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August 7, 2014

Charlene M. Indelicato  
President/CEO  
Roosevelt Island Operating Corporation  
591 Main Street  
Roosevelt Island, New York 10044

NYS IG 0091-005-2013

Dear Ms. Indelicato:

My office received a request to investigate a January 13, 2013 incident in which Roosevelt Island Operating Cooperation (RIOC) Public Safety Department officers allegedly used excessive force during the arrest and detention of Roosevelt Island resident [REDACTED] on trespass and other charges, as reported in the *New York Daily News* on January 29, 2013.<sup>1</sup> The *Daily News* further reported that [REDACTED] spent seven days in a New York City hospital with broken ribs and a punctured lung. [REDACTED] was never arraigned and, ultimately, his case was dismissed. Because the issue of excessive force was being addressed through litigation, my office did not investigate it. Instead, my office undertook to determine whether sufficient policies exist to ensure the timely arraignment of hospitalized prisoners in arrests made by RIOC Public Safety Department officers, and if so, whether these policies were followed in the [REDACTED] case.

This investigation revealed that, while the RIOC Public Safety Department does maintain policy for facilitating the timely arraignment of arrestees in general, it lacks policy and procedures to ensure the timely arraignment of hospitalized prisoners.

With a non-hospitalized prisoner, RIOC Public Safety Department policy requires the prisoner to be transported immediately to the 114<sup>th</sup> precinct for processing. Upon arrival, the arresting officer processes the prisoner, which includes fingerprinting and

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<sup>1</sup> "So-called 'peace officers' on Roosevelt Island are being sued over savage beating of 20-year-old who claims he was just waiting in front of a building," *New York Daily News*, January 29, 2013.

photographing. After fingerprinting, the computer system generates a prisoner movement slip, and the prisoner is then transferred to Central Booking in Manhattan to be arraigned thereafter.

The RIOC Public Safety Department Manual, however, lacks a procedure for ensuring the creation of the prisoner movement slip for a hospitalized prisoner so that a timely arraignment can be arranged. Section 11.6 of the Manual does describe the protocols for dealing with a sick or injured arrestee, as well as the manner in which a prisoner should be guarded while hospitalized. And Section 11 of the Manual details the processing of an arrest, i.e., fingerprinting and transportation to the 114<sup>th</sup> precinct and Central Booking. However, the manual fails to specify a process to ensure that a hospitalized prisoner in the custody of the RIOC Public Safety Department is properly arraigned. As noted below, this deficiency in policy and procedure led to the failure to properly arraign [REDACTED]

On the evening of January 13, 2013, [REDACTED] was arrested and, after complaining of chest pain, was taken to Mt. Sinai Hospital. In accordance with section 11.6 of the RIOC Public Safety Department Manual, [REDACTED] was guarded by RIOC Public Safety Department officers at all times while he remained in the hospital. On January 14, 2013, consistent with RIOC Public Safety Department policy, Public Safety Department Detective [REDACTED] went to the 114<sup>th</sup> precinct and processed [REDACTED] arrest forms, and faxed certain arrest documents to the New York County District Attorney. However, as a result of the deficiencies in RIOC Public Safety Department policy noted above, a prisoner movement slip was not generated because [REDACTED] was hospitalized and never fingerprinted. The District Attorney drafted a Criminal Complaint, charging [REDACTED] with Obstruction of Governmental Administration in the Second Degree, Resisting Arrest and Criminal Trespass in the Third Degree, to which [REDACTED] attested. Despite the sworn complaint, as [REDACTED] was never arraigned in Criminal Court, the District Attorney dismissed the criminal case against [REDACTED] on January 18, 2013.

Proper policies and procedures would have ensured that a prisoner movement slip would have been generated and forwarded to Central Booking, which would have then caused the administrative judge to be notified of the hospitalized prisoner so that a bedside arraignment could be conducted.

I recommend RIOC Public Safety Department adopt a policy to ensure that hospitalized prisoners are processed and arraigned within 24 hours as required by New York State law.<sup>2</sup> Specifically, the RIOC Public Safety Department should require the creation of prisoner movement slips in such instances to ensure that Central Booking and the District Attorney are aware of the prisoners' locations. I will continue to work with the RIOC Public Safety Department to review, amend and strengthen Public Safety Department policies.

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<sup>2</sup> *People ex rel. Maxian v. Brown*, 77 N.Y.2d 422 (1991).

Please provide information concerning your review and actions, including copies of any revised polices and determinations. If you require further information about our investigation, please contact me or Special Deputy Inspector General Philip Foglia at 212-635-3150.

Sincerely,



Catherine Leahy Scott  
Inspector General