

MEDINA POLICE DEPARTMENT GENERAL ORDER

ORDER NO: 2017-014

SUBJECT: Handling of prisoners

EFFECTIVE DATE: March 1, 2017

RESCINDS ORDER NO: 98-10-04

DISTRIBUTION: All Department Personnel

PURPOSE: The purpose of this policy is to define the procedures of the Medina Police Department relative to the handling, movement, transportation, detention, and treatment of persons in the lawful custody of this department.

I. POLICY

A. It is the duty of all personnel involved in the chain of custody to ensure the safety of arrested persons and their property, as well as the safety of other police personnel.

II. PHYSICAL ARREST

A. Whenever an officer makes a physical arrest of a person, that person is to be searched and except under special circumstances the person is to be handcuffed.

1. The procedure for handcuffing prisoners initially shall be with their hands behind their backs with palms facing out. Handcuffs will be double-locked whenever practical to ensure officer safety.

2. Search initially will consist of a “pat down search” for weapons with a complete search incidental to the arrest occurring after the person is in custody. Full search of a male prisoner is to be conducted by a male officer and full search of a female prisoner is to be conducted by a female officer or matron.

2a. All weapons, potential weapons, lighters, and cellphones will be secured by the officer at the time of search.

B. Unlawful or unnecessary force **shall not be used** in effecting an arrest nor shall it be used upon anyone who is “in custody”. No prisoner will be subjected to any harassment, abuse or intimidation.

C. All prisoners are to be handled with caution. Violators taken into custody for

minor offenses may be fugitives wanted for more serious crimes.

- D. The arresting officer is responsible for the safety and security of any prisoner in his or her custody.
 - 1. In the event that a prisoner is ill or injured, he/she shall be provided with medical attention as soon as possible. This will include prisoners who have been sprayed with an oleoresin capsicum product. The shift supervisor shall be promptly notified.
 - 1a. In the event a prisoner is injured, the custody officer will notify dispatch requesting EMS response. If further medical treatment is advised by EMS, the shift supervising officer will determine the means of transportation (by police vehicle or ambulance) to a medical facility by taking into account the seriousness of injury and criminal charge(s).
 - 1b. If the injury is severe and requires treatment from a medical facility, and the criminal charge(s) is an E Felony or lower offense, the supervising officer may authorize for the prisoner to be released from custody with an appearance ticket issued.

III. TRANSPORTING

A. General

- 1. Prisoners are to be transported in patrol cars equipped with security screens to protect front seat occupants.
- 2. Officers are to search the prisoner compartment of their assigned patrol car at the **beginning** and **end** of each shift. This should be done as well after each time a prisoner transport is made.

B. Initial Transport

- 1. An officer shall insure that a prisoner is appropriately secured and searched prior to transport.
- 2. Prisoners will be transported in the rear seat and the use of seatbelts is encouraged.

C. Extended Transport

- 1. Whenever prisoners are transported for an “extended distance” they are to

secured by the use of a restraint waist belt/chain so that his or her hands can be handcuffed in the front. Handcuffs will be double locked with no exception.

2. Leg irons may be used as needed in transporting prisoners.
3. Prisoner seatbelts are to be utilized on **all extended transports**.

D. Multiple Prisoners

1. Male and female prisoners are to be transported separately unless they are from the same immediate family and are not a threat to each other.
2. Two prisoners may be transported together provided that they are all searched and secured appropriately.
3. Three prisoners may be transported together provided that they are all searched and secured appropriately and are supervised by two officers in the same vehicle.

E. Prisoners of Opposite Gender

1. Whenever possible there should be two male officers or a female officer present during the transport of a female prisoner. This will be reversed for a male prisoner.
2. When transporting a prisoner of the opposite gender, the officer is to start by calling in their location, mileage and asking that the time be noted. Upon arrival, they are to specify their destination, again give their mileage and ask that the time be noted.
3. The officer is to proceed without delay and by the most direct route to their destination. The dispatcher will be notified immediately if any delay is encountered while enroute.

F. Unmarked Vehicles

1. Only under extrinsic conditions will a patrol car without a security screen be used to transport prisoners. The prisoner will be handcuffed behind their back and double locked. The prisoner will then be seatbelted in the front passenger seat of the vehicle. Under no circumstances will a prisoner be transported an extended distance in a vehicle without a security screen.

G. Injured or Mentally Disturbed Prisoners

1. Any prisoner requiring medical treatment or who is unconscious or semi-conscious due to alcohol or drug consumption will be transported to a hospital before being taken to the police station. Ambulance will be used for such transport whenever possible and an officer will ride in the patient section of the ambulance if the subject is in custody and combative. If the subject is unconscious and or under control, an officer will follow in close proximity with the ambulance to a medical facility.
2. If the subject is in custody and must be admitted to the hospital, an officer will stay with and guard the prisoner until such time as the prisoner is either issued an appearance ticket or a warrant is applied for.
3. Mental hygiene prisoners who may present a threat to themselves or to others are to be transported to the hospital for evaluation. The officer will stay with said prisoner until properly relieved by either hospital staff or a Mental Health representative. This is providing that no criminal charges are pending.

3a. **Outline for selecting a mental health facility** i.e. The arresting officer or designee will contact St. Marys Mental Health facility and determine if the facility will accept a patient. Once arrangements have been made, 9.41 or the appropriate paperwork will be either taken by the transporting officer or faxed from the police department. In the event the hospital is incapable of accepting patients, the officer will next attempt Strong Memorial Hospital, then Park Ridge Hospital, then Warsaw Hospital. If the patient is a juvenile, the officer must contact Lockport Hospital.

4. Whenever possible, violent prisoners are to remain restrained during physical examinations or mental evaluations. If medical personnel request removal of the restraints the officer is to effect such removal only after fully informing them of the potential for injury to others and after advising against such removal unless it is absolutely necessary.
5. No medication shall be given to a prisoner unless authorized or prescribed by a physician. The officer will see that the prisoner is given the medication in accordance with the instructions of the physician or prescription and entries shall be made on the jail log as to the times the medications were given.

5a. If proof of prescription is not provided, the medication will not be administered to the suspect. The administration of a medication is only to be done if the situation is a medical emergency, to prevent an emergency, or if done under the direct order of a medical professional.

H. In Case of a Prisoner Escape

1. The officer will immediately notify dispatch with all pertinent information such as location, physical description, direction of travel, etc.
2. If outside their jurisdiction, the officer will see that the police agency having jurisdiction is immediately notified.
3. The officer will immediately notify his shift supervisor and the Chief of Police.
4. Before completing his or her tour of duty, the officer will initiate an incident report and shall prepare a memorandum to the Chief of Police explaining the circumstances of the escape. All escapes will be subject to an internal investigation relating to the circumstances of the escape.

IV. DETENTION

A. Bail: Whenever a person is arrested by the Medina Police, consideration must be given as to the most appropriate means of insuring that persons future appearance in court. Bail will be determined by the court and/or recommendations from the D.A's Office. Officers **will not** accept either pre-arraignment or arraignment bail. Bail payment will be made at the Orleans County Jail.

A.1. For all Class D felonies or greater offenses, the arresting officer must contact a judge for arraignment per NYS CPL.

A.2. On all arraignments of a Class D felony or greater, the arresting officer may attempt to contact the District Attorney's Officer for a bail recommendation.

A.3. The arresting officer **must** arraign all suspects in cases where a victim is requesting an order of protection.

A.4. The decision for an arrestee on offenses a class E felony, or lower, will be made at the discretion of the officer. Except in where offenses meet the criteria mentioned in NYS CPL Article 150 and/or such decision is overridden by a senior or ranking officer.

B. Prisoner Processing: It is the responsibility of the arresting officer to see that their prisoners are processed.

Use the following outline for processing (this is used to keep the department standardized):

B.1. Processing will include completing a full Incident and Arrest report via SJS (if SJS is not operational, one must be completed using a handwritten NYS standardized arrest report prior to the end of the shift unless otherwise specified by a supervisor).

B1.a. If one incident has several arrestees then it is required by the department that the arresting officer create an arrest card for each individual that is arrested. One of the arrest cards can be the incident card number.

B.2. Taking photos (1 with departmental camera using arrest number placard, and 1 using live scan) Totaling 2 photos

B.3. Taking finger prints (utilize Live Scan when possible, this is to help ensure finger prints are accepted into the system for positive identification, only if the system is not operational, use the ink finger print cards).

B.4. Acquiring a finger print rap sheet (sent to E-justice portal agency inbox, after finger prints have been taken. In the event the finger print rap is not sent back in a timely manner, a criminal history printout must be done for arraignment purposes using the "ARR" code when requesting history and present that to the court),

B.4.a. Processing **must** be completed at the time of arrest. Only for extrinsic circumstances prisoner processing may be postponed. In the event an appearance ticket is issued, and the arrestee isn't processed at that time, it is the responsibility of the arresting officer to process that individual in a timely manner prior to the arrestee's court appearance. In the event a situation postpones the processing, the supervisor must be notified before arraignment or issuance of an appearance ticket.

C. Admission

1. Before being placed in the holding area, the prisoner's clothing shall be thoroughly searched for contraband or articles with which the prisoner might injure themselves or others, or damage the holding area. The prisoner's personal belongings shall be kept where they are not accessible to them.

2. Belts, neckties, shoes and clothing items such as jackets, overcoats or other similar outer garments shall be removed and stored temporarily where they will not be accessible to prisoners.

3. An accurate listing **will** be made of all money, and items such as rings, watches and any other personal property taken at the time of admission. Said property will be taken and placed into a property bag. Such list is to be properly witnessed by the receiving officer and prisoner.

Documentation of confiscated property **must** be as specific as possible to ensure greater accountability. At the appropriate time, a receipt signed by the prisoner shall be obtained, acknowledging that all money and property have been returned. A refusal to sign the receipt shall be so noted in the prisoner log along with any reason given for the refusal. All of the aforesaid confiscated inmate property will be stored in the hallway outside of the holding cell with the exception of large sums of money which shall be secured in an evidence locker.

4. The searching of a female prisoner shall be conducted by an on-duty female police officer, police matron or other qualified female. If there isn't a qualified female available, the shift supervisor will be notified and will make arrangements to provide one. Male officers may only search a female's pockets or concealable areas not to include the breast or groin area. When a female prisoner is searched by a male, a second officer will observe, if available, the search will be conducted in a location monitored by recorded video. **Per the New York State Commission of Corrections female prisoners are not to be placed in the holding cell unless a female police officer/matron is present;** however if the female prisoner is combative or uncooperative then the holding cell shall be utilized to prevent injury to personnel and the prisoner. When a prisoner is placed in the holding cell they will have one hand handcuffed to the bullring which is secured to the bench.
5. When prisoners are placed in the holding cell it will be at the discretion of the officer as to whether or not the prisoner is handcuffed to the bullring with the door closed and locked, or the prisoner is not handcuffed to the bullring with the door closed and locked to prevent the prisoner from escaping.
6. On request, within a reasonable time after arrival at the Medina Police Department, a prisoner shall be allowed to make, without charge, one telephone call to communicate with an attorney and one other call to either a family member, relative, friend, employer, etc. A request to place additional local or long distance calls should be decided on an individual basis consistent with the prisoner's situation. Any additional long distance calls will be made by reversing the toll charges. Telephone calls should be properly supervised and preferable made from the telephone directly outside of the holding cell.
7. Juveniles under the age of 16 may not be detained in the Medina Police Department holding cell. New York State laws as well as federal regulations generally prohibit the detention of juveniles (under 16 years of age) in adult holding facilities.

8. If a prisoner is secured in the holding cell, and thereafter it is learned the prisoner is a juvenile, they shall be removed from the holding cell and placed in the department's juvenile room. The arresting officer then must follow guidelines outline in the departments Juvenile Procedures. In the event a juvenile is held in an adult detention facility, the instance must be reported to the State Commission of Correction. The Record of Juvenile Detention appearing as an addendum to this policy must be used to report any occurrence of a juvenile being securely detained in an adult facility.

D. Supervision of Holding Area

1. The holding area is equipped with video and audio monitoring devices. The holding area will be constantly monitored while in use. **AT NO TIME WILL THE VIDEO MONITORING SUBSTITUTE FOR PHYSICAL CHECKS OF THE PRISONER.** All prisoners will be physically checked as required per section D 2 of this policy.
2. At a minimum, the condition of prisoners shall be checked, by actual visits to the holding cell, at intervals **not** to exceed ten minutes.
3. In situations where a prisoner's physical or mental condition obviously warrants it, constant observation and supervision will be provided.
4. The Medina Police Department Prisoner Detention Log **will be completed** by the assigned officer. New York State Commission of Corrections requires that the log be maintained in ink and in a legible manner. The **EXACT TIME**, not an approximate, shall be recorded whenever the officer checks on the welfare of the prisoner. The prisoner's property that was taken by the police **will** be logged on the back of the observation sheet for the holding cell.
5. If a female officer/matron is available, the supervision of female prisoners shall be accomplished by a matron or female officer and female prisoners shall not be placed in or removed from the holding area unless the matron or female officer is present. The matron shall retain a key for the detention area and no male shall be permitted to enter an area where female prisoners are detained unless accompanied by the matron. If a female officer/matron is not available two (2) male officers will be required to be present when entering the holding cell with a female prisoner.
6. Fire – In the event of a fire alarm within the Medina Police Department, all prisoners will be released from the holding cell, handcuffed and

removed to a safe area under guard. Under these circumstances all units will respond to the police department to assist in the removal of the prisoners unless occupied by equally urgent matters.

In general, when a fire alarm is activated, do not attempt to determine if the fire actually exists prior to the removal of the prisoners. The prisoners will remain in a safe area under guard until a safe return has been assured.

If a fire does exist and the damage and circumstances are such that the prisoners may not be immediately returned to the holding area, the prisoners will be transported to the Orleans County Jail. The Orleans County Jail has agreed to hold the prisoners until the proper commitment orders can be obtained.

7. A weapons lockbox is provided outside the holding cell. It is recommended that officers secure their firearm prior to spending extended time in the holding cell with an unsecure prisoner, such as when the prisoner is being processed.

E. Sanitation and Maintenance

1. Any officer that observes unsatisfactory conditions in the holding cell will notify the shift supervisor for janitorial or maintenance services.
2. Disposable blankets have been made available for issue depending on the circumstances such as the temperature in the cell area. Blankets shall not be left in the cells when there is no need for them.
3. The Chief of Police or designee is responsible to see that the regular monthly Inspections are conducted in regard to the holding cell. The inspections will ensure that all areas of the facility are properly cleaned and maintained, that all doors and locks function properly, and that all equipment and supplies are accounted for and sufficiently secured.

When completed, the form used to conduct the inspection shall be filed in the prisoner detention log.

F. Use of Force

1. Officers shall not strike or lay hands on a prisoner except in self defense, to prevent escape, or serious injury to person or property, to quell a disturbance, or to effect detention. In such cases, only the amount of physical force necessary to accomplish the desired result is authorized.

2. Restraining equipment is available to be used in emergencies and shall be used at the direction of the shift supervisor. In such instances, full time supervision shall be provided.
3. The use of chemical agents to control or reduce a prisoner to submission shall be used only when other restraint methods or efforts to subdue have not proven effective.
4. Officers will complete a Subject Resistance Report whenever force is used on a prisoner.

G. Unusual Incidents

1. All incidents of an unusual nature, which involve the life or physical welfare of a prisoner while detained, shall be immediately reported to the Chief of Police.
2. Unusual incidents shall mean:
 - a. suicide or attempted suicide
 - b. non suicidal death
 - c. escape or attempted escape
 - d. accidental injury, self inflicted injury
 - e. assault on an officer
 - f. fire; or
 - g. other disturbance

H. Visits

1. For reasons of security, visitation is generally not authorized. There are exceptions, however, i.e., the prisoner's attorney at time of arraignment, physician or clergy.
2. No visitation is permitted during processing or while a prisoner is secured in the holding cell.

I. Reports to New York State Commission of Correction

Pursuant to the Correction Law, reports must be made to the New York State Commission of Correction (SCOC) whenever a reportable incident occurs. As used in this section, a "reportable incident" shall mean inmate death; inmate injury or illness requiring hospitalization; civil or natural emergency; or disturbance. In addition, department policy requires that the SCOC be notified on the Reportable Incident Form whenever there is an attempted suicide by a prisoner or an escape or attempted escape. An incident report will be completed by the officer involved with an incident of said matter with

advisement to the Chief of Police who will complete the Reportable Incident Form.

Reportable Incidents

- a. Except as provided in subdivision (b) of this section, reportable incidents shall be reported to the Commission by mail within 24 hours of the occurrence in a form and manner prescribed by the Commission. (See Reportable Incident Form)
- b. The death of an inmate shall be reported to the Commission within six hours of pronouncement of death in a form and manner prescribed by the Commission. (See Reportable Incident Form)

J. Miscellaneous

1. The holding area is not designed to be used for long term detention of prisoners. No prisoner shall be detained in the Medina Police Holding Area for a period to exceed three hours. The shift supervisor will determine who will transport the prisoner to jail. (Least ranking officer is to transport if able; shift supervisor is the last) If no Medina Officer can transport then it is the responsibility of the shift supervisor to communicate with the Orleans County Sheriff's Office to assist.
2. Persons incarcerated in the holding area shall not have access to cigarettes or other tobacco products, drugs, or alcohol.
3. Precautions should be taken when having personal contact with prisoners. Latex gloves and other protective wear will be provided and should be used as needed.

By Order Of:

Chad Kenward
Chief of Police