

GENERAL ORDER

August 2017

Immediately

V.5:02

Distribution: All Employees

Subject: **SUBSTANCE ABUSE IMPAIRMENT**

Index as:	Addictions Receiving Facility (ARF)	PEMHS
	Alcohol Addiction	Pinellas Enrichment Mental Health Services (PEMHS)
	Drug Addiction	Service Provider
	Emergency Admission	Substance Abuse Impaired
	Impaired	Substance Abuse Services
	Involuntary Admission	Voluntary Admission
	Marchman Act	

Accreditation Standards: 1.2.6
Cross Reference: G.O. II-42, Use of Force
Florida State Statutes, Chapter 397
Replaces: I.O. V.5:2, Substance Abuse Impairment (May 23, 2008)

This Order consists of the following Sections:

- I. Definitions
- II. Admission Criteria
- III. Voluntary Admissions
- IV. Involuntary Admissions
- V. Service Providers - Adult and Juvenile
- VI. Emergency Admissions by Others
- VII. Criminal Acts
- VIII. Use of Force and Immunity from Liability
- IX. Reporting Requirements

I. DEFINITIONS

A. Addictions Receiving Facility (ARF) – A secure, State-licensed facility, designated by the State to receive, screen, and assess clients found to be substance abuse impaired, in need of emergency treatment for substance abuse impairment, or impaired by substance abuse to such an extent so as to meet the criteria for involuntary admission.

B. Impaired or Substance Abuse Impaired – A condition involving the use of alcoholic beverages or any psychoactive or mood-altering substance in such a manner as to induce mental, emotional, or physical problems and cause socially dysfunctional behavior.

C. Service Provider – A public agency, a private for profit or not-for-profit agency, a person who is a licensed private practitioner or a hospital which provides services under Chapter 397, including services provided as an addiction receiving facility or a detoxification facility.

II. ADMISSION CRITERIA

A. A person, regardless of age, who wishes to enter treatment for substance abuse may apply to a service provider for voluntary admission.

B. A person meets the criteria for involuntary admission if there is a good faith reason to believe the person is substance abuse impaired and, because of such impairment, has lost the power of self-control with respect to substance use; and either:

1. Has inflicted or threatened or attempted to inflict, or unless admitted is likely to inflict, physical harm on themselves self or another; or

2. Is in need of substance abuse services and, by reason of substance abuse, their judgment has been so impaired that the person is incapable of appreciating their 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 his/her need for such services.

C. Persons in need of immediate medical treatment, in addition to those services provided by an **Addictions Receiving Facility** (ARF), shall be taken to the nearest hospital.

III. VOLUNTARY ADMISSIONS

A person in circumstances which justify protective custody may consent to be assisted by an Officer to their home, to a hospital or to an ARF whichever the Officer determines is most appropriate.

IV. INVOLUNTARY ADMISSIONS

A. A law enforcement Officer may implement protective custody measures when a person, regardless of age, appears to meet the involuntary admission criteria and is either:

1. In a public place; or

2. Brought to their attention, including within a person's own residence.

B. If the person in circumstances which justify protective custody fails or refuses to consent to assistance, and the Officer has determined that an ARF is the most appropriate place for the person, the Officer may, after giving due consideration to the expressed wishes of the person:

1. If the person is an adult:

a. Take the person to an ARF against the person's will but without using unreasonable force; or

b. If no space is available in an ARF, they may be taken to the Pinellas County Jail

1) The nearest relative of an adult taken into protective custody must be notified by the law enforcement Officer who took the person into custody, unless the adult requests that no notification be made.

2. If the person is a juvenile:

a. The nearest relative or guardian of a minor taken into protective custody must be notified by the law enforcement officer who took the person into custody.

b. The Officer may then determine, with the consent of the relative or the guardian, whether the juvenile will be turned over to their custody or if they should be taken to the most appropriate facility.

V. SERVICE PROVIDERS – ADULT and JUVENILE

A. Adults

1. Prior to transport, the ARF must be contacted (via Echo or Foxtrot) to determine if space is available. (See Attachment A.)

2. When beds are unavailable at an ARF, the Pinellas County Jail will accept adults for protective custody as outlined in §397, F.S.S.

B. Juveniles – Juveniles require special consideration when placed into custody under §397, F.S.S.

1. Juveniles will be transported to the Pinellas Enrichment Mental Health Services (PEMHS). (See Attachment A)
2. The release of a juvenile from protective custody under this act must always be to:
 - a. The juvenile's parent, legal guardian, legal custodian or the authorized designee thereof, or
 - b. The Department of Children and Family Services (DCF) or to the Department of Juvenile Justice (DJJ).

VI. EMERGENCY ADMISSIONS BY OTHERS

A. Emergency admission:

1. Adult – Admission may be initiated by a certified physician, the person's spouse or guardian, any relative of the person, or any other reasonable adult who has personal knowledge of the person's substance abuse impairment.

2. Juvenile – An emergency admission can be initiated by the minor's parent, the minor's legal guardian or legal custodian.

B. Direct requests for an emergency admission, initiated as described above, should be referred to a service provider.

C. Officers are permitted by §397, F.S.S. to assist in the transportation of addicts who require an emergency admission, and it must be so stated on the physician's certificate (§397.6793[4], F.S.S.); however, Officers should not routinely become involved in the transportation when the admission is initiated by someone outside the Police Department.

VII. CRIMINAL ACTS

A. This Order does not affect enforcement of the law as it relates to criminal acts committed by a person who is under the effect of alcohol or illegal drugs.

B. Criminal charges, such as disorderly intoxication, should be considered when the behavior of an intoxicated individual exceeds the scope of §397, F.S.S.

VIII. USE OF FORCE AND IMMUNITY FROM LIABILITY

A. A reasonable amount of force may be used to place a person into protective custody under the Marchman Act. If force is used as defined in G.O. Order II-26, the Use of Force form (<J:\Research\GeneralOrders\II Administrative General Orders\II-42 Use of Force.pdf>) shall be filed.

B. Officers acting in good faith pursuant to §397, F.S.S. may not be held criminally or civilly liable for false imprisonment.

IX. REPORTING REQUIREMENTS

A. The *Marchman Act* form (See Attachment B) shall be completed electronically in VIPER or by means of a paper form available from the equipment room, whenever anyone is taken into protective custody under the provisions of §397, F.S.S. The original will serve as the Officer's report. If completed in hardcopy, a copy should be left at the receiving facility, hospital, or jail.

B. When a juvenile is taken into custody, the Officer shall clearly indicate in the comments section of the *Marchman Act* form that the subject is a juvenile.

C. Detention under any provision of §397, F.S.S. is not to be considered an arrest for any purpose, and no entry or other record may be made to indicate that the person has been detained or charged with any crime.

Anthony Holloway
Chief of Police