
Handling Publicly Intoxicated Persons

309.1 POLICY

When encountering persons who are in violation of Texas Penal Code 49.02, and who meet the criteria outlined in this order, officers shall divert publicly intoxicated individuals to the custody of a responsible adult or the Sobering Center (herein referred to as the "Center") as an alternative to arrest (Tex. Code of Crim. Pro. Art. 14.031).

309.2 DEFINITIONS

Active Aggression - A threat or overt act of an assault (through physical or verbal means) coupled with the present ability to carry out the threat or assault that reasonably indicates that an assault or injury to any person is imminent.

Intoxicated - Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.

Public Intoxication - A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger themselves or another person.

Sobering Center - The sobering Center provides a safe environment for publicly intoxicated individuals to sober up and, when appropriate, initiate recovery. The Center is located at 1213 Sabine Street., Austin, Texas.

309.3 AUTHORITY

In lieu of arresting an individual who is not a child as defined by Texas Family Code, Section 51.02 and who commits an offense under Texas Penal Code, Section 49.02, a peace officer may release the individual if:

- (a) The officer believes detention in a penal facility is unnecessary for the protection of the individual or others; and
 - 1. The individual:
 - (a) is released to the care of an adult who agrees to assume responsibility for the individual;
 - (b) verbally consents to voluntary treatment for substance use in a program at a treatment facility licensed and approved by the Health and Human Services Commission, and the program admits the individual for treatment; or
 - (c) verbally consents to voluntary admission to a facility that provides a place for individuals to become sober under supervision, and the facility admits the individual for supervision.
 - 2. The Center is able to serve as the responsible adult under the state law referenced in item "a (1)" above.

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309.4 PERSONS NOT ELIGIBLE FOR THE CENTER

The following persons are not eligible to be transported to the Center:

- (a) Intoxicated individuals less than 18 years of age. State law does not allow the Center to accept anyone less than 18 years of age. These individuals shall be handled in the following manner:
 - 1. Persons seventeen years of age and charged with public intoxication may be released to a parent or legal guardian or arrested and transported to jail.
 - 2. For juveniles (less than 17 years of age) investigated for public intoxication, refer to General Order 317 (Handling Juveniles).
- (b) Intoxicated individuals who are unconscious or experiencing any medical condition that requires attention from medical personnel.
- (c) Intoxicated individuals displaying signs of active aggression.
- (d) Intoxicated individuals who meet the criteria for a Peace Officer's Emergency Detention (POED).
- (e) Intoxicated individuals who cannot be positively identified.
- (f) Intoxicated individuals with a confirmed warrant.
- (g) Intoxicated individuals who are being charged with any additional offense other than those eligible for cite and release.
- (h) Intoxicated individuals who are suspected of driving under the influence of alcohol or other drugs.
- (i) Intoxicated individuals who are suspected of committing a sexual offense (e.g. Indecent Exposure, DOC Exposure, Lewd Conduct) at the time of their encounter with the officers, but officers are unable to file that charge at that time.

309.5 PROCEDURES

As set forth above, when circumstances meet the criteria outlined in this order, officers shall divert publicly intoxicated individuals to the custody of a responsible adult or the Center as the alternative to arrest.

Officers deciding to make a custody arrest for Public Intoxication of a person who is eligible for the Center shall consult with an on-duty supervisor. The arresting officer shall explain to the responding supervisor why the individual requires custodial arrest. The arresting officer shall document the approving supervisor's name, employee number, and reason for the arrest in the narrative of the offense report. In addition, the arresting officer shall document the reason for the arrest on the arrest report (AB) by choosing one of the applicable arrest reasons from the "Reason" drop down menu.

If an individual is intoxicated on a substance other than alcohol, the individual shall be handled in the same manner as if they were under the influence of alcohol.

For individuals accepted by the Center, officers shall not issue a Class C citation for the offense of public intoxication.

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309.5.1 OTHER CLASS C CHARGES

If an individual arrested for public intoxication is to be charged with another Class A, B, or C misdemeanor offense eligible for a citation in lieu of arrest, the officer shall issue a citation when the person is taken to the Center or is released to the custody of a responsible adult.

309.5.2 MEDICAL CONDITIONS

Officers observing persons whom they believe to be intoxicated are reminded that certain medical conditions can be mistaken for intoxication. Officers should ask the individual about any current medical conditions as well as check for a medical identification bracelet or other similar item that may indicate the person has a medical issue.

Any detainee who exhibits signs of possible acute alcohol intoxication (alcohol poisoning) or other serious medical condition shall be evaluated by Emergency Medical Services. If responding medical personnel determine that the individual requires transportation to a hospital for further treatment, officers may assist, but shall not transport the intoxicated person themselves. If the person is not being charged with a crime and does not pose an immediate threat to medical personnel, there is no need for officers to follow medical personnel to the medical facility.

Identifiable symptoms of acute alcohol intoxication may include:

- (a) Unconsciousness or semi consciousness
- (b) Repeated episodes of vomiting
- (c) Vomiting while sleeping or passed out and not waking after vomiting
- (d) Inability to walk or stand

309.5.3 IDENTIFICATION

If an officer believes it is necessary to take an intoxicated individual into custody for their own safety or for the public's safety, the officer shall check the person's identification and check for outstanding warrants. Prior to an individual being taken to the Center, officers shall verify the person's identity. Some form of government issued photo identification is preferable. If this or other photo identification is not available, officers shall use all available means to confirm the validity of the personal information provided by the person in custody.

If the subject cannot be positively identified, officers will make a custody arrest.

309.5.4 SEARCH AND TRANSPORT

When transporting publicly intoxicated individuals, officers shall handcuff, search, and transport them in accordance with General Order 321 (Care and Transport of Prisoners).

If an intoxicated individual is found to be in possession of illegal weapons or narcotics that are not eligible for the cite and release program, then a custody arrest will be made.

309.6 PROCESSING AT THE CENTER

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309.6.1 PROPERTY

Center personnel are responsible for the inventory, safekeeping, and return of all property to individuals processed through the Center.

309.6.2 MEDICAL SCREENING

All individuals transported to the Center will be subject to a medical evaluation by personnel at the Center. If medical issues are present that are beyond the scope of the services at the Center, personnel at the Center will assume custody of the intoxicated individual and arrange for medical transportation. Officers are not required to wait while medical transportation is arranged.

309.6.3 DOCUMENTATION

Officers utilizing the Center shall complete the Center's public intoxication intake form available in the officer work area at the Center. Officers shall leave a copy of the form with the Center staff. Officers shall document the arrest and release to the Center with a Street Check by choosing the Street Check Type as "S – Sobriety Center-Public Intox" and the Street Check Reason as "S – Sobriety Center-Public Intox". The individual's personal information shall be entered into the "Entity" portion of the Street Check ensuring race and ethnicity are included. The Entity Role shall be entered as 20 – Arrested-Sobering Center. Multiple entities may be entered on the same Street check if arrested during the same incident. A text narrative detailing the arrest should be entered and any other pertinent information should be documented in the text portion of the Street Check.

An offense report shall not be utilized to document a Public Intoxication arrest that is released to the Sobriety Center if that is the only involvement.

In addition to a street check, an offense report will be completed in the following circumstances:

- (a) To document any other offenses for which the individual(s) received a citation in lieu of arrest.
- (b) If a Use of Force details page is necessary.

309.7 REMOVING INDIVIDUALS FROM THE CENTER

During the Center's intake procedure the staff may reject the admission of a person for reasons discovered during this process. When this occurs, the officer will transport the person to central booking and document why this occurred in their offense report, including the name of the Center staff who rejected the admission.

Intoxicated individuals who remain within the Center may not be charged with public intoxication because the Center is not considered a public place.