



TALLAHASSEE POLICE DEPARTMENT

GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Substance Abuse Impaired Persons	 Nationally Accredited 1986
	CHIEF OF POLICE <i>Signature on file</i>	
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AUTHORITY/RELATED REFERENCES

FS Chapter 397, Substance Abuse Services (Marchman Act)
 FS 775.051, Voluntary Intoxication; Not a Defense
 FS 784.07, Assault or Battery of ... Emergency Medical Care Providers
 FS 901.215, Search ... for Identifying Device Indicating a Medical Disability
 General Order 6, Arrests and Alternatives to Arrest
 General Order 42, Impounding and Controlling of Property and Evidence
 General Order 59, Transporting and Booking Procedures
 General Order 70, Risk Protection Orders
 General Order 71, Juvenile Delinquency Citation Program
 General Order 72, Search and Seizure
 General Order 92, TEAM Unit
 Leon County Behavioral Health Transportation Plan
 Mental Health Services Agreement

ACCREDITATION REFERENCES

CALEA Chapters 1, 44, 70, 82
 CFA Chapter 2

KEY WORD INDEX

Assault/Battery of Emergency Healthcare Providers
Assessment of Substance Abuse Impaired Persons
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POLICY

Officers, in the course of their official duties, who contact a suspected substance abuse impaired person are responsible for upholding their Constitutional rights, respecting their dignity, and adhering to established Department protocols and applicable state statutes regarding the assessment and stabilization of the person.

DEFINITIONS

Biased Policing: The inappropriate consideration of specified characteristics while enforcing the law or providing police services. Specified characteristics includes, but is not limited to, race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, political status, or any other legally protected characteristics.

Involuntary Protective Custody: The act of a law enforcement officer placing a substance abuse impaired person in custody against the person's will in order to deliver the person to an authorized medical or detoxification receiving facility.

Licensed Mental Health Provider (LMHP): A behavioral health professional who holds a valid state license in disciplines such as: **Clinical Social Work** (LCSW), **Mental Health Counseling** (LMHC), or **Marriage and Family Therapy** (LMFT). These professionals are qualified to assess, diagnose, and treat individuals with mental health conditions, provide crisis intervention, and deliver therapeutic services in clinical and community-based settings. In addition, they are able to initiate involuntary evaluations under Baker Act and Marchman Act.

Qualified Professional: As defined in the Florida Mental Health Act, a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker.

Receiving Facility: A public or private facility designated by the State of Florida to receive and hold or refer, as appropriate, involuntary patients under emergency conditions for mental health or substance abuse evaluation, and to provide treatment or transportation to the appropriate service provider.

The Central Receiving Facility (CRF) is located at the Apalachee Center for Human Services (ACHS). If the CRF refuses admittance on a Marchman Act, The person may be taken to another facility as outlined in FS 397.6772, to include Leon County Detention Center.

Substance Abuse Impaired: Having a substance use disorder or a condition involving the use of alcoholic beverages, illicit or prescription drugs, or any psychoactive or mood-altering substance in such a manner as to induce mental,

emotional, or physical problems or cause socially dysfunctional behavior.

Voluntary Protective Custody: The act of a law enforcement officer placing a substance abuse impaired person in custody with the person's consent in order to deliver the person to a receiving facility, or other safe location, whichever the officer determines to be most appropriate.

PROCEDURES

I. ASSESSMENT OF SUBSTANCE ABUSE IMPAIRED PERSON

General Assessment Information –

- A. When an officer encounters a person they have reason to believe is substance abuse impaired, the officer is responsible for:
 - 1. Determining if the person meets the criteria for involuntary admission based upon the criteria listed below, and
 - 2. Being cognizant of the fact the mere refusal to receive substance abuse services does not constitute evidence of lack of judgment with respect to the person's need for such services.
 - 3. Officers who have questions or concerns regarding an interaction with a person suspected of being substance abuse impaired may, with supervisor approval, request the assistance of an on-duty member of the TEAM Unit.
- B. If an officer has questions or concerns regarding the decision to take a person into protective custody, the officer shall:
 - 1. Resolve the situation in favor of protection of life and property of the person, other citizens, and officers,
 - 2. If needed, discuss the situation with their supervisor, and
 - 3. If needed, discuss the situation with an on-duty member of the TEAM Unit or intake staff at the nearest receiving facility.
- C. Officers shall not deny substance abuse services or make admission assessments and determinations based on biased policing.
- D. If during a contact, an officer reasonably believes the person poses a *significant* danger of causing personal injury to themselves or others by possessing firearms or ammunition, FS 790.401 (Risk Protection

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Orders) may be applicable. See General Order 70 for Risk Protection Order (RPO) protocols.

- E. The existence or absence of an RPO does not affect an officer's authority and responsibilities under the Marchman Act.

Involuntary Protective Custody Examination Criteria –

- F. Per FS 397.6772, an officer may take a person into protective custody when the officer reasonably believes the person meets the criteria in FS 397.675 and is:
1. Is substance abuse impaired or has a substance use disorder and co-occurring mental health disorder and has lost the power of self-control with respect to substance abuse, and
 2. Is in need of substance abuse services and their judgement has been so impaired that he or she is incapable of appreciating the need for services, or
 3. Without prompt care or treatment, the person is likely to suffer from neglect or refuse to provide self-care, which poses a real and present threat of substantial harm to their well-being (and it is apparent to the officer there are no willing family members or friends, or other services, to assist the person to avoid such harm).

Juvenile Protocols –

- H. With the sole exception cited in subsection II B below (voluntary protective custody), this policy is equally applicable for officer contacts with juveniles who are suspected substance abuse impaired.
- I. The officer shall not end the contact until the juvenile has been properly delivered to a parent, guardian, other authorized adult, the CRF, TMH, HCA, or in the case of an arrest, the Juvenile Assessment Center (JAC).
- J. During protective custody situations the officer shall make every reasonable effort to contact the juvenile's parent(s), guardian(s), or nearest relative and advise them of the situation.

When Involuntary Admission Criteria Are Not Met –

- K. If after an assessment as outlined in subsection I A-F above, the officer reasonably believes the person does not meet the criteria for

involuntary admission, and the person has not committed a crime, the officer may take one of the following actions:

1. Cease the contact without further action,
2. Assist the person in arriving at their intended destination by providing transportation or arranging for other transportation,
3. Assist in locating an adult who could provide assistance and supervision for the person, or
4. Assist the person with a voluntary admission to a receiving facility.

II. VOLUNTARY PROTECTIVE CUSTODY

A. If after an assessment as outlined in subsection I above, the officer reasonably believes the person meets the criteria for involuntary admission, and the person gives their consent to be taken into protective custody, the officer may take one of the following actions which they deem most appropriate:

1. Transport the person to the Central Receiving Facility (CRF), Tallahassee Memorial Hospital (TMH), or HCA Florida Capital Hospital (HCA).
2. Summon an ambulance if there is a medical need, and assisting ambulance personnel in getting the person into the ambulance,
3. Assist the person in arriving at a safe location by providing transportation or arranging other transportation and, if necessary, ensuring proper adult supervision is in place at the location in case of a medical emergency.

B. Officers should be aware juveniles may voluntarily admit themselves to a receiving facility for substance abuse impairment services from a licensed service provider, per FS 397.601(4a) (Voluntary Admissions) or may request assistance in doing so.

1. This may be done without a parent's knowledge or consent. However,
2. If an officer is requested to assist a juvenile with voluntary admission, all efforts shall be made to notify a parent, guardian, or other authorized adult regarding the juvenile's request for voluntary admission.

3. All information, including who was notified (or attempted), shall be documented in an incident report.

III. COURT ORDERED TREATMENT

- A. The Leon County Sheriff's Office is the agency designated within Leon County to transport and deliver persons ordered by the court (ex parte order) to undergo an involuntary examination and/or treatment.
- B. An officer may transport and deliver a person under this type of court order only if the order specifies any or all law enforcement officers may do so.

IV. WHEN A CRIME HAS BEEN COMMITTED

- A. If the officer has probable cause to believe the substance abuse impaired person has committed a crime, whether or not the officer reasonably believes the person meets the criteria for involuntary admission, the officer shall make an arrest decision based upon:
 1. The totality of the circumstances surrounding the crime,
 2. The guidelines in General Order 6 (Arrests and Alternatives to Arrest),
 3. The person's immediate need for medical treatment, and
 4. The officer's ability to seek an arrest warrant at a later date.
- B. In situations where an officer arrests a person who meets the involuntary examination criteria and immediate medical attention is not needed, the following protocols are applicable:

1. Felonies

The officer shall transport the person to the appropriate detention facility (i.e., Leon County Detention Facility or the Juvenile Assessment Center) to be processed in the same manner as any other criminal suspect.

2. Misdemeanors or City Ordinance Violations

- a. If the criminal charge requires the arrested person to attend a mandatory first appearance (e.g., domestic battery) or be detained for a specific time period (e.g., driving under the

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influence), the officer shall transport the person to the appropriate detention facility.

b. If the person qualifies for an alternative to arrest as outlined in General Order 6 or General Order 71 (Prearrest Delinquency Citation Program), the officer shall:

1) Follow those protocols in issuing either a Notice to Appear, a Pre-arrest Diversion Program form, or a Prearrest Delinquency Citation, and

2) Transport the person to the CRF.

c. If the person does not qualify for an alternative to arrest, the officer:

1) Shall transport the person to the CRF, and

2) May, if appropriate, seek an arrest warrant for the person.

C. The arrest of a person who meets the involuntary examination criteria does not negate an officer's responsibility to petition the court for an RPO if the person meets the RPO criteria in General Order 70.

V. MEDICAL DISABILITY ASSESSMENT

A. Officers who come in contact with a person who appears to be substance abuse impaired shall examine the person to ascertain whether or not the person possesses identification indicating they have a medical disability that would account for such behavior.

B. Upon finding such identification, which may be in the form of an identification card, bracelet, or necklace, the officer shall ensure the person promptly receives medical attention.

VI. LEGAL GUIDELINES

A. Handcuffing Considerations

1. When a person is taken into *involuntary* protective custody, per FS 397.341 the officer transporting shall restrain the individual in the *least restrictive manner available and appropriate*. This may include properly handcuffing the person to ensure the safety and well-being of the person, the officers, and others.

2. Officers may choose to not handcuff persons in protected custody based upon these exemptions:
 - a. if the protected person is a young child;
 - b. if the protected person is elderly and/or frail; or
 - c. if the protected person's medical status is so critical it would obstruct emergency medical personnel's lifesaving efforts.
3. Officers taking a person into *voluntary* protective custody should not handcuff the person unless specific, articulable circumstances justify such restraints to ensure the safety and well-being of the person, the officers, and others. And if restraints are used, follow guidelines above for FS 397.341.

B. Search Considerations

1. Regardless of the mode of transportation, and in both involuntary and voluntary custodial situations, the officer taking the person into protective custody is responsible for conducting a search of the person and their personal property and *must articulate specific reason for the extent of the search* and that the search was to ensure:
 - a. The safety and well-being of the person, officers, and/or medical personnel during transport to a receiving facility,
 - b. The safety and well-being of the person and facility personnel once the person is brought into a receiving facility, and
 - c. No weapons or contraband are brought into a patrol vehicle, ambulance, and/or receiving facility.
2. If an officer locates contraband or evidentiary items leading to the development of probable cause for the arrest of the person, the officer should refer to the criteria in section VI above prior to making an arrest decision.
3. Officers are responsible for adhering to the impoundment protocols in General Order 42 (Impounding and Control of Property and Evidence) for any property or evidence seized from the person.
4. If the person in a voluntary protective custody situation refuses to be searched, the officer should refrain from providing the transport.

C. Response to Resistance Considerations

If a person physically resists officers' efforts to take them into involuntary protective custody, the officers shall only use objectively reasonable force responses to protect themselves and the person in order to take the person into protective custody.

D. Criminal Record Considerations

1. Solely taking a substance abuse impaired person into voluntary or involuntary protective custody under the Marchman Act is not considered an arrest.
2. The Department shall make no record to indicate the substance abuse impaired person was arrested or charged with a crime when the person was only taken into protective custody.

VII. MEDICAL AID PROTOCOLS

A. When an officer takes a substance abuse impaired person into voluntary or involuntary protective custody, and the officer reasonably believes the person's medical condition (illness or injury) requires immediate medical attention, the officer shall:

1. Ensure Leon County Emergency Medical Services (EMS) responds to the scene to address the medical situation, or
2. Promptly transport to either TMH or HCA.

B. Refer to subsections VIII C–E below for transportation protocols when medical attention is needed.

VIII. TRANSPORTATION PROTOCOLS – PROTECTIVE CUSTODY

When Medical Attention Is Not Required –

A. When a person is taken into protective custody, the officer shall:

1. Ensure the person is transported to the CRF for a substance abuse impairment examination, and
2. Direct the CDA to advise the CRF of the pending arrival of the person for a substance abuse impairment examination.

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- B. The officer is not required to stay at the CRF until the substance abuse impairment examination is completed, and the officer's duty is concluded upon:
1. The proper delivery of the person to the CRF, and
 2. The completion of required reports.

When Medical Attention Is Required –

- C. The officer shall, based upon the person's demeanor, apparent medical conditions, and known drug ingestion, determine the appropriate mode of transportation as either a police vehicle or ambulance.
- D. If the transport is by ambulance, the officer(s) shall assist EMS personnel as needed in the securing and loading of the person into the ambulance.
- E. If the transport is by ambulance, and the person is handcuffed (as mandated above) or otherwise secured, an officer shall accompany the person in the ambulance.
1. Officers shall not provide handcuffs, handcuff keys, flex-cuffs, or leg restraints to EMS personnel in lieu of accompanying a secured/handcuffed person being transported in an ambulance.
 2. An officer following an ambulance in a police vehicle does not constitute accompanying the person in the ambulance.
 3. The officer is responsible for ensuring the person is properly restrained until transfer to the hospital staff has been safely completed, but must be cognizant of the need for EMS personnel to provide medical interventions (e.g., airway management, medicine administration, IV access) to the substance abuse impaired person and shall:
 - a. As needed, reposition the handcuffs, temporarily un-handcuff the person, or use alternative restraints (e.g., hobble restraints, flex-cuffs, or EMS medical restraints) to facilitate the needed medical intervention,
 - b. Reposition or re-handcuff the person when appropriate, and

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- c. Not take any action which would knowingly endanger the safety of the substance abuse impaired person, EMS personnel, or the officer.
- F. Unless necessary due to safety concerns, pending criminal charges, or an on-going investigation, officers are not required to stay with the substance abuse impaired person once the person has been properly delivered to hospital staff.

When TPD is required for transport -

- G. Per the Leon County Behavioral Health Transportation Plan, the Tallahassee Police Department is the designated law enforcement agency in the Tallahassee City limit to transport persons:
 - 1. Taken into protective custody as a result of a Baker Act or Marchman Act initiated by a qualified professional or licensed mental health professional.
 - 2. Officers shall only transport the person to the CRF, unless an emergency exists which requires immediate medical attention.
 - 3. When an emergency exists which requires immediate medical attention, officers shall:
 - a. Ensure Leon County Emergency Medical Services (EMS) responds to the scene to address the medical situation. If transport by ambulance is required, follow guidelines in subsections C-E above, or
 - b. Promptly transport the person to either TMH or HCA and shall turn over the person to hospital staff ensuring the on-duty Charge Nurse and security are notified about the patient's involuntary treatment status. Officers should refer to GO-59 Transporting and Booking Procedures for procedural guidance.
 - 4. Officers shall NOT transport subjects based solely on an ex parte order.
 - 5. Officers shall NOT transport subjects between treatment facilities.
 - 6. Officers shall run the person through NCIC/FCIC to determine no wants or warrants, or an allegation of criminal conduct exist which would supersede a protective custody order. Officers should refer

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to GO-18 Criminal Investigations and their supervisor for procedural guidance.

7. A CAD (Computer Assisted Dispatch) report will be appropriate when a crime has not occurred, a response to resistance did not occur, nor a legal or Department mandate requires an offense report. Officers shall ensure the following data is entered in the appropriate boxes:
 - a. Patient(s) – patient and involved person(s),
 - b. Detailed information to explain the incident, and
 - c. An accurate disposition code and any designation supplemental suffix code designed to track demographic data, search, and other information.

When LCSO Is Required to Transport –

H. Per FS 394.462 and the Leon County Behavioral Health Transportation Plan, the Leon County Sheriff's Office is the designated law enforcement agency in the unincorporated portion of Leon County to transport persons:

1. Taken into protective custody as a result of a March Act initiated by a qualified professional or licensed mental health provider or an ex parte order (in all of Leon County), or
2. Requiring transportation from one receiving facility to another.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

X. DOCUMENTATION REQUIREMENTS

- A. Officers shall comply with reasonable requests by the CRF, TMH or HCA, in completing administrative reports concerning the substance abuse impaired person delivered to their facility by the officer.
- B. Officers should complete the Florida Department of Children and Families *Report of Law Enforcement Officer Initiating Protective Custody* form and submit it to the receiving facility at the time of delivery of the person for an involuntary examination.
 - 1. This form is available on TPD SharePoint Forms Page (titled "[Marchman](#) Act Form").
 - 2. A copy of any sworn written statement from a witness describing their knowledge of the factors establishing the criteria for the involuntary examination shall accompany the Marchman Act form.
- C. An officer who encounters a person reported as or suspected of being substance abuse impaired shall document the situation in a Department offense report in the following situations:
 - 1. An assessment of the person is conducted as required by FS and this written directive – whether or not the person meets the criteria for involuntary admission, and
 - 2. Involuntary protective custody situations.
- D. A CAD (Computer Assisted Dispatch) report will be appropriate when a crime has not occurred, a person was not taken into protective custody based on an officer's evaluation, a response to resistance did not occur, nor a legal or Department mandate requires an offense report. The CAD report must contain following information in the required fields:
 - 1. The biographical and contact information of the person reported as or suspected of being substance abuse impaired,
 - 2. The biographical and contact information of the person reporting or requesting law enforcement assistance,
 - 3. The biographical and contact information of any witnesses to the incident,

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4. Detailed information to explain the incident and services offered,
 5. An accurate disposition code and any designation supplemental suffix code designed to track demographic data, search, and other information.
- E. If CAD notes are not appropriate, an offense report shall include, at a minimum:
1. The circumstances of the situation (e.g., reporting person, observations, seized/voluntarily surrendered firearms, facility or to whom the person was delivered),
 2. Emergency contact information for the person, which is readily accessible to the officer,
 3. For a voluntary or involuntary examination of a substance abuse impaired juvenile, the name(s) of the adult(s) contacted (or contact attempted) as directed in subsections I J and II B above.
- F. Officers are not required to complete a separate offense report as mandated in subsection C above if the circumstances surrounding the encounter are adequately documented in a Department offense report of another classification (e.g., If a substance abuse impaired person is arrested for burglary, documentation of the substance abuse impairment in the burglary report is sufficient).
- G. Except when prohibited as outlined in General Order 16 (Digital Audio and Video Recording System), officers shall utilize at least one of their assigned AVR devices to record interactions with persons taken into protective custody.
- H. Officers shall complete the appropriate Department report as required by General Order 72 (Search and Seizure).
- I. If applicable, officers shall complete a response to resistance report as directed in General Order 60 (Response to Resistance).
- J. Refer to General Order 70 for documentation protocols for petitioning the court for an RPO.
- K. Officers operating as part of the TEAM Unit (Tallahassee Emergency Assessment Mobile) shall document, in an offense report, all evaluations which result in a person being taken into protective

custody based on the evaluations of the TEAM licensed mental health professional.

XI. ASSAULT/BATTERY OF EMERGENCY MEDICAL CARE PROVIDERS

- A. All reports of assaults and batteries against emergency medical care providers (as defined by FS Chapter 784.07) shall be appropriately documented in a Department offense report.
- B. During incidents where probable cause exists to believe a person has committed an assault or battery upon an emergency medical care provider, responding officers shall arrest the offending person regardless of their substance abuse impairment.

History: previous title (*handling intoxicated persons*) – issued 07/15/1985, revised 01/01/1991, 10/01/1991, 12/01/1995, 10/15/2001 (*change of title*), 04/08/2004, 07/23/2014, 11/02/2015, 02/03/2017, 06/27/2017, and 12/09/2019.