

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

<b>GENERAL ORDER MULTI-BUREAU</b>	<b>DATE OF ISSUE April 19<sup>th</sup>, 2019</b>	<b>EFFECTIVE DATE April 19<sup>th</sup>, 2019</b>	<b>No. 022-19</b>
<b>SUBJECT: GENERAL ORDER Prisoner Custody, Transport &amp; Treatment</b>		<b>DISTRIBUTION All Personnel</b>	<b>AMENDS</b>
<b>REFERENCE: NYSLEAP – 64-1.</b>			<b>RESCINDS 022-08</b>

**Purpose:** To establish and define policy for the Monroe County Sheriff's Office (MCSO) relative to the handling, movement, and treatment of persons held in lawful physical custody.

**Policy:** Arresting deputies shall be responsible for the safety and security of all prisoners in their custody. Court security deputies are to refer to **CSGO-002 Courtroom Prisoner Custody by Order of a Judge**, when dealing with prisoners in court.

**I. Operational Arrests:**

- A. When a deputy affects the physical arrest of a person, such person must be handcuffed and searched according to current regulations and **MBGO-005 Use of Restraining Devices**.
  - 1. When an arrest warrant is executed, deputies shall reference **MBGO-017 Arrest Procedures**.
  - 2. Unlawful or unnecessary force shall not be used in effecting an arrest, nor shall any prisoner in custody be subjected to harassment, abuse, or intimidation.
  - 3. In the event a prisoner is complaining or exhibiting symptoms of being ill, is ill or injured, he/she shall be provided with medical attention as soon as practicable.
    - a. Where medical attention is required, a supervisor or command officer shall be promptly notified.
    - b. In all cases where an ill or injured prisoner is in custody, he/she shall be attended to before incarceration.
    - c. Necessary and appropriate precautions shall be taken with the handling of all prisoners, especially those suspected of having infectious diseases.

\* B. All prisoners shall be handled with caution, as violators taken into custody for minor offenses, may be fugitives wanted for more serious crimes. All Inmates will be treated the same, regardless of their charges.

- \* 1. When transporting prisoners in a Sheriff's vehicle, the prisoner must be handcuffed (double locked) with their hands behind their back and searched by the transporting officer prior to being placed in a vehicle. The prisoner shall then be placed in the right rear screened portion of the vehicle, so as to be observable by the deputy-driver. When two (2) deputies are transporting a prisoner, the prisoner will be located in the rear seat in such a way as to be in clear view of the deputy-passenger. Seatbelts must be utilized at all times in patrol vehicles.
2. When transporting prisoners without the safety barrier, and the officer is alone, the prisoner shall be handcuffed (double locked) with their hands behind their back and searched. The prisoner shall be placed in the front passenger seat and belted in. If the officer has a partner, the prisoner shall be handcuffed (double locked) with their hands behind their back and searched. The prisoner shall be placed in the rear passenger seat with the other officer seated in the rear, behind the driver.

\* Note: There may be exceptional circumstances where prisoners cannot be handcuffed behind their back. Exceptional Circumstances may include but not be limited to: pregnancy issues/*NYS Corrections Law 611*, pre-existing injuries, exigent circumstances, and subject factors (age, size).

3. Where more than one (1) prisoner is in custody and must be transported, they shall be handcuffed with hands behind their backs, utilizing the assistance and equipment of another deputy where necessary.
- \* 4. At no time will members lose sight of or leave a prisoner unattended. Deputies must maintain direct supervision of those prisoners in their care and custody.
5. When transporting prisoners, deputies shall not engage in any other law enforcement activity until the transport has ended. Exceptions to this rule shall only be made for situations where the need outweighs the risk of prisoner injury or escape. During long distance transports, care must be taken when stopping for fuel, meals, or for allowing prisoners the reasonable opportunity to use the toilet facilities. Locations should be alternated and randomly selected.

Note: In most circumstances the deputy should call for assistance of another unit/agency, rather than jeopardize officer or prisoner safety and custody.

6. Female prisoners will be searched by female deputies and male prisoners will be searched by male deputies. This requirement shall not apply when deputies reasonably suspect that they are in danger of physical injury (reference CPL 140.50, Stop and Frisk).
7. Deputies transporting prisoners shall, before departing their location, notify the Emergency Communications Department (ECD) via voice radio or MDT of their assignment, starting location, destination address, vehicle odometer mileage, total number and gender of prisoner (s) and further, shall request a time check. Upon arrival at the indicated destination, the same procedure will be followed.
8. When transporting prisoners deputies shall, to the extent possible, discourage any conversation between prisoners and those individuals not involved in the transport (i.e., family members, attorney, associates, etc.). In cases of multiple arrests, it is preferable to transport each defendant in a separate vehicle so that communication is minimized.
9. When transporting prisoners with a van or similar vehicle, the same safeguards previously noted shall apply. Gender sensitivity must be adhered to so that prisoners of mixed gender are separated by rows with the lesser number of gender specific prisoner being seated closest to the front. As always, continuous supervision is required.

## C. Vehicle Inspection:

1. All vehicles will be inspected in accordance with MBGO-032 Agency Vehicles, Vessels and Motor Bicycles.
2. Department vehicles will be checked for contraband, weapons and other property prior to and after each transport of a defendant/prisoner.

## D. Medical Care:

1. Prisoners taken to hospitals for medical treatment will be handcuffed, if physically possible, as per current procedures **MBGO-033 Response to Resistance Aggression & Subject Management Reports**.
2. A supervisor will determine the appropriate number of staff members to accompany a prisoner(s) in a medical facility dependent on but not limited to:
  - a. Past/current behavior
  - b. Legal status (fugitive, non-sentenced, sentenced)
  - c. Criminal history
  - d. Escape history
  - e. Known threats against the inmate
  - f. Gang Affiliation
  - g. Medical and mental health history
  - h. Any other information pertinent to making the decision
3. If the attending physician or nurse requests that restraints be removed, the deputy will advise the hospital personnel of any suspicions of violence or escape risk. If there is a difference in opinion between medical staff and transporting deputy, the deputy's supervisor will be notified and will make the final decision, **MBGO-005 Use of Restraining Devices**.

## E. Court Appearance:

Members will inform presiding judges when a detainee is considered an unusual security risk. The judge and transporting deputy may then make a determination as to the necessity for restraining devices. If the judge and deputy have different opinions as to the practicality of removing handcuffs, the deputy's supervisor will be notified and respond to the area for security assessment. Final decision will ultimately be made by presiding judge.

## F. Escape from Custody:

1. If an escape occurs while transporting an inmate within Monroe County, staff will contact the ECD by radio on the Sheriff's primary frequency or call 911 should a radio not be available. The ECD will be provided with as much information as possible, inclusive of description of the prisoner, mode and direction of travel, charges, etc.
2. The transporting deputy will contact his/her immediate supervisor. The supervisor will coordinate further actions to be taken, such as, establishing a perimeter, initiating a search, directing additional units. The supervisor will also begin the notification process, to include a command officer, the Internal Affairs Unit and the Criminal Investigation Section. The supervisor will advise the member as to the type of report necessary for documentation of the incident.
3. If an escape occurs while transporting an inmate outside of Monroe County;
  - a. Jail staff will utilize their point-to-point radio to channel #1, which is monitored by state and local police agencies, and broadcast their location and as much information about the escaped individual(s) as possible. Assisting persons will be asked to contact the shift supervisor with relevant information about the escape.

G. Sick or Injured Prisoner Transports:

1. Persons in custody who are in need of medical assistance will be transported to the nearest medical facility for treatment. Members will advise their immediate supervisor, as well as the ECD of the intent to modify the original destination. The supervisor will make any necessary arrangements for additional security, **MBGO-033 Response to Resistance Aggression & Subject Management Reports**.
2. If transported pursuant to the Monroe County Director's Order for Isolation (*New York State Sanitary Code Section 10 N.Y.C.R.R. 2.1*), the individual will:
  - a. Be transported by ambulance, or under certain circumstances, (i.e., if the individual is cooperative, has no other medical care issues, proximity to the hospital, etc.) a patrol vehicle, at the discretion of the shift supervisor.
  - b. Be handcuffed during transport and, if necessary, at the hospital. In cases of violent, mentally ill persons, if requested to do so by the ambulance crew, members will ride in the ambulance patient compartment. If not, members will follow directly behind the ambulance to the hospital.
  - c. Be restrained in the ambulance if handcuffs alone are not sufficient. Members should request the use of additional restraining devices supplied by ambulance personnel.
  - d. Unless injuries and conditions prohibit, upon arrival at the hospital and to the best extent possible, prior to exposure to hospital personnel (except security), scan the prisoner for weapons using a hand-held metal detector as provided by the hospital. The scanning is to be witnessed by hospital security staff, whose name(s) will be noted by the member in his/her report.
3. Handcuffs will be used in all but extreme circumstances where their use or continued use jeopardizes the life of the prisoner.
  - a. Quick restraint devices are available in all department vehicles designated to transport subjects. Their use should be limited to persons who pose a significant threat to themselves or others (i.e., EDP situations or combative prisoners).
  - b. A disabled or injured prisoner may require handcuffing in the front; however permission must be given by a supervisor, based on a careful evaluation of the circumstances. It should not be assumed that restraint devices are not required of these prisoners.

H. Provisions for Handicapped Prisoner Transports:

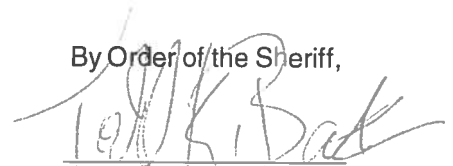
1. Persons arrested pursuant to the Mental Hygiene Law will generally be transported via ambulance. These circumstances require one (1) deputy riding in the ambulance with the person in custody and one (1) deputy following in a patrol vehicle. Exceptions may be authorized by the supervisor.
2. Physically handicapped persons may require special attention. In most cases (depending upon the impairment), the individual may be transported in a patrol vehicle. In unusual cases and when authorized by a supervisor or command officer, the deputy may request the use of an ambulance or other vehicle capable of transporting the individual.

II. Prisoner Intake:

- A. Prisoners remanded to the custody of the Sheriff, will not be accepted into the jail facility without a proper commitment or securing order from the court.

- B. Transporting deputies will follow the security regulations of the agency where the prisoner is being transported. Weapons and ammunition will be secured before entering the institution.
- C. Prisoners brought into the jail facility shall be escorted into the receiving area of Central Booking and will remain in handcuffs until accepted by booking personnel. Required documents (prisoner data report and commitment order) must be submitted to the booking deputy prior to acceptance of the prisoner.
- D. Deputies shall advise the receiving agency personnel of any potential medical, mental health or security concerns.

By Order of the Sheriff,



Todd K. Baxter

\* Indicates significant change from the previous order.