

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 577-S

REFERENCE STANDARDS:

SUBJECT: Release of Arrestees Under the Influence

POLICY: Pursuant to Illinois Public Act 100-537, commonly referred to as *Conor's Law*, it is the policy of the Hanover Park Police Department to train law enforcement officers to respond to individuals arrested who are under the influence of alcohol or drugs.

PURPOSE: To prevent injury of any nature related to the detention, custody, and release of any individual suspected to be under the influence of drugs, alcohol, or other intoxicating substance.

I. DEFINITIONS

- A. Minor. A person who is under the age of 21.
- B. Responsible Adult. A person who is at least 21 years of age and willing to take custody of an individual who is suspected of being under the influence of drugs, alcohol, or any other intoxicating substance.

II. RESPONSE

- A. When addressing an individual who demonstrates signs of being under the influences of drugs, alcohol or any other intoxicating substance, officers should respond with reasonable care.
- B. Officers should exercise judgment based upon experience and training when determining if an individual is under the influence of drugs, alcohol, or an intoxicating substance.
- C. If possible, a breathalyzer, hand-held breath test, or toxicology indicator may be employed to determine if an individual is under the influence of drugs, alcohol, or an intoxicating substance.

III. DETENTION

- A. In the course of making a custodial arrest, when an officer delivers an individual believed to be under the influence of drugs, alcohol, or an intoxicating substance, to a detaining facility, the officer must inform the custodial agent of this belief.
- B. When detaining an individual who is believed to be under the influence of drugs, alcohol, or an intoxicating substance, officers should take all reasonable precautions to remove potentially harmful items from the detainee and restrict access to potential dangers.
- C. In the course of being detained, an individual under the influence of drugs, alcohol, or an intoxicating substance may be offered additional breathalyzer tests, hand-held breath tests, or toxicology tests to determine his or her level of sobriety.
- D. Officers should monitor detainees who are under the influence of alcohol or other intoxicating compounds while the subject is in their custody. If the subject in custody requires medical attention, officers should promptly contact the appropriate emergency medical services per Directive D575s, Section XXXI.
- E. During the course of detention, officers should make a reasonable attempt to continuously monitor any individual who is under the influence of drugs, alcohol, or an intoxicating substance.

IV. RELEASE – INDIVIDUALS 21 AND OVER

- A. If at the time of release an officer believes an individual remains under the influence of drugs, alcohol, or an intoxicating substance, the officer should make a reasonable attempt to contact a responsible adult of the individual's choosing to arrange for the transfer of custody.
- B. If no responsible adult is selected by the individual, or is not available for contact, an officer may contact any other known family member or relative to arrange for custody.
- C. If no party can be contacted or arrange for custody, despite efforts made by officers, the Hanover Park Police Department may delay release until such time as the intoxicating effects have subsided and the individual is believed to no longer be a threat to him or herself, or others.

V. RELEASE – INDIVIDUALS UNDER AGE 21

- A. For minors under the age of 18 suspected of being under the influence of drugs, alcohol, or an intoxicating substance, release should be withheld until officers have made contact with a parent or legal guardian who has arranged to take custody of the individual. If a parent or guardian is not contacted, despite efforts made by officers, the agency may contact the proper child service authorities or arrange for custody to be delivered to a responsible adult.

- B. In the case of any minor who is 18 and over and who is in custody and suspected of being under the influence of drugs, alcohol, or an intoxicating substance, officers must make a reasonable attempt to contact a responsible adult who is willing to take custody of the intoxicated individual. If no such contact is made prior to transfer, transporting officers must notify the detaining agency and the detaining agency must make a subsequent attempt to contact a responsible adult. If no contact can be made, despite efforts made by officers or detaining agency, the detaining agency should delay release until such time as the intoxicating effects have subsided and the individual is believed to no longer be a threat to him or herself, or others.