

ILETSB - Model Policy:

Response and Release of Individuals Under the Influence of Drugs or Alcohol

PA 100-537 – Conor’s Law - requires the Board to create a model policy to train law enforcement officers on how to respond to individuals arrested who are under the influence of alcohol or drugs. This policy must address the eventual release of these individuals and shall require the detaining agency to make a reasonable attempt to contact a responsible adult who can take custody of the individual. Special considerations must be addressed for those under the age of 21.

I. Purpose:

To prevent injury of any nature related to the detention, custody, and release of any individual suspected to be under the influence of drugs, alcohol, or other intoxicating substance, law enforcement agencies are encouraged to adopt policies in accordance with these principles.

II. Definitions

A. Minor: A person who is under the age of 21.

B. Responsible Adult: A person who is at least 21 years of age and willing to take custody of an individual who is suspected of being under the influence of drugs, alcohol, or any other intoxicating substance.

III. Response

A. When addressing an individual who demonstrates signs of being under the influences of drugs, alcohol or any other intoxicating substance, officers should respond with reasonable care.

B. Officers should exercise judgment based upon experience and training when determining if an individual is under the influence of drugs, alcohol, or an intoxicating substance.

C. If possible, a breathalyzer, hand-held breath test, or toxicology indicator may be employed to determine if an individual is under the influence of drugs, alcohol, or an intoxicating substance.

IV. Detention:

A. In the course of making a custodial arrest, when the arresting officer delivers an individual believed to be under the influence of drugs, alcohol, or an intoxicating substance, to a detaining facility, the officer must inform the custodial agent of this belief.

B. When detaining an individual who is believed to be under the influence of drugs, alcohol, or an intoxicating substance, a law enforcement officer or agency should take all reasonable

precautions to remove potentially harmful items from the detainee and restrict access to potential dangers.

C. In the course of being detained, an individual under the influence of drugs, alcohol, or an intoxicating substance may be offered additional breathalyzer tests, hand-held breath tests, or toxicology tests to determine his or her level of sobriety.

D. During the course of detention, a law enforcement agency should make a reasonable attempt to continuously monitor any individual who is under the influence of drugs, alcohol, or an intoxicating substance.

E. Officers should monitor detainees who are under the influence of alcohol or other intoxicating compounds while the subject is in their custody. If the subject in custody requires medical attention, the arresting or detaining agency should promptly contact the appropriate emergency medical services.

V. Release – Individuals 21 and Over

A. If the detaining agency believes that an individual remains under the influence of drugs, alcohol, or an intoxicating substance, the agency should make a reasonable attempt to contact a responsible adult of the individual's choosing to arrange for the transfer of custody.

B. If no responsible adult is selected by the individual, or is not available for contact, the agency may contact any other known family member or relative to arrange for custody.

C. If no party can be contacted or arrange for custody, despite efforts made by the arresting officer or detaining agency, the detaining agency may delay release until such time as the intoxicating effects have subsided and the individual is believed to no longer be a threat to him or herself, or others.

VI. Release – Individuals Under Age 21

A. For minors under the age of 18 suspected of being under the influence of drugs, alcohol, or an intoxicating substance, release should be withheld until the arresting office or detaining agency has made contact with a parent or legal guardian who has arranged to take custody of the individual. If a parent or guardian is not contacted, despite efforts made by the arresting officer or detaining agency, the agency may contact the proper child service authorities within the jurisdiction or arrange for custody to be delivered to a responsible adult.

B. In the case of any minor who is 18 and over and who is in custody and suspected of being under the influence of drugs, alcohol, or an intoxicating substance, the arresting officer must make a reasonable attempt to contact a responsible adult who is willing to take custody of the intoxicated individual. If no such contact is made prior to transfer, the arresting officer must notify the detaining agency and the detaining agency must make a subsequent attempt to contact a responsible adult. If no contact can be made, despite efforts made by the arresting officer or detaining agency, the detaining agency should delay release until such time as the

intoxicating effects have subsided and the individual is believed to no longer be a threat to him or herself, or others.