

Eric Hawkins
Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

CENTRAL BOOKING: PRISONER PROCESSING
GENERAL ORDER NO: 5.2.20

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PURPOSE: The purpose of this policy is to establish policies and procedures for processing prisoners under arrest.

POLICY: It is the policy of the Albany Police Department to ensure the safety and security of all persons in its custody, as well as, the safety and security of all department personnel.

DEFINITIONS: **Frisk/Pat Search** – A frisk/pat search means a search that involves a pat down of a person's outer clothing. Its purpose is to detect weapons that an individual, reasonably suspected of possessing a weapon, may have on their person. A frisk/pat search can include the squeezing of clothing, the patting of clothing, or the sliding of hands over clothing. If an officer feels what they believe to be a weapon, the officer may reach inside the clothing and remove the object.

Search Incident to Arrest – A search incident to arrest means a search that occurs after a lawful arrest has been made. An officer, simultaneously with the arrest, can conduct a head to toe search of the arrestee's person and clothing. A search incident to arrest is permitted in order to protect the officer from a possible weapon or object that could endanger the officer, to detect weapons or objects that could assist the arrestee in escaping, and to prevent the destruction of evidence.

Gender Identity – Gender identity refers to an individual's innate, deeply felt psychological identification as male or female, which may or may not correspond to the individual's body or their designated sex at birth.

Gender Expression – Gender expression refers to the external characteristics and behaviors that are socially defined as either masculine or feminine, such as, dress, mannerisms, speech patterns, and social interactions.

Transgender – A transgender person is a person whose gender identity and/or expression does not match expected gender norms typically associated with their assigned sex at birth. A transgender individual may choose to transition in some ways and not others. Transitions may include, but not be limited to: social,

physical, legal, cultural/spiritual, and medical.

**DEFINITIONS:
(CONT'D)**

Gender Non-Conforming – Gender non-conforming refers to a person who does not conform to society's expectations of gender expression based on the gender binary (either male or female), expectations of masculinity and femininity, or how a person should identify their gender.

Intersex – Intersex refers to individuals who are born with reproductive/sexual anatomy and/or chromosome patterns that do not fit typical descriptions of male or female.

Gender – Gender refers to the collection of society's assumptions, expectations, and traditions for how a person of a particular gender is supposed to act and/or be treated by others.

Sexual Orientation – Sexual orientation refers to an individual's spiritual, emotional, and physical attraction to another individual.

I. HOLDING FACILITY

- A. The Central Booking Holding Facility is a dual purpose facility that accommodates new arrests and City Court related commitments.

II. ARRESTS WITH OR WITHOUT WARRANT

- A. A police officer may effect a custodial arrest when a valid warrant of arrest exists, as authorized by NYS Criminal Procedure Law Section 120.

1. Warrants of arrest issued by a local court (city, town or village) may be executed in the county of issuance or an adjoining county, or any other county in the state if endorsed by that local criminal court.
2. Arrest warrants issued by a district court, the New York City Criminal Court or by a superior judge sitting as a local criminal court may be executed anywhere in the state.

3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

- a. The subject shall be detained and the [REDACTED] to determine if a warrant is on file. It is important, however, that officers determine positively that a warrant does exist and the charges are listed.
- b. In the event a warrant does not exist, the subject shall be released, provided that there are no other charges against the subject. In such a case, if there is an individual present who claims to have secured a warrant for the subject in custody, that individual should be advised to

return to the appropriate court and clarify the matter. Officers should understand that many citizens confuse a subpoena with an arrest warrant.

- c. If a warrant is in effect, and the subject in custody is the individual named on the warrant, the officer shall take the subject into custody and the subject shall be transported to Central Booking.
- d. An Arrest Record shall be completed whenever an arrest is made with or without a warrant.
- e. [REDACTED] and signed for by the arresting officer.
- f. A copy of an active warrant issued by an agency outside of this city shall be included within the arrest paperwork.
- g. The arresting officer is responsible for notifying the complainant of the arrest and when to appear in the appropriate court.

6. Multiple Bench Warrants for the Same Person(s):

- a. All bench warrants received at the same time for the same person shall be assigned the same warrant number and placed in one warrant jacket. The officer making the arrest(s) shall obtain a new incident number for the arrest.
 - i. The new incident number shall be utilized on a single arrest record, which the defendant will be charged with all the warrants with that warrant number; and
 - ii. The narrative of the arrest record shall list the original incident number(s) from each of the bench warrants to allow those cases to be updated/closed.
- b. When a bench warrant is received on a person who has an existing bench warrant, the new warrant shall be attached to the old warrant and carry the same warrant number as the old warrant. When the subject is arrested, the booking procedure shall be the same as above.

B. A police officer may arrest a person without a warrant, as authorized by NYS Criminal Procedure Law Section 140.10, when he/she has reasonable cause to believe that the person committed a petty offense in his/her presence and in his/her geographical area of employment.

- 1. An arrest for such a petty offense may be made in the county of commission or an adjoining county or any county, if close pursuit starts in the county of commission or the adjoining county, pursuant to General Order 3.1.15 – Pursuit Situations.
- 2. Police may arrest a person when he/she has reasonable cause to believe that the person committed a crime anywhere in New York State, whether in his/her presence or not. The arrest can be made anywhere in New York State and, if necessary outside of the State if in close pursuit.

C. Whenever an arrest is made with or without a warrant, it shall be the responsibility of the arresting officer to fingerprint and photograph the arrestee, in accordance with the NYS Criminal Procedure Law.

D. As required by the Supreme Court in U.S. vs. Miranda and its progeny, police must advise prisoners of the Miranda Warnings before attempting to interrogate prisoners or suspects in a criminal investigation.

1. For further information regarding compliance with constitutional requirements, personnel shall refer to General Order 5.1.00 – Legal Authority.

III. GENERAL BOOKING PROCEDURES

A. It is the responsibility of each officer to be familiar with and adhere to the guidelines set forth in this policy. When an arrest is made, the following general duties and responsibilities shall apply:

1. Each prisoner shall be addressed by the title, pronoun, and name that the individual uses to identify them self. Gender identity is determined by an individual's self-identification.
2. Employees shall refrain from the use of any slurs or lewd, derogatory, or harassing remarks based upon a person's actual or perceived sex, sexual orientation, gender, anatomy, gender identity, gender expression, disability, or HIV status.
3. Prior to entering Central Booking, [REDACTED]
4. Prior to un-handcuffing a prisoner and prior to entry into Central Booking, an inventory search of each prisoner shall be conducted to ensure that any weapons, contraband, or evidence are properly seized.
 - a. The matron or a female officer shall search female prisoners. At no time, shall male officer/personnel assume the duties of a matron.
 - b. Transgender individuals shall be searched by personnel of the same gender identity.
 - i. Strip/body cavity searches shall be in conducted in accordance with current directives, as outlined in General Order 5.2.25 - Strip/Body Cavity Searches.
5. An arrest report detailing the circumstances of the arrest shall be completed whenever an arrest is made, with or without a warrant.
6. For each prisoner processed through Central Booking a property inventory and property disposition shall be completed. The arresting officer shall complete an itemized inventory of all items of property taken from the prisoner, as established in Section VII of this policy.
7. Determining the true identification of a prisoner is vital to the booking process, therefore the arresting officer shall make every effort to ensure the true identity of each prisoner.
 - a. Several techniques and resources can be utilized to assist in this endeavor including, but not limited to the following:
 - i. Verbal interviews;
 - ii. Prisoner property (identification documents);
 - iii. Records Management System [REDACTED];

- iv. Information Coordination Unit (ICU) Resources;
- v. eJusticeNY Integrated Justice Portal (e.g., criminal history);
- vi. Fingerprinting inquiries; and/or
- vii. Discussions with fellow officers who may be familiar with the individual.

b. No prisoner shall be released from custody until a Criminal History [REDACTED] has been reviewed and the prisoner has been positively identified. Approval must also be given by the Central Booking supervisor prior to any prisoner being released.

8. All prisoners shall be processed in accordance with Albany Police Department Policies and Procedures, the NYS Correction Law, the NYS Commission of Correction's Minimum Standards, and the Prison Rape Elimination Act (PREA) standards.

- a. When completing arrest paperwork, use the prisoner's name and gender as they appear on their driver's license or state identification.
- b. If a prisoner identifies themselves using a different name and/or gender other than what appears on their identification, list that name and gender identity in the A/K/A section of the citation or arrest paperwork.
- c. When denoting the prisoner's gender identity it will be acceptable to clarify which name and gender is preferred by the individual, as well as the individual's preferred gender pronouns.

9. It shall be the responsibility of the arresting officer to have their prisoner fingerprinted and photographed, in accordance with the NYS Criminal Procedure Law. Officers shall escort their prisoner to the RICF fingerprinting and photographing area for processing.

10. Prior to the prisoner's arraignment, lodging, or issuance of an appearance ticket, the prisoner shall be administered a series of questions that are outlined in the Albany Police Department form entitled "APD Prisoner Debriefing Form". This shall be completed by the arresting officer, the assisting officer, or the arresting detective.

- a. Ideally, this debriefing shall [REDACTED]
- b. If it is a non-custodial arrest, the questions shall be administered prior to the issuance of an appearance ticket.
- c. All completed forms shall be submitted to the Central Booking supervisor for review prior to completion of the booking process. In addition, information of value, related to serious crimes (e.g., homicides, robberies, gun possession, etc.) shall be immediately forwarded to the CIU supervisor by the Central Booking supervisor.
- d. The CIU supervisor shall review and evaluate the information and if appropriate, shall assign a detective to perform a follow-up investigation, and notify any appropriate law enforcement agencies.

11. Upon completion of these duties, the prisoner shall either be taken to City Court,

back to Central Booking for lodging, or shall be given an appearance ticket and released; as determined by the Central Booking supervisor.

12. All lodged prisoners shall undergo an Admission Screening and Suicide Prevention Screening. This screening shall only be conducted by certified personnel who have been trained in suicide prevention and lockup training, and shall be documented on the following two (2) forms.

a. The Suicide Prevention Screening shall be documented on the New York State Department of Corrections Form [REDACTED] and shall include the following inquiries:

- i. Observations of the arresting and/or transporting officer(s) and if based on those observations, they believe the prisoner to be a suicide risk;
- ii. The prisoner's emotional state (e.g., feelings of extreme embarrassment, shame, or humiliation as a result of arrest);
- iii. The prisoner's expression of suicidal thoughts;
- iv. If the prisoner has previously attempted suicide;
- v. The prisoner's expression of feelings of hopelessness; and
- vi. If the prisoner appears to be under the influence of alcohol or drugs, is incoherent, or is showing signs of withdrawal or mental illness.

b. The Admission Screening shall be documented on the Albany Police Department Admission Screening Sheet Form [REDACTED] and shall include the following inquiries:

- i. The prisoner's current health;
- ii. Medications taken by the prisoner;
- iii. The prisoner's behavior, including state of consciousness and mental status;
- iv. Trauma markings, bruises, lesions, jaundice, etc; and
- v. The need for medical assistance.

13. Central Booking clerks shall be responsible for checking the Constant Observation Log Books and Binders in order to determine if the prisoner has previously been lodged as a constant observation due to being a suicide risk.

a. Once a prisoner has failed a Suicide Prevention Screening or has been lodged as a constant observation in the past for any reason, that prisoner will always be considered a suicide risk and will always be lodged as a constant observation. This procedure shall be strictly enforced, regardless of the current circumstances and no exceptions shall be made.

14. If during the "booking" process and/or the suicide prevention screening, it appears that the prisoner is suffering from a mental illness and may pose a threat of substantial harm to themselves/others, or fails the screening process the following shall occur:

a. The arresting officer/central booking clerk shall immediately notify the

supervisor assigned to Central Booking.

- b. If the prisoner was being released on an appearance ticket, the prisoner shall not be released until the following is completed:
 - i. The arresting officer must contact Albany County CART Mobile and notify them of the circumstances surrounding the prisoner's risk of being a potential danger to themselves and/or others.
 - ii. If Albany County CART Mobile is responding to evaluate the prisoner then the arresting officer must standby until the evaluation is complete and the prisoner is either released or sent for a medical/mental evaluation.

15. If a prisoner appears to be under the influence of alcohol or other drug(s), is violent or self-destructive, or is exhibiting signs of mental health issues or illness the prisoner shall be separated from other prisoners by being placed on a single bench within the booking room and/or lodged in the appropriate cell, with proper supervision, after the medical/mental screening process has been completed.

- a. If the prisoner's condition becomes worse or if it appears that medical treatment is necessary, the Central Booking supervisor shall be notified and the Albany Police Fire Department Emergency Medical Services shall be summonsed.
 - i. Personnel shall be aware that a person who appears intoxicated may actually be experiencing a medical emergency (e.g., diabetic shock) and all efforts shall be made to ensure that prisoners receive adequate medical attention when necessary.

16. If the prisoner is being lodged, the arresting officer shall lodge the prisoner in the appropriate cell, as per below established guidelines - Section II, Lodging Prisoners.

IV. LODGING PRISONERS

- A. Prisoners shall be lodged in cells for women or men, based upon the individual's gender identity, unless a determination is made that an unsafe condition will arise.
- B. Transgender, gender non-conforming, and intersex prisoners shall not be lodged based on genital status alone. Placement shall be determined on a case-by-case basis; ensuring the individual's health and safety, security, and the individuals view on their own safety and placement.
 - 1. If available, cells number [REDACTED] may also be used at the request of transgender, gender non-conforming and intersex individuals for safety reasons. However, they shall not be automatically placed in these cells against their will.
 - 2. Any available information supplied by outside sources concerning which placement would be most likely to meet the individual's health and safety needs shall also be taken into account. Information for these purposes should be solicited from the prisoner in a polite and respectful manner in a private setting, outside of the hearing of other arrestees and employees that do not have a need

to be present.

3. In the event placement cannot be determined, and the prisoner requires lodging, the arresting officer shall notify the Central Booking supervisor. The Central Booking supervisor shall then lodge the prisoner in cells number [REDACTED]

- a. Personnel assigned to Central Booking shall conduct an in-person, visual check of the prisoner once every [REDACTED]

4. Under certain circumstances and for the purpose of documentation, completion of an Albany Police Department Investigation Report will be at the discretion of the Central Booking supervisor.

C. Lodged prisoners shall be monitored according to the following procedures:

1. [REDACTED]

- a. Once prisoners are lodged in the cell block, personnel assigned to Central Booking shall conduct an in-person, visual check of the prisoner once every [REDACTED] at a minimum.
 - b. This shall be documented in the Central Booking Prisoner Log Book and shall include the prisoner's name, date, what cell they are lodged in, what time the check was conducted, what the prisoner was doing at the time of the check (lying, sitting, sleeping, etc.), and the name of the officer/clerk that conducted the check.

2. Constant Observation Cells Based on Results of Suicide Screening:

- a. When it is necessary to lodge a prisoner inside a constant observation cell, an officer/matron shall be present directly outside the cell for the purpose of monitoring the prisoner's behavior to ensure that they don't injure themselves.
 - b. At no time, shall the prisoner be left unattended.
 - c. If it becomes necessary for an officer/matron to be relieved temporarily from monitoring a prisoner in a constant observation cell, that officer/matron shall remain at their post until the supervisor assigned to Central Booking has made arrangements to relieve them.
 - d. Constant observation checks shall be documented in the Central Booking Constant Observation Log Book every [REDACTED]
 - i. This documentation shall include the prisoner's name, date, what cell they are lodged in, what activity the prisoner was engaged in at the time of the check (e.g., lying, sitting, sleeping, etc.) and the name of the officer/matron conducting the check.

e. [REDACTED]

D. Audio/Visual Surveillance:

1. The department shall utilize video and audio surveillance equipment in areas of Central Booking as an additional tool to supervise prisoners. Controls shall be in place to reduce unnecessary invasions of prisoner's privacy.
2. The video and audio equipment shall never be used to invade a prisoner's privacy. [REDACTED]

E. Supervision:

1. When possible, prisoners shall be supervised by personnel of the same gender.
2. Personnel are required to announce their presence when entering the cell block area of a prisoner of the opposite gender.
 - a. The purpose of this announcement is to place prisoners on notice when opposite gender staff may be viewing them.
3. Juvenile Prisoners:
 - a. At no time, shall juveniles be lodged in Central Booking.
 - b. Juvenile prisoners are not to have any contact with adult prisoners, at any time, and shall not be brought into Central Booking.
 - c. Juveniles have their own processing area in the Children and Family Services Unit.
 - i. If it is determined that a prisoner was processed and lodged as an adult, but is in fact a juvenile, the arresting officer shall immediately remove the juvenile from Central Booking and notify a supervisor.
 - ii. The incident shall be documented on an Investigation Report.

V. CENTRAL BOOKING PERSONNEL

A. The following procedures are the responsibility of personnel assigned to Central Booking:

1. At the beginning of each shift, personnel shall check each of the cells and the cell block area for any weapons, dangerous articles, or contraband;
2. Observe all prisoners under their supervision, in accordance with provisions of Minimum Standards, Section 7504.1;
3. Observe prisoners for verbal and behavioral indications of suicidal intent or serious mental health problems. This shall be completed during booking procedures and routinely during regular security checks;
4. If the prisoner is being lodged, the arresting officer and the Central Booking personnel shall lodge the prisoner in the proper cell. Cell assignments will be determined by Central Booking personnel based on medical/psychiatric evaluations;
5. Check the condition of lodged male prisoners at least every [REDACTED] unless ordered to check more frequently;

6. Maintain an accurate and detailed record of all necessary information which pertains to prisoners in the Central Booking Prisoner Log Book. This includes, but is not limited to the following:
 - a. The date and time that the prisoner was lodged in a cell;
 - b. The condition of the prisoner (alert, intoxicated, etc.);
 - c. When and why the prisoner was removed from a cell;
 - d. When the prisoner was fed; and
 - e. The activity of the prisoner upon observations (standing, sitting, etc.).
7. Ensuring that all lodged prisoners are properly fed in accordance with the usual three meal schedule:
 - a. All meals are to be served and consumed within the cells;
 - b. An entry must be made in the Central Booking Prisoner Log Book indicating that the prisoner was fed or refused a meal;
 - c. Efforts will be made to meet the needs of prisoners who have special dietary requirements due to medical conditions or established religious practices.
8. Maintaining psychiatric/constant observation files;
9. Maintaining a running sheet of all lodged prisoners;
10. Requesting medical personnel through Communications for treatment of prisoners and completing all appropriate paperwork;
11. Reporting any unusual occurrence to the Central Booking supervisor;
12. Assisting officers with the completion of necessary arrest paperwork;
13. Conforming with all procedures described in the Minimum Standards and Regulations for Management of City Jails; and
14. Perform any other duties as ordered by the Central Booking supervisor.

VI. POLICE MATRONS

- A. The following procedures are the responsibility of the police matron or female police officer assigned to Central Booking:
 1. At the beginning of each shift, the matron/female officer shall check each of the female cells and the cell block area for any weapons, dangerous articles, or contraband;
 2. Observe all prisoners under their supervision, in accordance with provisions of Minimum Standards, Section 7504.1;
 3. The female matron/officer shall be present during the booking of a female prisoner and shall conduct searches of all female prisoners;
 4. Remove all personal property from female prisoners, when not appropriate for a male officer;
 5. Observe prisoners for verbal and behavioral indications of suicidal intent or serious mental health problems. This shall be completed during booking procedures and routinely during regular security checks;
 6. If the prisoner is being lodged, the arresting officer and the matron shall lodge the prisoner in the proper cell. Cell assignments shall be determined by the matron based on medical/psychiatric evaluations;

- a. Male officers shall not accompany the matron into the female cell area, unless the safety of the matron/female officer is at risk, but shall remain within auditory distance to ensure that the female prisoner is safely lodged.
7. Check the condition of lodged female prisoners at least every [REDACTED] unless ordered to check more frequently;
8. Maintain an accurate and detailed record of all necessary information which pertains to prisoners in the Central Booking Female Prisoner Log Book. This includes, but is not limited to the following:
 - a. The date and time that the prisoner was lodged in a cell;
 - b. The condition of the prisoner (e.g., alert, intoxicated, etc.);
 - c. When and why the prisoner was removed from a cell;
 - d. When the prisoner was fed; and
 - e. The activity of the prisoner upon observations (e.g., standing, sitting, etc.).
9. Matrons/female officers shall bring all female prisoners to City Court at the appropriate time, and while in City Court the matron/female officer shall be responsible for guarding female prisoners at all times;
10. Matrons/female officer shall complete, in detail, all department paperwork and forms which would be necessary as part of any actions taken by the matron/female officer, or when ordered by the Central Booking supervisor; and
11. Per NYS Corrections Law, "the matron will retain the key for the detention area for females. Male officers shall not be permitted to enter any area where female prisoners are detained, unless accompanied by the matron."
 - a. When a male officer, accompanied by a matron/female officer, enters the female cell area on official business, the matron/female officer shall make a written entry in the log book, which shall include the following:
 - i. The date and time that the male officer entered the female cell block and/or cell;
 - ii. The name(s) of the male officer(s) that entered said area; and
 - iii. The nature of the officer's visit.

VII. APPEARANCE TICKET AND PRE-ARRAIGNMENT BAIL

- A. Issuance and service of an appearance ticket by a police officer following an arrest without a warrant may be issued, as prescribed in Section 150.20 of the New York State Criminal Procedure Law, which states that an appearance ticket may be issued for offenses other than a class A felony, class B felony, class C felony, class D felony, or a violation of section 130.25, 130.40, 205.10, 205.17, 205.19, or 215.56 of the New York State Penal Law.
 1. If an arrested party is charged with a violation of Section 221.05 of the New York State Penal Law, and no other offense is alleged, an appearance ticket must be issued, subject to the provisions of the Criminal Procedure Law;

2. The issuance and service of an appearance ticket under such circumstances may also be conditioned upon a deposit of pre-arraignment bail, as provided in Section 150.30 of the New York State Criminal Procedure Law, and as described below in section B - Pre-Arraignment Bail Process;
3. The following factors shall also be considered when determining eligibility:
 - a. If the individual would be at risk for violence in a police facility because of age, disability, sexual orientation, gender identity, gender non-conforming appearance or other factors;
 - b. If the individual's health would be at risk of worsening due to an existing medical or mental health condition, even if that condition does not require emergency room treatment;
 - c. The individual's character, reputation, and habits;
 - d. The individual's employment and financial resources;
 - e. The individual's family ties;
 - f. The individual's "failure to appear" history;
 - g. The individual's length of time in the area; and,
 - h. The individual's criminal history.
4. The Central Booking supervisor shall authorize the issuance of all appearance tickets.

B. Pre-Arraignment Bail Process:

1. The issuance and service of an appearance ticket by a police officer following an arrest without a warrant, as prescribed in Section 150.20 of the New York State Criminal Procedure Law, may also be conditional upon the posting of a sum of money, known as pre-arraignment bail;
2. Per Subdivision Two of Section 150.30 of the New York State Criminal Procedure Law, the decision to set bail, and the amount thereof, shall be made by the Central Booking supervisor or any of the supervisor's superior officers; and
3. The following guidelines shall be adhered to when receiving bail:
 - a. Cash bail shall be the only acceptable bail;
 - b. Bail shall only be taken at South Station;
 - c. All necessary bail information shall be recorded on the Arrest Report, including the date, time, amount of bail, and receiving officer's name;
 - d. The person posting bail must complete and sign a Bail Affidavit, as designated in Subdivision One (1) of Section 150.30 of the New York State Criminal Procedure Law;
 - e. The form is a three (3) part form; the white original is to be given to the person posting the bail, the yellow copy stays with South Station to be forwarded to the clerk, and the pink copy stays with the bail money to be turned over to the appropriate Court;
 - i. An example of the Cash Bail Affidavit, APD Form [REDACTED] is shown on page 27 of this order, and is for example purposes only as the original is a three (3) part carbon form.

- f. It shall be the responsibility of the Central Booking supervisor to receive and record all bail monies;
 - i. Bail will be turned over to the proper court clerk by the Central Booking supervisor at the earliest available time when court reopens.
 - g. An appearance ticket shall be issued notifying the defendant that their appearance is required at a specific Court, at a specific time, and specific date; and
 - h. If the defendant is charged with a Vehicle & Traffic Law violation, where a Uniform Traffic Ticket (UTT) is issued, an appearance ticket is not required, as the UTT will serve as an appearance ticket.
- C. The decision to issue an appearance ticket, whether in conjunction with pre-arraignment bail or not, is contingent on the belief that the arrested subject will appear in the designated court at the designated time. In the following cases, neither an appearance ticket or pre-arraignment bail shall be set:
 - 1. The arrested subject is on parole;
 - 2. The arrested subject is on probation;
 - 3. The arrested subject is arrested on the strength of a bench warrant;
 - 4. The arrested subject is believed not to be the person that they have identified themselves as; or
 - 5. The arrested subject is arrested for a domestic violence offense.

D. Securing Bail for Other Jurisdictions:

- 1. In cases involving arrest for other agencies which bail may apply, the following procedures shall be completed:
 - a. The normal booking guidelines shall be followed;
 - b. Cash shall be the only acceptable bail;
 - c. In addition to the actual amount of bail taken, money shall also be taken for the current cost of a money order and the current cost of postage. This amount shall cover the loss of forwarding the stipulated bail to the appropriate court; and
 - d. Monies collected shall be forwarded to the Office of the Chief of Police where it shall be sent to the appropriate court.

E. Bail Bondsman Identification:

- 1. In situations involving the posting of bail by a Bondsman, not personally known to the officer, the following method of identification may be used:
 - a. All Bail Bondsmen in New York State must be licensed by the New York State Insurance Department and must carry with them a license by that agency. Any person not known to the officer, or not possessing a valid license, shall not be allowed to post any amount of bail.
 - b. When a bail bondsman or a "bounty hunter" employed by a bail bondsman takes into custody a person who jumped bail in another

jurisdiction they are not making a new arrest. They are simply "recovering" a person who is still technically in the custody of the court in which they were previously arraigned and the following shall apply:

- i. The bondsmen/bounty hunter need not produce a warrant of arrest, as none is necessary;
 - ii. They may hold a bail jumper in a place of their choice until the bail jumper can be delivered to the appropriate court;
 - iii. Extradition proceedings are not necessary if the bail jumper is to be moved out of state, and bondsmen/bounty hunters may use as much physical force as is necessary to effect the arrest;
 - iv. Bondsmen/bounty hunters have no duty to administer a Miranda warning, they need no warrant to enter a suspect's home, they can entrap defendants and they are not subject to the rules of search and seizure.
 - v. Police officers cannot interfere with this process.
- c. Although this may appear to constitute authority and arrest powers beyond that of a police officer, it is not. They are merely re-taking a person already in custody.
- d. However, because of the nature of their work, bondsmen/bounty hunters traditionally notify local police departments when they are seeking someone in that agency's jurisdiction.
- i. Due to the extent of their authority, it is essential that the ranking officer on duty, as well as a detective supervisor and appropriate patrol supervisors, be notified that a bondsmen/bounty hunter is working in the City.
 - ii. Officers shall obtain from the bondsman/bounty hunter appropriate identification of themselves, as well as, the suspect being sought, the locations to be searched, vehicles involved, and the types of weapons that may be involved.

VIII. IDENTIFICATION OF RELEASED PRISONERS/FINGERPRINTS AND PHOTOGRAPHS

- A.** Law enforcement agencies are responsible for fingerprinting and photographing individuals, as described in Sections 160.10, 160.20, 160.30 and 160.40 of the New York State Criminal Procedure Law.
- 1. Individuals charged with a printable offense through a court summons must be fingerprinted upon arraignment unless charged through a civilian complaint.
 - 2. Individuals charged through a civilian complaint must be fingerprinted upon conviction (New York State Criminal Procedure Law Section 130.60).
- B.** Individuals who are arrested and subsequently issued an appearance ticket must be fingerprinted, for applicable charges as listed in CPL 160.10, before being released (New York State Criminal Procedure Law Section 140.20). If a police officer issues an appearance ticket for a printable offense in lieu of an arrest, fingerprinting is not completed until after court arraignment (New York State Criminal Procedure Law Section 150.70).

C. Juvenile fingerprints and photographs may be obtained, in accordance with G.O. 3.8.05 – Children and Family Services Unit: Juvenile Operations for the following:

1. 11 and 12 years of age who commit an A and B felony; and
2. 13, 14, and 15 years of age who commit any felony.

D. It shall be the policy of the Albany Police Department to verify the identity of all prisoners prior to their release from Central Booking through proper photo identification or the use of Livescan for automated fingerprint submissions.

IX. PRISONER PROPERTY

A. Prior to entry into Central Booking, the arresting officer shall conduct an inventory search of the prisoner and remove all unauthorized items.

1. The arresting officer shall complete an itemized inventory of the property taken and record said items on an Albany Police Department Property Report.
2. Prisoners shall be provided with a receipt of the property taken.

B. Prisoners are ONLY allowed to wear/have in their possession the following items:

1. One (1) pair of pants (absolutely NO BELTS);
2. One (1) pair of socks;
3. One (1) pair of underwear;
4. One (1) shirt; and
5. One (1) pair of shoes/footgear without shoelaces.

C. Requests for transgender and gender non-conforming individuals to remove appearance related items such as prosthetics, clothes of the presenting gender, including bras, wigs, and cosmetic items shall be consistent with requirements for the removal of similar items from non-transgender individuals of the same gender identity.

1. Certain appearance related personal items may be secured aside for the transgender arrestee to utilize when appearing in court.
2. These items should be identified by the prisoner at the time that their personal property is removed for safekeeping, and should exclusively serve the purpose of allowing the prisoner to preserve the appearance of their gender identity.
3. The Central Booking supervisor shall assess the items in regards to their propensity for use to facilitate escape, or to cause injury to anyone and approve their use accordingly.
4. These items shall be removed from the prisoner prior to the prisoner being re-lodged in a cell after their court appearance.
5. Hormone medication found in the possession of a prisoner shall be treated in an identical manner to any other prescription medication in the possession of an individual at the time of an arrest, and in accordance with prisoners requiring medical/psychiatric treatment. Transgender and intersex individuals may be in need of hormone therapy, and may have hormones in their possession in the form of pills, patches, gels, injections, or other forms of hormone medication that were prescribed by their physicians to meet their medical needs.

- D. Officers shall thoroughly collect and accurately account for all prisoner personal property in order to conduct a proper inventory. A thorough search shall facilitate a sound property inventory and thereby reduce the chances of any claims of mishandling.
- E. Once the prisoner's property has been collected, the arresting officer shall be responsible for the inventory of the property. The substance of the property must be documented on an Albany Police Department Property Report, APD Form [REDACTED]
1. When documenting the property, the arresting officer shall include accurate and descriptive information. For example, specific dollar amounts and denominations for monies, brand names, color descriptions for clothing items, and issuer information for credit cards.
 2. When conducting an inventory, officers shall refrain from using terms or phrases which attach authenticity or value to property. For example, when describing a jewelry item, an officer should use the phrase [REDACTED] as this attaches value to the jewelry item when in fact it may only be costume jewelry.
 3. Upon the prisoner signing the Albany Police Department Property Report, the arresting officer shall ensure that the prisoner receives the yellow carbon copy as their receipt.
- F. After the inventory is conducted and the Albany Police Department Property Report is completed, the arresting officer shall place [REDACTED] Albany Police Department Property Report.
- G. Once the prisoner property has been collected and inventoried, the arresting officer shall make an entry in the Prisoner Property Log Book. This entry must include the date, time, officer's name, and prisoner's name, brief description of the package and accompanying paperwork, and the officer's signature.
- H. The arresting officer shall then place the property, with the corresponding Albany Police Department Property Report attached, in the Prisoner Property Room [REDACTED]. This is a secure room which shall remain locked at all times. [REDACTED]
- I. Prisoner property may be claimed by the prisoner upon release from custody, released to the custody of a correctional facility or another agency, or disposed of after being unclaimed and held for the required period of time. Prisoner's property shall not be released to a relative and/or acquaintance of a prisoner.
1. When prisoner property is returned directly to its rightful owner, the prisoner shall produce the yellow carbon copy (page 2) of the Albany Police Department Property Report, and the prisoner shall sign the white copy (page 1) of the Albany Police Department Property report indicating that they are in receipt of the listed property.
 2. When prisoners are remanded to a correctional facility (ACCF) or released to the custody of another agency, the prisoner's property must accompany them. A

representative from the correctional facility or other agency shall sign for the property on the Albany Police Department Property Report and in the Prisoner Property Log Book upon taking possession.

J. Prisoner property that is left unclaimed by its owner shall be handled in the following manner:

1. In accordance with Article VII/Section 42-53 of the Albany City Code, all unclaimed prisoner property shall be held for a period of six (6) months.
2. After six (6) months, the property is subject to be discarded if it lacks any value (such as used shoelaces or clothing) or it may be deposited in an account or put up for auction if it has obvious value (such as money or jewelry).
3. On each page including the yellow copy (page 2) of the Albany Police Department Property Report, it states "ALL PERSONAL PROPERTY UNCLAIMED AFTER SIX MONTHS WILL BE SUBJECT TO DISPOSAL." as a means of providing notice of Albany Police Department policy.
4. All final dispositions of unclaimed property shall be overseen and documented by the Central Booking lieutenant or the lieutenant's designee.

X. ARRESTS BY CIVILIANS

A. When personnel of this department encounter a situation where a civilian has made an arrest or apprehension (e.g., shoplifting, etc.) the following shall apply:

1. The officer shall attempt to determine the facts of the situation;
2. The act must comply with the appropriate provisions of the New York State Penal Law, the New York State Criminal Procedure Law, and any other applicable laws;
3. When it is determined that the situation warrants a custodial arrest, the officer shall take the person into custody and transport the subject to Central Booking;
4. Advise the complainant or arresting person that they will have to act as the complainant in the matter and are required to respond to South Station in order to sign for appropriate paperwork; and
5. The remainder of the arrest action shall follow current arrest procedures, with the arresting civilian as the complainant and appearing in the appropriate court.

XI. NON-CUSTODIAL ARRESTS

A. When a non-custodial arrest is made by an officer (e.g., shoplifting, suspended license, etc.) it shall be the responsibility of the arresting officer to bring all arrest paperwork down to Central Booking for processing. This shall include, but not be limited to the following:

1. NYS Arrest Report;
2. Appearance Ticket;
3. Standardized Incident Report (when applicable); and
4. Any Uniform Traffic Tickets (UTTs).

B. The arresting officer shall check the arrested person for WANTS/WARRANTS, prior to releasing the arrested party.

XII. CUSTODIAL ARREST INVOLVING MILITARY PERSONNEL

A. Arrest situations involving military personnel shall follow the below guidelines:

1. Officers shall follow current department arrest procedures and shall be aware that it is the responsibility of the arrested military member to notify their Commanding Officer that they were arrested and the circumstances relating to such.
2. Personnel of this department may request the following information from the arrested military member and may notify the members Commanding Officer, but shall be aware that the military member is under no obligation to provide this information:
 - a. Branch of service;
 - b. Rank;
 - c. Serial number;
 - d. Unit assigned; and
 - e. Commanding officer's name and contact information.
3. Members of the military that are A.W.O.L. are entered into NCIC. Officers of this department shall take the A.W.O.L. subject into custody and follow the arrest and notification procedures that are detailed in the NCIC entry.

XIII. GENERAL CITY ORDINANCES

A. The following procedures shall be followed when serving a summons returnable to City Court or Civil Court pursuant to a violation of the General City Ordinance (GCO) or the commission of another violation as outlined in other bodies of law.

1. When issuing a summons returnable to City Court or Civil Court:
 - a. Inform the violator of the offense committed;
 - b. Request that the violator show proof of identity and residence;
 - i. As a general rule, the following forms of government photo identification are considered valid forms of identification:
 - a) Valid photo driver's license (from New York State, another state, or another country);
 - b) Valid passport;
 - c) Citizenship or naturalization papers;
 - d) New York State non-driver identification;
 - e) New York State driver's permit; or
 - f) Other government photo identification.
 - ii. If doubt concerning identity exists, upon supervisor approval, the subject shall be transported to Central Booking for further investigation.
 - c. Conduct warrant check;

- d. Issue summons in numerical order;
 - e. Use black ink pen and legibly print information in block letters;
 - f. Enter all available information required by captions on summons;
 - g. Record only one (1) violation per summons.
 - i. Use a separate summons for each additional offense;
 - ii. City Court summonses will be returnable for the next available Court date;
 - iii. Summonses are not returnable on weekends or Court holidays; and
 - iv. Civil Court summonses will be returnable for the second Thursday following the date of issuance at 1:00 PM.
 - h. Give the violator their copy of the summons;
 - i. Place the remaining three (3) copies in the designated box at the assigned station before the completion of the shift.
 - j. Ensure that the summonses are collected at the beginning of each shift and delivered to Central Booking;
 - k. Separate the summonses based on the Court to which they are returnable (city or civil).
 - l. Separate the copies of each summons as follows:
 - i. City Court Summons: White Copy – Court; Pink Copy - District Attorney's Office; Hardcopy - Administrative Services Bureau;
 - ii. Civil Court Summons: White and Pink Copies - Civil Court; Hardcopy - Administrative Services Bureau; and
 - iii. Separated copies shall be placed in the respective bins located in Central Booking.
 - m. Ensure that the summonses returnable to Civil Court are delivered via interdepartmental mail to Civil Court during "B" shift.
2. Summonses shall only be issued to persons sixteen (16) years of age or older. A Juvenile Contact Card shall be completed for violators less than sixteen (16);
 3. Officers may only issue a summons for a violation that occurs in their presence;
 4. Any evidence seized in support of the charges levied by the summons shall be processed according to current guidelines. [REDACTED]
 5. A summons for littering shall NOT be issued to a visually impaired person failing to clean up their canine's waste.

B. When issuing a summons for violation of Penal Law Section 240.20 – Disorderly Conduct at the scene of an incident, the summoning officer shall request the response of a patrol supervisor to the scene to verify and document the circumstances of the incident when one of the following occur:

1. Physical force/restraint (e.g., handcuff) was used by the officer;
2. It was necessary to search the violator; or
3. Violator was placed in or transported from the scene in a department vehicle.

XIV. ARRESTS DURING RIOTS, DEMONSTRATIONS, OR OTHER LARGE NUMBER ARRESTS

- A.** During operations where large numbers of arrests can reasonably be expected, department personnel effecting the arrest of individuals and/or groups shall apply the following guidelines, unless otherwise directed:
1. The arresting officer(s) shall proceed to the designated processing area, with the arrested subject(s), as soon as possible. The prisoner shall then be thoroughly searched for weapons, contraband, and personal property;
 2. [REDACTED]
 3. [REDACTED]
 4. Prisoners requiring medical attention shall be attended by EMS and shall be accompanied to any medical facility by the arresting officer or an assigned officer. Upon arrival at the medical facility, established guidelines shall be followed;
 5. The prisoner and all their personal effects, identification photograph, and any tags shall be turned over to the transporting officer who shall then transport the prisoner to the Central Booking, or other assigned area, for final processing;
 6. After booking, the arresting officer shall be responsible for making sure fingerprints and photographs are taken, when applicable; and
 7. Upon completion of booking and identification procedures, the accusatory instruments shall be completed as soon as possible, and the prisoner shall be taken to City Court or a holding cell after medical and psychological screening.
- B.** If there is a situation when the number of prisoners threatens to exceed the maximum capacity of Central Booking, it shall be the responsibility of the supervisor assigned to Central Booking to contact the on-call City Court judge and make arrangements to have the prisoners arraigned in a timely fashion.
- C.** In the event of a mass arrest, other secure [REDACTED] shall be utilized to process and secure prisoners until they can be arraigned by the on-call City Court judge.

XV. TAXICAB DRIVERS

- A.** When arresting or otherwise dealing with taxicab drivers, the following shall apply:
1. Cab drivers are subject to all New York State Vehicle and Traffic Laws;
 2. Cab drivers are subject to certain rules and limitations as prescribed by the General City Ordinances of the City of Albany;
 3. All taxicab drivers in the City of Albany must be duly licensed by Albany Police Department Traffic Safety and all taxicabs working in this City shall display a proper City Medallion;
 4. All taxicab drivers in the City of Albany, while operating or in charge of a taxicab, are to display their taxi license/picture identification card;
 5. All taxicab drivers in the City of Albany, while operating or in charge of a taxicab, are to have their picture HACK license with them, as issued by the City Clerk;

6. Officers may, at their discretion, seize a taxicab license for any infraction of the New York State Vehicle and Traffic Law, or General City Ordinance of the City of Albany, or other crimes committed by any cab driver. The person whose articles are seized is not allowed to operate a cab in the City until the articles are officially returned by the Lieutenant of Special Operations or the lieutenant's designee;
7. Guidelines regarding the enforcement of City Ordinances pertaining to cab drivers in the City of Albany are as follows:
 - a. Officers are to spot check cab drivers in the City in relation to the enforcement of City Ordinances;
 - b. Lists of drivers stopped and their compliance, or lack of compliance, shall be noted and referred to Traffic Safety; and
 - c. Cab drivers found to be violating these ordinances shall be warned or arrested by an officer. If arrested, the HACK license issued by City Clerk shall be taken by the officer and forwarded to the Lieutenant of Special Operations. The driver shall then be processed, as per established guidelines regarding arrests.
8. Additional information regarding fleet taxicabs:
 - a. Photocopies of registrations are allowed for fleet taxicabs;
 - b. Insurance cards for fleet taxicabs do not have to be kept in the vehicle, but they may have photocopies of same; and
 - c. Cab drivers have no special privileges with regard to driving, parking, etc. They are required to obey all laws.

XVI. OFF-DUTY ARRESTS

- A. When personnel of this department make an off-duty arrest, the ranking on-duty officer shall be notified immediately. The ranking officer shall direct a supervisor, within the command where such arrest occurred, to investigate the circumstances of the arrest; and report, via IDC to the Chief of Police, the findings of their investigation. Such investigation shall include, but not be limited to the following:
 1. The arresting officer's explanation of the circumstances of the arrest;
 2. The identity of potential witnesses to the incident;
 3. A description of the force used, if any, in effecting the arrest;
 4. Any injury, if applicable, that occurred during the arrest; and
 5. Any other relevant circumstance/information regarding the arrest.
- B. The officer effecting the off-duty arrest shall also report to the Chief, via IDC, the circumstances of the incident. Such report shall be completed immediately after such arrest.
 1. All additional applicable paperwork, such as a Use of Force Report or injury to officer paperwork, shall also be completed immediately after such arrest.

XVII. DWI AND DWAI ARRESTS

- A. Chemical Breath Test Warning:

1. Whenever an officer makes an arrest for Driving While Intoxicated (D.W.I.), or for Driving While Ability Impaired Drugs (D.W.A.I.D.), one of the following appropriate warnings MUST be given to the suspect:

- a. Driving While Intoxicated Warning:

- i. You are under arrest for driving while intoxicated.
- ii. A refusal to submit to a chemical test or any portion thereof will result in the immediate suspension and subsequent revocation of your license or operating privilege, whether or not you are found guilty of the charge for which you were arrested.
- iii. Your refusal to submit to a chemical test, or any portion thereof, can be introduced into evidence against you at any trial, proceeding, or hearing resulting from this arrest.
- iv. Will you submit to a chemical test to determine the alcohol or drug content of your blood?

- b. Driving While Ability Impaired by Drugs Warning:

- i. You are under arrest for driving while ability impaired by the use of drugs.
- ii. A refusal to submit to a chemical test or any portion thereof will result in the immediate suspension and subsequent revocation of your license or operating privilege, whether or not you are found guilty of the charge for which you were arrested.
- iii. Your refusal to submit to a chemical test or any portion thereof can be introduced into evidence against you at any trial, proceeding, or hearing resulting from this arrest.
- iv. Will you submit to a chemical test to determine the alcohol or drug content of your blood?

B. Arrests for operating a motor vehicle while under the influence of alcohol or drugs (NYS Vehicle and Traffic Law, Section 1192) shall comply with the following guidelines:

1. When an officer determines that an arrest for the above mentioned charge is to be made, normal arrest guidelines shall apply;
2. The arrested person shall first be brought to Central Booking where the arresting officer shall again search the arrestee for harmful items;
3. The arresting officer shall observe the arrested person for signs of intoxication, which include, but are not limited to: slurred speech, unsteadiness on their feet, glassy eyes, confusion, and the odor of an intoxicating beverage on their breath;
4. At least twenty (20) minutes of observation must elapse before a Breath Test is administered. However, not more than two (2) hours shall elapse from the time of arrest before the Breath Test is administered;
5. The arresting officer, along with another officer, shall then bring the arrested person to the Breathalyzer Room where a certified Breath Test Operator shall administer the Breath Test;
6. Prior to the Breath Test being administered, the subject under arrest shall not be permitted to eat, drink, or smoke. In the event the person eats or drinks

anything, smokes, or vomits, the test shall not be given until at least twenty (20) minutes later. Additionally, in the event the subject under arrest has sustained an injury to the mouth, a Breath Test cannot be given;

7. Generally, persons arrested for DWI/DWAI, after testing and processing, are released to a competent person, or a taxicab is called. If the arresting officer, after consultation with the Central Booking supervisor, determines that bail should be set, it shall be done at this point;
8. When an intoxicated person is released, all reasonable precautions shall be taken to assure their safety; and
9. Officers who administer the Breath Test shall ensure that the following information is available to them should they be called into court concerning the administering of the Breath Test. This includes, but is not limited to the following:

a. The Testing Officers:

- i. Qualifications;
- ii. School/training - Re: Function of machine and use of machine; and
- iii. Experience - Re: Use of machine.

b. The Machines:

- i. Manufacturer;
- ii. Operating principles;
- iii. If, and when, the machine was tested by the manufacturer or the operating officer; and
- iv. Nature and function of the chemicals used.

c. Particular Proof Relating to:

- i. Time, date, and place of the test;
- ii. What the officer did to get the machine ready for the test;
- iii. How the test was administered; and
- iv. Results of the test.

d. Paperwork Concerning:

- i. All records made at test time;
- ii. Certificate of duration of potency of chemicals (original); and
- iii. Proof that the lot # on the box containing the ampoules is the same as the lot # on ampoules used.

C. Common Law Proof of Intoxication:

1. The arresting officer shall recall the indication(s) of the defendant (i.e. appearance, speech, balance, coherence, unusual manner, etc.) at the time of test;
2. The testing officer may be questioned on this subject and should be ready to testify as to what is remembered about the above condition, if the testing officer has a recollection; otherwise the officer shall testify that they have no recollection; and

3. The testing officer should also be ready for the following question:

- a. "Basing your opinion only on the defendant's appearance and behavior, at the time he/she was in your presence, would you say the defendant was intoxicated?"

D. Breath Test Operation:

1. The Breathalyzers [REDACTED] are scientific devices that are capable of indirectly measuring the blood alcohol content of a person by directly measuring the breath alcohol content of that individual;
2. The Albany Police Department's breathalyzer instruments are located at South Station, Central Booking;
3. Only properly trained, certified personnel shall operate the breathalyzers. The breathalyzers shall be operated in the manner prescribed by the Bureau for Municipal Police and the New York State Department of Health;
4. Certified personnel shall operate the breathalyzers in the manner stated on the "Breathalyzer Operational Check List" (D.C.J.S. 2003, 10/73). The operator shall also be responsible for completing all the required forms and departmental paperwork relating to the test; and
5. Central Booking shall have the responsibility for the care, maintenance, and operation of the breathalyzer instrument. All malfunctions of the device shall be immediately reported to the Central Booking supervisor, who shall make repairs or servicing arrangements.

VIII. ARRESTS FOR OTHER AGENCIES

A. There are several differences when an arrest is made for other authorities (FOA). There are three (3) types of situations in which the Albany Police Department may be involved in an FOA arrest:

1. When an officer of this Department, accompanied by members of another agency, make an arrest for another agency:
 - a. The arrested person may be turned over to the personnel from the other agency. It is not necessary that the arrested person be brought to Central Booking.
 - b. A NYS Arrest Report shall be completed; marked FOA.
2. An arrest is made by personnel of this Department, at the request of another agency, and personnel of that other agency are not present at the time of the arrest. Such arrests include those made based on radio broadcasts or teletype messages:
 - a. If the person arrested is to be held in our custody for any length of time beyond what is necessary for the authorizing agency to arrive at the place of arrest, the arrested person shall be transported to Central Booking.
 - b. A NYS Arrest Report shall be completed, marked FOA.
3. A prisoner arrested by another agency is in need of lodging:

- a. The arresting agencies personnel who present the prisoner for lodging shall provide positive identification. Including verification of the person's authority to make the commitment, if unknown.
- b. The arresting agency shall provide two (2) photographs of the arrested individual.
- c. Central Booking personnel shall obtain from that agency a copy of their arrest report, indicating pedigree and charges, and suggested bail. The Albany Police Department is not bound by bail recommendations of that other agency; however, consultation with that agency is suggested before any change in bail is made.
- d. Central Booking personnel shall generate an incident number through the CAD System, and record this number on the prisoner's paperwork, including, but not limited to the screening sheets and the other agency's arrest report copy.
- e. Central Booking personnel shall obtain a contact person's name and telephone number for that agency, should the need to contact them arise.
- f. In all cases where a prisoner is lodged at Central Booking for another agency, the prisoner's personal property is the responsibility of the arresting agency.
- g. Should medical or psychiatric treatment/evaluation be required either at the time of booking or while the arrested person is in this department's custody, the responsibility for guarding the arrested person lies with the arresting agency. Medical treatment shall not be delayed; personnel from this department shall guard the prisoner at the medical facility until the other agency arrives.

XIX. PRISONER RIGHTS

A. All prisoners shall have the following rights when they are at the Albany Police Department Central Booking Facility.

1. Timely Court Appearances:

- a. After prisoner processing is complete, prisoners shall be given a timely court appearance.
 - i. If the prisoner has been lodged, then their court appearance shall occur the next time Albany City Court (1 Morton Avenue, Albany, N.Y. 12202) is in session.
 - ii. Albany City Court has arraignments seven (7) days a week, three-hundred and sixty-five (365) days a year.
 - iii. No lodged prisoner shall ever spend more than twenty-four (24) hours lodged at Central Booking for any one arrest.

2. Opportunity to Make Bail:

- a. All prisoners shall be given an opportunity to make bail, when applicable and in accordance with NYS Criminal Procedure Law.

3. Confidential Access to Attorneys:

a. All prisoners shall be given confidential access to attorneys prior to their arraignment in Albany City Court.

i. This shall be accomplished when prisoners are brought into the courtroom from Central Booking.

b. Attorneys are not to have any physical access to Central Booking.

4. Access to a Telephone:

a. All prisoners shall have access to a telephone call.

b. Prior to being allowed to make a phone call prisoners shall be advised of the posted signs that state that "All Phone Calls Are Recorded".

c. Care shall be taken to ensure that the prisoner does not use the telephone to contact potential witnesses/victims and/or violate orders of protection.

5. Prisoner Meals:

a. Lodged prisoners shall be given meals at the appropriate times (breakfast, lunch, and dinner); three (3) meals within a twenty-four (24) hour period.

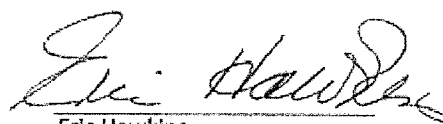
b. Reasonable care shall be taken to ensure that prisoner's food allergies are accommodated.

XX. RECEIVING MAIL/PACKAGES

A. The Albany Police Department does not allow prisoners in its custody to receive mail or packages.

XXI. VISITATION

A. The Albany Police Department does not allow prisoners in its custody receive visitation from members of the public.



Eric Hawkins

Chief of Police