



SOUTH MIAMI POLICE DEPARTMENT

GENERAL ORDER NUMBER: 1.2.10	DATE OF ISSUE: June 1, 2013	EFFECTIVE DATE: May 1, 2014	NUMBER OF PAGES: 3
CFA STANDARD: 2, 4 SUBJECT: Law Enforcement Role and Authority- MARCHMAN ACT	NEW () RESCINDS () AMENDS (x) OTHER ()	By Order Of:  Rene Landa, CHIEF OF POLICE	

CFA STANDARDS: 2.03M, 2.04, 2.07M, 2.08M
SECTIONS:

1.2.10 The Marchman Act

RESCINDS: All existing orders in conflict.

PURPOSE: To establish the basis and limits of authority for the South Miami Police Department when dealing with persons who pose a threat to themselves from the use of alcoholic beverages or dangerous narcotics in compliance with the law known as the Marchman Act.

SCOPE: All departmental personnel.

POLICY: It is the policy of the South Miami Police Department to advise personnel of the source of their authority and the limits of discretionary use of this authority when dealing with persons who are pose a threat to themselves from the use of alcohol or dangerous drugs.

DEFINITIONS:

IMPAIRMENT: A condition involving the use of alcohol or any psychoactive or mood-altering substance in such a manner as to induce:

- mental,
- emotional, or
- physical problems

And cause socially dysfunctional behavior

MARCHMAN ACT: Florida State Statute 397.677 allows for involuntary emergency admission of persons impaired by the use of dangerous drugs or alcohol.

SUBSTANCE ABUSE: Use of any substance if such use is unlawful or if such use is detrimental to the user or to others, but is not unlawful.

I. Procedures

A. An officer may implement protective custody measures when a person (minor or adult) who appears to meet the following involuntary admission criteria is brought to the attention of law enforcement, **or** is in a public place. Protective custody can be initiated if either element is present. Any law enforcement officer acting in good faith may not be held criminally or civilly liable for false imprisonment when initiating protective custody measures.

B. Upon meeting with such a person, the officer must have a good faith reason to believe the person is substance abuse impaired **and**, because of such impairment;

- 1.** Has lost the power of self-control with respect to substance abuse, and either:
 - a.** Has inflicted, or threatened or attempted to inflict, or unless admitted is likely to inflict physical harm on himself or another; **or**
 - b.** Is in need of substance abuse services and, by reason of substance abuse impairment, his judgment has been so impaired that the person is incapable of appreciating his need for such services and of making a rational decision in regard thereto. Mere refusal to receive such services does not constitute lack of judgment with respect to his need for such services.

C. Protective Custody With Consent

- 1.** With the consent of the person meeting the above criteria, an officer may assist the person to his home, to a hospital, or to a licensed detoxification or addictions receiving facility. The officer will determine which is the most appropriate action to take. For officer / citizen safety reasons, the person will be handcuffed if they are exhibiting behavior which may be violent or self-destructive.

D. Protective Custody Without Consent

- 1.** An officer may initiate protective custody without the consent of the impaired person when:
 - a.** The person fails or refuses to consent to assistance, **and**
 - b.** The officer has determined that a hospital or a licensed detoxification or addictions receiving facility is the most appropriate place for the person.

2. The officer will, after giving due consideration to the expressed wishes of the person, take the person to a hospital or detoxification facility, generally, Larkin Hospital
or
3. If circumstances prevent admission into a hospital or detoxification facility (e.g., lack of bed space), the officer will:
 - a. Notify the nearest relative, unless the adult requests that there be no notification.
 - b. Notify the nearest relative or guardian of a juvenile for involuntary assessment and emergency admission.
4. The officer must not use unreasonable force to take the person into custody, but for officer safety reasons, will handcuff the person during transport.

E. Reports / Records

1. Any person taken into protective custody under the Marchman Act will not be considered an arrestee for any purpose, and no entry or other record will be made to indicate that the individual has been arrested or charged with a crime. The officer will document the incident on an Offense /Incident Report.