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**Section: THREE  
Chapter: FOUR**

**SUBJECT:** Prisoner Custody  
**ISSUE DATE:** 08-15-16  
**REFERENCE:** NYSA 64.1

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**I. POLICY**

- A. To ensure the safety of the public, the officers and persons in custody, the following policy outlines the procedure for transporting "In-Custody" persons and their transportation in police vehicles.
- B. While transporting individuals that are "In-Custody," it is the responsibility of department personnel to ensure their personal safety and the following:
  - 1. The safety of arrested persons.
  - 2. The safety of other law enforcement personnel.
  - 3. The safety of the public.
  - 4. The employment of appropriate safeguards to restrict the opportunity for escape.

**II. PROCEDURES**

**A. General**

- 1. With only limited exceptions, all prisoners will be transported in secure, cage-equipped, marked patrol vehicles.
- 2. When a transport is made, the officer will notify the dispatcher of same, along with his/her location and final destination (station, WCJ). When transporting members of the opposite sex of the officer, starting and ending mileage will also be transmitted. The transporting officer will proceed directly to the destination by using the quickest and/or most direct practical route.
- 3. Persons known or believed to be under the age of 16 years will not be transported with an adult prisoner.\*
- 4. Male and female prisoners will be transported separately unless they are members of the same immediate family and not a threat to each other.\*
- Exception to these procedures can be made when, in the judgment of the officer, it is not detrimental to either individual involved to be transported together (i.e., mother and infant, co-defendant, etc.).

**B. Arm Restraints**

- 1. All arrested persons will be handcuffed. Handcuffs will be double locked. Officers will comply with directives in G.O. 3-1-2016 paragraph III.
- 2. Prisoners will be handcuffed with both hands behind their back with their palms facing out.
- 3. Officers transporting individuals to the Palmyra Police Department may choose to handcuff in front due to a prisoner's deformity or disability.

4. If the prisoner is handicapped or elderly to the extent that they do not present a threat, the use of handcuffs shall be at the discretion of the transporting officer (un-handcuffed, handcuffed in front, etc.).
5. Prisoners who are to be transported from the Palmyra Police Department to any other destination will be handcuffed. The handcuffs will be double locked.
  - a) The transporting officer may, at his discretion, consider utilizing a "Transport Belt" to handcuff the prisoner.
  - b) When an officer is transporting a prisoner over a long distance the prisoner will be handcuffed utilizing a "Transport Belt".

NOTE: **Caution** should be used when utilizing the "Transport Belt" due to the officer's weapon being exposed to the prisoner. Prisoners should be escorted on the officer's weak side (not the gun side) to avoid exposure.

#### C. Leg Restraints

1. All persons who are handcuffed and continue to resist by using their legs attempting to injury, damage property, or are attempting to escape, will have their legs restrained.
2. Leg restraints are part of the equipment of each marked Police Vehicle.
3. Leg restraints will be applied in accordance with Departmental training guidelines.
4. The individual is then placed in the rear of the Police Vehicle as per training.
5. Every effort should be made to place the individual in a sitting position in the rear of the Police Vehicle.
6. If after restraining the individual with the leg restraints, the individual continues to remain violent, the individual is to be carried to the police vehicle. The "In-Custody" subject is **never** to be what is commonly referred to as "Hog Tied" with is using a method to secure the subjects restrained hands to his ankles..
7. When the use of the leg restraints is deemed necessary and the restraints are placed on an "In-Custody" individual, the leg restraints will not be removed until the subject is secure in the station.
8. Any time the leg restraints are utilized a **PALMYRA POLICE DEPATRTMENT SUBJECT MANAGEMENT RESISTANCE REPORT** will be filed.

#### D. Police Vehicles

1. Officers will search their assigned vehicles at the beginning and end of each tour of duty.
2. Officers will search their vehicles after transporting any person.
3. Any weapon, dangerous article, or contraband will be secured for safe keeping or evidence according to Department property/evidence procedures.

#### E. Searching of Prisoners

1. All persons taken into custody will be thoroughly searched for weapons, evidence, means of escape, and/or contraband prior to being transported.
  - a) The arresting officer will conduct the initial search.
  - b) Prior to transporting the prisoner, the transporting officer, if other than the arresting officer, will also search the suspect.
  - c) All property seized as a result of such a search will be noted and the property will be processed according to established departmental procedures.
  - d) Persons in custody will not be allowed to possess or use cell phones.

- e) Persons in custody will not be allowed to retain possession of purses, packs, knapsacks, satchel bags, briefcases, etc. Officers should be aware of current constitutional limitations in searching those "luggage" items.
  - f) The transporting officer, after arraignment, will be responsible for retrieving the prisoner's property. Any prisoner property that will not be accepted by the Wayne County Jail will be held for safe keeping by this Department. The transporting officer will file a Property Report and issue the prisoner a receipt for the property that is being kept for safekeeping.
2. Whenever possible, prisoners will not be searched by officers of the opposite sex. Exceptions:
- a) There is reason to believe that the prisoner possesses something capable of injuring him/herself, the officer, or others.
  - b) There is reason to believe that the prisoner has evidence or contraband hidden about their person and that such evidence is in imminent danger of being disposed of or destroyed.
  - c) Should such a search take place, an on-duty supervisor will be notified prior to the search and will be present during the search if possible.
- F. Positioning Prisoners for Transportation
- 1. When one officer is transporting one prisoner, the prisoner will be positioned in the rear seat on the side opposite the officer driving.
  - 2. When one officer is transporting more than one prisoner, the prisoners will be located in the rear seat.
  - 3. When two or more officers are involved in transporting a prisoner(s) in the same vehicle the prisoner(s) will be positioned in the rear seat and the assisting officer will be positioned in the front seat in such a manner as to see the prisoners at all times.
  - 4. Officers will not engage in any type of pursuit or operate in the emergency response mode while transporting a prisoner.
  - 5. Officers will not respond to other calls for service unless there is a clear risk of grave injury to another person. The safety of the prisoner will not be put at risk.
- G. Prisoner Communication
- 1. Transporting officer will not allow prisoners to communicate with other people while in transit unless the situation requires it.
  - 2. Prisoners will not be allowed to retain cell phones while in custody.
    - (a) Cell phones will be secured along with other personal property.
- H. Arrival at Destination
- The transporting officer, upon arriving at his/her destination with the prisoner, will follow these procedures:
- 1. Palmyra Police Department:
    - a) The transporting officer will remove the defendant from the vehicle and immediately enter the station.
    - b) Any property taken from the prisoner will be inventoried and bagged.
    - c) If necessary, the prisoner will be handcuffed to the bench in the processing area.
    - d) The defendant will remain the direct supervision of an officer. Prisoner processing (arrest forms, photographs, fingerprints, breath tests, etc.) will take place in this area as expeditiously as possible.

- e) In the event the defendant wishes to make a phone call, at least one completed telephone call may be made on a department telephone. Additional calls can be made as needed to arrange bail, contact an attorney, etc. Call(s) will be noted.
- f) Juveniles transported to the police facility:
  - (1) Juveniles will not be restrained on the bench in the processing area.
  - (2) Juveniles must be closely supervised until they are turned over to parent, guardian, relative, Youth Officer or transported to a juvenile facility.
  - (3) Juveniles may be placed in a Patrol Interview Room, with the door left open and the Juvenile monitored.

#### I. Detention Facilities

- 1. Firearms will be secured in the designated place at the facility being entered.
- 2. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secured.
- 3. All necessary forms (commitment, arrest report, property forms, etc.) will be submitted to the intake person at the receiving facility. In situations that require it, the transporting officer will ensure that proper signatures are obtained on forms to be returned to the department and/or that all necessary forms needed by the detaining facility are completed.

#### J. Special Transportation Problems

- 1. Handicapped Prisoner
  - a) When transporting a handicapped prisoner, the transporting officer will request assistance if needed to ensure the transport is completed in the most convenient, comfortable, and safe for both the prisoner and the officer.
  - b) The transporting officer will ensure that any special equipment or medicine in the prisoner's possession, that is necessary for his/her well-being, is also transported.
  - c) When the handicap is such that no danger of escape or injury to the public, officer or prisoner exists, then restraining devices may be inappropriate.
- 2. Injured/Sick Prisoners or Prisoners needing Mental Health Evaluation
  - a) Prisoners who complain of illness or injury and are in need of medical treatment will be evaluated by EMT's and if necessary, will be transported to a hospital prior to being transported to a police facility.
    - (1) The decision to transport by police vehicle or ambulance will depend on the seriousness of the injury or illness.
    - (2) If transportation by police vehicle may aggravate the condition, or there is any doubt regarding the seriousness of the illness or injury, an ambulance will be called.
    - (3) The arresting officer (or other available officer) shall accompany the prisoner to the hospital. Based on the circumstances, the officer must decide whether to accompany the prisoner in the ambulance or follow with the patrol car.
  - b) Prisoners who need mental hygiene evaluation do to verbal or physical threats.
    - (1) The decision to transport by police vehicle or ambulance will depend on the severity of the situation.
    - (2) If transportation by police vehicle cannot be done safely do to prisoners behavior an ambulance will be called.
    - (3) The arresting officer (or other available officer) shall accompany the prisoner to the hospital. Based on the circumstances, the officer must

decide whether to accompany the prisoner in the ambulance or follow with the patrol car.

3. Injured / Hospitalized / or Deceased Prisoners
  - a) **The Chief of Police will be immediately notified in any instance of an injured, suddenly ill or deceased prisoner.**
  - b) All prisoner injuries or illnesses that occur in police custody should be recorded on **PALMYRA POLICE DEPARTMENT SUBJECT MANAGEMENT RESISTANCE REPORT.**
  - c) The coroner will immediately be notified of any in custody death.
  - d) If the prisoner must be admitted to the hospital the arresting officer may issue an appearance ticket. If an appearance ticket cannot be issued, the arresting officer will arrange for arraignment of the prisoner by a magistrate.
  - e) If a prisoner becomes ill while at the police facility, an ambulance should be called to transport him/her to a hospital.
4. Violent Prisoners
  - a) Violent prisoners will remain restrained.
  - b) Violent prisoners will remain restrained during all medical and mental health evaluations. If a medical supervisor or treating physician requires the removal of restraints, the officer will do so only after advising the requesting person of the potential for injuries to others.
  - c) Violent prisoners will remain restrained during arraignment. If the judge or justice requires the removal of restraints, the officer will do so only after advising the requesting person of the potential for injuries to others.

#### K. Prisoner Escape

1. In the event a prisoner escapes, the attending or transporting officer will immediately:
  - a) Notify the dispatcher of the escape and provide pertinent information such as physical description, direction of travel, and location.
  - b) Request assistance necessary assistance to retrieve the escaped prisoner.
  - c) Notify an on-duty supervisor and the Chief of Police.
2. The attending or transporting officer will ensure a crime report is completed regarding the escape. The officer will also submit a memorandum to the Chief of Police upon returning to the department explaining the circumstances of the escape.

#### L. Reports

1. All reports and other related documents to be completed in conjunction with the arrest and transportation of a defendant and shall be completed prior to the officer returning to service unless an emergency requires his/her response. Documents should be completed prior to the officer terminating tour of duty. A supervisor can allow reports to be placed on hold to be completed on the officer's next tour of duty.
2. The arresting officer is responsible to see that fingerprints and photographs when required by law) are taken prior to the arraignment and/or release of the arrested person.
3. The arresting officer will fill out the appropriate records at the Department or other detention facility as required.

By the Order of:

David B. Smith  
Chief of Police