

 Official Policy Manual	Date issued 08/25/23	Supersedes 04/01/07	Page 1 of 1	Section # A-3027
	Section: Administration			
	Directive: Arrests			
	Policy Owner: Director, Administrative Support Services Group			

Arrests

While executing their duties, New York State Office of Mental Health Safety Officers may be called upon to enforce the New York State Penal Law either by issuing desk appearance tickets or by effectuating an arrest

Relevant Law and Standards **NY Criminal Procedure Law 70.10.**

When appropriate, Safety Officers may issue appearance tickets as an alternative to taking a person into custody.

An arrest shall only be made on an officer's determination that there is reasonable cause to believe that a person has committed an offense.¹ Reasonable cause exists when evidence or information which appears reliable discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that such offense was committed and that such person committed it.²

Upon a lawful custodial arrest (i.e. an arrest supported by probable cause), law enforcement officers may search a defendant incident to that arrest. A permissible search incident to a lawful custodial arrest may also extend to the area within the defendant's possession or control. A Safety Officer SHALL perform a search incident to arrest as soon as they have secured the arrestee, the scene, and believe they can safely effectuate the search.

Upon taking an individual into custody, Safety Officers shall make a determination as to whether they are seeking a statement from the individual. In the event that Safety Officers are seeking a statement, an Officer shall inform the arrestee of their Miranda rights as soon as reasonably feasible after the arrest.

Arrestees will be turned over to local Police Departments (PD) or processed according to local agreements and policies. If Safety Officers do provide an arrestee with notice of their Miranda rights, an Officer must advise local law enforcement upon transfer of custody that Miranda Rights were provided as well as whether the arrestee invoked their rights.

Having made an arrest, Safety Officers shall complete required reports including the 250ADM, deposition/complaint, and/or any local forms.

¹ NY CRIM PRO § 70.10

² NY CRIM PRO § 70.10