

**ILLINOIS STATE POLICE DIRECTIVE  
ENF-020, ALCOHOLISM AND OTHER DRUG DEPENDENCY ACT**

|  |  |
|--|--|
| <b>RESCINDS:</b><br>ENF-020, 2012-032, revised 05-08-2012. | <b>REVISED:</b><br>05-08-2015 <b>2015-035</b>          |
| <b>RELATED DOCUMENTS:</b><br>OPS-046, ROC-002              | <b>RELATED CALEA STANDARDS:</b><br>1.1.3, 1.2.6, 1.3.1 |

I. POLICY

The Illinois State Police (ISP) will:

- I.A. Support and comply with the provisions of the Illinois Alcoholism and Other Drug Abuse and Dependency Act (hereinafter referred to as "the Act").
- I.B. Implement policy and procedures for controlling incapacitated or intoxicated persons in accordance with the Act.

II. AUTHORITY

20 ILCS 301/1-1, "Alcoholism and Other Drug Abuse and Dependency Act"

III. DEFINITIONS

- III.A. Intoxicated person - a person whose mental or physical functioning is substantially impaired due to the current effects of alcohol and/or other drugs within the body.
- III.B. Incapacitated person - a person who is unconscious or otherwise exhibits by overt behavior or by extreme physical debilitation:
  - III.B.1. An inability to care for his/her own needs
  - III.B.2. An inability to recognize the obvious danger of his/her situation
  - III.B.3. An inability to make rational decisions with respect to his/her need for treatment

IV. PROCEDURES

IV.A. Incapacitated Persons

- IV.A.1. A person who appears unconscious or in immediate need of emergency medical treatment while in a public place, and who shows symptoms of excessive alcohol consumption or other drug use or dependency, may be taken into protective custody and taken forthwith to an emergency medical facility.
- IV.A.2. A person who is otherwise incapacitated while in a public place, and who shows symptoms of excessive alcohol consumption or other drug abuse or dependency, may be taken into protective custody and taken forthwith to a facility capable of rendering detoxification treatment.
  - IV.A.2.a. Taking a person into protective custody does not constitute an arrest.
  - IV.A.2.b. Detaining officers may use whatever reasonable force is necessary to protect themselves or others from harm (see ISP directive OPS-046, "Use of Force").

- IV.A.3. When an incapacitated person has violated a law, appropriate medical treatment of the incapacitated person takes precedence over enforcement action.
  - IV.A.3.a. In all instances involving the incapacitated person, the officer will arrange for ambulance transportation to the nearest hospital or facility offering emergency medical treatment.
  - IV.A.3.b. If the person has committed a misdemeanor, an arrest will be subsequent to treatment.
  - IV.A.3.c. If the person has committed a felony, the person is to be guarded until arraigned or incarcerated.

#### IV.B. Intoxicated Persons

- IV.B.1. When an officer provides transportation for an intoxicated subject, the officer is to immediately inform the District Headquarters of the subject's identity and destination.
- IV.B.2. If an intoxicated person has violated the law, the person should be placed under arrest and transported to a police facility for processing. Generally, enforcement of the law will take precedence over treatment of intoxication.
  - IV.B.2.a. An officer engaged in this activity will use the appropriate enforcement code.
  - IV.B.2.b. When an officer transports an intoxicated subject, the same radio procedures will be used as for transporting prisoners.
- IV.B.3. When an intoxicated person has not violated a law, the officer may, with the Shift Commander's approval, offer to transport the intoxicated person to that person's home, provided such location is within a reasonable distance from the scene of public intoxication. Alternatively, with the Shift Commander's approval, the officer may transport the intoxicated person to the nearest treatment or health care facility or the officer may call a family member and ask them to come pick up the person.
  - IV.B.3.a. If an intoxicated person accepts transportation home, the officer will remain until the person enters the building. The officer will not engage in debate or unnecessary conversation with members of the subject's family.
  - IV.B.3.b. If an intoxicated person accepts transportation to a treatment or health care facility, the officer will remain until the person is accepted for treatment.
  - IV.B.3.c. An officer's responsibility to provide transportation ends when the officer transports an intoxicated person to his/her home or a treatment or health care facility accepts the intoxicated person.
  - IV.B.3.d. If an intoxicated person refuses to accept transportation, and the officer can articulate specific facts and circumstances indicating the person is not a danger to themselves or others, the officer will return to assigned duties.

#### IV.C. Other Police Agencies

- IV.C.1. The ISP will not seek or request other law enforcement agencies to provide transportation for intoxicated or incapacitated persons in the custody of the ISP, except under exigent circumstances.
- IV.C.2. The ISP will not accept similar requests for transportation from other law enforcement agencies, except under exigent circumstances.

#### IV.D. Reporting

- IV.D.1. For each incident involving contact with an intoxicated or incapacitated person when the individual will be charged with a crime the officer will document pertinent information concerning the incident, individual, involved property, and crime in a report.
- IV.D.2. Criminal activity will be reported separately from activity encompassed by the Act.

IV.D.3. When taking a person into protective custody, no entry or other record will be made to indicate the person has been arrested or charged with a crime.

| IV.D.3.a. ISP officers will, however, be required to document pertinent information concerning the incident, individual, and involved property in a report.

IV.D.3.b. This report will be treated as a confidential investigative record of the ISP, and its contents will not be disclosed without the appropriate authorization (see ISP directive ROC-002, "Rules of Conduct").

| Indicates new or revised items.

**-End of Directive-**