



Policy and Procedure

Number: 1904

Subject: Emergency Detention under Chapter 51.45		
Date Issued: 08-07-81	Effective Date: 07-16-12	Revision Number: 4

POLICY:

The Racine Police Department recognizes that as a caretaker for citizens of the community, it has a responsibility to ensure the safety of persons with regards to injuries to themselves or others. When a member of the Department finds a person that has endangered themselves or others as a result of being “incapacitated by alcohol”, that person will be placed in protective custody for the duration of their incapacitation.

The goal behind the placement of a person in protective custody is to provide immediate medical treatment, as well as provide an opportunity for the person to voluntarily seek additional care for long-term alcohol-related issues. This procedure outlines the standards that need to be followed in an effort to protect the person, the community, and the members of the Department who are involved in the process.

DEFINITION:

Incapacitated by alcohol – “means that a person, as a result of the use of or withdrawal from alcohol, is unconscious or has his or her judgment otherwise so impaired that he or she is incapable of making a rational decision, as evidenced objectively by such indicators as extreme physical debilitation, physical harm or threats of harm to himself or herself or to any other person, or to property.” Wisconsin Statutes, Chapter 51.45 (2)(d).

PROCEDURE:

When a member encounters a person who has committed no criminal or chargeable offense but who is believed to be incapacitated by alcohol (as defined above), the following steps shall be taken:

MEMBER:

1. Take the person into protective custody.
 - a. Search the subject and seize any weapons, medication or contraband.
 - b. Make every reasonable effort to protect the person’s health and safety.
 - c. Notify Communications.
2. Request Racine Fire Department rescue if the person requires immediate medical care.
3. The person may be transported to the hospital by Racine Fire Department rescue (immediate medical care), a patrol wagon or marked police squad with a cage.
 - a) A supervisor must approve an alternate method of transportation.
4. After medical care has been administered, complete the “Notice of Order for Protective Custody” form.
 - 1) Ensure the narrative portion of the form includes the following information:
 - a) The actions that led you to believe the subject was incapacitated by alcohol.
 - b) The person’s refusal or inability to voluntarily commit him or herself.
 - c) How the subject was transported.
 - d) Location the person was taken to.
 - e) The type of restraints used, if any.
 - f) Any witness information pertaining to the condition of the subject.
 - 2) Make a copy of the form at the hospital and turn the original over to the medical staff.
 - 3) Hospital personnel will make arrangements to admit the person.
5. Submit completed paperwork to your supervisor.
6. If a patient detained under Chapter 51 procedures at St. Luke's Hospital, 3-York, escapes:

- a. Complete a Missing or Escaped Person Incident Report, noting the missing patient's name, DOB, complete identifying information, the agency initiating the original Chapter 51, that agency's complaint number, and the circumstances surrounding the missing or escape incident.
- b. Complete Missing Person Certification (PP-93) and write "missing from a Chapter 51 detention at St. Luke's Hospital, initiated by (agency), (and initiating agency complaint number)" on the form.
- c. Promptly forward the completed report and form to a supervisor.

SUPERVISOR:

1. Review submitted report and form for completeness and accuracy.
2. Fax completed Missing Person Certification (PP-93) to the Racine County Communications Department (Joint Dispatch) for entry into NCIC/CIB.

NOTE:

Per Chapter 51.45(11)(g) Wisconsin State Statute – “Any law enforcement officer, designated person or officer or employee of an approved treatment facility who acts in compliance with this section is acting in the course of official duty and is not criminally or civilly liable for false imprisonment.”

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