Incapacitation due to alcohol may result in:
1. The person being unconscious and thereby, unable to adequately care for themselves, or
  2. Their mental or physical functions being so impaired that they pose an immediate and substantial danger to their own health and safety, or they are endangering the health and safety of the public.
  3. Other medical conditions, such as epilepsy or diabetes may present themselves in a manner similar to intoxication from alcohol. Officers should not assume intoxication from alcohol, but instead take the appropriate steps to reasonably confirm the cause of the disorder and summon an appropriate medical response.
- C. When taking a person into protective custody:
1. Officers should be alert to and address any limited English proficiency, and/or hearing and vision impairments.
  2. If a police officer encounters an incapacitated subject, EMS shall be activated, and an ambulance requested at the scene.
  3. The officer(s) must inform the person that they are being held in protective custody, and that they are not under arrest.
  4. Officers are authorized to use that kind and degree of force which would be lawful were the officer affecting an arrest for a misdemeanor without a warrant [Mental Health Code, 330.1276].
  5. Upon taking the person into protective custody, the officer shall take reasonable steps for self-protection and the protection of other persons. This includes a pat down search of the person but only to the extent necessary to discover and seize any dangerous weapons, which, on that occasion may be used against the officer or other persons present.
  6. If it is practical, subjects shall be restrained as required by Department policy.  
  
*Note: These steps must be taken before the individual is transported for medical evaluation.*
  7. The transport of individuals requiring hospital treatment or evaluation should be done by ambulance.
  8. Arrest sheets shall not be completed for "protective custody" cases.

9. If an individual is held in protective custody in an approved program or medical facility, then either the facility or officer must notify the individual's family, or person designated by the individual, as soon as possible.
- D. Statute also allows that when an individual is arrested by an officer for commission of a misdemeanor (less than 93 day violation), he/she may be taken to an approved service program or an emergency medical service for emergency treatment if the individual appears to be incapacitated at the time of apprehension.
1. The treatment does not preclude criminal prosecution.
  2. An individual found by medical examination to be incapacitated will be detained in protective custody until no longer incapacitated or for not more than 72 hours [Mental Health Code 330.1278].
  3. After the individual is no longer incapacitated, the medical staff must release the individual to a law enforcement officer [Mental Health Code 330.1279].
  4. If an arrest is made and the subject is taken to an approved service program or emergency medical service facility for incapacitation, officer will obtain the name of the person taking charge of the subject and notify them the subject is under arrest and the medical facility is obligated to release the subject to a law enforcement officer.
3. Transport of Persons in Protective Custody - When requested by a law enforcement officer, EMS personnel will provide transportation for the person to an approved service program or emergency medical service.
- a. If, after treatment, EMS determines there is a medical concern, they will transport and EMS staff will handle the admission. If, under EMS protocol, an ambulance medical transport is not warranted and the officer determines the subject is incapacitated, the officer may then handle the transport or request transport by the Meridian Township EMS. However, in that case the officer shall also go to the treatment center to complete the necessary intake paperwork.
- E. Transport to Non-Medical Facilities - Voluntary Treatment
1. When an officer contacts a person who is intoxicated, but not incapacitated, and not in violation of criminal statutes, the officer may arrange for a voluntary admission to a treatment facility, if the individual agrees to the admission and their conduct is acceptable to the facility.

- a. Officers are authorized to transport individuals to local treatment facilities when appropriate.
- b. Officers should have the dispatch center contact the treatment facility via telephone, the arrival of the patient.
- c. The subject should be told, for officer safety reasons, a pat down search of the subject and any property for weapons is required prior to being allowed to enter the police vehicle.
- d. Restraints are not allowed.

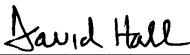
F. Reporting Requirement

Whenever an officer takes a person into protective custody, an incident report shall be completed. The report will include copies of any court order or petition. No record of arrest or criminal activity shall be made related to the person being in protective custody. If the subject was placed under arrest and then taken for treatment, a separate incident report of the criminal activity that led to the arrest will be completed.

#### IV. CANCELLATIONS

None

Authorized by:



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David Hall, Chief of Police

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*Application: This directive constitutes department policy, and is not intended to enlarge the employer's or employees civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employees legal duty as imposed by law.*