

CHAPTER 113
INTOXICATED SUBJECTS

DISCUSSION: The abuse of alcohol is a most serious nationwide public health problem. The excessive use of alcohol often results in physical and psychological consequences that have an adverse effect not only on the problem drinker, but on the families, their employers, and the community as a whole.

The Police Officer in the performance of his duties confronts the problem of alcoholism in a most direct way. Excessive drinking often results in serious breaches of public peace, damage to public and private property, assault and battery and other more serious crimes. Family neglect and ill-treatment requiring police attention are often traced directly to alcoholism. The broken homes which often follow are considered one of the most common causes of juvenile delinquency. As a result, the excessive drinker is a common police problem placing considerable demands on police service and using a disproportionate share of police manpower.

Traditionally, arrests for "drunkenness" have constituted a high proportion of police activity in every community. In the past, except for traffic violations, more arrest were made for drunkenness than for all other offenses combined. The punitive approach to this social problem has been costly, time consuming and ineffective. This of course has not been the fault of the police, for they have had no other recourse.

113.1.1 Definitions

For definition purposes the following is provided:

1. Incapacitated means that a person as a result of his use of alcohol is in a state of intoxication or mental confusion resulting from withdrawal such as he appears to need medical care or supervision to insure his safety, or appears to present a direct, active or passive threat to the safety of others.
2. Intoxicated means a condition in which the mental or physical functioning of an individual is substantially impaired as a result of the presence of alcohol in his system.

113.1.2 Intoxication

When a Police Officer encounters a person who, in the judgement of the officer, is intoxicated the officer may take such person into custody and shall lodge the person in jail for a minimum of four (4) hours, unless otherwise directed by the patrol supervisor, to insure the safety and welfare of the public, the individual or both.

113.1.3 Incapacitation

When a Police Officer encounters a person who in the judgement of the officer, is "incapacitated" the officer may take such person into custody and shall lodge such person in jail for a minimum of four (4) hours, unless otherwise directed by a patrol supervisor, to insure the safety and welfare of the public, the individual or both.

.1.4 Procedures for Juveniles

- A. Whenever a person seventeen (17) years of age or younger, is judged by the Police Officer to be intoxicated or incapacitated and has been charged with a crime is taken into protective custody, the Forrest County Youth Court Intake Officer shall be notified along with the juvenile's parent or guardian. The parent or guardian shall be advised that the juvenile is being held at the Police Station.
- B. If such a person has no parent or guardian, arrangements will be made with the Youth Court to house him on a verbal detention order.

113.1.5 Processing When Incarcerated

Any person placed into custody shall be searched and property shall be held until his release. Any contraband found during the search may be used for a basis for additional criminal charges.

113.1.6 Other Possible Ailments

- A. If an officer comes upon, or responds to a call in regard to an incapacitated or intoxicated person, the officer shall be aware of other possible ailments. An incoherent or unsteady or unconscious person may, for example be suffering from an epileptic seizure, insulin shock, diabetic coma, stroke, heart attack, or brain injury.
- B. The officer shall be alert for any symptoms indicating any of these ailments and shall cause to have the person examined by EMS and if necessary taken to a medical facility for further treatment.
- C. An unconscious person shall never be placed into custody.

113.1.7 Reporting

Whenever a person is taken into custody for intoxication or incapacitation, the arresting officer shall complete a custody report listing the offense in the report. When released, the person's disposition will be entered in the custody report. Details of the incident will be listed in the narrative.