

BERKELEY POLICE DEPARTMENT

DATE ISSUED: March 26, 2008

GENERAL ORDER I-15

SUBJECT: **INTOXICATED PERSONS – CUSTODIAL AND NON-CRIMINAL PROCEDURES**

PURPOSE

- 1 - The purpose of this Order is to adopt policies and procedures which will permit dispositions other than incarceration for intoxicated persons **to provide** for the **welfare** of the subject and maintenance of the peace.

POLICY

- 2 - It shall be the policy of this Department that **when possible and appropriate**, within the framework of this Order, intoxicated persons will not be incarcerated.

DEFINITIONS

- 3 - "Intoxicated person," as used in this Order, refers to any person who, by reason of his/her **ingestion of an alcoholic beverage and/or drug**, loses the **ability to provide** for his/her immediate **safety and/or welfare**.
- 4 - "Physical arrest," as used in this Order, shall mean the taking of a person into custody and the transportation of that person to the **Berkeley City Jail or other custodial facility**.
- 5 - "Booking," as used in this Order, shall mean the completion of a Consolidated Arrest Report and Prisoner's Property Receipt prior to physically incarcerating a person in the jail.

PROCEDURE

- 6 - Officers shall not release **from detention an** intoxicated person who:
 - (a) Is **subject to physical arrest and booking for a** criminal offense.
 - (b) **Is a danger to himself/herself or others and may be subject to 72-hour emergency detention and psychological evaluation (ref. General Order I-16.)**
 - (c) Will become, or continue to be, a police problem **if released** (e.g., disturb the peace, **instigate a situation wherein he/she could be injured, commit an act of domestic violence, etc.**)
 - (d) **Is, or appears to be, in need of immediate** medical attention **(ref. General Order A-17.)**

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- (1) **If necessary**, the officer **shall respond to the involved medical facility** and stand by during treatment to insure the **person** does not create a disturbance.
- (e) Is unable to provide satisfactory identification.
- (1) **A reasonable effort** should be made by the officer, including a contact attempt at the resident's **local** home, to obtain satisfactory identification.
- (f) Is an **active duty** member of the **United States military**.
- (1) **The arresting officer should make a reasonable effort to notify the appropriate military branch of the involved service member's detention and disposition:**
 - (i) **US Army, Camp Parks Police Department, Dublin (CA)**
(925)875-4720 [bus. hrs] / (925)875-4200 [after hours]
 - (ii) **US Navy, Naval Operations Supply Center,**
Duty Command Officer, Alameda (CA)
(510)967-5143 [24 hr#]
 - (iii) **US Air Force, Travis Air Base Police Department,**
Fairfield (CA)
(707)424-3293 [24 hr#]
 - (iv) **US Marine Corps, Detachment 2, Beach and Terminal**
Operations Company A, 4th Landing Support Battalion,
4th FSSG, 3rd Longshoreman Platoon, Concord (CA)
(925)825-1775 x19 [bus. hrs]/(925)586-5267 [after hours]
[NOTE: Ask the Marine NCO for the contact telephone
number of the detained Marine's particular Unit to
accomplish notification]
 - (v) **US Coast Guard, Coast Guard Island Police Department,**
Alameda (CA)
(510)437-3151 [24 hr#]
- 7 - **Intoxicated adults meeting the criteria described in paragraph 6 of this Order who will be subject to prosecution for a criminal offense** shall be physically arrested **and booked in accordance with General Order J-1.**
- 8 - **Intoxicated juveniles shall** be detained and subject to custodial disposition as prescribed in General Order J-18.

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- 9 - Intoxicated adults may be eligible for release from detention and non-criminal disposition according to procedures described in paragraph 10 of this Order, if he/she:**
- (a) Is still intoxicated upon release from a medical facility.**
 - (b) Cannot care for him-/herself due to intoxication, but otherwise will not be subject to criminal prosecution.**
 - (c) Voluntarily participates in the non-criminal disposition.**
- 10 - If an intoxicated person is eligible for a disposition other than physical arrest and booking, officers are encouraged to:**
- (a) Transport the detainee to his/her place of residence and turn him/her over to a sober and responsible adult.**
 - (1) Officers may transport a detainee to a location proximate to Berkeley upon approval of a supervisor.**
 - (b) Release the detainee into the care of a sober and responsible adult in his/her company, provided that adult will assume responsibility for the intoxicated person.**
 - (c) Refer the detainee to a detoxification and/or substance abuse treatment facility, provided that facility has statutory authority to detain the intoxicated person, or will assume responsibility for the person's care and welfare.**
- 11 - In the event an intoxicated adult is to be referred to a detoxification or substance abuse treatment facility, the handling officer shall follow referral and intake procedures described in Training and Information Bulletin #258.**
- 12 - Officers transporting detainees to a location beyond the city limits of Berkeley shall adhere to prisoner transportation procedures described in General Order T-2.**
- 13 - If, during transportation, the detainee exhibits behavior or creates a situation rendering him/her ineligible for a non-criminal disposition, the officer shall accomplish a custodial disposition authorized by this Order.**
- 14 - The handling or transporting officer(s) shall stand by with receiving facility personnel to ensure public safety during the transfer process.**
- (a) If the detainee is received by the detoxification or substance abuse treatment facility, the handling or transporting officer(s) shall release the person from custodial detention pursuant to Penal Code §849(b).**

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- 15 - The handling or transporting officer shall communicate the detainee's personal identifying information, if known, and Berkeley Police Department report number to the receiving facility's personnel via presentation of copies of the incident report and PC §849(b) release forms.**
- 16 - Should an intoxicated person be deemed not suitable for entry into a detoxification and/or substance abuse treatment facility for a non-medical reason, the handling or transporting officer(s) shall retain custody of the detainee and pursue a custodial disposition authorized by this Order.**

DOCUMENTATION

- 17 - If an intoxicated adult is released from detention in accordance with paragraph 10 of this Order, the handling officer shall document the incident and disposition on a Non-Criminal Information Report (NCIR) or similar approved incident reporting form.**
- 18 - If an intoxicated person is physically arrested and booked into a custodial facility, the handling officer shall document the criminal investigation and disposition as prescribed in General Order R-31.**
- 19 - The original PC §849(b) form, a copy of which having been issued to the detainee upon his/her release, shall be routed to the Records Bureau for inclusion with the incident case file.**

References: Penal Code §§647(f) and 849(b)
General Orders A-17, C-10, I-16, J-1, J-18, R-31 and T-2
Training and Information Bulletin #258