



GENERAL ORDER

41.01

SUBJECT: PRISONER TRANSPORTS; SEARCHING/HANDCUFFING			
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ISSUE DATE: 01/01/92	EFFECTIVE DATE: 06/05/92	REVISES: G.O. 41.01	SUPERCEDES: 1/92 ISSUE
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DISTRIBUTION: ALL MEMBERS	REEVALUATION: 10/00	PAGE: 1 of 7
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ISSUING AUTHORITY: LOUIS S. D'ALISO, COMMISSIONER/SHERIFF	<i>Louis S. D'Aliso</i>
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I. PURPOSE:

To establish the policy and procedure of the Westchester County Department of Public Safety, to guide officers in the searching and cuffing of persons taken into custody.

II. POLICY:

Safety and security are the main consideration in dealing with persons who have been taken into custody;

SAFETY - Of the officers, persons in custody, and the general public;

SECURITY - The prevention of escape. Officers must effectively neutralize any threat which the subject may pose, using only the minimum amount of restraint necessary to accomplish this purpose.

III. PROCEDURE:

A. Searching Prisoners in General:

1. Generally, the person taken into custody shall be frisked immediately after apprehension and handcuffed. When assistance arrives, a full search of the prisoner shall be made.
2. As a contemporaneous incident of a lawful custodial arrest of the occupant of a vehicle, the passenger compartment thereof shall be checked for any possible weapons or devices which can be used to assault or otherwise facilitate escape.
3. The arresting officer is fully responsible for his prisoner until that prisoner is lawfully turned over to another police officer, a legitimate detention facility or an agency which is empowered to accept responsibility for the prisoner. The arresting officer will properly document such transfer of custody.

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4. Whenever and wherever taking custody of a prisoner, the transporting officers' responsibility is to search /or re-search the prisoner for weapons and/or contraband.

B. Searching Prisoners of Opposite Sex:

1. Prisoners will be searched by officers of the same sex whenever possible. (See G.O. 42.06)
2. Reasonable grounds must exist to believe that the prisoner has in her possession property (weapons, drugs, other evidence) which may be hidden about the person and there is imminent danger that it may be utilized, discarded, or otherwise destroyed.
3. Searches in such cases shall be conducted:
 - a. So as to scrupulously avoid any appearance of impropriety.
 - b. With the utmost regard to decency and privacy.
 - c. In the presence of a superior and/or other witness (if possible).
4. Under no circumstances shall male officers engage in a strip search or body cavity search of a female prisoner.

C. Handcuffing Prisoners:

1. Generally, all prisoners shall be handcuffed; the exception being where the age, infirmity, injury or other specific condition of the defendant renders him or her relatively harmless.
2. Whenever possible, prisoners will be handcuffed with the hands behind the back, palms out, and double locked. (Exception - when a transport belt is used, the handcuffs will be placed through the ring on the belt and secured with the hands in front of the prisoner or when a waist chain with black box is used the cuffs will be secured in front, double locked and the black box placed over the cuffs and secured to the chain.).
3. When applying handcuffs, the double locking pin should be accessible from the top.
4. The handcuffs shall be secured upon the wrists and adjusted so as to prevent the prisoner from slipping out, but not so tight as to cause discomfort or injury.

Sarnicola v. County of Westchester



PN-NY-002-002