

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

<b>GENERAL ORDER POLICE BUREAU</b>	<b>DATE OF ISSUE March 24, 2026</b>	<b>EFFECTIVE DATE March 24, 2026</b>	<b>No. 051-26</b>
<b>SUBJECT: GENERAL ORDER  Temporary Detention</b>		<b>DISTRIBUTION  Police Bureau Personnel</b>	<b>AMENDS</b>
<b>REFERENCE: NYSLEAP 50.4, POLICE REPORTABLE INCIDENT MANUAL</b>			<b>RESCINDS 051-19</b>

**Purpose:** To establish and maintain guidelines for the temporary detention of suspects during an investigation.

**Policy:** A temporary detention holding cell will be used to detain or hold an adult person, for a period not to exceed twenty-four (24) hours, for the purpose of processing, questioning, or testing. If the investigation necessitates a time period longer than twenty-four (24) hours, a command officer of the rank of Captain or higher will be contacted for approval, or the detainee must be transported and held at the Monroe County Jail, issued an appearance ticket, or released.

**Definitions:**

\* **Temporary Detention Holding Cell:** A cell within a Monroe County Sherriff's Office (MCSO) Zone Substation or the Greater Rochester International Airport (GRIA), constructed specifically as an adult holding cell designed to prevent damage to the facility, reduce the potential for self-inflicted injury by the detainee, and to prevent an escape. These cells shall be specifically designated as 'TEMPORARY DETENTION.' At no time, under any circumstances will a juvenile delinquent or adolescent offender be intentionally placed in a temporary detention cell.

\* **Approved Juvenile Interview Room:** Facility designated as a suitable place for the questioning of children. Required specifications include, but are not limited to an office like setting, well maintained, separate toilet facilities ensuring privacy and safety and separate entrance for children. A person will be in attendance with the child whenever the room is in use as a questioning facility. This attendant is not required to be a sworn police officer. Interrogations in these designated rooms must be fully video-recorded, including Miranda warnings and any waivers.

**Interview Room:** A room, area, or space within a Zone Substation, the GRIA, or Headquarters CIS, constructed for the primary purpose of conducting interviews of victims, witnesses, and/or suspects. An interview room may be designated as such or may have an alternate primary purpose.

\* **Detainee:** A person suspected of a violation of law (18 years and older) who is being held for the purpose of investigation, interview, questioning, processing, or testing.

\* **Juvenile Offender (JO):**

1. A person **thirteen** years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the Penal Law or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the Penal Law; and

2. A person **fourteen or fifteen** years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); paragraphs (a) and (b) of subdivision one, paragraphs (a) and (b) of subdivision two, and paragraphs (a) and (b) of subdivision three of section 130.35 (rape in the first degree); former subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of the former section 130.50; 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the Penal Law; or section 265.03 of the Penal Law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the Penal Law; or defined in the Penal Law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the Penal Law.

\* **Juvenile Delinquent (JD):**

1. A person at least **twelve** and **less than eighteen** years of age, having committed an act that would constitute a crime if committed by an adult; or
2. A person over **sixteen** and **less than eighteen** years of age, having committed an act that would constitute a violation as defined by subdivision three of section 10.00 of the NY Penal Law if committed by an adult, where such violation is alleged to have occurred in the same transaction or occurrence of the alleged criminal act; or
3. A person over the age of **seven** and **less than twelve** years of age having committed an act that would constitute one of the following crimes, if committed by an adult: (A) aggravated criminally negligent homicide as defined in section 125.11 of the Penal Law; (B) vehicular manslaughter in the second degree as defined in section 125.12 of the Penal Law; (C) vehicular manslaughter in the first degree as defined in section 125.13 of the Penal Law; (D) aggravated vehicular homicide as defined in section 125.14 of the Penal Law; (E) manslaughter in the second degree as defined in section 125.15 of the Penal Law; (F) manslaughter in the first degree as defined in section 125.20 of the Penal Law; (G) aggravated manslaughter in the second degree as defined in section 125.21 of the Penal Law; (H) aggravated manslaughter in the first degree as defined in section 125.22 of the Penal Law; (I) murder in the second degree as defined in section 125.25 of the Penal Law; (J) aggravated murder as defined in section 125.26 of the Penal Law; and (K) murder in the first degree as defined in section 125.27 of the Penal Law; and who is:
  - a. not criminally responsible for such conduct by reason of infancy; or
  - b. the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the Criminal Procedure Law.
4. Unless specified above, those children under the age of 12 committing a crime will now be referred to the Differential Response Program operated by the Department of Human Services. Personnel complete their investigation per their training and forward all documents and reports along with the Differential Response Referral Form to the Monroe County Family Support Center.

Note: In instances where a child or person is in physical danger, continue to take necessary action to protect lives.

Note: When completing the Differential Response Form, there is no need for depositions or additional paperwork, in addition to the case investigation, as these cases do not go to family court.

\* **Adolescent Offender (AO):**

A person **sixteen or seventeen** years of age is criminally responsible for acts constituting:

1. A felony, as defined in subdivision five of section 10.00 of the Penal Law;
2. A traffic infraction, as defined in subdivision two of section 10.00 of the Penal Law;
3. A violation, as defined in subdivision three of section 10.00 of the Penal Law;
4. A misdemeanor as defined in subdivision four of section 10.00 of the Penal Law, but only when the charge for such misdemeanor is:
  - a. Accompanied by a felony charge that is shown to have been committed as a part of the same criminal transaction, as defined in subdivision two of section 40.10 of the Criminal Procedure Law;
  - b. Results from reduction or dismissal in satisfaction of a charge for a felony offense, in accordance with a plea of guilty pursuant to subdivision four of section 220.10 of the Criminal Procedure Law, unless the proceeding is removed to the family court pursuant to paragraph (g-1) of subdivision five of section 220.10 of the Criminal Procedure Law; or
  - c. A misdemeanor defined in the Vehicle and Traffic Law.

**Processing/Testing Areas** – A room, area, or space within a Zone Substation, the GRIA, or the Mobile Processing Center used for booking or administering breath tests or other procedures.

**Secured Hallway:** A hallway located in all three Zone Substations where temporary detention holding cells and interview rooms are co-located. All departmental issued firearms must be removed and secured prior to entering the Secured Hallway.

\* **Controlled Work Area:** An area located in all county facilities where temporary detention holding cells co-exist along with office, processing, and/or testing equipment. Departmental issued firearms must be removed and secured in a weapons lock box prior to processing and/or placing a detainee into a temporary detention holding cell.

**Constant Supervision:** The uninterrupted personal visual observation of a detainee by staff members responsible for the care and custody of such detainee without the aid of any electrical or mechanical surveillance devices. Staff members will provide continuous and direct supervision by permanently occupying an established post in close proximity to the detainee under Constant Supervision which will provide staff with:

1. A continuous clear view of all detainees under such supervision.
2. The ability to immediately and directly intervene in response to situations or behaviors observed which threaten the health or safety of detainee or the good order of the facility.

**Minor Disturbance** – An occurrence, caused by incarcerated individuals or other individuals acting in concert, which does not result in a loss of control by the established authority, but may threaten the safety, security and good order of a correctional facility (not an assault). Any minor disturbance that requires intervention of:

1. Impact weapons;
2. Mechanical restraints;
3. Electronic Devices;
4. Chemical Agents;
5. Canines;
6. Firearms;
7. Medication ordered by a physician, physician's assistant or nurse practitioner as an emergency intervention.

**Natural/Civil Emergency** – An occurrence, originating outside the facility, of a serious and urgent nature by natural forces or human action resulting in damage, loss, destruction, or injury that requires immediate attention and poses a direct threat to the safety, security, and good order of the facility (i.e., explosions, weather, bomb threats, gas leaks, aircraft accidents, nuclear accidents, assaults on the facility, fire originating outside the facility property, etc.). The requirements are:

1. Any Natural/civil emergency;
2. Any declared county state of emergency; or
3. An evacuation of any part of the facility.

**I. Youth Procedures:**

- \* A. Youth(s) will not be placed in a temporary detention-holding cell. Youths shall only be detained and questioned in an approved juvenile detention interview room designated by the NYS Office of Court Administration (OCA).
- \* B. If a member inadvertently places a youth in a temporary detention-holding cell, or the youth is inadvertently secured, the member will make notifications through their chain-of-command. If the Duty Sergeant confirms the youth was placed in a temporary detention cell, they must contact the MCSO Terminal Agency Coordinator (TAC) assigned to Staff Services or the alternate TAC assigned to Criminal Records immediately. The TAC or their designee must complete a Report of Juvenile Detention to the State Commission of Correction in eJusticeNY within 24 hours of occurrence.
- \* C. When a female youth is being detained or questioned at a Zone Substation, the GRIA, or Headquarters CIS, a female deputy must be present.
- D. When a youth is detained at a Zone Substation, GRIA or Headquarters CIS, every reasonable effort shall be made to ensure that no adult detainees will be within sight or sound of the youth is being detained. This shall include the booking process.
- E. When a youth detainee is being processed in a secured hallway or a controlled work area, an adult detainee may not be processed at the same time, nor shall they be within sight or sound of the youth detainee. Either the adult detainee must be temporarily relocated during the booking process, or the youth must be processed at another Booking Station where there are no adult detainees present or within sight or sound of the youth detainee.

Note: In youth matters, parent(s) or legal guardian(s) will be allowed access as required by law.

**II. Authorization, Supervision and Accountability:**

- A. Members may use a temporary detention holding cell to detain adult suspects during an investigation when there is a need to secure an individual during processing, questioning, or testing. Interview rooms may be used for the purpose of conducting interviews in a custodial or non-custodial manner.
- B. Detention in a temporary detention holding cell without continuous control, observation, and supervision will not exceed (24) hours. Detention in an interview room without continuous control, observation, and supervision will not exceed fifteen (15) minutes.
- C. Members will ensure that detainees are not a threat to themselves or others and that they do not have the opportunity to damage department facilities, property, or to escape from custody. This is to include leaving a detainee unsupervised with any item that may be used as a weapon against themselves or staff (i.e., lighters, soda can, pen, etc.).
- D. Detainees of opposite genders will not be held in the same temporary detention holding cell or interview room. Youth detainees will not be held with adults.  
  
Exception: Parents/Guardians/Attorneys of youths being interviewed will be allowed in the interview room as required by law. Every effort shall be made to ensure that a sight and sound separation from detained adults is maintained at all times.
- E. The member in charge of the investigation is primarily responsible to see that the provisions of this order are carried out; however, all members are accountable for procedures as set forth herein.

**III. Temporary Detention Holding Cells:**

- A. Detainees who are a security risk will only be held in designated temporary detention holding cells. When the designated temporary detention holding cells are not available, other rooms or areas may be used for holding purposes only if necessary, and the member can maintain constant control, observation, and supervision of the detainee and prevent injury and/or escape. Any detainee deemed a threat to themselves regarding attempted suicide/suicide risk will require placement of the detainee on a Constant Supervision. All detainees on Constant Supervision will surrender their belt, personal footwear or shoe laces, or anything deemed dangerous by staff to the detainee's health and/or safety prior to being placed in a cell.
- B. Temporary detention holding cells will have doors that are lockable only from the outside, have a secure reinforced window to allow observation of the detainee, and will have a method for securing a detainee to an immovable object which is designed and intended for such use (i.e., a wall mounted handcuff ring). Zone Substations will have at least one (1) set of handcuffs, one (1) waist-chain, and one (1) set of leg shackles for each holding cell. Members will have the discretion to either utilize a waist-chain and handcuffs to secure the detainee, full chain-cuffs and shackles (CCS), or to attach one (1) handcuff to the wall/seat mounted handcuff ring with the remaining handcuff placed on the detainee's wrist. The cell will be of adequate size as required by appropriate building codes and will have adequate ventilation and lighting; controlled from the outside.
- C. Temporary detention holding cells will be located in close proximity to restrooms and detainees will be allowed access to water, restrooms and other personal needs when

necessary. The member must use good judgement in allowing this access without compromising officer safety, the safety of the detainee, or enhancing the risk of escape.

- D. Members will ensure that all necessary steps are taken to prevent fires and, in the event an evacuation becomes necessary, the member will remove the detainee from the cell immediately.
1. Smoking will not be permitted.
  2. If detainees are not already secured by a waist-chain and handcuffs, or full CCS when removed, they will be handcuffed behind their back and will be taken out of the building via the nearest exit.
  3. Detainees will then be secured in the rear of a screened vehicle or secured in another acceptable location, to ensure the safety of the detainee and to prevent escape.
  4. Members will contact the on-duty supervisor as soon as possible, who will respond and take action according to current directives.
  5. If necessary, the member will summon appropriate assistance (i.e., fire department, EMS, etc.) to suppress the fire and treat the injured. Facility fire extinguishers shall be used when appropriate.
  6. If medical attention becomes necessary, the member will immediately request it through the dispatcher or by dialing 9-1-1 and follow directives in **MBGO-022 Prisoner Custody Transport & Treatment**.
- E. Holding Procedures – Temporary Detention Holding Cell:
1. Prior to using a temporary detention holding cell, members shall remove their agency issued weapon and secure it in an acceptable, locked location, (i.e., lock boxes, shotgun cabinet, locked desk drawer, fleet vehicle trunk). Members will not enter a secured hallway or a temporary detention holding cell while armed with a weapon.
  2. The member will inspect the temporary detention holding cell before securing the detainee and after the detainee's release, to ensure that no weapons or contraband are present and that the security features of the cell are in good order. Security inspections will be noted in the logbook provided for that purpose.
  3. Members will check the safety and security of the detainee at least every fifteen (15) minutes while a detainee is in the temporary detention holding cell. The time of detainee checks will be noted in the logbook, as will the time the detainee is placed in and removed from the cell. Additionally, the condition of the detainee as well as their activities will be noted.
  4. Detainees will be searched in accordance with agency directives prior to entering the cell and will be secured to the immovable ring, placed in a waist-chain and handcuffs, or placed in CCS at all times while in the temporary detention holding cell.
  5. Prior to placing a detainee in a temporary detention holding cell, clothing articles such as ties, belts, and shoes should be removed and kept with any other property taken from the detainee. The removal of shoe laces may substitute the removal of the entire shoe. All personal property belonging to the detainee (i.e., wallets,

lighters, pocket change, cell phones, etc.), will be removed and processed by inventorying, and securing all items in a sealed evidence bag. Sealed evidence bags will be secured outside the temporary detention holding cell and will be returned to the subject upon their release or turned over to Jail Bureau Booking staff if the subject is remanded to custody. All weapons confiscated will be processed according to current directives in **MBGO-016 Property Recovery, Custody & Security**.

6. Only members or other officers involved in the investigation, supervisors, and when necessary, medical personnel are allowed access to the temporary detention holding cell and the detainee.
7. In the absence of a panic or duress alarm system, members will keep their portable radio with them while in a temporary detention holding cell in the event assistance needs to be summoned.
8. Members will take all necessary steps to prevent an escape from a temporary detention holding cell(s). If an escape does occur, procedures as set forth in **MBGO-022 Prisoner Custody Transport & Treatment** will be followed.
9. Pursuant to guidelines established by the New York State Commission of Corrections, detainees being held in temporary detention during the established breakfast, lunch, and dinner time periods will be offered a meal. Additionally, each detainee will be supplied a blanket or bedroll should they complain of uncomfortable temperatures.

Note: Items such as mattresses, bedrolls, toilet paper, soap, paper towels, cups, Meal Ready to Eat (M.R.E), women's tampon and sanitary napkins, paper booties, natural cleaner and hand sanitizer shall be stocked near the temporary detention holding cell(s). The items will be readily available when requested by a detainee.

10. As soon as possible, detainees will either be released from temporary detention or be transported to the Monroe County Jail for booking.
11. Zone/Unit Commanders will ensure that an inspection of the temporary detention holding cells is conducted monthly and that it is documented on the **Zone Monthly Inspection Form**. The inspection will include, but not be limited to, logbook entry and accuracy, condition of the area, security measures and appropriate use of the cells.

#### IV. Reportable Incidents

Members who place detainees in the temporary detention holding cells (Zones and Airport) will report the following incidents to the Duty Sergeant, who upon receiving confirmation must contact the MCSO TAC assigned to Staff Services or the alternate TAC assigned to Criminal Records immediately. The TAC or their designee must complete a report to the State Commission of Correction within eJusticeNY within the below specified hours from the occurrence.

1. Incarcerated Individual Death – report within (6) hours of death followed by SCOC Form M-187 within 10 days to the New York State Commission of Corrections.
2. Disturbance – report immediately following any major disturbance. Report within 24 hours for any minor disturbance.
3. Natural/Civil Emergency – report immediately upon Natural/Civil Emergency, declared State of Emergency, and/or Evacuation of any portion of the facility.

4. Physical Injury/Hospitalization – report within 24 hours.

**NOTE:** The member will submit their Subject Management Resistance report through their normal chain-of-command.

**V. Temporary Detention Cell Log**

- A. An entry shall be made for every person held in a temporary detention holding cell on the **Temporary Detention Log (PB-348)**.
- B. The completed Temporary Detention Log sheet will be scanned into the RMS, and made a part of the report. The original hard copy shall be submitted to the zone administrative
- C. All completed logs will be retained and stored at each Zone Substation in that years binder, and be held for at least three (3) years and then properly archived pursuant to agency directives.
- D. Each Zone Substation and the GRIA office will maintain a Temporary Detention Log Sheet for each person held in their holding cells. Each detainee will have an entry documented as follows:
  1. Zone: Either A, B, C or GRIA must be selected
  2. Temporary Detention Holding Cell #: Either 1, 2 or 3 must be selected.
  3. Document the date the detainee is placed in the Temporary Detention Holding Cell.
  4. Document the CR# associated with the incident for which the detainee is being held.
  5. Document the detainee's name, with the first name, followed by the second name.
  6. Document the detainee's date of birth.
  7. Document the detainee's age. Detainees must be 18 years or older.
  8. Document detainee's sex; either male or female must be selected.
  9. Document the detainee's race; either White, Black, American Indian/Alaskan Native, or Asian/Pacific Islander must be selected.
  10. Document the detainee's ethnicity; either Hispanic or non-Hispanic must be selected.
  11. Document security and wellness checks every 15 minutes. Each entry must be filled out completely to include, the time, the deputy's initials conducting the supervisory check, the deputy's IBM#, as well as the condition of the detainee. There must be an observation made, such as sitting, standing, using the bathroom, drinking, or out of the cell for interview.
  12. Prior to placing the detainee in the cell, an initial security check must be completed. When the detainee is removed from the cell, document the time out, as well as the final security check.
  13. The Temporary Detention Log Sheet will be filled out by row chronologically, and in vertical fashion. Any rows that are not utilized shall be struck through with a pen.

**VI. Processing/Testing Areas:**

- A. Members will accompany arrestees, suspects, and detainees always, until such time as they are placed in a temporary detention holding cell, interview room, transported out of the building, or custody is formally transferred to another Deputy or agency.
- B. When processing a detainee at a Zone Substation, members shall remove their agency issued weapon and secure it in an acceptable, locked location.
- C. While administering breath tests or other procedures, members will remain responsible for the safety and security of their agency issued weapon.
- D. In the absence of a panic or duress alarm system, members will keep their portable radio with them in the event assistance needs to be summoned.
- E. Members will take all necessary steps to prevent an escape. If an escape does occur, members will adhere to procedures set forth in **MBGO-022 Prisoner Custody Transport & Treatment**.

**VII. Interview Rooms:**

- A. Interview Rooms will be designed for the primary purpose of conducting custodial or non-custodial interviews and may have locking mechanisms that allow the room to be locked from the outside. They also may have a method for securing a detainee to an immovable object, which will be designed and intended for such use, such as a wall mounted handcuff ring.
- B. Interview rooms will be located in close proximity to restrooms and detainees will be allowed access to water, restrooms, and other personal needs when necessary. The member must use good judgement in allowing this access without compromising officer safety, the safety of the detainee, or enhancing the risk of escape.
- C. Holding Procedures – Interview Rooms:
  - 1. When using an interview room outside of the Secured Hallway, members are not required to remove their issued weapon however they remain responsible for the safety and security of their issued weapon(s).
  - 2. Members will maintain constant control, observation, and supervision of the detainee from inside the interview room. If the member must leave the room and lock the detainee inside, the member will ensure that the time period that the detainee is secured in the interview room does not exceed fifteen (15) minutes. If detention will exceed that time and the member cannot maintain constant control, observation, and supervision, the detainee will be moved to the designated temporary detention holding cell and Section II of this order will be followed. Detention in an interview room will be only for as brief a period as possible and will only be authorized to allow the member to consult with a supervisor or investigator or for some other legitimate purpose.

Note: In situations of custodial interrogation, an interview form must be completed detailing all activities with respect to the interview including but not limited to: times detainee was placed in an interview room, the Deputy's departure and return to the interview room, bathroom and refreshments provided, and the times of placement into a holding cell, when applicable. As an alternative, members may specifically document all the aforementioned information on a supplemental Investigative

Action Report in chronological order. In situations where the custodial interrogation is digitally recorded, the recording will be used in lieu of the interview form.

3. The member will inspect the interview room before leaving a detainee alone and after removal from the room, to ensure that no weapons or contraband are present and that the security features of the room are in good order.
4. Equipment or items to be kept in an interview room may include, but not limited to a table and any number of chairs, based on the physical characteristics of the room, and the circumstances surrounding the interview.
5. Detainees will be searched according to agency directives prior to entering and will be secured to the immovable ring while left unsupervised in an interview room.
6. Personal property of the detainee that may pose a threat to the member or the detainee will be removed and processed according to directives set forth in **MBGO-016 Property Recovery, Custody & Security**.
7. In routine situations, one (1) person should be interviewed at a time by one (1) or two (2) Deputies/Investigators. However, if circumstances warrant, members or other officers involved in the investigation, supervisors, or medical and legal personnel will be allowed access to the interview room and the detainee. In youth matters, parent(s) or legal guardian(s) will be allowed access as required by law.
8. Interview rooms do not have panic or duress alarms. Members will take this into account when deciding if a telephone or portable radio should be brought in during an interview in case assistance needs to be summoned.
9. Members will take all necessary steps to prevent escapes. If an escape does occur, procedures as set forth in **MBGO-022 Prisoner Custody Transport & Treatment will be followed**.

#### VIII. Training

Zone/Unit Commanders, along with the All-Bureau Training Unit, will ensure that all personnel with any responsibility for detainees in temporary custody receive initial training in accordance with the procedures as set forth herein as well as the proper use of mechanical restraining devices and retraining at least once every three (3) years.

By Order of the Sheriff,

  
\_\_\_\_\_  
Todd K. Baxter

Indicates a significant change from the previous order.