

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

State MODIFIED

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Syracuse Police Department for screening prior to being released or transferred to the Onondaga County Justice Center or other type of facility.

This policy is not intended to address the detention of arrestees by members on the street for the purpose of issuing an appearance ticket for any non-arraignable offense. This policy is also not intended to address the arrest of adults who are brought directly to the Onondaga County Justice Center for processing and booking.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Best Practice MODIFIED

Definitions related to this policy include:

Temporary Holding area – The area used for the initial holding of some arrestees. The primary purpose of the temporary holding area is to hold a person prior to being interviewed or transferred to the Onondaga County Justice Center for booking prior to arraignment, release on an appearance ticket, or release on their own recognizance.

Temporary custody - The period an adult is in custody at the Syracuse Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

Best Practice

The Syracuse Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

Best Practice MODIFIED

No adult should be in temporary custody for longer than required to conduct an interview and/or transfer to the Onondaga County Justice Center for an arraignment or other release disposition.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

State MODIFIED

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Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Syracuse Police Department, but should be transported to the Onondaga County Justice Center, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, which may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Emergency Admissions Policy).
 - (a) If the officer taking custody of an individual believes that they may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to their health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

State **MODIFIED** NY_CALEA6.13 - 71.3.1 (b), 71.3.3 (e), 72.8.3

An authorized department member capable of supervising shall be in the immediate vicinity at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with their supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

900.3.3 TEMPORARY HOLDING AREA ENTRY RESTRICTIONS

Best Practice **MODIFIED** NY_CALEA6.13 - 71.3.3 (c), 72.1.2

Entry into any location where a person is held in custody should be restricted to:

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- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by a supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

Best Practice **MODIFIED**

The officer responsible for an individual in temporary custody should attempt to determine whether the person has any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, they shall be transported to the Onondaga County Justice Center or the appropriate mental health facility.

The officer should promptly notify a supervisor of any conditions that may warrant immediate medical attention or other appropriate action. That supervisor shall determine whether the individual will be placed in the temporary holding area, immediately released or transported to the Onondaga County Justice Center or another facility.

900.4.1 SCREENING

Federal **MODIFIED** **NY_CALEA6.13 - 71.3.1 (e), 72.5.3**

The officer responsible for an individual in custody should:

- (a) Advise a supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Ensure that only one person is placed in a holding area.
- (c) Continuous, direct sight and sound supervision.
- (d) Ensure males and females are separated.

900.4.2 CONSULAR NOTIFICATION

Federal **MODIFIED** **NY_CALEA6.13 - 1.1.4**

Consular notification may be mandatory when certain foreign nationals are arrested. The Criminal Investigations Division Captain will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

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Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that they may have their consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that they may communicate with consular officers.
 - (c) Forward any communication from the individual to their consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that their consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to their consular officers without delay.

For additional information see the policy on Foreign Diplomatic and Consular Representatives.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

Best Practice

900.5.1 TEMPORARY CUSTODY LOGS

State **MODIFIED** NY_CALEA6.13 - 71.3.1 (a), 72.5.2 (a), 72.5.2 (b), 72.5.2 (d)

Any time an individual is in temporary custody at the Syracuse Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including their name.
- (b) Date and time of arrival at the Department.
- (c) The case number.
- (d) Face to Face visual observations of detainees will be made at least every 30 minutes.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Date and time of release or transfer from the Syracuse Police Department.

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900.5.2 TEMPORARY CUSTODY REQUIREMENTS

State **MODIFIED** NY_CALEA6.13 - 1.2.3 (c), 71.4.1, 72.7.1 (c), 72.8.2

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) There is reasonable access to toilets and wash basins.
- (b) There is reasonable access to a drinking fountain or water.
- (c) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (d) There is privacy during attorney visits .
- (e) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (f) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (g) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

Best Practice **MODIFIED**

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, they will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Syracuse Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Best Practice **MODIFIED**

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to their health or safety.

Whenever a prosthetic or orthopedic appliance is removed, a supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

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900.5.5 TELEPHONE CALLS

State **MODIFIED** NY_CALEA6.13 - 72.7.1 (d)

Every individual in temporary custody shall be allowed upon request to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls made on a department phone to a phone number located anywhere in the United States or Puerto Rico for the purpose of obtaining counsel and informing a friend that they have been arrested. A member does not have to allow the individual to make a call if the member believes it could compromise an ongoing investigation or the prosecution of the individual. (NY CPL §120.90, §140.20).
 - 1. The individual should also be allowed to make calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever they desire and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use their judgment in determining the duration of the calls.
- (c) Calls made by a subject that is in temporary custody will be recorded. The recorded telephone line will be clearly marked as "Recorded". Calls between a subject in temporary custody and his or her attorney will not be recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Best Practice

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

State **MODIFIED** NY_CALEA6.13 - 70.1.6 (a), 71.3.3 (a)

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Firearms and other weapons and control devices shall not be permitted in the holding area where individuals are in custody. They should be properly secured outside of the holding area. An exception may occur only during emergencies, upon approval of a supervisor.

900.5.8 FOOD

State MODIFIED

Individuals in custody for a prolonged period may be allowed to eat a meal at the discretion of the member. It shall be documented when an individual was either provided a meal or refused a meal.

900.5.9 SANITATION AND MAINTENANCE

State MODIFIED

The Criminal Investigations Division Captain will ensure:

- (a) Janitorial and maintenance services are regularly provided so that satisfactory conditions exist at all times.
- (b) Paper drinking cups are made available at no cost if drinking fountains are not available.
- (c) Feminine hygiene products are supplied to individuals in custody at no cost, and are stored, dispensed, and disposed of in a sanitary manner (Correction Law § 625).

900.6 USE OF RESTRAINT DEVICES

Best Practice MODIFIED NY_CALEA6.13 - 70.1.6 (b), 71.3.1 (d)

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Syracuse Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Best Practice

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

State MODIFIED NY_CALEA6.13 - 72.5.1 (a), 72.5.1 (d)

The personal property of an individual in temporary custody should be removed and placed in an evidence bag. If the individual is transferred to another facility or court, the member transporting the individual shall turn the evidence bag containing the individual's personal belongings over to the facility personnel.

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900.8 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

State **MODIFIED**

The Criminal Investigations Division Captain will be notified of any suicide attempt, death or serious injury of any individual in temporary custody at the Syracuse Police Department. The CID Captain will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Syracuse Police Department. Those procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Watch Commander and the Chief of Police.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Medical Examiner for deaths.
- (g) Evidence preservation.
- (h) The death of a person in custody shall be reported to the New York State Division of Criminal Justice Services and the Attorney General's Office.

900.9 RELEASE AND/OR TRANSFER

Best Practice **MODIFIED** NY_CALEA6.13 - 70.1.6 (c), 70.1.8, 70.5.1 (a), 70.5.1 (b), 70.5.1 (c), 70.1.6 (d) NYSLEAP- 8.7 - 64.1 (C), 64.1 (D)

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) The holding room is checked for evidence or contraband.
- (c) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (d) It has been confirmed that the correct individual is being released or transported.
- (e) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (f) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of their property, warrant copies).
- (g) The individual is not permitted in any nonpublic areas of the Syracuse Police Department unless escorted by a member of the Department.
- (h) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if they are being sent to another facility.
 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

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- (i) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (j) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with their personal needs as reasonable.

900.9.1 FUGITIVES FROM JUSTICE

Agency Content

For the guidelines and procedures for the arrest and processing of fugitives from justice who are apprehended by the Syracuse Police Department see below.

[See procedure for FUGITIVES FROM JUSTICE](#)

900.9.2 ESCAPE FROM CUSTODY

Discretionary MODIFIED NYSLEAP- 8.7 - 64.1 (E)

In the event a prisoner escapes from custody, the officer will immediately notify Onondaga County 911 Center and the appropriate supervisor. The officer should relay all pertinent information concerning the escape from custody in order to facilitate recapture of the subject while simultaneously relaying all safety concerns.

900.10 TRAINING

Best Practice NY_CALEA6.13 - 71.2.1, 72.1.1

Department members should be trained and familiar with this policy and any supplemental procedures.