

Metropolitan Police Academy



11.4 Handling Intoxication

11.4.1 Explain Department policies regarding intoxicated individuals

The Metropolitan Police Department recognizes that public intoxication is a public health issue. In this regard, intoxicated persons are divided into three classes:

1. Those not endangering the safety of themselves, other persons, or property;
2. Those endangering the safety of themselves, other persons, or property, and
3. Those charged with offenses other than **Intoxication/Drinking of Alcoholic Beverage in Public Place** charges.

MPD has policies and procedures for handling each class in **General Order 501.03**.

The policy of the Metropolitan Police Department is that an intoxicated person is afforded the same consideration as any individual suffering from an illness. No intoxicated person shall be taken into custody, except when his or her conduct clearly endangers the safety of him- or herself, another person, or property. Intoxication shall be handled as a public health issue in most cases, rather than on a criminal basis.

NOTE: The normal manifestations of intoxication, such as staggering, falling down, or sleeping in a public place, without the presence of creating a danger to oneself or another person or property, does not constitute the charge of intoxication.

An individual who is intoxicated in public and who is not endangering his or her own safety or the safety of any other person or property shall be handled as follows:

- Determine whether the individual needs medical attention; if necessary, request an ambulance.
- Depending on the circumstances, the person may be taken or sent to his or her residence or to a private health facility at the expense of the intoxicated person. If public or police transportation is used, members shall not search the intoxicated individual, but may conduct a protective pat down.

The following is a non-exhaustive list of examples that demonstrate the level of danger an intoxicated person imposes upon him- or herself, other persons, or property that could be justification for an intoxication arrest:

- An intoxicated person who is staggering and falling down in the middle of oncoming traffic is endangering himself/herself and others.
- An intoxicated person caring for a child, where his or her condition and state of mind could cause harm or danger to the child.
- An intoxicated person sleeping with a lit cigarette in his or her hand could cause a fire and destroy property.

If it is determined that the intoxicated person is a danger to him- or herself, or other people or property, an arrest can be made and the defendant shall be processed as any other prisoner. The police report shall state the facts and circumstances surrounding the arrest, to include the elements that support the determination that there was a substantial and immediate danger to the safety of the intoxicated individual or other persons or property.

Members shall ensure that the intoxicated person is offered medical treatment or is transported to the hospital if necessary.

In cases where an intoxicated individual is arrested for an offense other than Intoxication, the prisoner should be processed in accordance with department policy and procedures. If the person appears to be intoxicated to the extent that he or she requires medical attention, members shall notify the dispatcher to request an ambulance.

During the period when the hypothermia prevention program is in effect (winter), members shall give special attention to intoxicated and/or homeless persons and shall handle them in accordance with department policy and procedures.

Searches of Intoxicated Persons

Members transporting persons to the hospital should conduct a protective pat down of the person being transported to ensure his or her own safety. If a person is placed under arrest for intoxication, a field search shall be conducted.

Members shall conduct a WALES check on the individual for any outstanding warrants or missing person reports. Members shall also document any information in their notebooks that is obtained from witnesses or persons who notified police about the intoxicated person.

Small amounts of personal property, such as a suitcase, cardboard box, or paper bag containing clothing and/or sundries, shall be searched for weapons and may be taken to the hospital along with the individual where they shall be turned over to the person in charge. Larger amounts of personal property shall also be searched for weapons and dangerous devices for the safety of persons handling the property.

NOTE: Only retain items that are of value for safekeeping. If person is under arrest, the property becomes *prisoner property* and must be documented as such.

11.4.2 Explain conducting patrol investigations that involve intoxicated individuals

Officers in the field encounter intoxicated individuals on a regular basis. The primary concern of officers handling situations involving intoxicated individuals is the safety of the officers and the individual. Officers have a variety of options to handle these situations and each decision will be dictated by the circumstances of each unique scene.

Officers may receive a radio call for service to check on an intoxicated individual or to respond to, for example, a “man down” or a “disorderly – drinking in public.” Other times, officers will happen upon an intoxicated individual and self-initiate action as necessary. Regardless of how you come across such an individual, each case *must* be evaluated to determine whether or not the person is a danger to him- or herself, other people, or property. Remember that intoxication shall be handled as a public health issue in most cases, rather than on a criminal basis.

If medical attention is requested or believed to be necessary, make a request through the dispatcher for DCFEMS to respond. In these cases, the intoxicated individual may be transported to a hospital for treatment and an event report for **Sick Person to the Hospital** should be completed to document the event.

Regardless of whether the intoxicated individual is a danger to him- or herself, other people, or property, attempt to remedy the situation. Officers may, for example, assist in finding transportation for intoxicated individuals to get home by helping them call or hail a taxi or finding a nearby bus stop.

If the individual is a danger to him- or herself, other people, or property, action to remove the danger is required. This *may* involve making an arrest but does not always necessitate an arrest. In such cases, conduct a WALES check of the individual, complete an event report documenting the service provided, and notify Teletype of the individual's location in case he or she is later reported missing.

GO 302.01 contains procedures and guidance for members who respond to or who encounter situations involving **Disorderly Conduct, Noise at Night**. These situations could involve individuals that are intoxicated. Members are reminded that:

- It is unlawful for a person to make an unreasonably loud noise between 10:00 p.m. and 7:00 a.m. that is likely to annoy or disturb one or more persons in their residences.
- Disorderly Conduct arrests shall not be based on an individual's conduct or language towards police. Such arrests are unlawful.
- When possible, members should attempt to resolve disorderly conduct situations using other means before making an arrest. Education and negotiation are strong tools for addressing disorder issues.
- Disorderly Conduct, Noise at Night is *not* a probable cause misdemeanor. Members must witness the offense in order to make an arrest or seek an arrest warrant
- Prior to making an arrest, whether custodial or non-custodial, members shall give a warning and provide a reasonable amount of time for the person to comply.
- Members shall not make a custodial arrest for this offense without first calling an official the rank of lieutenant or above to the scene.

Unknown illness, injury, or condition

Some cases which are dispatched as an intoxicated individual or which involve an individual who appears to be intoxicated can actually involve more than mere substance abuse. Unlike most cases in which the individual will report being intoxicated or cases in which beverages or other evidence of intoxication are present, in some cases officers will not be able to determine if the individual is in fact intoxicated or suffering from some type of illness or injury.

In all cases involving an unknown illness, members shall request DCFEMS through the dispatcher and attempt to determine the nature of the individual's illness. Interview the individual when possible and all potential witnesses. If the individual is transported to a hospital, complete an event report for Sick Person to the Hospital that documents the incident. Attempt to determine the nature of the illness while at the hospital.

All cases of individuals injured on public space should be handled in the same manner. Individuals suffering from head trauma may show similar symptoms to intoxication including slurred speech, confusion, disorientation, impaired balance, and/or inability to walk, etc. As such, if an individual suspected of being intoxicated is suffering from any injury, an investigation into the cause of the injury must be conducted to ensure that the individual is not the victim of an assault or some other offense.

All cases involving an injured person on public space should be handled in the following manner:

- Members shall complete an incident report for all injured persons on public space and injured persons transported to the hospital *regardless of the type of location*. If there are elements of a crime, the appropriate offense report shall be taken.
- Summon medical help and aid the injured person.
- Conduct a preliminary investigation to identify the injured person.
- Locate witnesses and obtain their information.
- Secure all physical evidence which relates to the cause of injury to the person for placement in the property book.
- Locate defects in the public space that could have contributed to the injuries and have photographs taken.
- Note the injured person's clothing for signs of a crime and seize clothing as needed.
- Request an official respond to the scene whenever the person is suffering from unknown injuries, cannot coherently describe how his or her injuries were incurred, or is in an unconscious state.
- Request a detective to respond when the source of the injury cannot be determined.
- When the identity of the individual cannot be determined, an event report for **Injured Person to the Hospital John/Jane Doe** should be completed.
- If there is any indication that an individual shall be or is admitted into the hospital and no next of kin has been notified, the reporting member shall notify the Teletype Unit.

The following example highlights how symptoms and behaviors can be mistaken for intoxication and result in the department having to change reports and conduct follow ups to ensure the mischaracterization does not happen again:

John Doe was beaten on the head with a pipe and robbed while walking in DC. He died two (2) days later at the hospital from his severe head injuries. At the time of the initial evaluation and transportation to the hospital, DCFEMS members reported that John Doe smelled of alcohol and was vomiting. He was admitted as a John Doe for suspected intoxication due to those symptoms and his inability to communicate. As a result, treatment and discovery of his severe head trauma was delayed and he later died in the hospital. A suspect later turned himself in and admitted to the robbery in which two suspects used a pipe to beat John Doe.

If his symptoms were not initially mistaken for intoxication, Mr. John Doe may have received necessary treatment and survived his injuries.

This incident shows the importance of members completing a thorough investigation during all cases of injury to determine whether an offense occurred, whether or not an individual is intoxicated, or if something else has happened to cause injury or illness.

11.4.3 Discuss treatment options for intoxicated individuals

Intoxicated individuals can be treated at any Washington, DC hospital.

Depending on the situation, officers can aid in the transport of a person to a hospital for treatment by DCFEMS. DCFEMS will determine which hospital the individual is to be treated at. One of the following hospitals will be used:

- George Washington University Hospital (NW)
- Howard University Hospital (NW)
- Georgetown University Hospital (NW)
- United Medical Center (SE)
- Washington Hospital Center (NW)
- Sibley Memorial Hospital (NW)

11.4.4 Analyze the elements of the offense of intoxication

Intoxication - § 25-1001:

This offense is listed in the DC Code as Drinking of Alcoholic Beverage in Public Place Prohibited; Intoxication Prohibited. “[N]o person, whether in or on public or private property, shall be intoxicated and endanger the safety of himself, herself, or any other person or property.”

Intoxication is a misdemeanor offense punishable by a fine of \$500 and/or a period of imprisonment of not more than ninety (90) days.

Any person in the District who is intoxicated in public and who is not conducting themselves in such manner as to endanger the safety of himself, herself, or of any other person or of property shall be treated in accordance with **Chapter 6 of Title 24 (Rehabilitation of Alcoholics)**.

This statute also specifies elements of offenses involving the consumption of alcohol and possession of open containers of alcohol in certain public places. “[N]o person in the District shall drink an alcoholic beverage or possess in an open container an alcoholic beverage in or upon any of the following places:

- A street, alley, park, sidewalk, or parking area;
- A vehicle in or upon any street, alley, park, or parking area;
- A premises not licensed under this title where food or nonalcoholic beverages are sold or entertainment is provided for compensation;
- Any place to which the public is invited and for which a license to sell alcoholic beverages has not been issued under this title;
- Any place to which the public is invited for which a license to sell alcoholic beverages has been issued under this title at a time when the sale of alcoholic beverages on the premises is prohibited by this title or by the regulations promulgated under this title; or
- Any place licensed under a club license at a time when the consumption of the alcoholic beverages on the premises is prohibited by this title or by regulations promulgated under this title.”

Persons found to be in violation of these elements may be arrested for **Possession of an Open Container of Alcohol (POCA)** or **Drinking in Public (DIP)**. Both are misdemeanor offenses punishable by fine of \$500 and/or a period of imprisonment of not more than ninety (90) days.

Summary

Each Recruit Officer should now understand how to handle the intoxicated and apparently intoxicated individuals encountered on patrol according to MPD policy and procedure. The skills learned in this lesson help to protect the safety of intoxicated individuals and to maintain the quality of life expected by all members of the Washington, DC community.

REFERENCES

GO 302.01	Calls for Service	02/16/2022
GO 501.03	Handling Intoxicated Persons	02/25/2003
GO 401.01	Field Reporting System	07/19/2012
	Report Faults Response to Assault – Williams & Lengel - Washington Post	06/16/2006
	D.C. to Probe EMS Response to Fatal Attack – Lengel & Wilber - Washington Post	01/19/2006