



PATROL GUIDE

Section: Arrests		Procedure No: 208-09	
RIGHTS OF PERSONS TAKEN INTO CUSTODY			
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PURPOSE

To advise persons taken into custody of their constitutional rights.

PROCEDURE

Prior to questioning a person taken into custody:

UNIFORMED MEMBER OF THE SERVICE

1. Inform such person of the following constitutional rights (Miranda Warnings):
 - a. You have the right to remain silent and refuse to answer any questions. Do you understand?
 - b. Anything you say may be used against you in a court of law. Do you understand?
 - c. You have the right to consult an attorney before speaking to the police and to have an attorney present during any questioning now or in the future. Do you understand?
 - d. If you cannot afford an attorney, one will be provided for you without cost. Do you understand?
 - e. If you do not have an attorney available, you have the right to remain silent until you have an opportunity to consult one. Do you understand?
 - f. Now that I have advised you of your rights, are you willing to answer questions?
2. Explain any portion of the rights that the person in custody does not understand.
 - a. If the person in custody and/or the parents/guardians of a juvenile in custody appear to have difficulty understanding/communicating in English, the member of the service concerned should comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons." If the prisoner and/or the parents/guardians of a juvenile in custody appear to be hearing impaired, the member of the service concerned should comply with P.G. 212-104, "Interaction with Hearing Impaired Persons." The use of a bilingual employee or the Language Initiative Program is the preferential method for interpretation when interacting with a prisoner. It is recommended that certified members of the Language Initiative Program be used for custodial interrogations. Appropriate command log entries will be made when interpretation services are utilized.
3. Cease interrogation if subject wants an attorney or wishes to remain silent.
4. Contact attorney for person in custody.

NOTE

*Before questioning juveniles, both the juvenile and the parent/guardian must be read Miranda warnings by utilizing **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)**. The juvenile may be questioned if he/she waives these rights in the presence of the parent/guardian. The parent/guardian does not have to separately waive the rights; they only need to be advised of such rights. If, however, the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur, even if the juvenile is willing to answer questions.*

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**DESK OFFICER/
SUPERVISOR
CONCERNED** 5. Inform prisoner of presence of attorney and ask if he wants to see the attorney.

NOTE *If an attorney states that he represents a prisoner but does not know the identity of the prisoner, he will not be permitted to interview him.*

6. Permit interview to be conducted in muster room for a reasonable time.
7. Assign uniformed member of the service to keep prisoner and attorney under continuous observation at all times. Ensure that no objects are passed between the prisoner and the attorney.
8. Enter under "Details" of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET(PD244-159)**:
 - a. Name, address and phone number of attorney and identity of person who retained him
 - b. If interview was conducted
 - c. Time of attorney's arrival and departure.

IF INTERVIEW WAS CONDUCTED AT BOROUGH COURT SECTION FACILITY OR AT A PRECINCT OTHER THAN THE PRECINCT OF ARREST

**DESK OFFICER/
SUPERVISOR
CONCERNED** 9. Notify the desk officer of precinct of arrest giving required information.
10. Make a Command Log entry of interview and notification.
11. Record information in the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** or **ARREST REPORT - SUPPLEMENT (PD244-157)**.

IF A REQUEST IS RECEIVED FROM AN ATTORNEY SEEKING THE LOCATION OF A CLIENT WHO HAS BEEN ARRESTED AND IS IN CUSTODY OF THIS DEPARTMENT

**MEMBER OF
THE SERVICE
CONCERNED** 12. Record contents of message in Telephone Record including:

- a. Time, name, address and phone number of attorney, name of person arrested, and any other facts which may assist in locating prisoner.

NOTE *If Telephone Record is not maintained in command, entry will be made as directed by commanding officer.*

13. Request Communications Section to transmit FINEST message to all commands advising that the particular defendant is represented by counsel.

**DESK OFFICER/
SUPERVISOR
CONCERNED** 14. Determine if prisoner is detained in stationhouse/Department facility.
15. Direct interrogating officers concerned to cease interrogation and permit prisoner to contact attorney, if prisoner is located in precinct/ Department facility.

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NOTE

A uniformed member of the service who has information concerning the whereabouts of the prisoner will communicate with the desk officer (or counterpart) of his command. The desk officer will notify the originator of the FINEST Message.

Guidelines listed in steps 12 through 15 apply only in those situations where an attorney initiated an inquiry seeking to locate a client who was arrested and with whom he has had no prior contact in this arrest situation.

**FORMS AND
REPORTS**

***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
ARREST REPORT SUPPLEMENT (PD244-157)***

