



POLICE SCIENCE

Arrest Processing



Arrest Processing

~ CHAPTER 25 ~

Topics and concepts included in this chapter:

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2. General processing procedures for arrests
3. **Desk Appearance Ticket** requirements
4. Procedures for fingerprints and palmprints
5. Procedures for the medical treatment of prisoners
6. Steps for detention or arrest of foreign nationals
7. Required **Activity Log** entries for an arrest

Mandatory Patrol Guide Procedures

Arrests

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Court and Agency Appearances

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Property - General

P.G. 218-30 Invoicing Property Taken from a Person's Possession
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Required Activity Log Entries

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- Date of arrest
- Time assignment received
- Location
- Radio code signal
- Disposition and time assignment completed
- I/CAD event number
- Prisoner's name
- Suspected violation of the law
- Narrative description (who, what, when, where, how)
- Specific forms prepared with serial numbers



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ARREST PROCESSING

The professional police officer should always be cognizant of criminal activity. Once probable cause is established by a police officer and a valid arrest is made, they must follow appropriate Department arrest processing procedures. Following these procedures properly can provide accurate crime statistics, detailed tracking of crime recidivists, and important investigative information for law enforcement agencies nationwide. Arrest processing includes information obtained at the scene of the arrest, identification of suspects, identification of victims and witnesses, accurate and complete paperwork, proper fingerprinting, photographs, and above all security of your prisoner. Let us take an in depth look at arrest processing.

We will begin at the arrest location. Each arrest situation you encounter will be different. The procedures in this topic will be used as a guide to introduce you to arrest processing. The more arrests you make, the more comfortable you will be with the procedures.

Procedures also vary depending on the borough court that has jurisdiction over the arrest. Keep in mind that the information contained in this chapter is in accordance with Patrol Guide procedures; however, additional measures may be required.

UPON TAKING A PERSON INTO CUSTODY

Inform prisoner of authority and cause for arrest, unless physical resistance, flight or other factors render such procedure impractical. Immediately field search/frisk prisoner and search adjacent vicinity for weapons, evidence and/or contraband. Uniformed members of the service who have effected an arrest will have the arrest verified by their supervisor, if available, prior to removing the prisoner to the appropriate authorized command/designated arrest facility which has jurisdiction over the arrest. The desk officer will be requested to verify any arrests which were not verified at the scene of arrest. Remove prisoner to precinct of arrest and inform desk officer of charge(s). Uniformed members of service must know that they are responsible for the humane treatment and safekeeping of prisoners in custody or detained in a Department facility over which members have supervision.

Note: If the arrest is effected by an off-duty uniformed member of the service, the desk officer will request the commanding officer/duty captain to respond to the stationhouse and verify arrest.



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SEARCHES OF PRISONERS

FRISK/FIELD SEARCH

The frisk/field search is performed primarily to ensure the personal safety of the arresting officer and conducted while the subject is still at the arrest location. This is a methodical external body examination of the subject conducted immediately after apprehension to find weapons, evidence or contraband. A frisk should be conducted before or immediately after the subject is rear cuffed. A thorough external body examination is made by sliding the hand over the subject's body, feeling for weapons or other objects. Special attention should be given to the waistband, collar, armpit, and groin area. If an unusual object is detected, the officer will reach into or under the clothing to remove it. To avoid the possibility of being injured by sharp objects or needles, it is critical that officers exercise extreme caution and utilize appropriate barrier protection, including slash resistant gloves when conducting a frisk/field search. Needle stick injuries, and other sharps injuries during arrest processing, are an important occupational risk.

Note: Prior to conducting the frisk/search, the officer should ask the suspect, *"Do you have any sharp objects, like syringes or razor blades in your pockets?"* Keep in mind that a negative response from the prisoner should not preclude you from being cautious as you conduct your search. If you suspect that the arrestee is an injection drug user, or if they admit being in possession of hypodermic needles, inform the subject that they are legally entitled to possess syringes if they comply with the Public Health Law provisions and that they will not be charged with possession of contraband. Establishing communication with suspects and informing them about the legality of syringe possession is a key way to protect you from the risk of occupational needle stick injury.

The importance of a thorough frisk/field search can also be demonstrated by a recent police incident. After approaching a vehicle which had been stopped for a minor traffic violation, officers observed a small amount of marijuana inside the car. The three occupants were arrested and a lawful field search conducted. At this time more marijuana was recovered from two of the three men. After transporting the prisoners to the stationhouse, it was discovered that one of them was holding a loaded .22 caliber firearm as he was being removed from the Department vehicle. When ordered to drop the weapon the prisoner complied and dropped the gun onto the back seat. Later, the prisoner admitted to the duty captain that he carried the gun inside his underwear between his buttocks and groin area.

NEEDLE/SYRINGE KEEPER

Unfortunately, contact with drug offenders and paraphernalia is not without risks. To protect officers from one such hazard, the Department employs *needle/syringe*



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keepers, which should be employed as described in P.G. 218-24. In brief, these devices assist in the proper and safe storage of syringes:

FEATURES:

- A unique container designed to aid in protecting officers from accidental punctures by contaminated sharps.
- Holds a single syringe without altering evidence.
- Bayonet lock for a positive seal.
- Shatter proof.
- Transparent for viewing without opening.
- Compact 4 ½ " - can be carried in pocket *prior* to use.
- Individual poly bagged.
- Label for identification.
- Easily recognizable BIOHAZARD symbol.

Note: Under no circumstances should a member of the service attempt to remove or dislodge a needle from a hypodermic syringe.

TRANSPORTING PRISONERS

Once the prisoner has been frisked at the scene, they must be transported to the stationhouse, unless medical attention is needed. When transporting a prisoner in a patrol car (Radio Motor Patrol or RMP), there are various security measures to be employed by members of the service. The prisoner must be rear cuffed and the cuffs must be double locked. The prisoner will be placed in the rear seat and secured with a seat belt. All items will be removed from the rear seat prior to placing a prisoner inside the RMP. The prisoner will be placed in a position in the rear seat to allow the recorder to visually monitor the prisoner during transport.

RMPs are generally equipped with a metal and fiberglass partition. If so, the prisoner will be seated behind the operator. This will allow the recorder to maintain visual contact with the prisoner. If RMP is not equipped with a partition, the recorder will ride in rear seat, directly behind the operator, with the prisoner seated on passenger side of vehicle. While a member of the service is securing the prisoner with the seat belt, the other member will remain on the opposite side of the RMP with the rear door open to be tactically able to assist in the event of an unforeseen occurrence.

In all cases, the prisoner(s) will be kept under observation at all times and both the operator and recorder will be physically present at the embarkment and disembarkment point of the vehicle to supervise prisoner entry and exit.

Whenever it is necessary to transport/secure a prisoner in a marked or unmarked RMP, child safety locks on the rear doors will be engaged. It is important to note that when child safety locks are engaged, the doors are operable only from the outside; however, a passenger can reach outside the vehicle through an open window and



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operate the door. It is further recommended that the child safety locks be disengaged when transporting members of the service.

SEARCH AT POLICE FACILITY

Once you arrive at the stationhouse with the prisoner, you will report directly to the desk officer. At this time, you or a designated member of the service (of the same gender as the prisoner) will conduct a thorough search of the prisoner's person and clothing to ensure the safety of all persons within the facility. The search of a prisoner performed at the command is more thorough than that conducted on the street. During this search, the officer will ensure any item that was missed during the initial field frisk/search is removed. Other items that are lawfully carried but are dangerous to life, may facilitate escape or may be used to damage Department property (keys, pens, etc.) will also be removed from the prisoner. A search at a police facility, which is not the same as a "strip search," includes removal of the outer garments such as overcoats, jackets, sweaters, vests, hats, wigs, ties, belts, shoes, socks, handbags and wallets. All pockets are to be emptied, and all clothing not removed will be examined by grabbing, crushing and squeezing the garments. The officer will slide their hands across the body to detect articles that may be underneath or sewn to the clothing.

In order to achieve a balance between the privacy and personal dignity concerns of arrestees, the desk officer or supervisor supervising a search at a police facility shall assign a uniformed member to conduct the search as follows:

- In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor supervising the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability. Consistent with the privacy concerned of the arrestee, only those officers reasonably necessary to conduct the search should be present for the search.
- Under no circumstances shall members of the service conduct searches for the purpose of determining gender. Additionally, officers shall not ask questions about an arrestee's anatomy without a reasonable basis for doing so.

STRIP SEARCH

There are times when a prisoner should be strip-searched. A strip search is defined as any search in which an individual's undergarments (e.g. bra, underwear, etc.) and or private areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. A strip search of a prisoner may not be conducted routinely in connection with an arrest. Strip searches



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may only be conducted with the knowledge and approval of the arresting officer's immediate supervisor or the borough Court Section supervisor.

A prisoner may only be strip searched when the arresting officer reasonably suspects that weapons, contraband or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by previous search methods. The supervisor authorizing the strip search is responsible for ensuring that the search is conducted properly.

Some of the factors that the arresting officer should consider to determine the necessity of a strip search are: serious violent felony, arrest circumstances, subject's reputation, unaccounted for "hits" on magnetometers or walk through metal detectors and any discoveries or information from previous searches of the same individual or others arrested with them.

The New York State Court of Appeals ruled that police may conduct a visual inspection of a suspect's body cavities provided that they have **reasonable suspicion** that evidence, weapons or other contraband may be hidden.

A strip search shall be conducted only by a **member of the same gender** as the arrested person, in a secure area, in **utmost privacy** and in the presence of only those members of the service reasonably necessary to conduct the search. In order to achieve a balance between the privacy and personal dignity concerns of arrestees, the desk officer or supervisor supervising a strip search at a police facility shall assign a uniformed member to conduct the search as follows:

- In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor supervising the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability.

It should not be necessary to touch the subject's body, except for the examination of the hair. **UNDER NO CIRCUMSTANCES SHALL A BODY CAVITY SEARCH BE CONDUCTED BY ANY MEMBER OF THE SERVICE.** If pursuant to a strip search, any object or foreign material is visually detected within any body cavity of the suspect, the desk officer will be notified immediately. The object **WILL NOT** be removed without first obtaining a search warrant. Once the search warrant is obtained, members of the service must seek the assistance of a medical professional in order to remove the object.

If a strip search is conducted, such information will be entered in the Command Log, arresting officer's **Activity Log (PD112-145)**, and also documented on the **On Line Booking System Arrest Worksheet (PD244-159)** or the **Arrest Report**



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Supplement (PD244-157). A subsequent strip search will not be conducted unless there is reasonable belief that the subject has acquired a weapon or contraband. In the event the gender of the officer assigned to conduct the search differs from the gender requested by the arrestee, the desk officer or supervisor supervising the search shall make a detailed entry in the Command Log regarding the factors considered in assigning member (s) to conduct the search and identities of the uniformed member (s) who actually conducts the search.

GENERAL PROCESSING PROCEDURES

The **Prisoner Pedigree Card (PD244-092)** is used to carefully document and monitor all prisoners in custody within a Department facility. This card establishes a standardized procedure for the exchange of information between the arresting officer and the desk officer. You will fill out this card for every prisoner and present this card to the desk officer at the facility where processing an arrest.

Preferred Name – The name an arrestee prefers to be called based on their gender identity. This name may be different from the name on identification documents in the arrestee's possession.

When a member of the service makes an arrest, the arresting officer shall list the arrestee's name and gender as it appears on a driver's license, permit, or non-driver photo identification, as appropriate, in the "Defendant's Name" caption of the Prisoner Pedigree Card. When a member encounters an arrestee who uses a preferred name, which is the name an arrestee prefers to be called based on their gender identity, the member shall list that name in the "Preferred Name, if any" caption on the Prisoner Pedigree Card. This name may be different from the name listed on identification documents in the arrestee's possession.