

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: JANUARY 23, 2019

NUMBER: 6.19 – PATROL

SUBJECT: PUBLIC INEBRIATES

RELATED POLICY: [6.19](#)

ORIGINATING DIVISION: NEIGHBORHOOD POLICING

NEW PROCEDURE:

PROCEDURAL CHANGE: **MINOR CHANGES**

SUPERSEDES: DP 6.19 – 04/23/2018

I. PURPOSE

This Department procedure establishes guidelines associated with the arrest and processing of public inebriates.

II. SCOPE

This procedure applies to all sworn members of the Department.

III. BACKGROUND

- A. McAlister Institute is under contract with the County of San Diego to provide sobering services to public inebriates arrested by the San Diego Police Department. This Sobering Center is located at 3511 India Street, San Diego, CA, 92103. The Intake Desk phone number is (619) 294-5760.
- B. The San Diego Police Department desires to protect both the public inebriate and the public. However, when inebriates abuse the privilege of being placed at the Sobering Center and represent a danger to themselves or others, criminal proceedings will be initiated.

- C. The Serial Inebriate Program (SIP) is a collaborative effort designed to maximize the effectiveness of the Sobering Center. The District Attorney, City Attorney, Superior Court, County Alcohol and Drug Services, and Sheriff have pledged cooperation in supporting the SIP. The program offers residential treatment in lieu of custody time to offenders convicted of 647(f) PC, Drunk in Public. If the offender fails to complete a six-month treatment program, a warrant will be issued and the offender could face up to 180 days confinement.

IV. PROCEDURES

- A. All adults who are arrested for 647(f) PC shall be taken to the Sobering Center.
- B. On all “drunk in public” arrests, officers are required to prepare an Arrest/Detention Report for 647 (f) PC, which must include a written narrative documenting:
 - 1. The elements of 647(f) PC;
 - 2. How the subject was, "unable to exercise care for his/her own safety or the safety of others;”
 - 3. Disturbances/fights caused by the arrestee, including victim and witness information as appropriate; and,
 - 4. Any force used to affect the arrest.
- C. The San Diego Police Department will not deliver the following public inebriates to the Sobering Center:
 - 1. Those with outstanding warrants;
 - 2. Those charged with a crime in addition to 647(f) PC; and,
 - 3. Those who are ill, injured, or mentally disturbed to the extent medical treatment is needed.
- D. Sobering Center Admitting Procedures
 - 1. Prior to entering the center, all suspects must be;
 - a. Thoroughly searched for weapons and contraband; and,
 - b. Checked for outstanding warrants.

2. Cooperative Suspects
 - a. Officers will escort the individual into the Sobering Center and proceed to the front counter.
 - b. The officers will un-handcuff the suspect and turn them over to a Sobering Center staff member.
 - c. After an orderly transfer has occurred, officers will fill out the intake log located at the front desk.
 - d. Officers are not expected to assist the Sobering Center staff with their intake process other than to keep the peace.
 - e. Officers should not be involved in, or be present during, any discussions between the Sobering Center staff and the suspect regarding payment.
 3. Uncooperative Suspects or "SIP" Clients
 - a. The suspect may remain handcuffed in the back seat of the police car.
 - b. Officers will enter the Sobering Center and ask the intake personnel to come outside and speak with the suspect.
 - c. In an attempt to gain cooperation, the Sobering Center staff will explain McAlister Institute procedures to the suspect.
 4. Acceptance or rejection of a person is entirely at the discretion of the Sobering Center staff.
- E. When an individual is arrested for drunk in public and is rejected by the Sobering Center, the arresting officer shall;
1. Prepare an Arrest/Detention Report charging 647 (f) PC and any other appropriate charge. In the disposition section of the report, the officer will mark the reason for the rejection. The Sobering Center rejection form will be reviewed by the Watch Commander and attached to the original arrest report.
 2. Prepare a Declaration and Determination to establish the cause of the arrest.
 3. Prepare a County Jail booking slip and enter under the "Remarks" section the reason for the rejection by the Sobering Center.

4. Whenever Sobering Center staff, because of a SIP designation, rejects a subject, the officer will enter the word "CHRONIC" in the "Holds" section of the booking slip to indicate the subject is a Serial Inebriate Program candidate.
 5. Contact the Watch Commander and obtain approval for booking or other appropriate disposition.
- F. The arresting officer's supervisor will be dispatched to evaluate questionable Sobering Center bookings.
1. Only sergeants and above have the authority to release Sobering Center clients for being "not intoxicated."
 2. If a Sobering Center client is released for being "not intoxicated" by a sergeant or above, the appropriate reports will be forwarded through the chain of command.
- G. The Sobering Center is not public property. If an officer is called to eject a person from the Center, a citizen's arrest for an appropriate charge should be used; i.e. 242 PC, 415 PC, etc.
1. When the original arresting officer is recalled to eject an inebriate from the Sobering Center, the charge of 647(f) PC and the circumstances of the original detention should be included in the arrest report.
 2. The names and addresses of witnesses at the Sobering Center (staff personnel) should be included in the arrest report. Officers should use the business address of McAlister Institute for staff addresses.
- H. Property Disposal
1. The transporting officer will give all lawful items that might be used as a weapon to the Sobering Center staff for safekeeping.
 2. Alcohol seized during an arrest for 647(f) PC will be disposed of in accordance with Department Procedure 3.02, Impound, Release, and Disposal of Property, Evidence, and Articles Missing Identification Marks.
 3. The Police Department will not impound nor be responsible for any personal property removed from an inebriate who is accepted at the Sobering Center.

I. Complaints Regarding Service at the Sobering Center

Any complaints regarding the Center should be directed to the San Diego Police Department Neighborhood Policing Unit at Mail Station 776. Please include a copy of the arrest report or incident number referenced in the complaint.

NEW

V. **ASSEMBLY BILL 953**

Assembly Bill 953 (AB 953), also known as the Racial and Identity Profiling Act (RIPA) of 2015, requires law enforcement agencies to collect data on all stops, detentions, and searches. This includes consensual searches and instances where force was utilized. In order to capture this data, a new application will be available for every event generated through the Department's MPS and Intranet systems beginning July 1, 2018. There is a template to collect the required data in the F: Drive under Templates/Patrol Based Forms/PD-953, if the database application is temporarily unavailable. The data documented on this form shall be entered into the electronic application prior to the end of officer's shift unless exigent circumstances exist.

Under this mandate, the data collected will include the date, time, and duration of the stop, the location, perceived race or ethnicity, perceived gender, perceived LGBT, perceived or known disability, English fluency, perceived age, and the reason for the stop, detention, or search. The reason for the stop may be generated from a call for service, a traffic violation, reasonable suspicion or knowledge that the person was engaged, or about to engage in criminal activity and conclude with the actions taken by the officer. These actions will describe the basis of the search, whether or not contraband or other evidence is discovered, the reason for and type of property seized and the results of the stop or detention. The data collected under RIPA replaces the data previously collected from vehicle stop data cards.

NEW

A. When completing a detention and/or arrest report, officers will ensure the narrative includes that a RIPA entry was submitted for every person being arrested or detained.

NEW

B. Supervisors will verify officers have documented the RIPA entry in their narrative prior to approval.