



**Las Cruces Police Department
GENERAL ORDERS
FIELD OPERATIONS VOLUME 2
GO-239 PROTECTIVE CUSTODY-
INTOXICATED PERSONS
Revised 5/13/2005**

239 PROTECTIVE CUSTODY - INTOXICATED PERSONS

DISCUSSION

Protective custody of intoxicated persons is limited to those individuals who cannot care for themselves if left alone, and who have no family or guardian locally who can assume custody. The following guidelines are regulated by New Mexico State Statutes.

POLICY

It is the policy of the Las Cruces Police Department to provide for the protection and care of those persons considered too intoxicated to care for themselves, when no family member or guardian willing to provide care for the intoxicated person can be readily located.

239.01 DEFINITIONS

Intoxicated Person - means a person, whose mental or physical functioning is so substantially impaired as a result of alcohol use that he has become disorderly or has become unable to care for his own safety.

Walk and Talk – The ability of an intoxicated person to walk with limited assistance and verbalize their name.

239.02 INTOXICATED PERSONS

- A. Whenever an officer comes into contact with an intoxicated person, either on his / her own initiative or after been dispatched, and that intoxicated person has become disorderly or cannot care for his or her own safety, the officer shall first ascertain as to whether or not the intoxicated person needs medical treatment for an injury or health related problem other than their intoxication.
- B. All reasonable efforts shall be made to determine if the intoxicated person has a local address and family who can be contacted to care for him or her. Only after all reasonable attempts to contact a family member have been exhausted, will the Department consider Protective Custody for the intoxicated person at the Dona Ana County Detention Center (DACDC).

239.03 MEDICAL CARE

- A. If an intoxicated person is in need of medical attention for reasons other than his or her intoxication, i.e. injury or sickness the intoxicated person will be transported to the hospital by ambulance.



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- B. After the intoxicated person has been treated by physicians, the emergency room doctor will be asked whether the individual is able to walk and talk for purposes of protective custody at DACDC. If not, the officer should ask to have the intoxicated person placed into the Safe Room until such time that he or she is able to walk and talk. If the intoxicated person is able to walk and talk the intoxicated person shall be transported to DACDC.

239.04 PROTECTIVE CUSTODY DETERMINATION

- A. Determining whether or not a person can legally be placed into Protective Custody falls within the purview of New Mexico Statutes Annotated 1978 43-2-18. This statute provides for an intoxicated person to be placed into Protective Custody if the person:
1. Has no residence in the county in which he is apprehended.
 2. Is unable to care for his or her own safety.
 3. Constitutes a danger to others if not transported to DACDC.

239.05 MESILLA VALLEY HOSPITAL

- A. Some intoxicated persons will be accepted at Mesilla Valley Hospital if they have medical insurance or Veterans Administration benefits. Therefore, the officer will determine whether the intoxicated person has medical insurance or Veterans Administration (VA) insurance, and, if so, transport the intoxicated person to Mesilla Valley Hospital.
- B. The following procedure will be adhered to for releasing the intoxicated person to the custody of Mesilla Valley Hospital:
1. Call Mesilla Valley Hospital to ascertain if there is sufficient room at their facility.
 2. If there is sufficient room provide the name of the individual and whether there exists proof of insurance and whether the individual is insured by a private company or the Veterans Administration.

239.06 TRANSPORT TO THE DONA ANA COUNTY DETENTION CENTER

- A. An intoxicated person may be transported to the Dona Ana County Detention Center if they are able to “walk and talk” for detoxification purposes. A Dona Ana County



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Detention Center Protective Custody form will be completed by each officer transporting an intoxicated person to the Center.

- B. If for any reason the DACDC does not take custody of an intoxicated person who is able to “walk and talk” the officer shall contact their supervisor immediately. The supervisor has telephone numbers available for the detention center Administrator and his or her designee. Only a supervisor will make contact with either of these two individuals, and the Administrator will be contacted only after his or her designee cannot be reached.

239.07 TRANSPORT TO MEMORIAL MEDICAL CENTER – NO MEDICAL ATTENTION REQUIRED

- A. Intoxicated persons not able to “walk and talk” whom the officer believes are in need of protective custody shall be taken to Memorial Medical Center (MMC). An ambulance must transport the intoxicated person to MMC to be housed in the “Safe Room”, until an emergency room physician has determined that he or she is able to continue their detoxification at the detention center. When this is determined, hospital staff will call Mesilla Valley Regional Dispatch Authority (MVRDA) for the intoxicated person to be transported to the detention center.
- B. The transporting officer will not need to remain at the hospital once the intoxicated person is transported and begins their stay in the Safe Room. If problems occur or assistance is needed, hospital staff will call for assistance.

239.08 TRANSPORT FROM MEMORIAL MEDICAL CENTER TO DACDC

Officers will transport only those intoxicated persons taken into custody by the Department from MMC to DACDC. Officers will not transport intoxicated person taken into custody by other agencies. Therefore, all officers will inquire as to how the intoxicated person arrived at the hospital and by what agency.

239.09 SELF ADMITTANCE TO MEMORIAL MEDICAL CENTER

If an intoxicated person is a walk-in to the hospital and officers are called by hospital staff, officers will respond as if any other member of the community has telephoned for police. Physicians who call for an officer when an intoxicated person walks into the hospital shall handle the request as if the physician has determined that a person is in need of protective custody. The officer will document in his report the information provided to him by the hospital staff along with the physician’s name, and place the intoxicated person into protective custody.



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239.10 PROTECTIVE CUSTODY PROCEDURES

- A. Protective Custody begins when the officer believes that the intoxicated person, when left alone, will not be able to care for himself or herself and / or needs medical attention. When an intoxicated person is taken into Protective Custody, the officer shall:
1. Notify MVRDA and advise them of the custody of an intoxicated person.
 2. Provide MVRDA with the name of the intoxicated person.
- B. When a person is placed into protective custody, a report number (CFS) will be generated with as much information as possible concerning the intoxicated person's identity. All information concerning the intoxicated person and the circumstances surrounding him or her will be documented in the report, including a detailed reasoning for the protective custody.
- C. If the intoxicated person has personal belongings which DACDC will not accept or that should not be transported to MMC, the property will be submitted to Evidence Unit for safekeeping.