



BRAINTREE POLICE DEPARTMENT

Policy and Procedure

Substance Use Disorder Intervention

2019-78

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Chief Paul Shastany

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Background

Drug addiction not only ruins the lives of addicted people, but can also affect the lives of others in the community. People who are addicted to drugs often become involved in criminal activity to support their habits. Some addicted people sell drugs or commit crimes such as robbery and theft to support their addiction, which exacerbates the cycle of criminality caused by drug addiction.

The traditional role of the police has been to identify and arrest people who use drugs and the dealers who sell to them. Aggressive enforcement by police departments and federal agencies is an important component in controlling the spread of drug abuse, but it should not be law enforcement's only function. The police are in a unique position to identify members of the community who are addicted to substances and who need treatment. Police often respond to drug overdoses, incidents of domestic violence, vehicle crashes, and reports of suspicious neighborhood activity that involve persons with *Substance Use Disorder*. By identifying addicted people and partnering with substance abuse professionals, the police have the opportunity to help addicts receive the treatment they need. Reducing the number of people with *Substance Use Disorder* in the community is not only morally sound; it will reduce the cycle of criminality caused by addiction.

Policy

It is the policy of the Braintree Police Department to provide information to persons with *Substance Use Disorder* and assist them in obtaining treatment for their addiction.

Procedures

Norfolk County police departments, in collaboration with the Office of the Norfolk County District Attorney, have established the *Norfolk County Outreach (NCO)* program to work collaboratively in identifying drug users who are at risk or have overdosed and work proactively to assist them with their recovery.

The Braintree Police Department is an *NCO* participating agency. *NCO* features a database of people identified by police departments as suffering from *Substance Use Disorder (SUD)*. Persons who have accidentally overdosed, and people who are otherwise known to suffer from *SUD*, are entered into the *NCO* database by participating police departments daily.

If an overdose, or incident revealing addiction on the part of a person involved, occurs within a Norfolk County community, the system will automatically notify the police department in the community where the person lives. The *NCO* program is predicated on the tenet that police departments will contact residents who have *SUD*, and guide them towards appropriate treatment.

The database is not an investigative tool. If the person with *SUD*, their family, or their friends want to discuss drug activity or other related information they should be referred to another officer. This will ensure that the integrity of the *NCO* program is maintained.

The NCO Database

Only authorized employees may access the *NCO* database.

NCO database designees should only share overdose-related information with *NCO* law enforcement officers for public health purposes or to conduct *NCO* Outreach for the purpose of treatment and recovery. It is not intended for an investigative purpose.

Should the Department receive a request for information from the *NCO* database under the Massachusetts Public Records statutes, or the federal Freedom of Information Act, the *NCO* Administrators at Kelley Research Associates shall be notified.

Database information system hardware, software, and media shall be physically protected using appropriate access control measures.

Access to the *NCO* database is monitored by the *NCO* administrators at Kelley Research Associates for the purpose of detecting and responding to security incidents.

NCO Database Designees

The Chief of Police will designate an officer(s) as an *NCO* database designee(s).

The responsibilities of the database designee shall include, but are not limited to, the following:

1. Attend and successfully complete required training on the *NCO* database;
2. Coordinate entering all opioid overdoses that occur within the Town of Braintree. The data should be entered as soon as practicable;
3. Check the database for Braintree residents where follow-up is warranted;
4. Check people for warrants prior to setting up any treatment;
5. Notify the appropriate *NCO* outreach team through the *NCO* Network to initiate follow up; and
6. Coordinate with outreach officers to ensure that outreach visit outcomes are recorded in the database.

NCO Outreach Officers

The Chief of Police will designate an officer(s) to serve as an outreach officer. The responsibilities of the outreach officer shall include, but are not limited to, the following:

1. Participate in *NCO* trainings;
2. Conduct an outreach visit as soon as possible after an overdose has been reported, or a person in need of treatment identified;
3. Distribute educational and prevention material to people with *SUD* following overdoses or as otherwise needed;
4. When necessary, provide transportation for addicted persons to treatment facilities;
5. Coordinate outreach efforts with recovery coaches, clinicians or social workers designated by the Department; and
6. Following any outreach, or upon being advised by a medical facility that follow-up outreach is not warranted, coordinate with the database designee to update the database.

Training

Outreach officers will receive training that will include procedures for conducting outreach visits with civilian recovery coaches, clinicians, and/or social workers, overdose recognition, naloxone administration and deployment, and interview techniques. They will also learn about the treatment and recovery services in the region, including the services of drop-in centers, detoxification facilities, in-patient and out-patient programs, etc.

Court Commitment

In some cases addicted persons who are in need of treatment resist treatment. Massachusetts General Law Chapter 123, § 35 provides that such a person may be committed by the District Court, if the court finds that the person has lost the power of self-control over his/her use of alcohol or a controlled substance, and that such use substantially injures his/her health or substantially interferes with his/her social or economic functioning. A petition for a section 35 commitment may be filed by a physician, spouse, blood relative, guardian, or police officer. In cases where a relative or family member is not available, officers of the Braintree Police Department may sign the petition.

Addicted persons committed pursuant to a section 35 procedure should be assisted in the same manner as people who voluntarily accept treatment. As such, the outreach officer or recovery coach should ensure that the person has a plan for follow-up care upon his/her release.

Arrests of Addicted Persons

When an officer knows an arrestee is a substance abuser, or whose criminal record reflects drug offenses, the officer should attempt to speak with the arrestee about the current status of his/her drug use. An arrestee who admits to drug use or drug addiction should be informed of the Department's program to assist addicted persons.

Prior to being granted bail any person arrested for a drug offense, or whose record indicates arrests for drug possession, or who admits to drug use or addiction, should be provided with information about the NCO program. Persons under arrest shall be bailed before being remanded to the custody of a detox facility.

General Requests for Assistance

Patrol officers who identify or meet people who desire to enter treatment for their addiction are encouraged to assist them with obtaining treatment as. The outreach officer is available to assist off-hours when necessary. Every effort should be made to find immediate treatment for a person willing to seek it to reduce the chance that he or she may change their mind.

Officers who successfully find a bed for a person seeking drug treatment should document this intervention in a police report, and this report shall be forward to the outreach officer for follow up.

Any dispatcher who receives a call from a person seeking assistance with his/her addiction should notify the Shift Commander.

Police Reports

An incident report shall be created by any officer who conducts a drug intervention or petitions a court for a Section 35 commitment. Service of a Section 35 warrant of apprehension only requires a mastercard and the section to be scanned in the external reference file.

Norfolk County Outreach Memorandum of Understanding

Norfolk County Chiefs of Police participating in the Norfolk County Outreach (NCO) program recognize the damage inflicted by opioid abuse and addiction. They acknowledge their role in the concerted effort undertaken to create the NCO, and have committed to collaborate with the Office of the Norfolk District Attorney to effectively combat this problem.

Chiefs of police who are signatories to this Memorandum of Understanding (MOU) agree to the following:

1. Designate at least one member of their police department as a “database designee” who will be responsible for submitting information to the NCO database each weekday regarding drug overdoses within their jurisdiction, and regarding persons from within Norfolk County who have come to the attention of his/her agency as a person in need of substance abuse treatment due to Substance Use Disorder (SUD).
2. Designate at least one member of their police department as an “outreach officer” who will be responsible for timely contacting a person who has suffered a drug overdose, or who has come to the attention of his/her agency as a person in need of substance abuse treatment due to SUD, for the purpose of assisting that person in accessing appropriate treatment. The database designee and the outreach officer may be the same officer.
3. Seek to establish a partnership or a productive relationship with a recovery coach, licensed clinician, health professional, regional emergency service provider or other SUD professional [hereinafter treatment professional], for the purpose of collaboration in the assisting of people with SUD.
4. Institute a department policy based on the NCO sample policy.
5. Ensure that database designees and outreach officers, and any other appropriate department personnel, attend trainings on the NCO program conducted by the Norfolk District Attorney or Kelley Research Associates.

On a daily basis, each police department’s designated personnel will review all reports regarding drug overdoses and at risk persons, and the department’s database designee will enter appropriate information into the database. The person’s history within the police department’s records management system (RMS) will be reviewed. If the person has suffered previous overdoses, this information should also be entered into the database.

Outreach officers and treatment professionals working with the police department will contact the overdose victim or at-risk person, or where appropriate a member of the person’s family, to assess the person’s need for treatment and begin the process for helping him or her access that treatment.

Prior to deploying to a residence or otherwise contacting in person an overdose victim or at-

risk person, outreach officers will determine whether an arrest warrant is outstanding, or whether probable cause exists to arrest the person. A records check should also be performed to assess whether the person might pose an undue risk to the outreach officer and treatment professional. Wanted persons should not be admitted to treatment while warrants are outstanding. Treatment professionals should not place themselves in proximity to officers when those officers anticipate arresting the subject.

Officers should file police reports for follow-ups where contact with the subject is made and treatment is discussed. Said reports should outline the visit, list the parties spoken to and summarize the results of the contact.

In cases where the overdose victim or at-risk person declines treatment options, the outreach officer will leave the subject or his or her family with written materials.

Outreach officers and any treatment professional with whom the police department collaborates should work to establish relationships with area treatment providers.

Nothing in this MOU will obligate parties to transfer any funds. Any obligation of funding among parties under this MOU must be executed under a separate agreement(s).

This MOU will remain in effect from the date of signature until terminated by any party. Any party to this MOU may terminate their performance under this MOU at any time and for any reason by delivering to the Norfolk District Attorney a written termination notice at least 30 days before the termination is effective.

Printed name of Chief of Police:

PAUL J. SHASTANY

Police Department:

BRAINTREE POLICE DEPT.

Signature of Chief of Police:



Date signed:

February 5, 2019