

7.09
CRAIG POLICE DEPARTMENT
Office of Chief of Police
General Order

Date Issued: May 15, 1997

Revision Date: September 21, 2006

Subject: Mentally Ill – Intoxicated Person

Reference:

To: All Officers

I. POLICY

The Craig Police Department will investigate complaints of mentally ill and intoxicated persons, and will comply with the duties and procedures as set forth in the Colorado statutes. Whenever an officer suspects or is informed that a subject is a mentally ill or intoxicated person, the officer shall investigate the matter until he is satisfied that the subject is or is not a mentally ill or intoxicated person requiring immediate attention.

II. PROCEDURE

A. Mentally Ill

If an officer has probable cause to believe that a subject is a mentally ill person as defined in 27-10-102, and as a result of such illness, appears to be an imminent danger to others or to himself or appears to be gravely disabled he/she may take the person into protective custody, or cause him to be taken into custody, and place him in a facility designated or approved for such purpose.

B. Intoxicated person (emergency commitment 25-1-310)

If an officer determines that a subject is intoxicated or incapacitated by alcohol and clearly dangerous to the health and safety of himself or others, the officer shall take the person into protective custody and place the person in the designated facility.

Note: In *Anaya v. Crossroads Managed Care Systems, Inc.* 195 F.3d 584, 595 (10th Cir. 1999) the Tenth Circuit held that police have no authority to civilly seize or detain people, even if intoxicated, unless the officer has probable cause to believe the person is clearly a danger to himself or others. The court also stated “A legitimate-though unrelated-criminal arrest does not itself give probable cause to detain the arrestee to detox.”

C. Records

The placing of a person into protective custody due to being mentally ill or intoxicated is not an arrest and no entry shall be made to indicate that the person has been arrested or charged with a crime. However, the incident shall be documented in an incident report which will include all the details of the incident and the disposition of the person taken into protective custody.

Approved By:

Walter K. Vanatta
Chief of Police