



CENTRALIZED ARRAIGNMENT PROGRAM (CAP)

✓ new: rescinds: amends:		cross-reference: NYS Corrections Law 500-C, NYS Criminal Procedure Law 100.55 & 140.20, and Tompkins County Centralized Arraignment Plan
effective date: January 3, 2022		accreditation standards: NYSLEAP Standard(s): 64.1
Amend/update date: January 2024		

I. PURPOSE

The purpose of the Order is to provide all Tompkins County Sheriff’s Office employees and outside law enforcement agencies within Tompkins County, guidelines for the prompt and efficient arraignment of arrestees at the Sheriff’s Office through the Centralized Arraignment Program (CAP).

II. PROCEDURE

- A. Persons who are arrested in Tompkins County (by the below referenced agencies) pursuant to summary arrests, arrest warrants, bench warrants, and fugitive complaints, who are in need of an arraignment will be transported by the arresting agency to the Tompkins County Sheriff’s Office where they will be held in the Tompkins County Jail pursuant to Corrections Law 500-C(26). If the court of jurisdiction, to include County Court and Family Court is in session, it is the responsibility of the arresting agency to make the appropriate arrangements to have their arrestee arraigned while the court is in session.
Updated 01/2024
- B. Arrestees being issued Appearance Tickets, and not needing arraignment, will continue to be processed and released by the arresting agency. At no point should an arrestee be turned over to TCSO for a CAP arraignment who otherwise may be issued an Appearance Ticket.
- C. The Tompkins County Sheriff’s Office Correctional Facility will hold pre-arraignment arrests for the following agencies: Tompkins County Sheriff’s Office, Village of Groton Police, Village of Dryden Police, Village of Trumansburg Police, Village of Cayuga Heights, Tompkins-Cortland Community College Police, Ithaca College Public Safety, Cornell University Police, the New York State Police and Park Police (for arrests occurring within Tompkins County).
 - 1. Due to Ithaca City Court opting to not participate in the CAP program, warrants issued by the Ithaca City Court for charges originating with the Ithaca Police Department are not eligible to be brought to the TCSO Corrections for processing and

CAP arraignment. In such circumstances, the arrestee should be turned over to the Ithaca Police Department. However, warrants issued by the Ithaca City Court for charges originating from one of the above referenced agencies will be accepted.

II. INTAKE DELIVERY & RECEIVING PROCEDURES

- A. Upon arrival at the Sheriff's Office with an arrestee, the arresting officer will enter the Corrections intake bay to be met by Corrections staff.
1. The transporting officer(s) will secure their firearm within one of the secure lock boxes for safekeeping prior to the arrestee exiting the transporting vehicle.
 2. The arrestee and his/her personal property should be thoroughly searched for weapons, drugs, and dangerous items prior to arrival. All confiscated items of a criminal nature are the responsibility of the arresting agency and will not be accepted by Corrections staff during intake. Corrections will not accept exorbitant amounts of personal property to include such things as luggage, bicycles, etc.
 3. The transporting officer will provide Corrections staff with a completed Tompkins County Arrest Report/Appearance Ticket form (Attachment A) and copies of all relevant Accusatory Instruments/Information's, Supporting Depositions/Voluntary Statements, completed warrants, and a copy of the arrestee's criminal history report. After the receipt of the arrestee is documented on the Tompkins County Arrest Report/Appearance Ticket form (Attachment A) by Corrections staff, a copy will be provided to the transporting officer. A copy does not need to be provided for TCSO arrests.
 4. Corrections staff will conduct their own search of the arrestee within the intake bay. Any illegal items discovered on the arrestee's person will be turned over to the transporting officer and will not be accepted by Corrections staff. Additional charges related to discovered items will be at the discretion of the arresting agency. Any personal property that is received will be placed in a secure locker within the intake garage until completion of the arraignment. Any valuables identified will be documented by Corrections staff on the intake form, i.e. cash, jewelry.
 5. The Sheriff's Office may refuse to accept any arrestee requiring immediate medical attention, at the discretion of the on-duty Corrections supervisor and/or medical staff.

III. ARRESTEE PROCESSING

- A. Once received, arrestees will be processed by Corrections staff utilizing Live Scan and the arresting agency's ORI number and that of the court having geographic jurisdiction over the offense.
- B. The original copies of the received Accusatory Instruments/Information's, Supporting Depositions/Voluntary Statements, completed warrants, and the arrestee's criminal

history report.

1. Corrections staff will be responsible for preparing (2) two additional copies of the above items for distribution at arraignment, one for the arrestee and the other for defense counsel.
2. The original copy of the Tompkins County Arrest Report/Appearance Ticket form (Attachment B) will be maintained by the Corrections Division throughout intake, processing, arraignment, and for filing within the Corrections Division post arraignment.

IV. ARRAIGNMENT PROCEDURE

A. Arraignments will take place at the TCSO CAP location, 779 Warren Road, Ithaca, New York, each day from 8:00 AM to 10:30 AM and again from 8:00 PM to 10:30 PM.

1. The CAP will operate (7) seven days a week, (365) three hundred and sixty-five days per year.
2. These hours may be changed or altered upon the agreement of the Tompkins County Assigned Counsel Plan Administrator, the Tompkins County District Attorney, the Tompkins County Sheriff, and the President of the Tompkins County Magistrates Association, provided that the CAP convenes at least once every (12) twelve hours and provided that the CAP is open for 2.5 hours each time it convenes.
3. All arraignment shifts shall be staffed by Tompkins County and Village Court Justices via a schedule that will be maintained by the Tompkins County Magistrates Association.
4. The Tompkins County Assigned Counsel Program will provide representation for all arrestees at the CAP, who will be presumed indigent for purposes of arraignment at the CAP.
5. A judge and on-call defense attorney will also be available to conduct immediate arraignments necessitated by exigent or emergent circumstances during the (12) twelve hours proceeding his or her shift, at any time of day or night.
6. If an arraignment is required during a time when a local criminal court is in session, and the matter is one in which the court in session would have original jurisdiction or alternate jurisdiction pursuant to CPL 120.30 and 140.20, and defense counsel is available at the court in session, then law enforcement may take the principal to, or the principal may appear at, the court in session and that presiding judge may arraign the principal and shall take all steps necessary to complete the arraignment and provide for the further prosecution of the arrestee as required.
7. At least one Corrections Officer will be present within the CAP during the CAP

operational periods for security purposes. Additional staff will be at the discretion of the Sheriff. Deputy Sheriffs can be assigned to supplement and/or replace Corrections Officer(s) for CAP security (as a secondary option-only) at the Sheriff's discretion.

8. The Corrections Officer providing CAP security will be responsible for documenting the date and time of the arraignment, as well as the result of the arraignment on the original Tompkins County Arrest Report/Appearance Ticket form.

V. CAP VISITORS

- A. Separate and private conference rooms will be provided inside the Correctional facility for discussions between arrestees and defense counsel prior to arraignment.
- B. The CAP will be open to the public via access through the main lobby.
 1. Members of the public wishing to enter the CAP will be required to pass through a magnetometer or similar security device prior to entering. The security screening process will be supervised by an additional Corrections Officer beyond the one providing security within the CAP.
 2. Unruly or disruptive visitors will not be allowed to enter or remain within the CAP.
 3. Deputy Sheriffs can be assigned to supplement and/or replace Corrections Officers for visitor screening (as a secondary option-only) at the Sheriff's discretion.

VI. POST-ARRAIGNMENT PROCEDURE

- A. After the arraignment(s) are conducted, the completed original Tompkins County Arrest Report/Appearance Ticket form will be turned over to the on-duty supervisor for review and subsequent forwarding to the records officer.
- B. If the arrestee is released at arraignment, they will be escorted to jail booking, processed out, and allowed to make a phone call to arrange transportation if needed. Arrestee's will be permitted to wait in the lobby as needed. Notification will be made to the appropriate Corrections supervisor of the release so they can confirm all release procedures are followed.
- C. If the arrested is remanded, Corrections staff will be provided with the applicable judicial remand order. The booking officer will change the custody status of the arrestee accordingly in the Jail Management System.
 1. All necessary information will be updated. The arrested will be permitted to make a phone call if needed.

Attachments:

A. *CAP Appearance Ticket*

By Order Of

A handwritten signature in black ink, appearing to read "Derek Osborne". The signature is stylized and written in a cursive-like font.

Derek Osborne
Sheriff