

**COUNTY OF MONROE  
OFFICE OF THE SHERIFF  
ROCHESTER, NEW YORK**

<b>GENERAL ORDER JAIL BUREAU</b>	<b>DATE OF ISSUE January 25, 2011</b>	<b>EFFECTIVE DATE January 26, 2011</b>	<b>No. 24-11</b>
<b>SUBJECT: GENERAL ORDER  Forensic Unit Operations</b>		<b>DISTRIBUTION  Jail Bureau Personnel</b>	<b>AMENDS</b>
<b>REFERENCE: Correction Law 508 &amp; 601; Criminal Procedural Law 330.20 &amp; 730</b>			<b>RESCINDS 24-J-06</b>

**Purpose:** To set forth the duties and responsibilities of Monroe County Sheriff's Office (MCSO) personnel assigned to the Rochester Psychiatric Center Regional (RPC) Forensic Unit.

**Policy:** MCSO will implement a system of security within the RPC Forensic Unit and will be responsible for the custody of inmate patients admitted under **Section 508** of the **Correction Law** and pursuant to **Sections 330.20** and **730** of the **Criminal Procedural Law**. The operation of the unit is governed by the New York State Mental Hygiene Law, as well as the applicable sections of Criminal Procedural Law and Correction Law. MCSO will maintain the safety, security and good order of the facility as set forth in the Official Compilation of Codes, Rules and Regulations of the State of New York as well as the Office of Mental Health and the Rochester Psychiatric Center.

**I. Definitions**

**Inmate Patients:** Any individual, who is committed to the Jail/Correctional Facility who has been admitted to, and referred for treatment, provided by the RPC Forensic Unit. Admissions will be determined by joint decision of the New York State Office of Mental Health Bureau of Forensic Services and the New York State Commission of Correction Medical Review Board.

**II. General Provisions**

- A. The New York State Office of Mental Health Bureau of Forensic Services and the New York State Commission of Correction Medical Review Board jointly assigns inmate patients to the RPC Forensic Unit.
- B. The Sheriff contracts with counties outside of Monroe County to act as a substitute jail for those counties that have inmates referred for treatment to the Forensic Unit by the New York State Office of Mental Health and the New York State Commission of Correction Medical Review Board.
- C. The Executive Director of RPC will appoint a Chief of Service of the Forensic Unit who will carry out the policies mandated by law and interact with the Jail Bureau Command Staff. The Chief of Service will ensure the safety, security, and good order of inmate patients under the jurisdiction of the Monroe County Sheriff and recommend any changes regarding policy and procedure for the unit to the Director. Jail Administration will coordinate decisions made between the Director of RPC and assigned staff regarding policy that may be implemented or modified prior to the policy being sent to the Sheriff for approval.

### III. Security Procedures

- A. Security of the Forensic Unit is governed by policies and procedures mutually approved by the RPC and the MCSO for the Forensic Unit. Staff assigned to the Forensic Unit will be responsible for the inmate patients admitted to the facility under Section 508 of the Correction Law. All unusual incidents will be reported to the Chief of Service of the Rochester Regional Forensic Unit and to the MCF shift supervisor as well as being recorded in the facility log. If an emergency arises, Jail Bureau staff will assist Forensic Unit staff when requested as long as such action does not jeopardize the safety and security of the facility.
1. The RPC Forensic Unit, in coordination with the State of New York, maintains established rules and regulations pertaining to the operation of security within the Forensic Unit and may be more stringent than this general order.
  2. Staff assigned to the Forensic Unit will review a current copy of the Forensic Unit facility rules and regulations and will be held responsible for knowledge and appropriate application of them. The Forensic Unit supervisor(s) and the MCF supervisors will ensure that current copies of the Forensic Unit facility rules and regulations and this order are maintained in the security control room at both MCF and the Forensic Unit.
  3. Staff assigned to the Forensic Unit will be knowledgeable regarding bulletins and announcements posted in the security control room relating to policies and procedures of the Forensic Unit in accordance with **MBGO #01**.
  4. Supervisory tours will be maintained at 30-minute intervals in conjunction with visits, recreation and any other activities at the facility.
  5. MCSO staff members will respond to and be immediately available to all forensic unit staff to assist with non-compliant inmate patients. Members will not engage physically or apply handcuffs unless directed to do so by a Forensic Unit staff member. This will not preclude staff from intervening in any situation where a staff member or inmate patient was at risk of serious physical injury, or if an inmate escape was imminent.
  6. Any incidents of a non-criminal that occur at the Forensic Unit including but not limited to, infractions, inmate injuries and subject management reports, will be documented and reported in accordance with **JBGO #58**, and **MBGO #33**. A MCF supervisor will review all reports generated from the Forensic Unit. Copies of such reports will be provided, upon request, to a Forensic Unit supervisor after Jail Administration's review and approval. Copies of subject management investigations or incidents of a serious nature will only be provided after review by the Superintendent.
  7. All investigations conducted by an outside agency, or Forensic Unit investigative staff that occurred at the Forensic Unit will be referred to the MCSO Internal Affairs Unit in the event that statements are required from MCSO employees.
- Note:** Staff members are expected to comply or assist with requests from a Forensic Unit director, or safety officer supervisor. If such requests conflict with current agency or Bureau directives, a MCF supervisor shall be contacted for further direction.

- B. A supervisor from MCF will complete a supervisory check at the Forensic Unit once each shift, as well as the observation of each 508 patient housed at the facility. These tours, and the current 508 count, will be documented in the unit logbook and noted on JMS in the Supervisor's Log.

**Note:** If only one supervisor is on duty at MCF, or circumstances occur that may preclude a supervisor from being able to leave MCF, the tour may be conducted telephonically, and will be noted as such when logged into JMS.

C. Reporting for Duty

1. Staff assigned to the Forensic Unit will report in uniform for duty at least 15 minutes prior to the commencement hour of their assigned shift in accordance with **MBGO #27**.
2. Staff will not wear his/her OC or cellular telephone within the confines of the Forensic Unit. This will also apply when conducting a supervisory tour.
3. Staff who cannot report for a scheduled tour of duty at the Forensic Unit will notify the on-duty supervisor at MCF and the Central Records Unit at least one hour prior to the start of their tour of duty. Departmental sick leave policy will be adhered to as outlined in **MBGO #18**.
4. Staff members will not be assigned to the Forensic Unit when there are no 508 patients in custody.

D. Shift Change Responsibilities

1. Staff assigned to the Forensic Unit will conduct shift change in accordance with **JBGO #47**. Staff will be briefed by relieving staff and will be aware of all current events relating to the Forensic Unit housing area(s).
2. Relieving staff will conduct a physical headcount of all inmate patients held under Section 508 of the Correction Law. Any headcount discrepancy will be reported to the Forensic Unit Chief of Service, or designee, and Jail Bureau Command Staff through Jail Records immediately.

IV. Substitute Jail Orders

- A. Inmate patients from counties other than Monroe County will **not** be admitted to the Forensic Unit unless the New York State Commission of Correction has issued a substitute jail order.
- B. A verbal notification will be sufficient for admission of an inmate patient to the Forensic Unit. Should the New York State Commission of Correction Medical Review Board issue a verbal substitute jail order, the Medical Review Board will notify both the Forensic Unit and the Monroe County Jail Records Office. In addition, the Forensic Unit and Records Office will be sent written verification of the order.

- C. In accordance with Section 504 of the Correction Law, inmate patients in custody of MCSO may be transported outside the confines of the Forensic Unit in emergency situations when the health of any or all inmate patients is endangered. In such cases, the New York State Commission of Correction will designate another suitable place within the county or the jail of another county for the confinement of some or all of the inmates as the situation requires. The designation may be amended or revoked by the State Commission of Correction by filing such information in writing with the clerk of the County.
- D. Inmates housed on a substitute jail order will be returned by the county of original jurisdiction when the inmate patient is discharged from the Forensic Unit. Should an inmate patient be released from the Forensic Unit to a jurisdiction other than his/her original jurisdiction, prior arrangements must be made with the Monroe County Jail Records Unit.

#### V. Forensic Unit Admission and Discharge

- A. Inmate patients admitted to the Forensic Unit, under Section 508 of the Correction Law, are the responsibility of the MCSO. Custody is **not** relinquished during the course of treatment.
- B. All admissions and discharges of inmate patients under Section 508 of the Correction Law must be reviewed and approved by the Jail Records Office via telephone at 753-4135 and via facsimile at 753-4141. If no 508 inmate patients are housed at the Rochester Regional Forensic Unit, and no deputy is on duty at the unit, it is essential that the Forensic Unit staff notify Jail Records immediately when a 508 inmate patient has been committed to the unit. Notification will then be made to Jail Command staff, who will assign a deputy, preferably from the MCF, to the Forensic Unit prior to the arrival of the 508 inmate patient.
- C. All members assigned to the Forensic Unit will process incoming/outgoing inmate patients following central booking procedures. If an inmate patient is received without a completed Prisoner Data Report (PDR), the booking officer will complete one. In addition, any county requesting blank copies of the PDR will be provided up to ten (10) copies at no expense, for the purpose of assisting and facilitating the transfer of inmate patients.
- D. When admitting an inmate patient to the Forensic Unit, outside counties must present the following documents:
  - 1. One set of the inmate patient's fingerprints and a State of New York Custodial Transfer Information Form pursuant to **Section 601A** of the **Correction Law** as well as a Health Transfer Information Form in accordance with the same section.
  - 2. The commitment document(s).
  - 3. A copy of the Court Order or two (2) Physician's Certificates (2PC).
  - 4. A minimum of two (2) photo identifications.
  - 5. A complete Prisoner Data Report.
- E. Upon completion of processing an inmate patient into the Forensic Unit, the commitment document(s) and PDR will be forwarded to Jail Records for retention with a photograph of the 508 inmate patient.

- F. Inmate patients held on Section 508 of the Correction Law will be released to the county of original jurisdiction upon proper notification by the Chief of Service or his/her designee. The administering physician will initiate and forward a Discharge Notice form to an RPC social worker who will notify the staff member on duty, Jail Records and, in the event the inmate is on a substitute jail order, the county of original jurisdiction.
- G. At the time of discharge, the staff member on duty will ensure the transporting officer signs a body order receipt.
1. The body order will be retained by the staff member on duty and will be attached to the inmate patient file.
  2. In the case of a temporary release for a court appearance, the staff member on duty will be responsible for obtaining a copy of the court order from the transporting agency and must provide said agency with a body receipt before transferring custody of the patient.
  3. A notation will also be placed in the Forensic Unit logbook documenting the date, time and name of the discharged inmate patient and the transporting agency.
- H. MCSO has no jurisdiction over the admission and discharge of patients who are admitted under Sections 330.20 and 730 of the Criminal Procedural Law. Patients admitted under the aforementioned sections of law are the sole responsibility of the Commissioner of the Office of Mental Health. Additionally, MCSO staff is not responsible for the care and custody of patients who are admitted under Section 330.20 and 730 of the Criminal Procedural Law except under the following:
1. When the defendant is in custody at the time a court issues an order of examination, the examination must be conducted at the place where the defendant is being held in custody in accordance with 730.20.3 of the Criminal Procedural Law.
  2. If the director determines that hospital confinement of the defendant is necessary for an effective examination, the Sheriff, or designee must deliver the defendant to a hospital designated by the director and hold him/her in custody therein, under sufficient guard, until the examination is completed.

#### VI. Jail Records Unit Responsibilities

- A. When an inmate patient from Monroe County is sent to the Forensic Unit, the Jail Records Unit will forward all necessary forms and records required in accordance with **Section 601** of the **Correction Law** to include, but not be limited to;
1. A copy of the commitment.
  2. PDR, Suicide Screening Guidelines Form and the inmate processing check list.
- Note:** Jail Records will retain the original commitment, the substitute jail order, one photo identification and a copy of the Prisoner Data Report.
- B. When an inmate patient is in the custody of the Forensic Unit, Jail Records will initiate or close all permanent records as they relate to admission or discharge. In addition, Jail Records will coordinate with the Transport Unit for the transfer of inmate patients to or from court or hospitals, as directed by the MCSO Contract Medical Provider.

**VII. Transportation of Inmate Patients at the RPC Forensic Unit**

- A. The MCSO will be responsible to transport inmate patients under their jurisdiction when the inmate patient leaves the confines of the unit unless the inmate patient is properly discharged from the unit.
  - 1. The deputy on duty at the Forensic Unit and the Prisoner Transport Unit supervisor will coordinate all routine transports.
  - 2. In an emergency situation, the deputy on duty will notify the MCF supervisor and will travel with the inmate patient to the hospital.
  - 3. The MCF supervisor will assign a deputy to respond either to the hospital to relieve staff escorting the inmate patient, or report directly to the Forensic Unit.
- B. Jail Records will be advised and will approve all routine transports before an inmate patient under the custody of the MCSO may be removed from the unit. In an emergency situation that affects the safety, security and good order of the unit or health and welfare of the inmate patient, Jail Records will be notified as soon as possible if such transfer becomes necessary.
- C. Any county utilizing the Forensic Unit under Section 508 of the Correction Law will be expected to transport each inmate patient transferred on a substitute Jail order to the unit. The county having original jurisdiction over the inmate patient will return the inmate patient to their jurisdiction when the inmate patient is discharged from the unit by competent authority.

**Note:** Previous arrangements must be made with the MCSO Jail Records staff prior to discharge when an inmate patient is being released to a jurisdiction other than the original jurisdiction having control of the inmate patient.

**VIII. Interagency Notification of Medical Information**

- A. The MCSO recognizes the right to privacy that each person has in regard to their medical record and history. Because the Sheriff does not relinquish custody of inmate patients, he/she retains the right to be provided with information necessary to provide for the health and welfare of inmates under his/her jurisdiction.
- B. The Jail Contract Medical Provider will interact with the RPC Forensic Unit to ensure the proper flow and documentation of information relating to the treatment of inmate patients under the jurisdiction of the MCSO.
- C. The Contract Medical Provider supervisor will act as the liaison between the Forensic Unit, MCSO Jail Bureau Command Staff and the Sheriff, providing medical expertise in facilitating decision-making in the area of medical and mental health policies in accordance with **JBGO #31**.

**IX. Inmate Patient Activities/Services**

**A. Inmate Visitation**

Staff will conduct inmate patient visits in accordance with the general procedures stated in **JBGO #2**.

1. All visits will be held in the visiting room on the first floor during the following hours:
  - a. Weekdays - 1830 - 2000 hours.
  - b. Weekends - 1300 - 1500 hours and 1830 - 2000 hours.
  - c. Observed Legal Holidays – 1300 – 1500 hours and 1830 – 2000 hours.
2. Only two visitors will be allowed to visit at a time. All visitors must provide staff with valid picture identification or two non-photo identifications. Metal detectors will be used to screen all visitors prior to entering the visitation area in the Forensic Unit.
3. All visitors will be logged in a visiting area log book, noting the date, time in, time out, staff member's name, IBM # and the inmate patient's name. All inmate patients under Section 508 of the Correction Law will have their visits logged on cards that will include the visitor(s) name and address. Visitor cards will be kept on record in the inmate patient's file.
4. In accordance with RPC policy, visitors entering the Forensic Unit without a parent or guardian must be at least eighteen (18) years of age and show appropriate photo identification. Visitors who are under eighteen (18) years of age must be accompanied by either a parent or legal guardian. In addition, any one under twelve (12) years of age will not be allowed in the visiting area unless prior approval has been given by the parent(s) of the infant or legal guardian and the inmate patient's administering physician.
5. Inmate patients **will not** be allowed to receive any item(s) directly from visitors. Staff will accept property after it has been screened for contraband and suitability in the Forensic Unit. Security staff and the inmate patient's administering physician will make this determination.

**B. Recreation**

Recreational activities available to inmate patients are dependent upon the clinical condition of the inmate as determined by staff and the administering doctor. Jail Bureau staff and RPC staff, supervise all activities. Activities include library and music rooms, game room, ceramics and woodworking rooms, exercise room, outside yard and lounge.

**C. Inmate Correspondence**

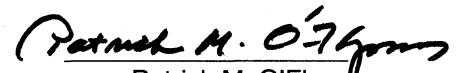
1. Inmate patients may correspond with and receive correspondence from any person. Outgoing correspondence will be sealed by the inmate patient and will not be read or censored. Postage will be provided by the facility for a reasonable number of letters each week. Writing materials will be provided upon request.

2. Incoming correspondence will be delivered directly to inmate patients sealed. Upon receipt, the receiving inmate patient must then immediately open all correspondence in the presence of a staff member and allow staff to search the correspondence for contraband.

D. Commissary

All commissaries are controlled and distributed by RPC staff or the approved contract vendor. Inmate patients will be allowed to place commissary orders on a weekly basis. Inmate patient accounts will not exceed \$250.00. In addition, the administering physician will determine restrictions pertaining to amounts and types of commissary allowable for inmate patients based upon the inmate patient's clinical condition. All orders will be completed and distributed by RPC staff.

By Order of the Sheriff,

  
Patrick M. O'Flynn

\* Indicates a significant change from the previous order