



POLICE SCIENCE

Arrest Processing



You will notify the desk officer if force was used to effect the arrest. The MOS will request the assistance of the Detective Squad if the prisoner is arrested for homicide, serious assault, robbery, burglary, grand larceny, or other serious or unusual crime. The arresting officer (A/O) will then prepare arrest related documents as provided by the arrest processing officer. The complainant will be provided with the prisoner's name, charges, A/O's information and location of appropriate court.

Any instance or allegation that a prisoner was sexually assaulted or sexually harassed while in custody of this Department will be immediately reported to a supervisor, who will in turn comply with P.G. 210-07 "Prisoners – Unusual Occurrence." The prisoner who reports being a victim will then be separated from the alleged offender and medical attention will be provided if appropriate.

GUIDELINES FOR INTERACTING WITH LIMITED ENGLISH PROFICIENT (LEP) PERSONS

If the prisoner and/or the parent/guardians of a juvenile in custody appears to have difficulty understanding/communicating in English, the member of the service should comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons." If the prisoner and/or the parents/guardians of a juvenile in custody appears to be hearing impaired, the member of the service concerned should comply with P.G. 212-104, "Interaction with Hearing Impaired Persons." The use of a bilingual employee or the Language Initiative Program is the preferential method for interpretation when interacting with a prisoner. It is recommended that certified members of the Language Initiative Program be used for custodial interrogations. Appropriate Command Log entries will be made by the desk officer when interpretation services are utilized.

INTERACTION WITH HEARING IMPAIRED PRISONERS

Make telephone calls, or request other appropriate auxiliary aids (including use of a qualified sign language interpreter or a Telecommunications Relay Service [TRS]) to assist the prisoner in making telephone calls if the prisoner is unable to use a telephone due to speech or hearing impairment. Should the prisoner request to telephone an individual with a hearing or speech disability, dial "711" for the Telecommunications Relay Service operator and be instructed accordingly.

If the prisoner appears to have a disability, which may affect mobility, speech, hearing or mental ability, appropriate auxiliary aids to facilitate communication shall be used. In addition, a reasonable attempt shall be made to notify a relative or a friend. All such attempts will be documented by the arresting or investigating uniformed member of the service.



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PRISONER TELEPHONE CALLS

You will advise the prisoner, sixteen (16) years of age or older, of the right to make three (3) phone calls without charge. One telephone call may be placed anywhere within the United States or Puerto Rico. The remaining calls may be placed anywhere within New York City. Phone calls will not be allowed or may be terminated at any time if the calls would compromise an ongoing investigation or prosecution, if the ends of justice may be otherwise defeated, or a dangerous condition may be created. Make telephone calls for the prisoner if the prisoner is incapacitated by alcohol and/or drugs. Member of the service will enter all phone calls, up to a maximum of three (3), or refusal to make phone calls, on the On-Line Booking System Arrest Worksheet and the Omniform system.

PRISONER PROPERTY

Arresting officers may become the subject of corruption allegations that can be easily avoidable. Any property that is removed from a person or from the possession of an individual must be invoiced and may not, regardless of value, be returned to a relative, friend or witness. When property is removed from *any* individual, and taken into police custody for any reason (including arrest):

- Inform the person that they may examine the **Property Clerk Invoice** for accuracy as to the property listed.

Note: The person examining the Invoice *must not* be allowed to view the complainant's information.

- Inform the person that the Invoice may be signed if the itemized list of property is correct upon examination. The person is not required to sign. The officer will note in Property and Evidence Tracking System whether or not the prisoner refused or accepted the copy of the Invoice.
- Indicate on the Invoice concurrence or disagreement with the person's statement as it relates to the itemized list of property.
- Provide the person with the "Prisoner/Finder/Owner" copy of the **Property Clerk Invoice**.

Contraband will not be returned to the prisoner. In order to avoid an allegation of corruption, inform the prisoner that this type of property has been seized and will not be returned. Inform them that arrest evidence may be returned only if they obtain authorization from the District Attorney to release the property. Be especially diligent about documenting the removal of property from persons who are incapacitated due to the effects of drugs or alcohol. When they regain full mental capacity, they may assume



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that their property has been illegally removed.

- **Note:** For the purpose of this procedure, contraband is defined as, “property, the mere possession of which is prohibited under federal, state or local law.”

PRISONER CELLULAR PHONES

When a prisoner is in possession of one (1) or more cellular phones at the time of arrest and the prisoner is not eligible for a Desk Appearance Ticket, the cellular phone will be invoiced for “Safekeeping” unless circumstances regarding the arrest indicate the cellular telephone should be invoiced as “Investigative Evidence” or “Arrest Evidence”. When invoicing a cellular telephone which is equipped with an International Mobile Equipment Identity (IMEI) number (AT&T, T-Mobile or Nextel/Boost Mobile) the member of the service will:

- Obtain IMEI number from the sticker in the battery compartment in the rear of the cellular telephone or from the sticker on the rear of the cellular telephone viewing screen.

Note: If the IMEI number has been removed or defaced, the cellular phone will be invoiced as “Investigatory Evidence”

- Photocopy the area of the cellular telephone listing the IMEI number and attach to Online Booking System Arrest Worksheet.
- Record IMEI number on Online Booking System Arrest Worksheet.
- Conduct IMEI number search in Omniform system.
- If IMEI number search yield positive results, charge prisoner with “Criminal Possession of Stolen Property”
- Inform Detective Squad if IMEI number was previously entered in the Omniform system (i.e. reported stolen)

Uniformed members of the service **must obtain either a search warrant or prisoner’s consent to lawfully search for information stored in a cellular telephone.**

NOTIFICATIONS

You must notify relatives or friends if the prisoner is under nineteen (19) years of age, or is admitted to a hospital, or is apparently emotionally disturbed. If notification cannot be made, prepare a Missing/Unidentified Person Report and notify the Precinct



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Detective Squad and the Missing Persons Squad.

When a uniformed member of service effects an arrest of a person that has a *parole warrant*, an immediate notification will be made to New York State Department of Corrections and Community Supervision (DOCCS) at their twenty-four Operations Center at (212) 239-6159. The arresting officer will document in their Activity Log the date, time, and name of the person notified at DOCCS.

COMPLETION OF APPLICABLE DEPARTMENT FORMS

You will complete and deliver the Arrest Documentation Checklist and the following Department forms to the desk officer in every case in which they are prepared:

- On Line Booking System Arrest Worksheet (OLBS)
- Complaint Report Worksheet, if applicable
- Aided Report, if applicable
- Activity Log entries
- Property Clerk Invoice, if applicable
- Supporting Deposition
- Request for Laboratory Examination, if applicable
- Stop Report, if applicable
- I/CAD Event Inquiry

In order to obtain the information you will need to fill out the captions on the required paperwork, you are allowed to ask the prisoner for pedigree information. Asking the prisoner's name, age, date of birth, etc. is not considered interrogation and does not require Miranda Rights. Once you start to inquire about details of the crime, Miranda Warnings must be given.