

Prisoners

P.G. 210-01 Prisoners General Procedure

Date Effective: 08/01/13

PURPOSE

To safeguard prisoners in police custody.

DEFINITIONS

HOLDOVER PRISONER - a prisoner who has entered the court process but has not yet been arraigned and has been returned to police custody for overnight detention.

PRISONER SECURITY GUIDELINES - all prisoners while in the custody and control of personnel from this Department will be searched on their entry and exit from any police, detention, district attorney, or court facility. Prisoners being transported from any location, not included above, will be searched prior to departure from the location and upon arrival at the transport destination. The searches will be conducted as per the guidelines set forth in [P.G. 208-05](#), "Arrests - General Search Guidelines" (see ADDITIONAL DATA). The ranking officer supervising the transport of a prisoner(s) and all supervising officers and borough court section supervisors will ensure that this procedure is strictly adhered to.

PROCEDURE

When prisoners must be detained in Department detention facilities or transported to courts or other facilities:

DESK OFFICER

1. Request borough court section concerned to assign cell space and determine method of transportation to an activated detention facility giving:

- a. Name, gender, and physical condition of prisoner
- b. Precinct of arrest and arrest number
- c. Status of processing
- d. Next destination of prisoner (e.g., photo, court, etc.)

2. Notify borough court section concerned if prisoner must be detained for a brief period of time in a detention facility not activated by borough court section concerned, giving:

- a. Reason and amount of time prisoner is to be lodged
- b. Charge against prisoner
- c. Name, gender, and age of prisoner.

3. Comply with instructions given by borough court section concerned.

4. Make Command Log entry of facts and instructions received.
5. Have appropriate entries made on PRISONER ROSTER (PD244-145) if prisoner detained.
6. Assign police attendant to temporary duty within cellblock.

- a. If a prisoner is placed in a cell alone because he/she threatens or fights with another prisoner(s), is causing disruption, or for any other reason, ensure that a member of the service will continue to monitor that prisoner closely.

7. Record any change of custody in Command Log.

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR

8. Permit prisoner to be interviewed by the following properly identified persons when on official business:

- a. Supervisory officer of this Department

- b. Member of Detective Bureau or detective squad

- c. District Attorney or representative

- d. Chief Medical Examiner or representative

- e. Prisoner's legal representative (in precinct/district/PSA, interview is conducted in muster room ONLY; in borough court section, interview is permitted in location designated by borough court section supervisor)

- f. Official of a City department, if prisoner is an employee of that department

- g. Federal law enforcement officer

- h. Member of the clergy (upon request by prisoner)

- i. New York State Division of Parole officers to serve parole violation papers

- j. Foreign Consulate/Embassy Officers.

9. Enter the following information under "Details" on ARREST REPORT - SUPPLEMENT (PD244-157) when an attorney interviews a prisoner at precinct, district, PSA, or borough court section:

- a. Name, address, and telephone number of attorney

- b. Name and address of person who retained attorney

- c. Whether the prisoner was interviewed

- d. Time arrived and departed from the stationhouse/borough court section.

10. Permit parents or legal guardian to visit a prisoner between the ages of sixteen and twenty-one, for not longer than fifteen minutes, in the muster

room, provided:

- a. Detective squad commander, arresting officer, or, if visit is at other than precinct of arrest, desk officer, precinct of arrest is consulted
- b. Visit is in presence of desk officer/borough court section supervisor
- c. Prisoner has been detained more than four hours
- d. Prisoner is not eligible for a summons
- e. Visit does not interfere with police business.

11. Enter name, address, and relationship of person visiting prisoner on ARREST REPORT - SUPPLEMENT.

a. If the interview occurred at a location other than the precinct of arrest or borough court section, facts relating to the visit will be telephoned to the desk officer, precinct of arrest, who will have all pertinent details entered under "Details" on ARREST REPORT - SUPPLEMENT.

12. Advise prisoner of availability of clergy whenever it appears prisoner is despondent, confused, or likely to commit suicide.

13. Permit prisoner to make use of telephone privileges declined during arrest process.

14. DO NOT confine female prisoner with a nursing baby in a cell.

a. Assign female police attendant or female uniformed member of the service, if available within command, as guard.

15. Have child delivered to responsible member of family or to a hospital, if mother unable to provide care.

PRISONERS BEING TRANSPORTED

16. Assign escort officer(s) to guard prisoner(s) being transported to detention facilities.

a. Assign member of outgoing platoon, at change of tour, to guard and transport prisoner(s) if assignment of escorting officer would result in overtime.

b. Assign separate escort officer(s) to prisoner(s) having different destinations (e.g., female cells, hospital, etc.).

17. Assign additional escort officer(s) when:

- a. More than two prisoners being guarded and transport chains are not available, OR
- b. More than nine prisoners being transported by transport chains, OR
- c. Several detention stops are involved, OR
- d. More than one prisoner with different destinations.

e. Prisoner is designated "high risk" escape threat. (see ADDITIONAL DATA statement under heading, " 'HIGH RISK' PRISONERS").

ESCORTING OFFICER

18. Rear cuff all prisoners or place on transport chains if appropriate, before leaving cell block.

a. Secure loose ends of chain when less than five prisoners are secured on chain.

b. Double lock transport chain cuffs.

c. For better control, physically hold prisoner OR hold chain linking handcuffs, as circumstances dictate.

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR

19. Closely supervise the removal of all prisoners from the precinct.

20. Determine if prisoner is a potential escape risk after conferring with arresting officer.

a. Place leg restraints on prisoner prior to transport if it is determined prisoner is a potential escape risk, OR prisoner refused to be fingerprinted, OR prisoner is being transported to a hospital for medical treatment.

21. Ensure that attendant places prisoners on transport chains before leaving cell block.

a. Escorting officers may use transport chains or handcuffs when escorting one or two prisoners; more than two prisoners, transport chains must be used.

b. Make certain transport chains are in double lock mode, when utilized.

22. Step from behind the desk and personally check that all prisoners are secured to transport chains or rear handcuffed, if appropriate, when prisoners are being removed.

23. Utilize available command personnel to assist attendant and escorting officers loading prisoners onto patrolwagon.

24. Ensure that members of the service are alert and properly positioned to prevent escape.

25. Have attendant, or escorting officer, if attendant not available, prepare PRISONER TRANSPORT DISPATCH (PD171-132).

a. If more than one prisoner, and different destinations involved, separate DISPATCH will be prepared for each destination.

ESCORTING OFFICER

26. Obtain both copies of PRISONER TRANSPORT DISPATCH from attendant and comply with instructions.

27. Ride in transporting vehicle and keep prisoners under constant surveillance while transporting to court, etc.

28. Deliver prisoner(s) to assigned detention facility.

29. Assist attendant in searching and placing prisoner in cell.

POLICE ATTENDANT

30. Conduct complete search of prisoner (see [P.G. 208-05](#), "Arrest - General Search Guidelines").

31. Lock prisoner in cell.

32. Make entries on PRISONER ROSTER and file at desk when completed.

DESK OFFICER/BOROUGH COURT SECTION SUPERVISOR

33. Periodically conduct personal inspection of prisoner noting their condition and document the inspection under the "Remarks" caption on the PRISONER ROSTER.

ESCORTING OFFICER

34. Deliver prisoner's fingerprints to appropriate borough court section facility if prisoner is not printed on LIVESCAN.

DESK OFFICER, PRECINCT OF ARREST

35. Obtain original copy of PRISONER TRANSPORT DISPATCH from escorting officer and file chronologically.

DESK OFFICER, PRECINCT OF DETENTION

36. Keep all cell doors and other doors leading into cellblock area locked if cells have not been activated.

37. Make entry in Command Log and notify an available supervisory officer to inspect cellblock when informed that command's cells are activated.

38. Assign police attendant.

SUPERVISORY OFFICER CONCERNED

39. Observe opening of detention area.

40. Inspect each cell to ascertain that cells are clean and free of unauthorized items.

41. Make Command Log entry indicating time the first prisoner lodged and condition of cells.

HOLDOVER PRISONERS IN ADDITION TO OTHER REQUIRED ACTION LISTED ABOVE

DESK OFFICER, PRECINCT OF DETENTION

42. Assign member(s) to escort prisoners to court.

43. Direct escorting officer to complete captions and sign PRISONER ROSTER when prisoner is removed from cell.

44. Review PRISONER ROSTER for accuracy and completeness.

45. Initial PRISONER ROSTER next to "Time of Admission" column for each prisoner removed.

POLICE ATTENDANT

46. Prepare PRISONER TRANSPORT DISPATCH listing all prisoners having same destination.

a. Prepare separate DISPATCH form for each destination.

ESCORTING OFFICER

47. Verify prisoner placed on transport chains are same as listed on DISPATCH and take "head count."

48. Deliver prisoners to holding pen at destination.

49. Return to command for assignment or proceed to original destination, as appropriate.

ADDITIONAL DATA

"HIGH RISK" PRISONERS

Determinations as to whether a particular prisoner presents a potential escape risk should be made on a case-by-case basis. Factors that can be considered in making this determination include the seriousness of the offense charged, prisoner unwillingness to identify himself or herself, forcible resistance to arrest, threats of violence and/or escape threats directed at uniformed members of the service, a known history of violence, weapons possession, or escape/attempted escape.

USE OF LEG RESTRAINTS

The use of leg restraints does not replace the requirement to rear handcuff the prisoner. All procedures detailing the use of handcuffs remain in effect. When using leg restraints on a prisoner, the escorting officer is to exercise caution to prevent the prisoner from falling.

Leg restraints MUST be used when transporting a prisoner that has refused to be fingerprinted and for ALL prisoners being transported to a hospital for medical treatment. If the desk officer determines that extenuating circumstances exist that preclude placing leg restraints on a prisoner that has refused to be fingerprinted or is being removed to a hospital for medical treatment, a Command Log entry will be made detailing the reason why.

Leg restraints may not be placed on prisoners for "punitive" purposes. Determinations as to whether a particular prisoner presents a potential escape risk should be made on a case by case basis. Factors that can be considered in making this determination include the seriousness of the offense charged, prisoner unwillingness to identify himself or herself, forcible resistance to arrest, threats of violence and/or escape threats directed at police officers, known history of violence, weapons possession or escape/attempted escape.

ACTIVATION OF DETENTION FACILITIES

Borough court section concerned activates detention facilities, assigns cell space, and determines method of transportation for EVERY prisoner scheduled for detention or change of custody (i.e., to court, hospital) even though precinct of arrest has cells. Refer to [P.G. 210-17](#), "Arrest Processing of Pre-Arrestment Prisoners Designated as 'Special Category'" and/or [P.G. 203-10](#), "Public Contact - Prohibited Conduct," subdivision "a" following step "1", regarding gender, if necessary.

CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL

Members of the Citizen's Policy and Complaint Review Council are permitted to enter and inspect precinct detention cells and any books or records pertaining to these cells at any and all times.

ARREST OF LIMITED ENGLISH PROFICIENT OR HEARING IMPAIRED PERSONS

Members of the service are reminded that if the prisoner appears to have difficulty understanding/communicating in English, the member of the service concerned should comply with [P.G. 212-90](#), "Guidelines for Interaction with Limited English Proficient (LEP) Persons." If the prisoner appears to be hearing impaired, the member of the service concerned should comply with [P.G. 212-104](#), "Interaction with Hearing Impaired Persons." The use of a bilingual employee or the Language Initiative Program is the preferential method for interpretation when interacting with a prisoner. It is recommended that certified members of the Language Initiative Program be used for custodial interrogations. Appropriate Command Log entries will be made when interpretation services are utilized.

PRISONER CONFLICTS

Whenever an arresting officer/investigator becomes aware that there is the need to separate two or more defendants from one another due to threats made by one defendant to another, or due to the potential for one defendant to assault another, a notation will be made at the bottom of each defendant's Prisoner Movement Slip in the "Detention Alert" section under the caption "Other (Explain)." The notation must contain the name and arrest number of the other defendant involved, as well as an indication as to why separation is deemed necessary (e.g., prisoner had a fight with the other prisoner, prisoner was threatened by other prisoner). If separation is required for confidential or sensitive reasons, such as one prisoner testified against another, enter the name and telephone number of the arresting officer/assigned investigator so that further information can be obtained if necessary, rather than entering the actual reason for the separation. (If detention personnel are unable to contact the arresting officer/assigned investigator for further information, they will continue to keep the affected prisoners separated from one another).

In the event that an arrest processing officer or escorting officer becomes aware that a conflict exists between prisoners requiring their separation, the officer must:

- a. Inform the arresting officer/assigned investigator of the circumstances in order that the latter may make entries on the Prisoner Movement Slips, OR
- b. Personally make entries on the Prisoner Movement Slips which must then be brought to the attention of the court section personnel for entry on the courthouse generated movement slips.

The information entered on the Prisoner Movement Slip prepared at the precinct must also be entered on the computerized movement slip generated at the courthouse when the prisoner is photographed. In addition to the notation on the movement slip, the arresting officer/assigned investigator/escorting officer will notify the concerned borough court section supervisor.

Members of the service assigned to prisoner detention functions at a command and at the courthouse must examine and be guided by the information contained in the "Detention Alert" caption on each Prisoner Movement Slip in regard to separating prisoners, etc."

MONTHLY DETENTION CELL REPORT

All commands with detention cells will forward monthly report on Typed Letterhead addressed to the Chief of Department (attention: Strategic Analysis Section), no later than the 15th day of the month listing the number of male and female prisoners detained during the previous month. Negative reports are required.

HANDCUFFING PROTOCOL

The Department's policy is to handcuff all prisoners with hands behind their back.

When a prisoner has surrendered at a law enforcement facility and is accompanied by an attorney, the uniformed member of the service may request authorization from an immediate supervisor not to use handcuffs, after the supervisor and uniformed member of the service have evaluated the following criteria:

- a. Potential threat to the officer, prisoner and other persons
- b. Possibility of the prisoner escaping.

In all circumstances, uniformed members of the service should conduct a search of the prisoner.

PRISONER SECURITY SURVEY

To promote safety for members of the service and improve prisoner security, a prisoner security survey will be conducted annually during the last week of September, in all Department facilities where prisoners are processed. Commanding officers will make certain that prisoners being processed will not be allowed in areas containing Department lockers, or have access to any Department or personal property that might provide a means of escape or cause injury. The prohibition against prisoners being held, even temporarily, in areas containing Department lockers or of prisoners having access to Department or personal property of members shall be strictly enforced and clearly and frequently communicated to all members of the command by commanding officers concerned.

Commanding officers will report the results of the annual prisoner security survey, by September 30th, each year, on Typed Letterhead, addressed to the bureau chief concerned, through channels. Included in the report will be a description of prisoner processing areas, hazards or deficiencies observed and corrective action taken.

Investigative units located in precinct stationhouses will be surveyed by the

precinct commander in consultation with the investigative unit commander. Results will be reported on the precinct commanding officer's report. NO duplicate report is required from the investigative unit commander but responsibility for corrective actions will reside with the unit commander.

Bureau chiefs will review the prisoner security survey reports received from subordinate commands. The reports will be forwarded to the Strategic Analysis Section, Office of the Chief of Department, with a covering Typed Letterhead, indicating that corrective action has been initiated or completed, if required. The Strategic Analysis Section is responsible for collating the reports received from bureau chiefs and providing administrative assistance to the Prisoner Security Board.

PRISONERS AND VICTIMS WITH COMMUNICABLE DISEASES

Information concerning a prisoner's or a victim's affliction with a communicable disease must be kept confidential. This information generally should not be released to the public, the media, the person's family and friends, or to other prisoners. There may be unusual circumstances under which release of this information is warranted.

Any such release, however, may only be made with the written consent of the Deputy Commissioner, Legal Matters.

In some cases, prisoners may volunteer their positive status regarding a communicable disease indicating the need to be segregated from general prisoner population or the need for medical treatment. In such cases, isolation cells should be used, if available. This information may be recorded on a Prisoner Movement Slip or on form MEDICAL TREATMENT OF PRISONER (PD244-150) in order to alert personnel assigned to Corrections, District Attorneys' offices or courts.

Members of the service who are exposed to a communicable disease should follow the provisions of P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases."

DISRUPTION IN CELL AVAILABILITY

In those instances where there is a substantial disruption in the availability of detention cells, at either a command or a borough court section facility, caused by a civil or natural emergency, or disturbance, or any other circumstance which would deny the use of the cells, the commanding officer/duty captain investigating the incident will ensure that a telephone notification is made to the borough court section. An UNUSUAL OCCURRENCE REPORT (PD370-150) describing the incident will be faxed to the borough court section concerned. A copy of this REPORT will be forwarded to the Criminal Justice Bureau. The Criminal Justice Bureau will make the determination as to whether a notification is to be made to the New York State Commission of Corrections.

RELATED PROCEDURES

Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)

Prisoner Meals (P.G. 210-06)

Unusual Occurrences Involving Prisoners (P.G. 210-07)

Guidelines For Prisoner Holding Pens (P.G. 210-08)

FORMS AND REPORTS

ARREST REPORT - SUPPLEMENT (PD244-157)

MEDICAL TREATMENT OF PRISONER (PD244-150)

PRISONER ROSTER (PD244-145)

PRISONER TRANSPORT DISPATCH (PD171-132)

Typed Letterhead

UNUSUAL OCCURRENCE REPORT (PD370-150)