



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 530	Effective Date: December 1, 2021
Subject: Prisoners and Persons in Custody	
Reference Standards: 42.1, 43.8, 64.1	
Rescinds: G.O. Issued May 4, 2021	
Page 1 of 10	Attachment(s): A- Strip search form

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 safe guards 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. The transporting officer will advise the Wayne County 911 dispatcher by radio of the transport and indicate the starting location, destination, sex of the person(s) being transported, and the odometer mileage.

3. Persons known or believed to be under the age of 18 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, codefendant, etc.).

B. Arm Restraints

1. All arrested persons will be handcuffed. Handcuffs will be double locked.
2. Prisoners will be handcuffed with both hands behind their back with their palms facing out.
3. Officers transporting individuals to the Macedon 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 Macedon Police Department to any other destination will be handcuffed. The handcuffs will be double locked.

C. Leg restraints

1. All persons who are handcuffed and continue to resist by using their legs to cause personal injury or property damage or attempt to escape must have their legs restrained. The leg restraint to be utilized is the polypropylene webbed belt commonly referred to as the Hobble. This restraint is constructed with a bronze snap at one end, and the other end permanently inserted through a jawed alligator clip.
2. To apply the Hobble, ideally the handcuffed person should be placed on the ground, on his/her stomach, in a prone position. The officer should then ground-stabilize the person. The end of the Hobble containing the alligator clip must be expanded to form a loop. The person must be ordered to cross his/her ankles or must be assisted to do so by a second officer. The loop must then be placed around the person's ankles and pulled taut. The officer can then control the slack end of the Hobble. Officers will minimize the facedown exposure of the person. The person must then be placed on his/her side or in a seated position.
 - a) If the person stops resisting, the Hobble may be moved up to his/her knees to allow him/her to walk to the police vehicle.
 - b) If the person continues to remain violent, he/she must be carried to

the police vehicle. A handcuffed and hobbled person must **never** be "hog-tied" by having the Hobble secured to the handcuffs.

3. The handcuffed and hobbled person must then be placed in the rear of the police vehicle, and the slack end of the Hobble must be secured within the vehicle. Every effort should be made to place the person in a sitting position in the rear of the police vehicle.
4. If a person secured with a Hobble requires transport to a hospital via ambulance, the slack end of the Hobble must be secured to the gurney. An officer must ride with the person in the ambulance, and the Hobble may only be removed when and if requested by attending medical personnel.
5. The Hobble must not be removed until the person is in the secure detention area or a holding cell.
6. The person must **never** be left unmonitored while the hobble is in place.
7. Any time the Hobble is utilized, a Subject Management Resistance Form must be completed and filed pursuant to General Order 315.

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 or after any person has been seated in the back of the police vehicle.
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) Prior to transporting the prisoner, the transporting officer, if other than the arresting officer, will also search the suspect.
 - b) All property seized as a result of such a search will be noted and the property will be processed according to established departmental procedures.
 - c) Any prisoner property that will not be accepted by the Wayne County Jail or destination facility, will be held for safe keeping by this department. The transporting officer will file a Property Custody Report and issue the prisoner a receipt for the property that is being kept for

safekeeping.

2. Strip Searches:

a) Strip searches will only be conducted under the following circumstances:

- (1) When there is reasonable suspicion to believe that the prisoner is concealing and in possession of:
 - (a) Weapon
 - (b) Drugs or Drug paraphernalia
 - (c) Other contraband that may be injurious to the prisoner and/or officers, aid in the prisoner's escape, or is prohibited by law; and
- (2) The officer must be able to articulate why he/she believes the prisoner is in possession of such article and why he/she believes the prisoner is concealing the article on his/her person; and
- (3) The officer must receive the authorization of a supervisor to conduct a strip search.

b) Upon conducting a strip search the officer must complete a "Strip Search Form" (Attachment A) outlining the following:

- (1) Prisoner's Name
- (2) Prisoner's date of birth
- (3) Prisoner's RIC Booking Number
- (4) Date of the search
- (5) Time search began
- (6) Time search ended
- (7) Names of individuals present during the search
- (8) Brief narrative circumstances surrounding the search
- (9) Name of Authorizing Supervisor
- (10) Signature of Authorizing Supervisor
- (11) Name of Search Officer

(12) Signature of Search Officer

c) The completed "Strip Search Form" will be forwarded with the arrest package for filing.

3. Cavity Searches:

a) Searches that require the physical removal of an object from inside a prisoner's body is a Cavity Search

b) Cavity searches will only be conducted under the following circumstances:

(1) When there is **probable cause** to believe that the prisoner is concealing and in possession of:

(a) Weapon

(b) Drugs or Drug paraphernalia

(c) Other contraband that may be injurious to the prisoner and/or officers, aid in the prisoner's escape, or is prohibited by law; and

(2) The officer must obtain a search warrant authorizing the search of the prisoner; and

(3) Upon receipt of the signed search warrant the prisoner is to be transported to a medical facility where the officer is to request trained medical personnel conduct the search, while in the presence of the officer, and remove the contraband item (s).

(4) The officer must receive the authorization of a supervisor to conduct a strip search.

4. 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, the Patrol or Administrative Sergeant will be notified prior to the search and will be present during the search if possible.

E. 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.

F. Prisoner Communication

Transporting officer will not allow prisoners to communicate with other people while in transit unless the situation requires it.

G. Arrival at Destination

The transporting officer upon arriving at his/her destination with the prisoner will follow these procedures.

1. Macedon Police Department

- a) Advise the Wayne County 911 dispatcher by radio of the ending destination and the odometer mileage.
- b) The officer will remove the prisoner from the vehicle and enter the police department building.
- c) Handcuffs can then be removed from the prisoner and the prisoner can be secured to the detention bench or remain with an officer.
 - (i) Persons in custody should NEVER remain unattended in the book room. If an officer needs to leave the booking room, the person in custody should be handcuffed to the bench.
- d) In the event the prisoner wishes to make a phone call, at least one completed telephone call may be made. Additional calls can be made as

needed to arrange bail, contact an attorney, etc).

e) Juveniles will be transported to the Macedon Public Safety Building

(1) Juveniles must be closely supervised until they are turned over to parent, guardian, relative, or transported to a juvenile facility.

(2) Juveniles may be placed in the interview room with the door left open and the Juvenile monitored.

2. Other Detention Facilities

- a) Firearms will be secured in the designated place at the facility being entered.
- b) 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.
- c) All necessary forms (commitment, arrest reports, 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.

H. Special Transportation Problems

1. Transported Prisoners by Officer of Different Sex

The transporting officer will:

- a) The officer will advise the Wayne County 911 dispatcher, by radio, of the transport and indicate the starting location, destination, sex of the person(s) being transported, and odometer mileage.
- b) The transporting officer will proceed directly to the destination by using the quickest and/or most direct practical route.
- c) Upon completion of the transport, the officer will advise the Wayne County 911 dispatcher by radio of the ending destination and the odometer mileage.

2. 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 wellbeing, 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.
 - d) A supervisor is to be notified prior to transporting a handicapped prisoner.
3. Detainees requiring medical or mental health evaluation and/or treatment
- a) If a person in custody is found or observed to be unresponsive or unconscious, the officer making such observation, must promptly:
 - (1) Request EMS respond to the scene
 - (2) Request a supervisor respond to the scene
 - (3) Monitor the person and/or provide emergency medical attention to that person as is reasonably practicable, until EMS arrives.
 - b) Persons taken into custody who display a substantial risk of physical harm to themselves or others through their threats and/or actions must be transported to a hospital for mental health evaluation pursuant to Section 9.41 of the New York State Mental Hygiene Law. Officers must follow the procedures outlined in General Order 446.
 - c) Persons taken into custody who complain of illness or injury and are in need of medical treatment will be transported to a hospital prior to being transported to a police facility.
 - (1) All persons in custody requiring medical or mental health evaluation or treatment will be transported to a hospital by ambulance unless special circumstances exist that make transportation by ambulance not practical. The decision to transport an injured/sick person in custody will be made by the Patrol Sergeant or Administrative Sergeant. If not on duty the on-call Sergeant must be contacted by telephone to make the decision.
 - (2) The arresting officer (or other available officer) shall accompany the person in custody 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) 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.
- (4) If a prisoner becomes ill or injured while at the Macedon Police Department Public Safety Building, an ambulance will be called to transport him/her to a hospital.
 - (a) The Patrol or Administrative Sergeant is to be notified in the event a person in custody is injured or sick.

4. Violent detainees

- 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.
- d) A supervisor is to be notified whenever a violent or suicidal person is taken into custody.
- e) Officers are permitted to place a department issued spit sock hood over the head of any in-custody person who is spitting at or threatening to spit at others. The officer who utilizes the spit sock hood must:
 - (1) Maintain visual observation of such person while the spit sock hood remains in place, in order to monitor the physical condition and well-being of the subject.
 - (2) Document the use of the spit sock hood and the circumstances surrounding its use in the corresponding report of the incident.

I. Prisoner Escape

- 1. In the event a prisoner escapes while being transported, the 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 from the police agency having jurisdiction where the escape took place.
 - c) Notify the Patrol or Administrative Sergeant if on duty or the Chief of Police if no Sergeant is on duty.
2. The transporting officer will offer his/her services in order to recapture the escapee as soon as possible.
 3. The 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.

K. 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. The Patrol Sergeant or Administrative Sergeant 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 Order of the Chief of Police

John P. Colella

John P. Colella (Nov 26, 2021 08:28 EST)

John J. Colella
Chief of Police

Dated this 26th day of November, 2021