


POLICY 509	MARCHMAN ACT (Chapter 397, Florida Statute)	
	Revised: 02/01, 03/02, 01/05, 09/22,06/23	RELATED POLICIES: 501.2
	CFA STANDARDS: 2.04	REVIEWED: AS NEEDED

A. PURPOSE

The purpose of this policy is to provide guidelines to Department members when it is necessary to remove a citizen from his/her environment due to substance abuse (not mental illness) in a situation where an arrest may not be the best course.

B. DEFINITIONS

1. “Substance Abuse” means the 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.
2. “Substance Abuse Impaired” means a condition involving the use of alcoholic beverages or any psychoactive or mood altering substance in such a manner as to induce mental, emotional, or physical problems and cause socially dysfunctional behavior.
3. “Habitual Abuser” means a person who is brought to the attention of law enforcement for being substance impaired, who meets the criteria for involuntary admission in §397.675 Florida Statute, and who has been taken into custody for such impairment three or more times during the preceding 12 months.
4. “Licensed Service Provider” means a hospital licensed under Chapter 395 Florida Statute, which offers substance abuse impairment services, a detoxification unit, a residential treatment facility or outpatient treatment.

C. CRITERIA FOR INVOLUNTARY ADMISSIONS

A person meets the criteria for involuntary admission if there is 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 use; and either
2. Has inflicted, or threatened or attempted to inflict, or unless admitted is likely to inflict physical harm to himself or herself or another; or;

Is in need of substance abuse services and by reason of substance abuse impairment, his or her judgement has been so impaired that the person is incapable of appreciating his or her need for such services and of making a rational decision in regard thereto; however mere refusal to receive such service does not constitute evidence of lack of judgment with respect to his or her need for such services.

D. PROTECTIVE CUSTODY

1. A law enforcement officer may implement protective custody measures as specified in this part when a minor or an adult who appears to meet the involuntary admission criteria is:
 - a. Brought to the attention of law enforcement; or
 - b. In a public place
2. A person in circumstances which justify protective custody may consent to be assisted by a law enforcement officer to his or her home, to a hospital or to a licensed detoxification facility, whichever the officer determines is most appropriate.
 - a. Broward Addiction Recovery Center (BARC) will be the primary detoxification unit used by the Fort Lauderdale Police Department. Secondary facilities will be the South Broward Hospital District (SBHD – Memorial Hospital) and Fort Lauderdale Behavioral Health Center (5757 N. Dixie Hwy). It should be noted that SBHD is a medical detoxification center, which does not treat cocaine addictions.
 - b. Before transporting an individual to BARC, officers must call the facility to ensure that bed space is available.
 - c. Upon arrival at BARC, officers must remain with the individual brought in until they can be met by, and turned over to, a staff member at the center.
 - d. If no beds at BARC are available, the Psychiatric Screening Unit of Hollywood Memorial Hospital (SBHD) is to be called.
3. A person in circumstances which justify protective custody fails or refuses to consent to assistance and a law enforcement officer has determined that a hospital or a licensed detoxification facility is the most appropriate place for the person, the officer may, after giving due consideration to the expressed wishes of the person:
 - a. Take the person to a hospital or licensed detoxification facility against the person's will but without using unreasonable force; or
If the decision is to take to BARC, remember that BARC is not a secure facility. In most cases BARC should be used with consensual admissions and then subject to the above criteria.
 - b. In the case of an adult, the act authorizes detaining the person for his or her own protection in any municipal or county jail. At present, the Broward County Jail does not have facilities for such persons. If no hospital or licensed detoxification facility is available and the person has not committed a crime the person shall be left where he or she was found or some other place of safety.

- c. In the case of a minor, they are **NOT** to be placed in jail but must be transported to SBHD, which maintains secure beds for minors.

As with adults, the hospital shall be called prior to transportation of the minor to assure bed space and appropriateness.

4. The law enforcement officer must notify the nearest relative of a minor in protective custody, and must notify the nearest relative or other emergency contact of an adult, unless the adult requests that there be no notification.
5. A law enforcement officer acting in good faith pursuant to this part may not be held criminally or civilly liable for false imprisonment. (§397.6775, Fla. Statute.)
6. Any officer taking a person into custody under this section shall complete an offense report and the Form CF-MH 4002 (Report of Law Enforcement Officer Initiating Protective Custody). The offense report and Form CF-MH 4002 shall include:
 - a. How the individual was brought to the attention of the police.
 - b. How it was determined that the person had lost the ability to make decisions regarding their treatment.
 - c. How they posed a danger to themselves or others.
 - d. All emergency contact information (ECI) that is readily accessible to the officer, including information available through electronic databases maintained by the FDLE or by DHSMV (DAVID).

Such emergency contact information may be used by a hospital or licensed detoxification or addictions receiving facility only for the purpose of informing listed emergency contacts of a patient's whereabouts.
 - e. The law enforcement officer must document all notifications or attempted notifications to relatives/emergency contacts, and an adult's request for no notification, as applicable.

E. VOLUNTARY ADMISSIONS

1. A person who wishes to enter treatment for substance abuse may apply to a service provider for voluntary admission.
2. Juveniles **do not** need the consent of their parents in order to enter a substance abuse program, although the parents will be consulted and may be required to participate in the program.
3. Police officers **may** provide transportation for an individual to a licensed service provider after conferring with a supervisor.

Any time an individual is transported in a police vehicle, he/she shall be searched and handcuffed.

4. If police transportation is deemed inappropriate, private transportation alternatives will be sought.
5. Any police transport of an individual to a facility or private transport shall be documented in an offense report, including, if applicable, the reasons why police transport of the individual was not appropriate.
6. Per §397.341, Florida Statute, a law enforcement officer transporting an individual pursuant to this policy shall restrain that individual in the least restrictive manner available and appropriate under the circumstances.