
Intoxicated Persons

419.1 PURPOSE AND SCOPE

This procedure identifies the steps to be followed when officers of the Elk Grove Police Department encounter individuals in public who are in an intoxicated state. The volatile nature of such situations and the frequency of complaints generated from public intoxication

arrests require officers to use good judgment when deciding to make an arrest and accurately document the incident.

419.2 LAW

Penal Code Section 647(f) describes an intoxicated person as an individual "found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that he or she is unable to exercise care for his or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way."

Penal Code Section 849(b) (2) states in its entirety: "Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever: the person arrested was arrested for intoxication only, and no further proceedings are desirable."

419.3 GENERAL PROCEDURES

The primary concerns when encountering an individual who is intoxicated are the well being and care of the intoxicated person and the safety of the community at large. If the decision is made to make an arrest for Public Intoxication, 647(f) PC, a report shall be submitted. The report shall include the details of the arrest including relevant evidence of intoxication. When practical, tests for intoxication should be conducted (field sobriety tests and Preliminary Alcohol Screening Device). If no sobriety testing is done, the report shall include an explanation for the absence of testing.

When arrested, the intoxicated person will be transported to jail. If for any reason the person is released prior to booking, i.e. admitted to the hospital or released to a responsible adult, and no prosecution is desired, a Certificate of Release shall be issued. This Certificate of Release will subsequently be turned into the Records Division.

419.4 INTOXICATED MINORS

The guidelines and policy in regards to intoxicated minors is covered in Policy 324, "Temporary Custody of Juveniles." The specific section that covers intoxication is Policy 324.8, "Intoxicated and Substance Abusing Minors."