

CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 39-99
INVESTIGATIONS INVOLVING PUBLIC INTOXICATION	Date: June 18, 2018
VLEPSC Number: Non-Standard	Manual Number: 536.15
	Effective Date: 06/18/18
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: As Needed

I. PURPOSE

The purpose of this directive is to provide guidelines to members of the Department for investigations involving Code Section 18.2-388, "Profane Swearing and Intoxication in Public..." wherein the subject of the investigation is ill, injured or unconscious

Police Officers are always accountable for the actions they take. With this in mind members of the Department are reminded that when a severely intoxicated person is taken into custody, the officer is responsible for that person's safety and welfare until they are released from that officer's custody.

II. PROCEDURE

A. When the subject of a public intoxication investigation is intoxicated to a degree that the investigating officer believes the subject may cause harm to himself/herself or others, the investigating officer will follow the procedures of arrest as follows:

1. Arrest of the extremely intoxicated subject for his/her safety;
 - a. In those investigations where a person is found in to be extremely intoxicated he or she may be arrested for their safety and protection;
 - b. The arrested and intoxicated subject should be transported to the Albemarle – Charlottesville Magistrate's Office;
 - c. When an intoxicated subject is brought to the Magistrate's Office, the officer should place the arrested and intoxicated subject in a temporary holding cell outside the magistrates office unless the cell is to capacity. In that instance, intoxicated persons may be detained in the police van inside the sally port unless conditions make it unsafe to do so;
 - d. After completing the required warrant application at the Magistrates Office the officer shall make sure that the Magistrate has issued a commitment order. The ACRJ will not accept an arrested person who does not have an accompanying Magistrate's Commitment Order;

e. After the warrant application procedure has been finalized the arrested subject shall be transferred to and lodged in the ACRJ.

B. Injuries and Unconsciousness

1. Persons who are found to be ill or injured may require immediate medical attention, but those persons found unconscious shall receive immediate medical attention. Officers will request the assistance of the rescue squad when investigating an incident:
 - a. Where a subject is found to be in need of immediate medical attention due to illness or injury, or
 - b. When any subject is found to be unconscious.
2. If an injury occurs to an intoxicated person during transport the officer shall either request the assistance of a rescue squad unit or transport the injured person directly to medical treatment.

Note: If the intoxicated subject is under arrest and has already received a Commitment Order from the Magistrate, ACRJ personnel will respond to the hospital and take custody of the arrest. If the Magistrate has not issued a Commitment Order, jail personnel will not respond to the hospital location.

3. The transporting officer shall immediately notify a supervisor if an injury occurs during the transport. All transporting injuries require the completion of an Incident Case Report to record the precise details of the occurrence that caused the injury

C. Use of Handcuffs

1. Officers may use their discretion as to whether or not to use restraints when transporting an intoxicated person. It should be noted that intoxicated persons are more susceptible to injury due to the impairment of their motor functions.
2. The ACRJ requires all arrested person to be properly handcuffed when brought into the jail.