

## **CHAPTER 4: PRISONERS**

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## 1.0 CITY COURT LOCK-UP

### 1.1 ARRESTS MADE BY MEMBERS OF THE BUFFALO POLICE DEPARTMENT

Arrests made by members of the Buffalo Police Department will consist of two (2) phases:

- a. Remanding of the prisoner to the City Court Cellblock;
- b. Filing of accusatory instruments – preparation of court folders in City Court Booking

### 1.2 REMANDING OF THE PRISONER TO THE CITY COURT LOCK-UP

- a. Arresting Officer(s) will inform radio that they are proceeding directly to the City Court Lock-up with their prisoner.
- b. Officers will enter the garage and park their police vehicle. Access to the garage can be gained via the officer using his/her employee id card to “swipe” the card reader at the door
- c. Officer(s) shall then exit the patrol vehicle and will secure their weapon(s) in the lockers provided in City Court Booking. **NO WEAPONS OR AMMUNITION ARE TO BE BROUGHT INTO THE CELLBLOCK AREA. Gun Lockers are located immediately outside prisoner entrance, outside cellblock area in prisoner transport hallway, and inside the booking office area.**
- d. Arresting Officer(s) shall thoroughly search the clothing and person of each prisoner before being placed in a cell or detention room. This includes the booking room of City Court Booking.
- e. Searching of a female prisoner shall be accomplished by a female Cell Block Attendant and/or a female Police Officer.

### 1.3 CIRCUMSTANCES PARTICULAR TO ARRESTS HOSTILE/COMBATIVE PRISONERS

- A. Officers shall inform radio that they have a combative and/or hostile prisoner.
- B. Radio shall then call the City Court Lock-up and inform them of the situation.
- C. The hostile/combative prisoner shall be taken immediately into the City Court Lock-up, via the sally port and metal detector, into the cellblock and placed in an isolation cell.

- D. Buffalo Police Department personnel cannot leave the facility until they can obtain a property receipt and the copy of the P-163 and other necessary paperwork.
- E. Once the prisoner is placed in the isolation cell, the arresting Officer(s) will take their place back in the booking line, if that is the case.

#### 1.4 PRISONERS REQUIRING MEDICAL/PSYCHOLOGICAL TREATMENT PRIOR TO BOOKING

- a. Prisoners that are sick/injured, mentally ill, have ingested or are suspected of having ingested a foreign object or substance and prisoners whose ability is impaired by alcohol/drugs to the extent that they may be unconscious or semi-unconscious must be taken directly to ECMC, unless exigent circumstances exist, for medical treatment prior to being booked at the City Court Booking.
- b. The arresting officer(s) shall prepare a P-1261 (Request for Medical Examination of Prisoner form) leave a copy with the City Court Lock-up after the prisoner is booked. The original P-1261 shall accompany the officer back and copies will be distributed per Department Policy.
- c. All policies pertaining to hospitalized prisoners shall remain in effect.

#### 2.0 ARRESTING OFFICER RESPONSIBILITIES

##### 2.1 POLICY

It is the policy of the Buffalo Police Department that unless directed otherwise by a higher ranking Officer, the care, safety and well being of a prisoner is the responsibility of the arresting Officer until such time as the prisoner is confined in the appropriate detention facility.

##### 2.2 TRANSPORTING PRISONERS AFTER ARREST

###### A. Upon Arrival at City Court Booking

- 1. Notify C.C.B. personnel of arrival by pressing the intercom
- 2. No weapons or ammunition allowed inside City Court Booking. Weapons and ammunition shall be placed in a gun locker and locked. Key shall be taken by Officer.
- 3. All prisoners must be searched in the search room prior to admittance to City Court Booking (C.C.B.) If there is reasonable suspicion that the prisoner possesses a weapon and/or contraband, this search MUST be approved and witnessed by the on duty Lieutenant. **ONLY FEMALE STAFF MAY SEARCH FEMALE PRISONERS.- See Appendix A.**
- 4. Request entry to C.C.B. by pressing intercom on inner door.
- 5. Proceed to counter to begin processing. If there is a back-up at processing, secure prisoner on the bench or in the holding cell until directed to remove and begin

processing.

B. Processing

1. Upon Entry, the Officer shall secure the prisoner to the bench located immediately inside the door. If the booking area is congested with Officers and prisoners, the arresting Officer may request central booking personnel to open the group cell so the prisoner can be placed inside.
2. Prisoner shall be searched prior to being placed in a holding cell.
3. C.C.B. personnel shall inventory all property belonging to the prisoner. All money and such items as rings, watches and any other personal property shall be taken by City Court Booking personnel and witnessed by the prisoner and the arresting Officer. A receipt (form P-10cbb) shall be issued to the prisoner for all the property taken.

2.3 TRANSPORTING COMPLAINANTS/WITNESSES TO CITY COURT BOOKING

- A. Complainant/witnesses should be directed to enter City Court Booking through the elevator located on W. Eagle Street (side of City Court).
- B. Under no circumstances should a complainant or witness enter City Court Booking through the prisoner entrance.

2.4 DISPOSITION OF PRISONER AFTER BOOKING – MALES

A. Magnetometer

The prisoner will be required to pass through the magnetometer enroute to the cellblock. If the magnetometer alerts, Cellblock personnel shall be notified by the arresting officer and cellblock personnel will use a metal detector wand as part of their prisoner search process.

B. Accompanying Adult Male Prisoners to the Cellblock after Booking

After booking has been completed, all adult male prisoners who are to be incarcerated shall be taken to the cellblock for confinement. The prisoner's property receipt (form P-10cbb), a Prisoner Data Sheet (form P-163) completed on both sides, shall accompany the prisoner to the cellblock. All prisoners shall have a wrist band issued indicating their name, date of birth and Mug number.

C. No Weapons Allowed in City Court Lock-up

No weapons are allowed in the cellblock. Prior to any law enforcement Officer's entry into the City Court Lock-up, (s)he must deposit all weapons, including second weapons, outside City Court Booking, in the lockers provided for that purpose. The door to the City Court Lock-up shall not be unlocked until all weapons are secured in the gun locker.

D. Search by Cell Block Personnel

The Officer delivering the prisoner to the cell block shall witness the Cellblock Attendant's search of the prisoner and shall assist the Cellblock Attendant, but only if

requested to do so.

1. Personal property that should have been seized at C.C.B. and later is discovered during the Cellblock Attendant's search shall be delivered to C.C.B. by the Officer who brought the prisoner to the cellblock.
    - a. C.C.B. personnel shall enter the additional property on the original prisoner's itemized receipt (Form -P10cbb). The additional property shall be placed in tamper proof property envelope and attached to the prisoner's original property envelope.
    - b. The Officer delivering the prisoner to the cell block shall record the additional property and shall enter the date and sign his/her name on the Prisoner's copy of the property receipt (Form -P10cbb).
  2. If contraband is discovered, the property shall be seized by the Officer who delivered the prisoner to the cellblock. The property shall be processed as evidence and corresponding additional criminal charges shall be filed.
- E. If practical, prisoners shall be fingerprinted and photographed prior to being placed in a cell. If not, the prisoner should be placed in the cell. If requested, the Officer delivering the prisoner to the cellblock shall assist the Cellblock Attendant with this task. Once inside the cell, the custody of the prisoner becomes the responsibility of cellblock personnel.

### 3.0 **SEARCHING PRISONERS IN THE CELLBLOCK**

#### 3.1 **POLICY**

It is the policy of the Buffalo Police Department that Cellblock Attendants thoroughly search every adult prisoner before the prisoner is placed in a holding cell. Prisoners shall not be allowed to enter a cell while in possession of any article, substance or thing with which they may harm themselves or others, or with which they can cause damage to property.

#### 3.2 **CONDUCTING THE SEARCH**

##### A. **Responsibility of Members Assigned to the Cellblock**

Members of the Department assigned to the cellblock are responsible for conducting a thorough search of every male adult prisoner and female adult prisoner before the prisoner is placed in a cell. Belts, suspenders, shoelaces, and any other article, substance or thing with which the prisoner may harm himself or others, or cause damage to property, shall be taken away from the prisoner. If the prisoner should choose not to remove his shoe laces from his shoes, the prisoner may choose to relinquish the shoes with the laces and be issued a paper pair of foot coverings.

1. Members of the Department assigned to the cellblock shall immediately remove from a prisoner's possession, by force if necessary, any weapon or any other thing, which may potentially be used to cause damage to property, or



physical injury or death.

B. Prisoner's Property in the Cellblock

Belts, shoelaces, jackets and other items of personal property not allowed in a cell shall be stored in the shelves provided in the cellblock area.

C. Search Methods

See Appendix A – Searches

4.0 **FINGERPRINTING AND PHOTOGRAPHING PRISONERS**

4.1 POLICY

It is the policy of the Buffalo Police Department to fingerprint and photograph eligible prisoners prior to their release from the City Court Cellblock. The Buffalo Police participate in the State Automated Biometric Identification System (SABIS) by using “LIVESCAN” for the automated submission of fingerprints, and complies with applicable laws relative to fingerprinting and photographing of defendants after arrest.

4.2 **FINGERPRINTING AND PHOTOGRAPHING PROCEDURES**

A. Members of the Department assigned to the City Court Cellblock shall be responsible for fingerprinting and photographing those prisoners who need to be so processed.

B. After a prisoner is fingerprinted and photographed the Department member shall initial the P-19 under the fingerprint column.

C. Photographs of the prisoner shall be taken with a pre-assigned Mug Shot Number. Mug numbers are assigned by City Court Booking.

D. Each photo that is taken shall ensure that all facial features will be visible in the finished photo. Additional photos will be taken of tattoos, etc.

E. Females and Juveniles - Every effort shall be made to ensure that females and juveniles are visually separated from any males being processed or being held. This includes the use of the curtain in the fingerprint/photograph area.

F. If for some reason the female prisoner cannot be immediately fingerprinted and photographed (e.g. intoxicated, violent, etc.), then City Court Booking personnel shall note same on the P-19 and file. A copy of this report shall then be attached to the arrest information and arrest card.

5.0 **FEMALE PRISONERS**

5.1 POLICY

It is the policy of the Buffalo Police Department that female prisoners who are to be incarcerated shall be confined in the City Court female lock-up.

## 5.2 BOOKING PROCEDURES- FEMALES

### A. Females Booked at City Court Booking

Arresting Officers shall transport female prisoners to City Court Booking for processing.

### B. Searching Female Prisoners

Female prisoners shall be thoroughly searched by a female Cellblock Attendant or female Officer upon entering the CCB Booking Room.

### C. Fingerprinting and Photographing Female Prisoners

Upon completion of the required booking documents, the arresting Officers shall take the female prisoner to Cellblock for fingerprinting and photographing when required. Department members assigned to the cellblock shall immediately enter the required information on the Form P-19 reserved for female prisoners.

### D. Female Prisoners to be Given Priority for Fingerprinting and Photographing

Female prisoners shall be given priority for fingerprinting and photographing. In the event that a female and a male prisoner enter the cellblock almost simultaneously, the male prisoner shall be placed in a pre-assigned cell. The female prisoner shall be fingerprinted and photographed, and then transported by the arresting Officer to the City Court female lock-up.

### E. Documents for Female Lock-up

A copy of the arrest card and the Information/Complaint will be provided to the arresting Officer for eventual delivery with the prisoner to the City Court female lock-up.

## 5.3 SEARCHING FEMALE PRISONERS

Refer to Appendix A – Searches

## 5.4 HANDCUFFING FEMALE PRISONERS

Female prisoners shall be handcuffed behind their backs whenever possible. In those instances in which a female prisoner is arrested by male Officers, generally the search will not be as thorough and the necessity for adequately restraining the female prisoner with handcuffs is even greater.

## 5.5 TRANSPORTING FEMALE PRISONERS TO THE FEMALE LOCK-UP

A. It is the responsibility of the arresting Officers to transport the female prisoner to the City Court female lock-up. (Refer M.O.P. Chapter 3).

B. The arresting Officers shall upon completion of the booking process of a female prisoner, handcuff the female prisoner and proceed through the male lock-up (door F5) and then proceed directly out door through the male lock-up without stopping and exit through door (F7). Cellblock personnel will lower the hallway gates, at which

time the female arrest will be escorted through door (F8), across hall, through door (F9) and proceed down hallway and through door (F10) and turn the female prisoner over to the Cellblock Attendant's in the female lock-up.

## 6.0 JUVENILES

### 6.1 HANDLING JUVENILE OFFENDERS (AS DEFINED IN THE PENAL LAW)

#### A. Notification of Parents

After arresting a child who is categorized as a juvenile offender, the arresting Officer shall immediately notify the juvenile's parent, guardian, or other person responsible for the juvenile's care, and inform him/her of the juvenile's arrest and the location where the juvenile is detained. Juvenile delinquents are not to be processed at City Court Booking. They should be taken to the Juvenile Detention Facility at 766 E. Ferry for processing.

#### B. Booking Procedures

1. Juvenile offenders shall be restrained with handcuffs
2. Juveniles shall not be transported along with adult prisoners unless they are related to the adult prisoner.
3. Juvenile offenders shall be taken to City Court Booking, but should not make entry through the same area as an adult prisoner. The Juvenile and arresting Officer shall enter City Court Booking via the outside elevator.
4. Juvenile offenders shall be thoroughly searched by the arresting Officer(s) and a Cellblock Attendant. Female juvenile offenders shall be searched by a female Officer or a female Cellblock Attendant.
5. Upon entry to City Court Booking, every effort shall be made to keep the juvenile from making contact, visual or otherwise, with any adult prisoner.
6. The arresting officers shall prepare the Youth Referral (P-1294) and a Prisoner Data Report (P-163).
7. CCB shall prepare the arrest cards which are to accompany the juvenile as he/she is fingerprinted and photographed.
8. City Court Booking personnel shall contact the cellblock and make arrangements to have cellblock personnel fingerprint and photograph the juvenile.
9. Cellblock personnel shall verify no adult is in the fingerprint/photograph area before opening the door to allow the juvenile into the area
10. Cellblock personnel shall take care to allow only the juvenile and the arresting officer into the fingerprinting/photographing area. No adult prisoner is to be allowed in/out of the cellblock area while a juvenile is being fingerprinted and photographed.
11. The privacy curtain shall be extended and remain extended until the juvenile is fingerprinted and photographed and has left the room.
12. City Court Booking personnel shall assemble all related original arrest documents and place them in a court folder to be delivered to City Court. CCB shall forward copies of the arrest documents to the Erie County

Probation Department Intake, Room 502, at 25 Delaware Avenue.

13. If City Court is in session, the arresting Officer(s) shall transport the juvenile offender to City Court after processing has been completed.
14. If City Court is not in session, the juvenile offender shall be taken to the Detention Intake Office at 766 E. Ferry. Juvenile offenders are not to be placed in the cellblock or any other cell unless authorized by the New York State Office of Children and Family Services.
15. The Juvenile Referral Card (P-1294) shall be completed for juvenile offenders and a copy of all arrest documents shall be forwarded to SVU.

## 6.2 **POLICY FOR ARRESTS: PERSONS LESS THAN 17 YEARS OF AGE**

### **Purpose:**

Beginning October 1, 2018, the New York State Law governing juvenile arrests will be changed. Effective on 10/1/18, 16 year olds who commit any crime, are now considered Adolescent Offenders (AO) and cannot be brought to or be held in any facility that has adults in it. Additionally, they cannot be taken to the East Ferry Juvenile Detention Facility without first being arraigned, regardless of the time of day - or day of the week the arrest is made. Nothing has changed for persons 15 years old or younger. Usual departmental policies remain in effect.

### **Procedures:**

When officers make an arrest of a 16 year old AO, they will bring the person directly to central booking for processing. The usual juvenile arrest procedures shall be followed at central booking for the entire process. If the arrest occurs on a day and time that Family Court is in session, then the AO is to be brought directly to the Family Court. If the arrest occurs after hours when court is not in session or on the weekend / holiday, then prior to leaving Central Booking, officers will have the Central Booking lieutenant contact the on-call City Court Judge to arrange for an arraignment of the AO at police headquarters, 68 Court Street (Designated Juvenile Room). The officers will also reasonably attempt to notify the parents or legal guardian of the arrested individual and direct them to appear at police headquarters. The officers will bring the AO to police headquarters and enter the building on Niagara Street which is the employee entrance. Once inside, the juvenile will be brought to room 122 which is located at the top of the stairs, prior to entering the lobby. Once inside, the AO will be secured to the bench inside of the room. An officer must stay with the AO the entire time they are in our custody. There shall be at least two officers assigned to take the suspect to police headquarters and shall remain there until the arraignment process has been completed.

Upon arrival of any family member or guardian of the juvenile, they will be allowed entry to police headquarters, **searched** and allowed to wait in the lobby until the judge, prosecutor and defense attorney arrive using the Niagara Street entrance. A doorbell has been installed with a notice to ring to reach the juvenile room.

Searched is defined as a pat down for weapons with purses, backpacks, etc. There will be a walk through metal detector and hand held metal detectors available in the front lobby for officers to use. Once the process is ready to begin, the family or legal guardian will be allowed into the room where the arraignment will take place.

After the arraignment has occurred, if the judge has remanded the AO into custody, the arresting officers will contact the East Ferry Detention Center and inform them that they will be bringing an AO to their facility with a detention order from a judge. The officers shall then immediately proceed to the East Ferry Detention Center with the arrested individual.

### **Traffic Tickets:**

*Traffic tickets without an arrest:*

Shall be issued as normal; returnable to Buffalo City Traffic Court.

*Traffic tickets with an arrest:*

The traffic violation and/or traffic misdemeanor shall be returnable to Buffalo City Traffic Court and the penal law charges shall be sent to Family Youth Court. The charges must be **separated**.

Felony arrests (including the vehicle and traffic charges) shall be sent to Family Youth Court.

### **Arrests of juveniles and adults:**

In any circumstance where a 16 year old is arrested with an adult, the arrest process stays the same as outlined above. The adult is taken to the cell block and the AO is taken to Central Booking.

### **Violent or combative arrestees:**

In the event that the AO is behaving in a violent or combative manner, the officers may utilize the restraint chair to secure the AO until the arraignment process can occur. If the use of this chair becomes necessary, the arresting officers shall notify the Central Booking lieutenant of such and he or she shall document the use of that device. If the AO is so violent or combative that they pose a serious risk of harm to themselves or others, the arresting officers shall transport the AO directly to ECMC. They shall notify ECMC via radio dispatch of their impending arrival so ECMC staff can be ready for them. The arresting officers shall also notify the Central Booking lieutenant of their need to transport the AO to ECMC and will have the lieutenant cancel the arraignment process until it is feasible. Only after the AO calms down and can be medically cleared shall he or she be transported back to police headquarters for arraignment.

## **7.0 CITY COURT CELLBLOCK**

### **7.1 POLICY**

It is the policy of the Buffalo Police Department to use the City Court Cellblock as the primary facility for temporarily housing adult male and female prisoners who are arrested

by members of this Department.

## 7.2 CITY COURT CELLBLOCK – GENERALLY

### A. Adult Male Prisoners Only

The City Court male lock-up shall be used for the confinement of adult male prisoners who are arrested by members of this Department, and for adult male prisoners who have been turned over to this Department by another law enforcement agency for confinement.

### B. Adult Female Prisoners Only

The City Court female lock-up shall be used for the confinement of adult female prisoners who are arrested by members of this Department, and for adult female prisoners who have been turned over to this Department by another law enforcement agency for confinement.

### C. Responsibilities of Members Assigned

Members of the Department assigned to the cellblock shall be responsible for:

- a. the care and safekeeping of prisoners confined to the cellblock;
- b. the cleanliness and good order of the cellblock area;
- c. the operation of the cellblock in conformance with all applicable Department rules and regulations and in conformance with the rules and regulations of the NYS Commission of Correction.

### D. Temporary Confinement Only

Generally, adult male and female prisoners shall be confined in City Court Lock-up only until the next sitting of the court in which they are to appear.

### E. Female Prisoners to be Confined in Women's City Court Lock-up

No female prisoners will be confined in the men's City Court Lock-up

### F. Male Prisoners to be Confined to Male City Court Lock-up

No male prisoners will be confined in the female City Court Lock-up

### G. No Juveniles to be Confined in City Court Lock-up

Juveniles younger than sixteen (16) years old are to be confined in the E. Ferry Detention Facility. They are not to be confined in the City Court Lock-up. If after confinement, a prisoner is found to be under 16 years old, that prisoner shall be immediately removed from the cellblock and placed in the area for juveniles awaiting processing and arrangements be made to transport him to the juvenile detention facility.

### H. Medical Attention Necessary for Sick, Injured and Intoxicated Prisoners

Prisoners that appear to be sick or injured, or are under the influence of alcohol/drugs to the extent that they pose a danger to themselves, or are unconscious or semi-conscious, or who may have ingested any foreign object or substance, shall not be

confined in any Department operated cellblock without first having been examined by a physician.

I. No Medication shall be given to a Prisoner unless Authorized or Prescribed by a Physician

J. Staffing Levels

Staffing levels in both the male and female cellblocks during any tour of duty shall not fall below three (3) members. Members assigned to the cellblock shall not leave their posts until properly relieved.

K. No Special Privileges for Prisoners

Members of the Department are prohibited from carrying messages, doing business for, or granting any special privileges to any prisoner, other than as outlined in these procedures, the Department's Rules and Regulations, or in rules instituted by the Inspector of Administration and Communication. Members shall not recommend, solicit business for, nor call any attorney regarding a prisoner, except upon specific request by the prisoner for the services of a particular attorney.

8.0 **CARE OF PRISONERS**

8.1 **POLICY**

It is the policy of the Buffalo Police Department to provide a safe and humane environment for prisoners who are confined in Department detention facilities and to afford them appropriate medical attention when needed.

8.2 **EXAMINATION BEFORE CONFINEMENT**

A. The cellblock attendant will make an evaluation of the prisoner's general well being before the prisoner is admitted to a cell. (S)he shall, in addition, prepare form NYS 330 ADM, the NYS suicide screening form. The suicide screening form shall accompany the female arrest to the female lock-up.

B. No prisoner shall be placed into a cell for which there has not been prepared a corresponding Arrest Data Sheet (Form P-163) and a NYS suicide screening form (NYS 330 ADM). The suicide screening report is a state mandated report that is separate and distinct from the Arrest Data Sheet.

C. Prisoners shall not be accepted for confinement in any Department operated cellblock without first receiving medical attention, if any of the following conditions exist:

1. The prisoner appears sick, ill or injured.
2. The prisoner appears to be mentally ill.
3. The prisoner's ability is impaired by alcohol/drugs to the extent that he is unconscious or semi-conscious or he poses a danger to himself.
4. The prisoner ingested or is suspected of having ingested any foreign object or

substance.

D. Prisoners that show suicidal inclinations shall be transported to the Erie County Medical Facility for evaluation. Upon their return to the lock-up, they are to be reassessed to determine if constant watch supervision is necessary.

If constant supervision is necessary a Cellblock Attendant or the arresting Officer(s), shall be directed to situate him/her self directly outside the individual cell where they can keep the prisoner under constant observation. They shall so notate the prisoner's condition in the "constant supervision log book" at intervals not to exceed 15. e.g. sleeping, pacing back and forth, etc.

E. The Cellblock Attendant is to make notations.

### 8.3 EXAMINATION AFTER CONFINEMENT

A. Members assigned to the cellblock shall be responsible for the care and safekeeping of prisoners that are confined in the City Court Lock-up.

B. Members assigned to the cellblock are required to check each cell at the start of the tour of duty and at least every thirty (30) minutes thereafter. All checks shall be documented in the "log book". The log book entry for the cell check must include: date; time of check; condition of prisoner(s) e.g. awake, sleeping etc.; other notations considered relevant. And the signature of the cellblock attendant making the check.

C. Prisoners that are suicidal, mentally ill, violent, under the influence of alcohol/drugs, or that exhibit bizarre shall be reported to the on duty Lieutenant who will make the determination if the prisoner should be under constant observation.

D. Members assigned to the cellblock are required to document the prisoner's condition each time the prisoner is checked, by noting the prisoner's condition in the "log book" at intervals not to exceed 30 minutes. Prisoners under constant watch are to have notations made in the "constant watch" log book at intervals not to exceed 15 minutes.

### 8.4 DANGEROUS PRISONERS

When a dangerous prisoner is confined in a Department detention facility, the Cellblock Attendant shall notify the on-duty Lieutenant who shall determine if a guard is necessary. If such a guard is necessary, the on-duty Lieutenant shall notify the senior command Officer of the unit making the arrest who will then detail a Police Officer for this purpose. In the event there is no available Officer from the unit making the arrest, an Officer from the B-District shall be assigned.

#### A. Use of Prisoner Restraint Chair

When it is determined that the safest way to control a prisoner is the use of the prisoner restraint chair, the prisoner shall be placed and restrained in the chair by personnel that have been trained in the proper use of the prisoner restraint chair.



1. Location – The prisoner restraint chair is normally stored in the handicap cell. If the handicap cell is in use it will be re-located near the prisoner/attorney visitation area within the cellblock.
2. Authorization – The use of the restraint chair is authorized in circumstances where a prisoner exhibits violent uncontrollable behavior, to prevent self injury or suicide or to prevent damage to property when other control methods have proven or are reasonably believed not to be effective.
3. Approval to use – The on duty Lieutenant must approve the use of the restraint chair.
4. Procedure –
  - i. Hoods, bags or other devices covering the head and face which may interfere with normal breathing are prohibited.
  - ii. Prisoners shall not be restrained in unnatural positions or in such a fashion as would result in the impairment of circulation, hyperextension or torsion of the extremities
  - iii. The restraints shall not inflict unnecessary pain or disability.
  - iv. The restraint chair shall never be utilized for the convenience of staff or as punishment.
  - v. The restraint chair shall only be used in the upright position
  - vi. When possible the inmate should be handcuffed ( behind the back) and placed in leg shackles prior to being placed in the chair
  - vii. When practical, all loose jewelry, glasses and belt should be removed from the prisoner prior to his placement in the restraint chair. If it is not practical, all of the above must be removed immediately after placement in the restraint chair
  - viii. Have the prisoner sit in the seat, secure the lap belt into the lap belt buckle and pull the handle until snug.
  - ix. Remove the prisoner's shoes and socks
  - x. If the prisoner is wearing leg shackles, place the leg iron chain behind the chain retainer located behind the foot pad
  - xi. Attach the handcuff tether to the handcuff chain
  - xii. Release the right wrist from the handcuffs and secure it to the arm of the restraint chair with the right wrist strap. Pull the strap until snug
  - xiii. Release the left wrist from the handcuffs and secure it to the arm of the restraint chair with the left wrist strap. Pull the strap until snug.
  - xiv. Re-adjust the lap belt if necessary
  - xv. Fasten the shoulder straps by passing the free ends over the shoulders, under the armpits and securing them to the shoulder strap buckle located on the back of the restraint chair. Tighten by pulling down on the shoulder strap handle until snug. (NOTE: Never wrap the shoulder straps around the chest, head or neck )
  - xvi. Secure the ankle straps by passing the free end around the front of the

ankles and securing the straps to the ankle strap buckle. Pull the strap handles until snug.

xvii. To loosen any of the restraining straps, insert a standard handcuff key into the buckle and push the key in while pulling slack back into the restraint strap.

xviii. Prisoners confined to the restraint chair shall be subject to one on one constant observation.

5. Duration –

Prisoners shall not be held in the restraint chair longer than necessary and, unless absolutely necessary and authorized by the on duty Lieutenant, no prisoner shall be held continuously for more than 2 hours in the restraint chair. Should the prisoner be held continuously for any more than 2 hours, the on duty lieutenant shall make arrangements to have the prisoner transported to a medical facility for a medical and/or mental evaluation by a qualified medical professional.

6. Documentation of Use -

Use of the restraint chair is considered an unusual incident and the procedures for documentation of unusual incidents including notifying NYS Commission of Correction should be followed. A note should also be placed in the cellblock log book indicating the use of the restraint chair to include date, time, prisoner name and administering Cellblock Attendants

7. Inspection –

After each use, the restraint chair shall be inspected to determine if any component has suffered any damage or wear requiring repair or replacement. Any component found in need of repair or replacement shall immediately be reported in writing (P-73) to the on duty lieutenant who shall immediately remove the restraint chair from service until the needed repair or replacement is made.

B. Use of Chemical Spray –

Use of chemical spray is only authorized when other methods to subdue have not proven effective. In non-emergency situations (i.e. prisoner is secured in a cell and the need for chemical use is not immediate), use of chemical spray must be approved by the on duty Lieutenant. If it is determined that the use of chemical spray is necessary, only the department issued spray for use in the cellblock area shall be used. Only personnel trained in the use of this particular spray shall administer the spray.

Decontamination is achieved by administering large doses of water to the sprayed area. This can be achieved by escorting the prisoner to the eye wash/ shower room located in the intake area or the female lock-up.

8.5 TELEPHONE CALLS

There is a portable phone assigned to the City Court Lock-up. Prisoners who request to make a telephone call will only be allowed to use the portable phone. Each telephone call shall be documented on Form P-19.

8.6 PRISONER SUPPLIES

Cellblock Attendants shall ensure that prisoners are adequately supplied with toilet paper, blankets and sanitary pads/tampons as needed.

8.7 PRISONER'S MEALS

A. Meal times shall be as follows:

- |                           |                                 |
|---------------------------|---------------------------------|
| 1. 0001-0800 tour of duty | meal time between 0600 and 0730 |
| 2. 0800-1600 tour of duty | meal time between 1130 and 1230 |
| 3. 1600-2400 tour of duty | meal time between 1730 and 1830 |

B. Meals are ordered and delivered weekly from the Buffalo Public School Nutrition Center located on Grider St., Buffalo, New York (716-816-3324). The meals shall be stored in a freezer and refrigerator located in area of the cellblock. If medical or religious beliefs require that a special meal be served to a prisoner, arrangements can be made by contacting the Erie County Holding Center and requesting an acceptable meal.

These items of food are for the prisoners' consumption only. Members assigned to the cellblock are responsible for carefully checking the food for the presence of any contraband before it's distributed to the prisoners.

- C. The meal and a drinking carton will be offered to each prisoner during each assigned meal time. Cellblock Attendants are responsible to collect and food wrappings and the drinking cartons from the prisoners after the meal is consumed.
- D. The member assigned to the cellblock shall make a notation on form P-19 indicating whether or not the prisoner accepted the meal.

8.8 PRISONERS REQUIRING MEDICAL OR PSYCHOLOGICAL ATTENTION

A. Medical Treatment

1. Prisoners Sick or Injured While in Custody

If while in custody, the prisoner complains of injury or appears to have an injury, illness, or pain that was not evident when the prisoner was taken into custody, the member of the Department assigned to the cellblock at the time shall immediately notify the on duty Lieutenant for further instructions.

2. Prepare Form P-1261

If the Lieutenant directs the removal of the prisoner to a hospital, the member

of the Department assigned to the cellblock shall complete a Request for Medical Examination of Prisoner (Form P-1261), which shall accompany the prisoner to the hospital. Any medical care received must be documented and attached to the P-1261 and kept on file.

3. Transportation to Medical Facility

- a. If treatment is not of an emergency nature, the arresting officer, if (s)he is readily available, shall return to the cellblock and transport the prisoner to the medical facility. If the arresting officer is not readily available, a member of his/her district or unit shall transport the prisoner. If neither the arresting officer nor a member of his/her unit (e.g. Detective Bureau) is available, a mobile patrol unit from "B" District shall transport the prisoner.
- b. If treatment is of an emergency nature, a mobile patrol unit from "B" District shall be dispatched to transport the prisoner. The arresting officer, or if (s)he is not readily available, a member of the arresting officers district or unit shall respond to the medical facility and take custody of the prisoner from the transporting officers.
- c. Refer M.O.P. Chapter 8 regarding transporting persons of the opposite sex.
- d. If an ambulance is necessary, the prisoner shall be handcuffed to the stretcher and an Officer shall ride with him/her in the body of the ambulance.

4. Responsibility for the Prisoner

The Officer having custody of the prisoner shall be responsible for the prisoner until properly relieved or until treatment is completed and then (s)he shall transport the prisoner back to the cellblock.

5. Instructions for Further Medical Treatment

All instruction for future medical treatment and medication shall be obtained in writing from the attending physician and shall accompany the prisoner to the cellblock. Members of the Department assigned to the cellblock shall dispense medication in compliance with the physician's instructions.

6. Searching the Prisoner

The prisoner shall be searched before being placed in a police vehicle for transport back to the cellblock.

7. Hospitalized Prisoner

If the prisoner is unable to return to the cellblock, the Officer shall contact the on-duty Lieutenant for further instructions.

B. Prisoners Requiring Mental Observation

1. Irrational Prisoners in the Cellblock

If, after confinement, a prisoner appears mentally ill and his conduct is such that he may injure himself through irrational acts, the on-duty Lieutenant shall be notified immediately. This includes suicidal prisoners.

2. Form P-1321 to be Prepared

If necessary, the on-duty Lieutenant shall direct the prisoner's removal to the Erie County Medical Center and the completion of a Request for Examination of Person Apparently Mentally Ill (Form P-1321).

3. Transportation to ECMC

- a. If treatment is not of an emergency nature, the arresting officer, if (s)he is readily available, shall return to the cellblock and transport the prisoner to ECMC. If the arresting officer is not readily available, a member of his/her district or unit shall transport the prisoner. If neither the arresting officer nor a member of his/her unit (e.g. detective squad) is available, a mobile patrol unit from "B" District shall transport the prisoner.
- b. If treatment is of an emergency nature, a mobile patrol unit from "B" District shall be dispatched to transport the prisoner. The arresting Officer, or if (s)he is not readily available, a member of the arresting Officers District or unit shall respond to ECMC and take custody of the prisoner from the transporting officers.
- c. Refer to M.O.P. Chapter 8 regarding transporting persons of the opposite sex.
- d. If necessary, an ambulance shall be summoned and the prisoner transported in medical restraints. In this case, a District Officer shall ride in the body of the ambulance along with the prisoner.

4. Responsibility for the Prisoner

The Officer having custody of the prisoner pursuant to M.O.P. Chapter 4 above shall be responsible for the prisoner until properly relieved or until treatment is completed and then (s)he shall transport the prisoner back to the cellblock.(Refer M.O.P. Chapter 4).

8.9 PRISONERS RETURNED TO THE CELLBLOCK AFTER TREATMENT

Prisoners who have received treatment at a medical facility and who are returned to the cellblock for confinement, shall be reassessed by Cellblock personnel if constant supervision is necessary. If it is determined that constant supervision is necessary, the prisoner shall be placed in an individual cell and a Cellblock Attendant/Police Officer shall be stationed directly outside of the prisoner's cell where he/she can maintain a constant watch of the prisoner. Notations of the prisoner's actions shall be made in the "constant supervision" log book at intervals not to exceed 15 minutes.

8.10 ADMINISTERING MEDICATIONS

No medication shall be given to a prisoner unless authorized or prescribed by a physician.

Arresting Officers shall be responsible for attempting to secure prescription medication required by the prisoner. Department members assigned to the cellblock shall dispense the medication according to the prescribed dosage.

Should a prisoner be admitted to the cellblock with medication, it is the responsibility of the cellblock attendant(s) to verify the validity of the medication by contacting the prescribing physician, the dispensing pharmacy, or searching the internet web site: [www.drugs.com/pill/identification.html](http://www.drugs.com/pill/identification.html) prior to providing the medication to the prisoner.

## 9.0 UNUSUAL INCIDENTS IN THE CELLBLOCK

### 9.1 POLICY

It is the policy of the Buffalo Police Department to anticipate and to prevent unusual occurrences involving prisoners in the cellblock. When an unusual occurrence does take place the incident will be thoroughly investigated and a complete report made to the NYS Department of Corrections.

### 9.2 UNUSUAL OCCURRENCE - DEFINITION

An unusual occurrence is any incident involving a prisoner confined to a cell who:

1. escapes or attempts to escape;
2. commits suicide or attempts to commit suicide;
3. dies while in custody regardless of the cause of death;
4. causes injury to himself or to any other person, including members of the Department;
5. engages in any other conduct that may threaten the safety of himself or others, or causes substantial disruption in the cellblock.

### 9.3 UNUSUAL OCCURRENCE – PROCEDURE

- A. Cellblock Attendants shall take immediate remedial action to resolve the unusual occurrence.
- B. The Cellblock Attendant shall contact the on-duty Lieutenant as soon as practicable after having taken immediate action to resolve the unusual occurrence.
- C. The Lieutenant on duty at the time of the unusual occurrence shall be responsible for conducting an appropriate investigation and making a full report of his/her findings.

### 9.4 UNUSUAL OCCURRENCE - REPORTING REQUIREMENTS

- A. The Lieutenant on duty at the time of the unusual occurrence shall immediately complete the reportable incident form via the NYS Portal.
- B. The on-duty Lieutenant shall compile all reports, assemble witness's statements on an Intra-Departmental Memorandum (P-73) and collect all forms, exhibits, photographs and any other pertinent material. This packet shall be forwarded to the Commissioner

through the Inspector of Administration and Communication.

- C. The Commissioner's Office shall forward the packet to the NYS Commissioner of Corrections within thirty (30) days of the occurrence.

#### 9.5 DEATHS IN THE CELLBLOCK - ADDITIONAL PROCEDURES

In all instances in which a prisoner dies while in custody in the headquarters cellblock, the Cell Block Attendant shall:

- A. Contact the on-duty Lieutenant who shall contact the Duty Inspector and Internal Affairs.
- B. The Homicide Squad shall be notified and shall investigate the death of an inmate in the cellblock. They shall be responsible for notifying next of kin.
- C. The Lieutenant must notify the NYS Commission of Correction within six (6) hours of the death of any prisoner in the cellblock;
- D. Cellblock personnel shall fully cooperate with the Homicide Squad and prepare all reports required by the investigating Officers;
- E. The completed investigation must be forwarded to the Commission of Correction within ten (10) days of the occurrence.

#### 9.6 ESCAPES

- A. When a prisoner escapes from the cellblock, the Cell Block Attendant shall immediately request the Radio Dispatcher to broadcast a description of the suspect. If court is in session OCA shall be notified.
- B. The Lieutenant shall immediately respond and begin a coordinated search of the City Court Building. The Lieutenant will also be responsible for conducting a complete investigation of the occurrence and preparing the reports required in M.O.P. Chapter 4.
- C. The Supervisor on duty in "B" District shall respond and begin a coordinated search of the area outside the City Court building.
- D. The Duty Inspector shall be notified and (s)he shall decide how extensive the search shall be.

#### 9.7 REPORTING REQUIREMENTS

Non – Death unusual incidents must be reported via the reportable incidents form in the NYS Portal within 24 Hours.

Deaths, fire, escape; evacuation incidents must be reported immediately on the reportable incidents form via the NYS Portal within 6 hours of the incident.

## 10.0 CELLBLOCK SECURITY

### 10.1 POLICY

It is the policy of the Buffalo Police Department to strictly maintain the security of the cellblock at all times while prisoners are confined therein.

### 10.2 DOORS TO BE LOCKED

- A. The main doors of the City Court Cellblock shall be kept locked whenever prisoners are being confined. They shall be opened only to allow authorized personnel entrance to and departure from the cellblock.
- B. Doors to each individual cell and group cell shall be kept locked whether or not it is being used to confine a prisoner.
- C. After each door in the cellblock is locked, the members of the department shall check it to make certain that it is secure.

### 10.3 KEY CONTROL

There shall be a current and accurate accounting of the location and possessor of all keys used in the cellblock. There shall be readily accessible, a duplicate key in the event that an emergency necessitates its use.

**\*\*male staff cannot possess keys to the female lock-up\*\***

Cellblock Attendants are required to maintain keys on their person at all times while in the cellblock area.

### 10.4 RADIOS

Cellblock Attendants are required to maintain a charged, Buffalo Police portable radio on their person at all times while on duty.

### 10.5 EMERGENCIES

#### A. Members Needing Assistance

Members assigned to the City Court Lock-up shall be issued a portable radio by the on-duty Lieutenant.. They shall notify the radio dispatcher in the event of an emergency. In the event of an emergency in which personnel assigned to the cellblock need immediate assistance, they shall push one of the panic alarm buttons. The Radio Dispatcher shall broadcast an alert requesting assistance from available B-District personnel and any other personnel in the immediate area. The on-duty Lieutenant shall immediately respond and shall assume command. (S)he shall also be prepared to open the main cellblock door.

The panic alarm buttons shall be tested at least once each week to ensure that it is



operating properly.

B. Emergency Evacuation Route

As a normal course of business, prisoners will not be evacuated from the cellblock area in the event of a fire or emergency alarm. The on duty Lieutenant will confer with building security to ascertain if an actual emergency currently exists that would endanger the safety of the prisoners confined to the cellblock area.

In case of an actual fire, or other emergency requiring the evacuation of prisoners, the on duty Lieutenant shall contact dispatch and request the assistance of Police Officers to provide additional security during the evacuation of prisoners. The prisoners shall be handcuffed to each other and taken out the exit towards the route to City Court. Proceed either to the left or to the right to the stairwells leading to the first floor. Exit the stairwell on the first floor and then proceed to the nearest building exit onto Delaware Avenue.

Prisoners should be directed to proceed across W. Eagle St. and to the alley behind the Erie County Holding Center where they can be properly secured. If it appears that the evacuation is to be long term, arrangement will need to be made with the Erie County Holding Center to secure prisoners. Additionally, the City Court Booking supervisor will make arrangements with the Cheektowaga Police Department, Amherst Police Department and Tonawanda Police Department.

10.6 ESCORTING PRISONERS TO AND FROM CELLS

- A. Members of the Department shall never place a prisoner in a cell or remove a prisoner from a cell unless accompanied by another member of the Department.
- B. Members of the Department shall never enter a cell occupied by a prisoner unless accompanied by another Department member.

10.7 IDENTIFYING PRISONERS PRIOR TO RELEASE

Before a prisoner is to be released from a Department detention facility for any reason, the prisoner must be positively identified by a Department member. All prisoners will be assigned a wrist band containing name, D.O.B., and mug number at the booking intake.

10.8 VISITING AND INTERVIEWING PRISONERS

A. Only Authorized Persons Allowed in Cellblock

Cellblock attendants, and Department members on official business, shall be allowed access to Department detention facilities. No other unauthorized persons shall be allowed into the cellblock without written authorization from the City Court Booking Lieutenant.

B. Police Interviews

Any member of the Department wishing to speak to, interview, or interrogate a prisoner confined in the Cellblock must first obtain a written order from the Lieutenant.

C. Attorney or Clergy Visits

1. The prisoner's attorney or a member of the clergy must first obtain a written order from the on-duty Lieutenant before being allowed to visit a prisoner.
2. Visits from the prisoner's attorney or members of the clergy shall take place in the designated visitation area.
3. The prisoner shall be escorted by a Cellblock Attendant to the visitation area.
4. The Cellblock Attendant shall take up a position to foreclose any opportunity for escape but at the same time far away from the prisoner so that the conversation cannot be overheard.

D. Pre-Trial District Attorney and Horizon Mental Health Personnel

Cellblock personnel shall maintain a current list of people affiliated with the District Attorney's Pre-Trial program and with the Horizon Mental Health organization, who are authorized to enter the cellblock to interview prisoners. Persons associated with these programs will arrive each morning and are allowed access to prisoners. Cellblock personnel shall record the name of each person who appears in conjunction with these programs. If prisoners are also being held elsewhere in the City Court facility, arrangements shall be made for access to these prisoners as well.

E. Written Authorization Required

1. No one other than members assigned to the cellblock, Pre-trial District Attorney personnel, and Horizon Mental Health personnel shall be allowed to visit a prisoner in the City Court cellblock without first having obtained written authorization from the Lieutenant.
2. The cellblock shall maintain a copy of all authorizations signed by the Lieutenant.

11.0 **PRISONER'S RIGHTS**

11.1 **POLICY**

It is the policy of the Buffalo Police Department to treat prisoners who are confined in Department detention facilities, in a humane manner and to allow them to exercise the rights they are granted under the law.

11.2 **SPECIFIC RIGHTS**

- A. All prisoners are guaranteed a timely court appearance. Prisoners confined by this Department shall be delivered to the appropriate court when that court is next in session, if at all possible.

- B. Prisoners shall be released on Appearance Tickets whenever possible.
- C. Prisoners shall be able to consult with their attorneys in a manner that guarantees the confidentiality of such conversation.
- D. In addition to telephone calls made on behalf of prisoners by City Court Booking personnel, prisoners shall have access to the telephones in the City Court Lock-up.
- E. Prisoners are entitled to meals as specified above. Meals shall be served three times daily.

## 12.0 **PRISONER'S PROPERTY**

### 12.1 **POLICY**

All property seized by the BPD, other than evidence, contraband, or instrumentalities of a crime, shall be relinquished to the prisoner upon his/her release from custody.

### 12.2 **RETURNING PRISONER'S PROPERTY**

A prisoner who has been released from custody and appears at the City Court Booking to claim his/her property being held there shall be required to establish their identity as determined by the City Court Booking personnel. A copy of the identification presented shall be stapled to the Property Office copy of the P-10cbb(2). Prisoners must sign the P-10cbb acknowledging that their personal property has been returned to them. Property held in excess of 24 hours shall be delivered to the Property Office at 68 Court Street, where the prisoner(s) can pick-up there Monday through Friday (excluding holidays) during normal business hours.

## 13.0 **INSPECTING CELLS AND CELLBLOCK AREAS**

### 13.1 **POLICY**

It is the policy of the Buffalo Police Department to regularly inspect cells and cellblock areas and to maintain compliance with the requirements of the NYS Commission of Correction.

### 13.2 **INSPECTION IMMEDIATELY BEFORE AND AFTER A CELL IS USED**

- A. The member of the Department assigned to the cellblock who places a prisoner in a cell shall be responsible for inspecting the cell for weapons and contraband and any other deficiencies before the prisoner is placed inside.
- B. The member of the Department assigned to the cellblock who takes a prisoner out of a cell shall be responsible for inspecting the cell for weapons and contraband and any other deficiencies when the prisoner(s) is removed from the cell.
- C. Discovered weapons and contraband or any other deficiencies shall be immediately

reported to the on-duty Lieutenant by the attendant making the discovery.

D. Cells and cellblock corridors shall not be used to store any items or articles.

13.3 DAILY INSPECTION

Hourly, the on-duty Lieutenant shall make a visual inspection of the entire cellblock. Such inspections will be noted in the cellblock log book. The Lieutenant conducting the inspection shall report any deficiencies to the Captain.

13.4 MONTHLY INSPECTION

On the 1<sup>st</sup> of each month, a thorough inspection of the entire cellblock shall be conducted by the day Lieutenant or his/her designee. The inspection shall include checking bars, locks, walls, floors, ventilator covers, glass panels, access plates, protective screens, doors and other security devices for operational wear and detainee tampering. Occupied as well as unoccupied cells shall be inspected. The results of this monthly inspection shall be documented on report BPD-44 and submitted to the Captain, who shall be responsible for arranging to correct any deficiencies.

13.5 CLEANING OF CELLS

It is essential that the cell blocks in the City Court Lock-up be cleaned on a daily basis. On weekends or holidays when a cleaner may not be regularly scheduled to work, the on-duty Lieutenant shall call a cleaner in on an overtime basis.

13.6 ACCOUNTING FOR TOOLS AND CULINARY EQUIPMENT

In the event that repair work is undertaken in the cellblock, the Lieutenant on duty shall account for all tools that are brought into, and taken out of, the cellblock. There shall be strict visual supervision of all repair work.

14.0 CELLBLOCK RECORDS AND FORMS

14.1 POLICY

It is the policy of the Buffalo Police Department to maintain records of cellblock operations.

14.2 INSPECTOR OF ADMINISTRATION AND COMMUNICATION RESPONSIBILITY

The Inspector of Administration and Communication shall be responsible for having those records prepared and maintained that are necessary for the efficient operation of Department detention facilities. (S)he shall also ensure that all records required by the NYS Commission of Correction are properly prepared.

14.3 SAFEGUARDING RECORDS

Records maintained in the course of operating Department detention facilities shall not be disseminated to anyone but authorized Department personnel. Requests for such records by other than authorized Department personnel shall be referred to the Inspector of Administration and Communication.

14.4 CELLBLOCK PRISONER CONTROL FORM (P-19)

Members of the Department on duty in the Cellblock shall record the detention of prisoners on Form P-19.

- A. The Cellblock Prisoner Control Form (P-19) shall contain the data necessary for the proper arraignment of prisoners in City Court. It shall be prepared in quadruplicate on a daily basis.
- B. A Control sheet shall be kept for each group cell, individual cells as a group, as well as an individual sheet for female prisoners.
- C. Two (2) copies of this report shall be given at 0800hrs to the member of the Department assigned to the City Court Detail. The original shall be forwarded to the Captain's office and the remaining copy shall be kept on file in the City Court Lock-up.
- D. Detailed instructions for making entries on the Cellblock Prisoner Control Form can be found in Appendix B.

#### 14.5 RECORDS REPORTING REQUIRED-NYS COMMISSION OF CORRECTION

- A. A record of the number of male and female prisoners detained on a daily basis shall be maintained and be kept available at all times for review by Commission representatives
- B. On or before the first day of February of each year, the Inspector of Administration and Communication shall submit a report to the Commission of the total number of male and female prisoners detained during the preceding calendar year. Form available at <http://www.scoc.ny.gov/forms.htm>

#### 15.0 PRISONERS TO CITY COURT

##### 15.1 POLICY

It is the policy of the Buffalo Police Department to transport prisoners to City Court from the cellblock whenever a prisoner has been properly processed and City Court is in session.

##### 15.2 ILL, INJURED OR INTOXICATED PRISONERS

- A. Prisoners who are ill or injured shall not be taken to court without first being provided with appropriate medical attention. Appearance tickets shall be issued where appropriate.
- B. Intoxicated prisoners shall not be taken to court. They shall be provided with medical attention where appropriate and they shall be held for the next sitting of court if necessary.

##### 15.3 TRANSPORTING TO CITY COURT – PROCEDURE

A. City Court Detail

It shall be the responsibility of the cell block personnel to transport prisoners from the cellblock to City Court. In the event that additional personnel are needed to assist the cellblock personnel, or there are prisoners that need to be transported to City Court members of District "B" shall be assigned.

B. Prisoner Clothing

All prisoners must be properly clothed when taken to court. Members of the Department assigned to the cellblock shall notify the Lieutenant who shall make arrangements to secure clothes for prisoners when necessary or provide paper suit/gown as appropriate.

C. Handcuffing prisoners

All prisoners shall be handcuffed. When two or more prisoners are transported together they shall be handcuffed together in pairs. If a dangerous prisoner is to be transported, leg irons shall also be used.

D. Court Documents and Prisoner Identification

All court documents and files necessary for the prisoner's court appearance shall be delivered to the Cell Block Attendants transporting the prisoner to court. The transporting Cell Block Attendants shall identify each prisoner through the corresponding court documents before the prisoner is removed from the cellblock and transported to the Court. Transporting Cell Block Attendants shall be apprised of any information about a prisoner that may potentially create a problem (e.g. suicidal prisoners, violent prisoners, prisoners that are escape prone, prisoners on which there is a hold for another jurisdiction, etc.).

E. Prisoners Leaving Cellblock for City Court

When a group of prisoners is ready to leave the cellblock for City Court;

1. Cellblock personnel not assigned to transport will observe the cameras that observe the route to the Elevator to City Court.
2. When the route is clear of building personnel, cellblock personnel not assigned to transport shall:
  - i. Activate the system bringing down the gates in the building staff hallway
  - ii. Open the sally port doors from the cellblock to the transportation route
  - iii. Open the door to the prisoner elevator hallway
3. The Cellblock Attendants assigned to court transport shall proceed as expeditiously as possible across the staff hallway and into the prisoner elevator hallway.
4. Once all prisoners are inside the prisoner elevator hallway, the cellblock personnel assigned within cellblock shall close and lock the prisoner elevator hallway door.
5. Court transport cellblock attendants shall request via intercom that the

cellblock personnel within the cellblock open the prisoner elevator hallway door exit be opened as needed to board the elevator with prisoners. This step may need to be repeated if the number of prisoners exceeds the capacity of the elevator.

F. Notifying Court When the Prisoner Presents a Security Hazard

Whenever a prisoner presents a potential security hazard (e.g. violent prisoner, escape prone prisoners, suicidal prisoners, disruptive family and friends of the prisoner in the court room, etc.) the City Court Detail shall notify the City Court Judge in front of whom the prisoner will appear and the NYS O.C.A. Officer that is responsible for court security.

15.4 MEDICAL OR PSYCHOLOGICAL TREATMENT AFTER CONFINEMENT AT THE HOLDING CENTER

The same procedures outlined above relating to male prisoners shall be used for female prisoners. The Officer transporting the prisoner shall prepare the Request for Medical Examination of Prisoner (Form P-1261) or the Request for Examination of Person Apparently Mentally Ill (Form P-1321) as the case may be.

**Appendix A - Searches**

## **SEARCHING PRISONERS**

Arresting officer(s), upon proper admission to the cellblock, SHALL remain with their prisoner through the search of the arrestee, and until the prisoner is placed in his cell. Any contraband found upon a prisoner subsequent to the cellblock attendants search shall be turned over to the arresting officer(s) for the filing of any additional charges.

All prisoners shall be thoroughly searched by the attendants before being placed in a cell. Belts, suspenders, shoe laces, etc. shall be removed from the prisoners.

Arresting officers will always view the search of an arrestee. Arresting officers will not conduct searches but may assist at the request of a cellblock attendant. Female attendants assigned to the cellblock will not conduct searches of a male arrestee, unless and emergency exists. No strip search is to be conducted without the approval of the Lieutenant on duty.

The Major area that Attendants fail to search male prisoners is in the groin area. This is an area that offenders often carry contraband and weapons. Attendants are to make a thorough search of the male prisoners paying special attention to the groin area. Be wary of the prisoner who makes statements about the Attendant's sexual orientation whenever the Attendant's hands get close to the genital area of the prisoner. This prisoner may be concealing evidence, contraband or a weapon in his groin area.

SPECIAL NOTE: If a prisoner, in the presence of an Attendant, attempts to secret a weapon which presents a clear and imminent threat of creating serious bodily injury or death ( handgun, straight razor, knife, etc.) the Attendant has the authority to immediately force removal of same.

The arresting Officer is responsible for the thorough search of the prisoner at City Court Booking. If additional property is found, upon the prisoner while being searched at the cellblock, the following procedure shall be followed:

- It will be the responsibility of the arresting officer to take possession of the property.
- The arresting officer shall make a notation on the prisoner's property receipt indicating the property taken and sign his/her name adjacent to the entry. This will indicate that the officer received the property.
- The prisoner property receipt will be given back to the prisoner.
- The officer will then be instructed to take the property to City Court Booking personnel to make the necessary notations on the original receipt of the prisoner property receipt.

## **PRISONER'S PERSONAL PROPERTY**

Belts, shoelaces, bra's, jackets etc., taken from a prisoner while housed in the cellblock, shall be stored in the cubicles located inside the cellblock area. Whenever a prisoner leaves the cellblock he shall be given his personal property that had been stored in the cellblock. It shall be the responsibility of the on-duty cellblock attendant to see that the property is returned to the rightful owner upon his release whether he is bailed, taken to court or released under other



circumstances. WHEN TAKEN TO COURT – PROPERTY TAKEN FROM PRISONER IN CELLBLOCK TO GO WITH PRISONER

## **GUIDELINES FOR BODY SEARCHES, STRIP/BODY CAVITY SEARCHES – MALES**

### **See separate section regarding Females**

The integrity of an individual's person is a cherished value in our society, and a strip search or body cavity search is a significant intrusion into an individual's personal privacy. Therefore, strip searches and body cavity searches should never be undertaken routinely, and never without clear, legal justification.

### **DEFINITIONS OF TERMINOLOGY:**

**STRIP SEARCH** - The removal or rearrangement of any clothing which permits visual inspection of the genitals, buttocks, anus, or female breasts.

**PAT/FRISK SEARCH** – A search during which a prisoner is not required to remove his/her clothing.

**BODY CAVITY SEARCH** – A search or examination of any body cavity of an individual and is a substantial significant intrusion into a person's personal privacy.

**METAL DETECTOR SEARCH** – A search which requires an individual to either “walk through” a metal detector, or that a hand held detector be passed over and around an individual's body to determine whether there are metal objects in their clothing or attached to their body.

### **PROCEDURE:**

In order for the pat and strip searches to be successful in uncovering contraband, it is important for the Attendant to remember the following:

1. The search must be systematic and orderly. If steps are missed, the search is likely to be a failure.
2. The search must be conducted with great care and attention on the part of the attendant. Careless searches have been one of the leading causes for the introduction of dangerous drugs or weapons into lock-ups.
3. The search must be conducted in an area where other prisoners are not present. This eliminates distractions by other prisoners and reduces the tension caused by embarrassment of the prisoner being searched.
4. The Attendant must be objective and professional at all times. Personal remarks and gestures have no place in conducting searches.

### **PAT SEARCH**

The Pat search is a more common means of searching prisoners on a routine basis. This search will be conducted at the following times:

1. Upon admittance before a prisoner enters the secure area of the lock-up

2. During shakedowns, if the situations warrants, the Lieutenant on duty may order a strip search instead of a pat search.
3. When a prisoner leaves the facility for any reason other than release, i.e. court, hospital.
4. At any time the Lieutenant on duty feels that such a search is warranted.

The basic pat search will be conducted in the following manner:

1. Have the prisoner empty all pockets, trousers, shirt, coat and jacket, etc. turning all pockets inside out. After the contents have been checked, the articles will be placed out of reach of the prisoner.
2. Instruct the prisoner to stand approximately two feet from a wall., spread his legs and lean against the wall with his forehead touching it, arms extended outward (palms out). The prisoner would be directed not to remove his hands from the wall or move in any manner until so instructed. This is an advantageous position for the Attendant, should the prisoner display violent tendencies.
3. Run the prisoner's shirt collar between fingers carefully feeling for small hidden wires, hacksaw blades, drugs, etc,
4. Move hands downward, running over the shoulders, down the outside of the prisoner's arms to the armpits.
5. Run hands down the shirt front, checking pockets and stopping at the beltline
6. Run fingers around the inside of the waistband, feeling for any small articles hidden there are behind the belt.
7. Run hands down the prisoner's buttocks all the time feeling for places which might contain hidden, illegal articles.
8. Run hands carefully down the legs, checking all around them for concealed articles. Trousers cuffs should be checked carefully for contraband.
9. Run hands over the prisoner's lower abdomen and crotch carefully, looking for concealed articles that may be taped to these areas.
10. Instruct the prisoner to remove his/her shoes. Look into the shoes and tap them firmly on the floor to dislodge any contraband that might possibly be secreted in them. Have the prisoner lift his feet so that the soles are revealed to ensure the absence of contraband i.e. drugs, knife etc.

### **STRIP SEARCH**

Upon approval of the Lieutenant on duty, **ALL** strip searches will be conducted in areas which will ensure the privacy of the inmate being searched.

Strip searches will be permissible at the following times:

1. Upon admission for those prisoners charged with a felony/misdemeanor upon the reasonable suspicion that the arrestee is carrying or concealing contraband based on the crime charged.
2. After a prisoner's return to the facility from outside i.e. court, hospital etc.
3. At any time the Lieutenant on duty feels that this type of search is warranted during a "shakedown" instead of a pat search.

Attendants will use proper care in the handling of the prisoners clothing once it has been removed. As the prisoner removes an article of clothing, he/she will hand it to the Attendant who will search the clothing and set it aside, out of the reach of the prisoner, in an orderly manner. It is advisable that the Attendant, conducting the strip search, wear protective gloves as a protective measure for him or herself.

A prisoner's clothing will be searched in the following manner:

1. Examine all pockets for contraband turning them inside out.
2. Run fingers over all linings to check for areas which might contain contraband
3. Check the fly, waistband, all cuffs, all seams, hatbands, and collars for concealed contraband.
4. Examine the soles, heels and inside of all shoes.
5. Examine socks turning them inside out

A strip search will be conducted as follows:

Instruct the prisoner to comb his fingers through his hair, bend his head down, and shake out his hair.

The Attendant will instruct the prisoner to turn his left side to him and pull his left ear down and let it up so that the Attendant can look into and behind it. The prisoner will follow the same procedure with the right ear. . The Attendant will next instruct the prisoner to face him and lift his head up so that he can look into his nostrils. He will then instruct the prisoner to open his mouth and wiggle his tongue back and forth. The Attendant will then ask the prisoner if he wears contacts or dentures. If the prisoner wears contacts, the Attendant will advise him that it will be responsibility to care for them in the detention area. If he wears dentures, the Attendant will ask the prisoner to remove them so they can be examined for contraband and then remind him that it will be his responsibility to care for them in the detention area.

Instruct the prisoner to face the wall, bend down and spread the cheeks of his buttocks. Next, the Attendant will instruct the prisoner to raise one foot at a time so that he can check the bottom and toes of each foot. A male prisoner will be required to lift his testicles in his hand. A female prisoner will be required to squat and cough. The prisoner will then be instructed to lift his arms above his head, so the armpits can be examined for contraband. Carefully examine the backs, palms, and between the fingers.

If the prisoner is wearing a cast or bandages, the Attendant will carefully inspect them for contraband. If the prisoner is wearing a brace or prosthesis, the Attendant will instruct the prisoner to remove either for examination.

NOTES: IT is imperative that the Attendant remain in visual contact with the prisoner at all times to prevent the prisoner from disposing of contraband. The Attendant conducting the search will be the same sex as the prisoner being searched. The prisoner should be observed by no more Attendants or Officers than necessary to conduct the search and maintain security.

**ALL BODY CAVITY SEARCHES WILL BE CONDUCTED BY A QUALIFIED PHYSICIAN AT THE ERIE COUNTY MEDICAL CENTER.**

**SEARCHING OF FEMALE PRISONERS:**

- A. FEMALE PRISONERS MUST BE SEARCHED BY FEMALE STAFF.
- B. MALE ATTENDANTS SHALL NOT SEARCH FEMALE PRISONERS EXCEPT IN ACCORDANCE WITH THE GUIDELINES FOR BODY SEARCHES; STRIP/BODY CAVITY SEARCHES OR IN THE CASE OF AN EMERGENCY. (I.E. IN THE PROCESS OF SECRETING WEAPONS/DRUGS UPON THEIR PERSON.)
- C. If an evidentiary search is deemed necessary, a female Attendant, or if unavailable, a female Police Officer will be utilized to conduct the search.
- D. If no female Attendants or female Police Officers are available in this department, the prisoner shall be taken to the Erie County Holding Center, after making arrangements with the E.C.H.C. and Sheriff's Office personnel will be requested to conduct the evidentiary search.
- E. Strip search of female prisoners – See "Strip Search" These criteria must be met along with obtaining permission from the Lieutenant on duty.

**HANDCUFFING OF FEMALE PRISONERS**

Inasmuch as female prisoners will not be thoroughly searched in most instances, arresting officers are to keep them handcuffed at all times.

## Appendix B – Cellblock Records and Forms

### CELLBLOCK PRISONER CONTROL - Form P-19

Attendants on duty in the headquarters cellblock shall record the detention of the prisoners on form P-19.

- A. Cellblock Prisoner Control form (P-19) shall be prepared, in quadruplicate, daily, by personnel of the male cellblock., containing the data necessary for the proper arraignment of prisoners in the City Court of Buffalo.
- B. An individual sheet shall be kept for female prisoners who are printed at the cellblock and forwarded to the Erie County Holding Center (ECHC).
- C. Two (2) copies of this report shall be given to the Attendants assigned to transport prisoners to the court. The original shall be forwarded to the Captain of C.I.R. and the duplicate kept in the cellblock.
- D. After a prisoner is accepted into the cellblock, his personal information shall be accurately entered upon the P-19 Cellblock/Prisoner Control form.

### P-19 ENTRIES

1. **TIME IN** – actual time prisoner is brought into the cellblock
2. **FINGERPRINT** – time prisoner is fingerprinted/photographed and the handwritten initials of the Attendant performing the task. The Attendant fingerprinting the prisoner shall be responsible for photographing the person.
3. **CELL ASSIGNED** - shall indicate in the first column the first cell into which a prisoner has been placed. In the event that a prisoner is moved to a different cell, the new cell number shall be inserted in the second column.
4. **ARREST CARD ARRIVAL TIME** – Attendants shall place the exact time of the arrival on the arrest card from City Court Booking
5. **DEFENDANT’S NAME** – enter last name, first name and middle initial
6. **MUG NO.** – shall indicate the prisoner’s pre-assigned mug shot number. Mug numbers that have been assigned by City Court Booking shall be inserted.
7. **F/M/V** – shall indicate the class of the arrest. F= Felony, M= Misdemeanor, V= Violation. Also note that although a prisoner is held upon a misdemeanor or a violation it must be determined if he is to be held via a warrant.
8. **MEAL 8/4/12** – shall indicate whether a prisoner has received a meal during that tour of duty. A prisoner must be housed in a cell during the specific meal period and only one meal is allowed per tour. The meal times are as follows:

0001-0800 hrs tour = 0600-0730 hrs meal  
0800-1600 hrs tour = 1130-1230 hrs meal  
1600-2400 hrs tour = 1730-1830 hrs meal

Cellblock Attendants shall make a notation of the prisoner's refusal or acceptance of a meal on Form P-19. This shall be accomplished in the following manner:

- A. If the prisoner accepts the meal, the meal column on form P-19 shall be marked with a capital letter "Y" indicating that the meal was accepted.
  - B. If the prisoner refuses a meal, the meal column will be marked with a capital letter "N" indicating the prisoner refused a meal.
9. **PHONE** - This column shall be used to indicate whether a prisoner has made a telephone call. It is NOT to be used to indicate if the prisoner was offered use of the phone or if a phone call was made at Booking for him or her. A YES or NO entry shall be made in this column signifying whether or not the prisoner made a phone call.
  10. **MED** - Shall indicate whether or not the prisoner's P-153 interrogatory (suicide screening) indicates the prisoner's medical or prescription needs. Any notation to the affirmative shall cause a notation to be placed in the TURNKEY MEMO section indicating that particular prisoner's needs.
  11. **HOLD** - Shall indicate ANY reason why a prisoner may not simply be released via an appearance ticket. Any notation to the affirmative shall cause a notation to be placed in the TURNKEY MEMO section indicating reason for that prisoner's hold; ( i.e. warrant, held for another agency, detainer). The notation shall indicate the agency causing the prisoner to be held via a warrant etc. In those cases where a prisoner is held via a detainer, a copy shall be held in the cellblock, one copy forwarded to the Lieutenant on duty and copy forwarded to Booking for placement in the arrest folder.
  12. **TIME RELEASED** - AT/other/CT – shall indicate the time and reason for the release. AT = Appearance Ticket; other = released to another agency when held ONLY on their warrant or a prisoner has been released for medical treatment and is not to be returned to the cellblock or any other reason other than appearance ticket or for arraignment at Buffalo City Court; CT= Court, this column shall be used for any court appearance that the prisoner has been sent to.
  13. **SEARCHING ATTENDANT** - shall indicate the Cellblock Attendant who was responsible for the search of that particular prisoner. All prisoners will have the metal detector scanned over their persons by the searching Attendant prior to being placed in a cell.
  14. **DOCKET #** - No entry required. This is for City Court use only.

15. **TURNKEY MEMO** – a notation in the turnkey memo section of the P-19 indicating the reason for removing a prisoner from his cell, i.e. medical treatment, visitor or ANY reason other than for the purposes of photographing and/or fingerprinting.

A control sheet shall be kept for the cellblock as well as an individual sheet for female prisoners who are photographed/fingerprinted and forwarded to the Erie County Holding Center. (ECHC)

On duty Cellblock Attendants names shall be listed in the appropriate time slots.

### **FORM #330**

Form #330 Suicide Prevention Form is to be completed for each prisoner before he is placed in a cell. See Department's Suicide Prevention Policy for Instructions regarding this form. Directions are also on back of form.

A. Administration and Communication Command

The City Court Lock-up is under the command of the Inspector of Administration and Communication. The Inspector of Administration and Communication shall ensure that the facilities and procedures comply with the rules and regulations of the NYS Commission of Corrections, the rules and regulations of the Buffalo Police Department, and all other applicable laws.