



Tulsa Police Department

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Policy # 143

Effective Date 11/24/2021

Policy Name Tulsa Sobering Center

Approved Date 11/22/2021

Approved by *Wendell Franklin, Chief of Police*

Previous Date 11/20/2020

PURPOSE OF CHANGE:

To update policy format.

POLICY:

Where the Department of Mental Health and Substance Abuse Services or the governing body of the City of Tulsa has approved a program alternative to statutory or municipal requirements of prosecution and imprisonment of intoxicated persons, the TSC shall be utilized until the capacity to accommodate intoxicated persons has been exceeded in the facility. The officer involved in detaining an intoxicated individual shall utilize the TSC upon the voluntary approval of both the intoxicated person and the receiving facility rather than proceeding with an arrest under the statutory or municipal laws pertaining to prosecution and imprisonment of intoxicated persons.

TSC shall detain the intoxicated person for a minimum of 10 hours, up to 12 hours maximum.

SUMMARY: Procedures for utilizing the Tulsa Sobering Center (TSC).

APPLIES TO: All police personnel

DEFINITIONS:

INTOXICATING SUBSTANCE – includes liquor, controlled dangerous substances, or any other substances that are capable of being ingested, inhaled, injected, or absorbed into the human body and are capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor function.

VOLUNTARY APPROVAL – the intoxicated person agrees to be diverted to the TSC for a protective custody detention in lieu of an arrest and booking to jail. The TSC agrees to accept the person for detention. The subject is not free to leave.

PROCEDURES:

1. The TSC will not accept any intoxicated person who meets any of the criteria set forth below:
 - a. Is in need of immediate medical attention that includes severe head injuries and/or lack of consciousness.
 - b. Is on the TSC Ban list for being violent toward TSC staff and/or other TSC clients.
 - 1) Officers can check the ban list by calling TSC at 918-664-4742.
 - c. Is or has been combative, threatening or otherwise demonstrating violent and/or aggressive behavior which includes, but is not limited to, verbal abuse and/or have reportedly done so in a reasonable time prior to being taken into custody so as to suggest they may be a threat and/or pose a risk of harm to themselves, others and/or property.
 - d. Has threatened or is threatening to engage in fighting or violent threatening behavior and/or threatened others or themselves and/or threatened and/or acted in a manner so as to endanger public or private property with

- any injury or damage.
- e. Actively resists, interferes, or impedes the TSC admittance process.
- f. Meets criteria for protective custody pursuant to Title 43A-Psychotic Persons; and/or
- g. Has a non-citable offense and is subject to arrest.

2. Officers are authorized to consider any person identified by TSC staff meeting any one of the non-acceptable TSC admission categories as “not approved” for the TSC and shall instead transport the person to jail or other appropriate facility.
3. Officers are responsible for searching individuals prior to transporting them to TSC.
4. Officers transporting will use the 10-code 10-16 when transporting to TSC.
5. Upon arrival at TSC, officers shall conduct a thorough custodial search of the subject in full view of the TSC cameras. During this search the officer will also remove all personal property, including belts and shoes (excluding the clothing they are wearing), from the intoxicated person.
6. All personal property will be received and cataloged by TSC personnel. Officers shall review the TSC property receipt, verify and sign.
7. TSC personnel will administer a Personal Breath Test (PBT). 0.35 BAC and below is the standard for acceptance. TSC, at their sole discretion, may accept intoxicated persons above 0.35 BAC. If not accepted, TSC will notify emergency medical personnel.
8. Upon acceptance by TSC personnel, officers will escort the intoxicated person to their assigned pod, remove handcuffs and return to service.
9. Officers responding to TSC in reference to a disturbance by a participant will not release the person from custody. Officers will arrest the person using the appropriate public intoxication/disturbance charge.

REGULATIONS:

1. Under NO circumstances will a juvenile be placed in the TSC.
2. If the person is in violation of an intoxicated driving offense, that person is not eligible for TSC.
3. If an intoxicated person is arrested and the sole charge is Public Intoxication (Municipal or State), the officer shall note in the Arrest and Booking Affidavit the exception to the TSC criteria.
4. When an intoxicated person is transported to TSC, no report should be completed documenting an arrest or charge for public intoxication. Mobile Video Recording System (MVRs) video should be labeled/tagged “Tulsa Sobering Center.”
5. Intoxicated persons placed at TSC shall remain handcuffed until placed in the assigned pod.

REFERENCES:

O.S. Title 43A Mental Health, Chapter 1 Mental Health Law of 1986, Section 3-428
O.S. Title 47 Motor Vehicles, 1-140.1 Other intoxicating substance
27 TRO chapter 7, section 700, Public Intoxication