

CITY OF BARRE
Police Advisory Board Agenda
Monday, May 8 , 2023
6:00 pm
Barre Public Safety Building
Conference Room
15 Fourth Street
Barre, VT 05641

Join Zoom Meeting
<https://us02web.zoom.us/j/83053276707>

Meeting ID: 830 5327 6707
Telephone 1 929 205 6099
Open to the Public

1. Call to order.
2. Consider approval or adjustments of the agenda
3. Consider approval of previous meeting minutes
4. Receive guests
5. Councilor Waszazak's report
6. Chief's report
7. Discuss and consider approving Telephone Communications policy
8. Discuss and consider approving Individuals w/Mental Health issues/Impairments
9. Discuss and consider approving Domestic Violence policy
10. Discuss and consider approving Radio Communications policy
11. Discuss and consider approving Criminal Investigations policy
12. Miscellaneous
13. Adjourn



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

ADMINISTRATIVE PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Telephone Communications	205	X/XX/23

Note: These Rules & Regulations, Operational Policies and/or Procedures are for internal use only and does not enlarge a member's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with the respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Policy: Often, a citizen's first contact with the Police Department is by telephone. Therefore, it is essential that a positive impression be made when using Police Department telephones.

Purpose: This General Operational Procedure establishes proper telephone etiquette and office procedure for members of the Barre City Police Department.

Contents:

- I. Telephone Courtesy
- II. Calls for Service
- III. Telephone Reporting
- IV. Restrictions and Use of Office Telephones
- V. Department Issued Smartphones
- VI. Use of Personal Smartphones
- VII. Telephone Rosters
- VIII. Request for Member Information
- IX. Cancellation

I. Telephone Courtesy

- A. Members will answer office telephones promptly and courteously.

II. Calls for Service

- A. Members receiving telephone calls requesting police services will obtain essential data from the caller and evaluate the situation, initiating the dispatch of an officer; or, a notification to another appropriate agency; or, undertake an action that will result in the satisfactory completion of the request for service. Essential information may include, but is not limited to the following:

- Exact location: remember a mailing address is of little help in some cases
 - Nature of the call/complaint
 - Are there any injuries
 - Name of person calling, and their physical location
 - Call back telephone number
- B.** Members receiving telephone calls requesting services not provided by the Police Department will refer the caller to the proper agency.
- C.** Members will attempt to obtain sufficient information to facilitate an appropriate response to a caller. Member's will refrain from answering questions outside the scope of their employment or giving personal opinions and will refer the caller to the proper section, member, and/or agency when appropriate. A caller's refusal to identify him/herself will not preclude an attempt to assist the individual.

III. Telephone Reporting

Telephone Reporting is designed to allow certain types of calls to be handled by telephone rather than dispatching an officer to the scene. When unusual circumstances preclude personal contact, and at the direction of a supervisor, a criminal or non-criminal incident report may be taken by officers over the telephone.

- A.** Telephone reporting will only be permitted for the following type of complaints:
- Animal Complaints
 - Traffic complaints
 - Telephone Misuse - May be taken with suspect information if calls received are non-threatening in nature.
 - Minor Vandalism/Destruction of Property - Racial, Religious, and Ethnic cases excluded.
 - Supplemental Reports - As follow-ups and investigations to a Telephone Reporting incident or, when attempts at personal contact have failed.
- B.** The following criteria must be met in order for any of the enumerated incidents to be handled by telephone.
- The incident is not in progress or has not just occurred.
 - The suspect is unknown and has left the scene.
 - There is no substantial physical evidence on the scene that would lead to the solving of the crime and/or apprehension of the suspect.
 - There are no injuries.

- The complainant or victim must be willing to have the complaint handled by telephone.
- C. Personnel receiving Telephone Reporting complaints shall complete the appropriate incident report applicable to the incident.

IV. Restrictions and Use of Office Telephones

- A. Generally, personal telephone calls should not be made from or received on Police Department telephones. If such telephone calls are necessary, they should be brief in nature.

V. Department Issued Smartphones

A smartphone is a mobile device that combines cellular and mobile computing functions, as well as a camera into one unit. The Barre City Police Department provides certain support positions with smartphones, as well as assigning one to each cruiser.

- A. Members assigned department smartphones shall maintain possession of their assigned smartphone while on-duty.
- Police Department members assigned to on-call status (*future*) shall maintain possession of their assigned smartphone while off-duty.
 - While not mandatory, Police Department members not otherwise assigned to on-call status are encouraged to maintain possession of their assigned smartphone while off-duty.
- B. The handheld use of cellphones and other portable electronic devices while driving is prohibited. A member shall not use any handheld cellphone or other portable electronic device while operating a Police Department vehicle except as otherwise allowed by 23 V.S.A. § 1095b.
- Hands-free use of cellphones and other portable electronic devices while driving can pose a serious distraction that is detrimental to the safe operation of a motor vehicle. Excepting emergency communications, members should minimize the use of assigned cellphones and other supplemental or personal electronic devices while the vehicle is in motion.

C. Personal Use of Issued Smartphones

Any written or recorded information, regardless of physical form or characteristics which is produced or acquired in the course of public agency business is subject to disclosure as a public record under the Vermont Public Records Act.

- Personal web browsing, photography, and communications, including telephone calls and text messages conducted on Police Department issued smartphones are subject to disclosure as a public record under the Vermont Public Records Act.

- D. Department issued smartphones remain the property of the City of Barre and are subject to review and analysis during an internal investigation when requested.

VI. Use of Personal Smartphones

Smartphones/cellphones, and other electronic devices have provided instant availability and have created the expectation of being able to communicate with family, friends, and co-workers at any time and at any place. Personal calls, messaging and social media usage during the work hours, regardless of the device used, interfere with employee productivity and can be distracting to others.

- A. Members shall limit the use of personal smartphones/cellphones and other electronic devices to their designated break periods or other personal emergency purposes. If such use is necessary due to a personal emergency, it shall be brief in nature.
- B. Members should not use personal smartphones/cellphones or other electronic devices to conduct work related activities as resulting work product may be considered public record.

VII. Telephone Rosters

The Barre City Police Department maintains a roster containing the current home telephone and cellphone number of all members.

- A. Cellphones are commonly utilized in lieu of residential landline phones. It is not the intent of this policy to make it mandatory that a member maintain a residential phone.

VIII. Requests for Member Information

The following is the only information of a personal nature to be released to any non-member of the Police Department:

- A. Members name, rank and I.D. number.
- B. Work telephone number, voicemail, and office address.

IX. Cancellation

This written directive cancels and replaces **Barre City Police Department Operational Policies titled “Dispatch Phone Procedures” dated August 7, 2013, and “Cellular Telephone Policy” dated August 9, 2011**, and cancels, replaces and supersedes any directives in conflict therewith.

AUTHORITY:

Index As:

Cellphones
Phone Calls
Smartphones
Telephone Reporting

Braedon S. Vail, Chief of Police

, 2023



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Individuals with Mental Health Issues & Impairments	411	XX/XX/23

Note: These Rules & Regulations, Operational Policies and/or Procedures are for internal use only and does not enlarge a member's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with the respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Policy: The Barre City Police Department will provide a consistently high level of service to all community members. Members of the Barre City Police Department shall afford people who have mental health issues/challenges the same rights, dignity and access to police and other government and community services as provided to all citizens.

Purpose: To identify some of the common interactions with persons having a mental health issue or impairment and provide members with guidance on the varying roles the Police Department may have proactively, or during routine and crisis encounters with persons having a mental health issues or impairment.

Contents:

- I. Americans with Disabilities Act (ADA)
- II. General
- III. Procedures
- IV. Mental Health Issues
- V. Memory Impaired Persons
- VI. Commons Symptoms
- VII. Common Encounters
- VIII. Response to People with Mental Health Issues
- IX. Interview & Interrogation
- X. Community Mental Health Resources
- XI. Police Mental Health Clinician
- XII. Community Outreach Specialist
- XIII. Training
- XIV. Cancellation

I. Americans with Disabilities Act (ADA)

- A.** The Americans with Disabilities Act (ADA) entitles people with mental health issues or disabilities to the same services and protections that law enforcement agencies provide to anyone else. They may not be excluded from services or otherwise be provided with lesser services or protection than are provided to others. The ADA calls for law enforcement agencies to make reasonable adjustments and modifications in their policies, practices, or procedures on a case-by-case basis.
- B.** For example, if a person exhibits symptoms of mental health challenges, expresses that they have a mental health issue or requests accommodation for a mental health issue (such as access to medication), Barre City Police Department personnel may need to modify routine practices and procedures, take more time or show more sensitivity to extend the services or protections that would be extended to someone else in a similar circumstance.

II. General

- A.** A full-service public safety agency, police officers, telecommunicators and support personnel will encounter victims, witnesses or suspects who have mental health challenges. While the most serious consequences will likely involve police officer interactions with an individual with mental health issues during altercations or armed confrontations.
- B.** The Barre City Police Department also recognizes that helping people with mental health challenges and their families obtain the services of mental health organizations, hospitals, clinics, and shelter care facilities has increasingly becomes a prominent role for police, and that no single policy or procedure can address all of the situations in which personnel may be required to provide.
- C.** As government service personnel, members may be called upon to help people in crisis obtain medical, mental health or psychiatric assistance or other needed services.

III. Procedures

- A.** While many people with mental health challenges manage symptoms successfully, others who do not have access to mental health services or for other reasons may struggle with mental health difficulties.
- B.** When anyone with mental health issues comes into contact with the Police Department for whatever reason or circumstance, Department personnel must take extra caution to ensure that the person's rights are not violated and that they understand what is occurring. Some individuals with or without mental health challenges, may not have educational or communication comprehension levels sufficient to fully understand the basic Miranda rights. Simply reading the rights to someone with a disability and having the individual acknowledge that they understood may not be sufficient.
- C.** Members must ensure that people with mental health challenges receive the necessary assistance to access services. This may require time and patience beyond what is normally provided.

- D. People with mental health issues may also be suspects or arrestees and require detention, transport, and processing. Members must familiarize themselves with the proper methods of transport, arrest, and detention to ensure officer safety while providing all reasonable support to an arrestee with a mental health issue or impairment.
- E. Members must recognize that responses of people with certain mental health challenges may resemble those of people who have abused substances such as alcohol or drugs. Individuals may appear as though they are on a substance or intoxicated but rather may be struggling with symptomology that is consistent with a mental health issue.

IV. Mental Health Issues

Any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.

- A. The terms “mental health issues/challenges,” “mental illness,” “emotional illness,” and “psychological illness” describe varying levels of a group of symptoms causing disturbances in thinking, feeling, and relating.
- B. **Developmental Disability** – includes those persons possessing an intellectual disability, and/or cerebral palsy, epilepsy, autism or other condition which results in similar intellectual or developmental impairments.
 - **Intellectual Disability** – intellectually disabled persons possess significantly sub-average general intellectual functioning in addition to impaired adaptive behavior.
 - Developmental and intellectual disabilities originate prior to the age of eighteen (18) years and continue indefinitely through the life course. Developmental and intellectual disabilities constitute a substantial handicap.
- C. It has been estimated that ten percent of the population of the United States has some type of mental health challenge.

V. Memory Impaired Persons

- A. Alzheimer’s disease causes intellectual deterioration in adults severe enough to dramatically interfere with occupational or social performance.
- B. These disorders are not only found in older people. The youngest diagnosed case is age twenty-two (22); however, most victims are people in their 40’s and 50’s when diagnosed. Many Alzheimer victims have a tendency to wander, mentally and physically, sometimes in an attempt to return to their past. The rate of deterioration differs from patient to patient.
- C. Establishing a level of communication with memory-impaired persons is essential in order to render assistance. Caution should always be exercised when an officer encounters memory-impaired persons.

- D. An important function of the first responder, police officer and dispatcher, is to assist with the reuniting of memory impaired victims with family members or primary care providers in a timely fashion, utilizing available resources.

VI. Common Symptoms

Symptoms of mental health issues may vary, from person to person. Commonly people with mental health challenges have thoughts, feelings, or behavioral characteristics, which at varying times, result in an inability to cope with the ordinary demands of life. Although officers are not in a position to diagnose mental health issues, they shall be alert to symptoms common to such issues. The following may be useful in recognizing signs of mental health issues:

A. **Social Withdrawal**

- Sitting and doing nothing.
- Withdrawal from family, friends; abnormal self-centeredness.
- Dropping out of activities such as occupations and hobbies.
- Decline in academic or athletic performance.

B. **Depression**

- Loss of interest in once pleasurable activities.
- Expression of hopelessness, helplessness, inadequacy.
- Changes in appetite, weight loss or sometimes gain.
- Behaviors unrelated to events or circumstances.
- Excessive fatigue and sleepiness, or an inability to sleep.
- Pessimism; perceiving the world as “dead”.
- Thinking or talking about suicide.

C. **Thought Disorders**

- Inability to concentrate or cope with minor problems.
- Irrational statements - Poor reasoning, memory, and judgment. Expressing a combination of unrelated or abstract topics. Expressing thought of greatness, e.g., person believes he/she is God. Expressing ideas of being harassed or threatened, e.g., CIA monitoring thoughts through TV set.
- Peculiar use of words or language structure - Nonsensical speech or chatter. Word repetition – frequently stating the same or rhyming words or phrases. Extremely slow speech. Pressured speech – expressing an urgency in manner of speaking.
- Excessive fears or suspiciousness - Preoccupation with death, germs, guilt, etc.
- Delusions - A belief that is held with strong conviction despite strong evidence to the contrary, which is outside of their cultural norms (i.e. - believing they are God, believing the CIA is after them, believing they have been abducted by aliens, etc.)
- Hallucinations - Distorted sensory experiences; when someone sees, hears, tastes, feels or smells things that others near are not experiencing (i.e. - seeing people that aren't there, hearing voices others don't hear, feeling bugs crawling on their skin when there are no bugs, etc.)

D. Expression of Feelings

- Hostility from one formerly passive and compliant. Argumentative, belligerent, unreasonably hostile.
- Threatening harm to self or others.
- Overreacting to situations in an overly angry or frightening way.
- Indifference, even in highly important situations. Lack of emotional response.
- Inability to cry, or excessive crying.
- Inability to express joy.
- Inappropriate laughter. Reacting with opposite of expected emotion – e.g., laughing at auto accident.
- Nonverbal expressions of sadness or grief.

E. Behavior

- Hyperactivity, inactivity or alterations between the two. Talking excitedly or loudly. Manic behavior, accelerated thinking and speaking.
- Deterioration in personal hygiene and appearance. Bizarre clothing or makeup, inappropriate to environment – e.g., shorts in the winter, heavy coats in the summer.
- Involvement in automobile accidents.
- Drug or alcohol abuse.
- Forgetfulness and loss of valuable possessions.
- Attempts to escape through geographic change, frequent moves, or hitchhiking trips.
- Bizarre behavior – staring, strange postures or mannerisms, lethargic, sluggish movements, repetitious or ritualistic movements.
- Decorations – Inappropriate use of household items, e.g., aluminum foil covering windows.
- “Pack ratting” waste matter/trash – accumulation of trash, e.g., hoarding string, newspapers, paper bags, clutter, etc.
- Unusual sensitivity to noises, light, colors, clothing.
- Changes in sleeping and eating habits.

F. Cognitive Impairments

- Disorientation in time, place, or person. Confusion, incoherence and extreme paranoia.
- Inability to find way in familiar settings.
- Inability to solve familiar problems.
- Impaired memory for recent events.
- Inability to wash and feed oneself, urinary or fecal incontinence. Presence of feces or urine on the floors or walls.

G. The degree to which these symptoms exist varies from person to person according to the type and severity of the mental health issue, and their personal experiences. Many of these symptoms represent internal, emotional states that are not readily observable from a distance but are noticeable in conversation with the individual.

- Often, symptoms of mental health issues are cyclic, varying in severity from time to time. Duration of an episode can also vary from weeks to months for some, and many years or a lifetime for others. Many people have periods of lucidity, coupled with periods where they are more symptomatic.

- Observing these symptoms or behaviors in someone does not automatically mean that they have a mental health issue but may instead indicate they might be experiencing some trauma, are overly stressed, are intoxicated, overly tired, are otherwise ill and displaying symptoms or behaviors caused by an undetected illness or malady.

VII. Common Encounters

Member(s) should be prepared to encounter a person with a mental health challenge at any time. Common situations in which such individuals may be encountered include but are not limited to, the following:

- A. Wandering** - Individuals suffering from a mental health issue or impairment may be found wandering aimlessly or engaged in repetitive or bizarre behaviors in a public place, including on the grounds of the Public Safety Building and in the Public Safety Lobby.
- B. Disturbances** - Disturbances may develop when families and/or caregivers struggle to support a person with a mental health challenge who might be engaging in difficult or dangerous behaviors;
- D. Strange and bizarre behaviors** – Socially unacceptable behaviors that appear strange or bizarre, such as repetitive and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment; or
- E. Offensive or suspicious persons** - Socially inappropriate or unacceptable acts such as ignorance of personal space, self-neglect of hygiene, annoyance of others, inappropriate touching of oneself or others, are sometimes associated with a person struggling with symptoms commonly associated with mental health challenges. The person may or may not be conscious of acceptable social behaviors.

VIII. Response to People with Mental Health Issues

- A.** Persons with mental health issues may be easily upset and may engage in difficult behaviors or self-destructive behavior. Changes in daily routines or other stressors may trigger these behaviors.
- B.** Frequently, a family member or friend is of great value in calming an individual exhibiting unusual behavior as a result of mental or emotional impairment. Similarly, the Police Social Worker may have unique knowledge or rapport with the individual and could be of assistance in de-escalating, calming, or uniting the individual with persons who could provide assistance.
- C.** The following guidelines detail how to approach and interact with people who may have mental health issues, and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. While protecting their own safety, the safety of the person with mental health issues and others at the scene, officer(s) should maintain a safe distance; and,
 - **Speak calmly** - Loud, stern tones could have either no effect or a negative effect on the individual;
 - **Use non-threatening body language** - Keep your hands by your sides if possible;

- **Eliminate commotion** - Eliminate, to the degree possible, loud sounds, bright lights, sirens, and crowds, moving the individual to a calm environment, if possible;
- **Keep animals away** – Some people, with or without mental health challenges, may be afraid of dogs or other large animals;
- **Look for personal identification** - Medical tags or cards often indicate mental health issues and will supply a contact name and telephone number;
- **Call the family or caregiver** - The family or caregiver is often the best resource for specific advice on supporting the person and ensuring officer safety until the contact person arrives;
- **Prepare for a lengthy interaction** – Individuals with mental health challenges should not be rushed unless there is an emergency;
- **Repeat short, direct phrases** - Too much talking can distract individuals with or without mental health challenges and can confuse the situation;
- **Be attentive to sensory impairments** – Some individuals with mental health issues have sensory impairments that make it difficult to process information. Officers should not touch the person unless absolutely necessary, use soft gestures, avoid quick movements, use simple and direct language, and don't automatically interpret odd behavior as belligerent;
- **Be aware of different forms of communication** – Individuals with mental health challenges may use signals or gestures instead of words or demonstrate limited speaking capabilities;

D. Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there is a range of options officers should consider when selecting an appropriate disposition. These options include the following:

- Refer, transport or arrange for transport by ambulance of the person for medical attention if they are injured, abused or otherwise in need of medical assistance.
- Outright release.
- Release to care of family, care giver or mental health provider.
- Refer or transport to substance abuse services.
- Assist in arranging voluntary admission to a mental health facility, if requested, or
 - Take the individual into custody for an emergency mental health assessment and/or Mental Health Warrant under authority of title **18 V.S.A. §7505** if it appears they suffer from a mental impairment and are a person in need of treatment whereby they present an immediate risk of serious injury to themselves or others if not restrained.

- Voluntary admissions for mental health assistance, emergency mental health assessment(s) and/or applications for obtaining a Mental Health Warrant will be completed in conformance with **Operational Procedure #412, Emergency Mental Health Warrants.**
- **Arrest if a crime has been committed.**

IX. Interview & Interrogation

- A. Officer(s) attempting to conduct an interview with an individual with a mental health issue should consult with the Washington County State’s Attorney’s Office and a mental health professional to determine if the person understands the Miranda rights.
- B. If the person with a mental health challenge is a witness, officer(s) should:
 - Not interpret lack of eye contact or strange actions as indications of deceit,
 - Use simple and straightforward language,
 - Do not suggest answers, attempt to complete thoughts of persons slow to respond, or pose hypothetical conclusions; and,
 - Recognize that the individual might be easily manipulated and highly suggestible.

X. Community Mental Health Resources

Several community mental health providers are available to assist police officers and dispatchers:

- A. Washington County Mental Health Services (**WCMHS**) 802-479-4083
- B. Department for Children and Families (**DCF**) 802-479-4260
- C. National Alliance for the Mentally Ill of Vermont 802-876-7949
- D. Police embedded mental health clinician (**WCMHS**)

XI. Police Mental Health Clinician

Through a partnership with Washington County Mental Health Services (WCMHS), a shared mental health clinician is imbedded within the Barre City and Montpelier Police Departments to enhance front line support, monitor, assess and provide follow-up to individuals with mental health and/or substance abuse issues within the City of Barre, and under the clinical supervision of WCMHS.

- A. The mental health clinician is available for on-scene response to assist with crisis de-escalation, establishing rapport, assessing the needs identified by the individual or families, help make appropriate referrals, and provide follow-up to those served by mental health programs.

B. Patrol Operations

The mental health clinician is routinely assigned to regular City business hours, and is available to patrol with police officers, and respond to incidents at the dispatch console or to the scene with police, fire, and emergency medical service (EMS) personnel to provide support services, resource connection and referral assistance.

- The following situations are some, but not all the circumstances in which the mental health clinician may assist first responders:
 - Mental health concerns
 - Substance use/abuse concerns
 - Suicidal individuals
 - Domestic violence
 - Sexual assaults
 - Deaths (natural, accidental, suicide, homicide)
 - Critical incidents
 - Critical Incident Debriefings
 - Police and Fire Personnel Support

C. Mental health screenings may be completed by the mental health clinician provided they are certified to do so.

D. Emergency/After Hours – When a first responder determines that a mental health emergency exists, or when a contact or situation if un-addressed will escalate into a crisis that could be brought to a speedy resolution with assistance from a mental health clinician, the first responder should:

- During regular business hours attempt to contact or have the Emergency Communications Center contact the mental health clinician.
- If the mental health clinician is not available during regular business hours - telephone or have the Emergency Communications Center contact Washington County Mental Health Services.
- A mental health clinician can be contacted “after hours” in emergency situations through Washington County Mental Health Services.
- If the mental health clinician was not present for the situation, a referral should be completed and the mental health clinician should be debriefed on the situation as soon as practical, but not later than the next regular business day to insure appropriate follow-up.
- At times, the mental health clinician may ask to be transported and/or escorted to the scene for safety reasons. Other times, they may be responding to calls in their personal vehicle to ensure a timely response when there is no other transportation available.

E. Reporting & Follow-up

- The mental health clinician will complete confidential medical reports provided by WCMHS to document professional interactions and services provided as required by

WCMHS. Reporting does not include the completion of supplemental statements or narratives for police or fire personnel Valcour Records Management System.

- Information protected under the Health Insurance Portability and Accountability Act of 1996. (HIPPA) or other applicable patient rights laws will **not** be included in any Valcour incident report, unless the individual or family completed a Release of Information and agreed to share the information, or the information is deemed pertinent to the safety of first responders.
- When a referral or follow-up requires a visit to the individual(s) home, a police officer may be requested to accompany the mental health clinician on the initial visit. Afterwards, the mental health clinician and officer will determine if future visits are safe without an officer being present.
- Confidentiality – By law or when the individual has requested that the information shared about themselves be kept private, the mental health clinician is **not** able to provide any clinical information about the client to first responders unless:
 - It is an emergency situation in which there is a safety concern as the client is in danger of hurting themselves, hurting someone else and/or has caused harm to a child, or
 - The individual has shared that they are thinking about hurting themselves, hurting another person and/or has caused harm to a child.

XII. Community Outreach Specialist

- A. Designed to interrupt the cycle of serious family, personal and criminal problems, the mental health clinician follows-up on human service-related referrals from dispatchers, police, fire-rescue, and other community service providers.
- B. Proactively, the Community Outreach Specialist collaborates with dispatchers, police, school officials, and human service providers by identifying and connecting with individuals in need of assistance at an earlier stage, thereby minimizing risk and increasing options for therapeutic interventions and positive behavioral change before a crisis.
- C. The Community Outreach Specialist collaborates with City officials, public safety, criminal justice, human and clinical service providers to identify community needs and how they can best be addressed through intervention, education, and problem-solving partnerships, building working relationships with community groups, the business community, and interested citizens of our region in support of positive change.
 - The following situations are some, but not all the circumstances in which the Community Outreach Specialist may assist first responders:
 - Connecting citizens with social service agencies
 - Safety/wellbeing concerns
 - Child and family concerns
 - Elder wellbeing

- D. Referrals** – First responders are encouraged to alert the Community Outreach Specialist to persons exhibiting signs of self-neglect, struggling with recovery services, self-care, basic needs or otherwise in need of human services.
- Personnel should include/attach their report narrative and any call history to the referral in addition to providing a brief description as to why the individual and/or family is being referred for follow-up; (i.e. – “needs help with transportation, looking to get connected to counseling services, having trouble coping with the death of their spouse,” etc.).

XIII. Training

- A.** In order to prepare members who, during the course of their duties, may have to deal with persons with mental health challenges, the Barre City Police Department shall provide entry level personnel with training on this subject, and will provide periodic refresher training.
- F.** Newly hired members shall receive training in department procedures set forth in this directive as follows:
- Sworn Personnel- Field Training Program;
 - Non-sworn personnel- New hire orientation
- G.** Refresher training for all personnel will include, but not be limited to:
- Policy review
 - In-service and/or professional development programs.

XIV. Cancellation

This written directive cancels and replaces **Barre City Police Department Operational Policies titled “Persons with Diminished Capacity” and “Persons with Disabilities,” both dated March 29, 2012**, and cancels, replaces and supersedes any other directive in conflict therewith.

AUTHORITY:

Braedon S. Vail, Chief of Police

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Department of Children and Families (DCF)
Emergency Mental Health Assessment
Washington County Mental Health Services (WCMHS)
Mental Health Warrant
Mental Health Issues
National Alliance for the Mentally Ill of Vermont
Mental Health Clinician



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Domestic Violence	414	X/XX/23

Note: These Rules & Regulations, Operational Policies and/or Procedures are for internal use only and does not enlarge a member's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Policy: The Barre City Police Department acknowledges the severity of domestic violence and has adopted a preferred arrest policy for domestic violence cases. Accordingly, whenever the law permits, officers should arrest the primary aggressor if there is probable cause to believe that a crime of domestic violence has been committed. All such incidents focus on the protective rights and safety of domestic violence victims, and the arrest of domestic violence offenders.

Purpose: To establish procedures for the investigation and reporting of domestic violence and implement the use of a domestic violence lethality & risk assessment at domestic violence calls for service.

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- III. Arrest Without a Warrant; Rule 3, Vermont Rules of Criminal Procedure
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- XVII. Cancellation

I. Definitions

- A. Abuse** – Means the occurrence of one or more of the following acts between family or household members:
- Attempting to cause or causing physical harm.
 - Placing another in fear of imminent serious physical harm
 - Abuse to children as defined in 33 VSA § 4912
 - Stalking as defined in 12 VSA § 5131(6)
 - Sexual assault as defined in 12 VSA § 5131(5).
- B. Bodily Injury** – Physical pain, illness, or any impairment of physical condition.
- C. Defendant** – For purposes of this order, the defendant is the person alleged in the order from whom the plaintiff is seeking protection against.
- D. Domestic Stand-by** – When a law enforcement officer provides assistance to a person alleged to be a victim of abuse and who may be in immediate danger of injury from the abuser.
- E. Foreign Abuse Prevention Order** – Means any protection order issued by the court of any state other than Vermont and any federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico or the District of Columbia that contains provisions similar to relief provisions authorized under 15 VSA chapter 21, the Vermont Rules for Family Proceedings, 33 VSA chapter 69, or 12 VSA chapter 178.
- F. Plaintiff** – For purposes of this order, plaintiff means the person named in the order for whom protection is being sought.
- G. Protection Order** - Means any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.
- H. Self Defense** – Means a person who, when being attacked, or when he/she reasonably believes they are in imminent danger of being killed or suffering great bodily harm, has the right to use only such force as is reasonably necessary to repel the attack or perceived imminent danger.
- I. Vulnerable Adult** – Any person 18 years of age or older who is impaired due to brain damage, infirmities of aging, or a physical, mental, or developmental disability that results in some impairment of the individual's ability to:
- Provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, supervision, or management of finances; or
 - Protect himself or herself from abuse, neglect, or exploitation.

II. Persons Eligible for Relief

- A. Persons eligible for relief include family and other household members, meaning persons who for any period of time:
- Are living or have lived together,
 - Are sharing or have shared occupancy of a dwelling,
 - Are engaged in or have engaged in a sexual relationship, or
 - Minors or adults who are dating or who have “dated,” meaning a social relationship of a romantic nature.
- B. Factors that the court may consider when determining whether a dating relationship exists or existed include:
- The nature of the relationship;
 - The length of time the relationship has existed;
 - The frequency of interaction between the parties;
 - The length of time since the relationship was terminated, if applicable.

III. Arrest without a Warrant; Rule 3, Vermont Rules of Criminal Procedure (V.R.Cr.P. 3)

An officer may arrest a person without warrant for a domestic violence abuse incident if the officer has probable cause to believe:

- A. The person has committed a misdemeanor which involves an assault against a family or household member as defined in 15 VSA § 1101(2), or a child of such a family or household member.
- B. The person has violated an order issued by a court in this state pursuant to 12 V.S.A. chapter 178, 15 V.S.A. chapter 21, or 33 V.S.A. chapter 69 or subsection 5115(e).
- C. The person has violated a foreign abuse prevention order issued by a court in any other state, federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.
- D. The person has committed a misdemeanor offense prohibited by 13 V.S.A. §§ 1376-1379 against a vulnerable adult as defined in 13 V.S.A. § 1375(8).

IV. Arrest for Domestic Violence

- A. When evidence of injury to the victim exists, an officer may make an arrest without a warrant regardless of the victim’s interest in the aggressor being arrested, keeping in mind that the victim’s decision may be based on fear or other circumstances unknown to the officer.
- B. When probable cause exists to affect an arrest and no on scene arrest is made, the officer will document the circumstances and facts in the narrative section of the Spillman incident report and explain why the aggressor was not arrested.
- C. If information has been received that a mutual battery occurred, the officer will consider whether one person acted in self-defense. If this is the case, the person acting in self-defense should not

be arrested.

- D. If two people committed acts of domestic violence against each other, and neither acted in self-defense, the officer may consider arresting both persons, keeping in mind that Vermont Law seeks to hold the primary aggressor accountable.

V. **Mutual Assault & Dual Arrest**

The Barre City Police Department acknowledges the severity of domestic violence and has adopted a “preferred arrest” policy for domestic violence cases. While not a frequent occurrence, mutual assault between domestic partners does occur. Through investigation, officers will attempt to determine who is the primary aggressor and, whenever the law permits, arrest the aggressor if there is probable cause to believe that a crime of domestic violence has been committed.

- A. Dual Arrest means the arrest of both persons involved in a domestic violence situation. This occurs when both persons commit a crime, most often an assault against each other. In such cases, dual arrests are appropriate.
- B. Dual arrests are not appropriate when a victim strikes an aggressor in self-defense.
- C. The Barre City Police Department recognizes the dynamics of domestic violence and because Vermont law seeks to hold the primary aggressor accountable, cases of dual arrest should not be a frequent occurrence.

VI. **Investigation and Evaluation of Injuries**

- A. When a mutual assault has occurred, the responding officer(s) will investigate and interview the persons as in any domestic violence case.
- B. While investigating, officers will consider all history of violence, including all previous or current temporary ex-parte or protective orders.
- C. Officers will make the determination as to which person is the primary aggressor and should not necessarily include who started a verbal argument, since verbal provocation is not cause for assaultive behavior.
- D. Officers will evaluate injuries sustained by the persons and determine:
- The degree and type of injury, and whether the injuries are offensive or defensive;
 - The relative strength, size and capability to inflict injury of each person;
 - If the victim’s injury was inflicted as reported;
 - The relative fear displayed by each person;
 - Whether one of the persons acted in self-defense; and
 - Whether one of the persons was the primary aggressor

VII. Self-Defense Consideration

- A.** When determining whether one of the persons acted in self-defense, the officer should consider whether:
 - The person reasonably believed they were in imminent danger of bodily harm;
 - The person's belief was reasonable under the circumstances;
 - The person used only the amount of force that was reasonably necessary under the circumstances known to him/her at the time.
- B.** The investigating officer will consider the self-defense factors and decide whether one of the persons' actions constituted an act of self-defense.
- C.** Officers should avoid dual arrest whenever investigation reveals that a person acted in reasonable self-defense.
- D.** If one person was the primary aggressor, that person will be arrested. Persons who defend themselves from an assault should not be arrested.
- E.** If two persons committed domestic offenses, and neither was acting in self-defense, both persons will be arrested.

VIII. Evaluating & Collecting Evidence

- A.** Identify and seize all firearms and/or objects used as weapons.
- B.** Take photographs of evidence of violence and/or make sketches of the condition of the crime scene, e.g., room in disarray, damage to walls, doors, windows, broken dishes and furniture.
- C.** Take photographs, seize documents, and/or make sketches if necessary.
- D.** Mark and label as evidence, all photographs and/or sketches made.
- E.** Recover and seize torn or bloody clothing.
- F.** Seize notes, writings, voicemails, or screenshots of texts made by respondent.
- G.** Document "excited utterances" made in the presence of officers.
- H.** Interview all witnesses including children.
- I.** If necessary, accompany victim to hospital to recover clothing, which may be evidence, and take photographs of newly discovered injuries.
- J.** Request that the victim and witnesses provide sworn statements.
 - If statement is video recorded only and not written, the officer must complete the audio recorded sworn statement form and obtain a signature, or ask the person on video if their statement is true under the pains and penalties of perjury.
 - The officer must receive an affirmative, "yes" in order for their video statement to be

sworn to.

- K. Note whether 911 recordings exist so they may be subpoenaed by the State Attorney's Office.
- L. Arrange for or take additional photographs of the injuries of all the victims two (2) to three (3) days after the incident, when bruises may have developed.
- M. When applicable, and after conferring with a prosecutor, request a subpoena for hospital/medical reports.
- N. Inform the victim that if they recall more details of the incident to call or come in to provide the additional information for the investigation.

IX. Domestic Violence Lethality Screen

The Domestic Violence Lethality Screen shall be used at the scene of a domestic violence incident to assist officers in identifying potentially high-risk situations and follow the established criteria to place the victim in direct contact at the scene with a domestic violence program advocate.

- A. Officers will utilize the investigative procedures included with the "Domestic Violence Lethality Screen" when investigating a domestic complaint involving intimate partners, and one or more of the following conditions exist:
 - There is reason to believe an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest.
 - There is a belief or sense on the part of the investigating officer that once the victim is no longer in the care or presence of the responding officer the potential for assault or danger is high.
 - Repeated calls for domestic complaints at the same location or involving the same parties.
 - The investigating officer believes one should be conducted based on their experience, training and instinct.
- B. **Lethality Screening Questions** - Are located on the Domestic Violence Lethality Screen form. The investigating officer should advise the victim they will be asked a series of questions to help determine the immediate potential for danger to the victim, and:
 - Ask all the questions on the form in assessing the victim.
- C. When assessing the responses to the lethality questions, credence should be given to the victim's own perception.
- D. Use of the Domestic Violence Lethality Screen takes into account the investigating officer's experience and observations. Therefore, if the victim's responses don't trigger the referral to CIRCLE, but the investigating officer(s) perception of the situation indicates high danger, the officer should trigger, or make the referral.
- E. **Referral** - If a high danger assessment is made or the officer believes it is appropriate, the officer

will advise the victim that their situation has shown that the victim is at an increased level of danger, and that people in the victim's situation have been killed or seriously injured.

F. The investigating officer will inform the victim that CIRCLE should be contacted at (877-543-9498) for the victim to speak with an advocate.

- If the victim initially declines to speak with the advocate, the officer should:
 - Tell the victim that the officer can contact CIRCLE to receive guidance on how to proceed with the situation;
 - Tell the victim to reconsider speaking with the CIRCLE advocate; and
 - After the officer concludes any conversation with the advocate, ask the victim if they have reconsidered and would now like to speak with the advocate.

G. If the victim agrees to speak with an advocate, the officer will advise the advocate that they have made a high danger assessment, or believes that the victim is in danger, and would like the advocate to speak with the victim.

- The officer will then be guided by the discussion with the advocate for further assistance. The officer will provide reasonable assistance to the victim if the victim wants to leave the residence.

H. Referral not Triggered - If the victim continues to decline to speak with the advocate, the officer should do the same thing they would do for a victim who did not trigger the referral, including conveying information that the advocate has suggested and going over some safety tips when the victim does not want to leave, and:

- Remind the victim that domestic violence is dangerous and sometimes fatal and;
- Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that they are at an increased level of danger.
- Refer the victim to the services of CIRCLE.
- Provide the victim with the police department's telephone number, the case number, the officer's contact information, in case the victim wants to talk further or needs help.

X. Assisting the Victim

A. Officers responding to domestic violence calls, including attempts or threats to commit domestic violence will provide the victim with a copy of the form entitled **"Your Rights as a Victim of Crime in Vermont."**

- The officer will also include the county specific services form, which includes appropriate phone numbers and addresses where a victim may get assistance. Supervisors will ensure sufficient copies of the form are copied and are available for officers to obtain.

- B.** 13 VSA § 5314 requires that victims of all crimes be promptly provided in writing with an explanation of the victim's rights under 13 VSA chapter 165 and 167, and Information concerning the availability of:
- Assistance to victims, including medical, housing, counseling and emergency services;
 - compensation for victims under chapter 167 of this title, and the name, street address and telephone number of the Center for Crime Victim Services;
 - Protection for the victim, including protective court orders; and
 - Access by the victim and the defendant to records related to the case which are public under the provisions of subchapter 3 of chapter 5 of Title 1 (access to public records).
- C.** As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a domestic assault, as relevant, all of the following:
- Information as to the accused's identity, unless doing so would be inconsistent with law enforcement purposes.
 - Information as to whether the accused has been taken into custody.
 - The file number of the case and the name, office street address and telephone number of the law enforcement officer currently assigned to investigate the case.
 - The prosecutor's name, office street address and telephone number.
 - An explanation that no individual is under an obligation to respond to questions which may be asked outside a courtroom or deposition.
- D.** Officers responding to a domestic violence incident will advise the victim of the availability of a copy of the report concerning the incident from the office at no cost to the victim.
- E.** Officers will review with the victim their rights, to include obtaining a Temporary Protection Order.
- F.** When requested by the victim, officers will assist in providing transportation to the court to obtain an order, or if during non-court hours, to the police department where a court clerk will be contacted; and
- When possible, officers will contact CIRCLE at 877-543-9498 to have an advocate assist the victim.
 - Requests from victims one (1) or more days after an incident will be referred to the Washington County Superior Court – Family Division.
- G.** Officers will document in the narrative section of the appropriate Valcour incident report that the victim was given written information on victims' rights and available assistance offered.
- H.** Officers will inquire if the victim wants to leave the residence on a temporary or permanent basis

and assist the victim in contacting CIRCLE or other agencies or individuals to obtain temporary shelter.

XI. Domestic Stand-By

- A.** Any person reporting to have been a victim of abuse and who believes there is a danger of serious and immediate injury to themselves may request the assistance of a local law enforcement agency for a Domestic Stand-By to ensure the maintenance of peace while gathering belongings, etc. Stand-By's are generally limited to a duration of no longer than 15 minutes unless otherwise approved and special circumstances exist.
- B.** Officers responding to a request for Domestic Stand-By not connected with an arrest or the service of a relief from abuse order will provide the complainant with information about how to make a police report, obtain a protection order, and
- How to access advocacy to assist in the process, and
 - When requested, facilitate contact with an advocate by calling CIRCLE at 877-543-9498.
- C.** In completing a Domestic Stand-By, officers will protect the complainant from harm while accompanying them to the family home so that the complainant may remove only the following items, regardless of ownership, including:
- Personal clothing of the complainant and any child in the care of the complainant; and
 - The personal effects, including any medicine or medical devices, of the complainant and any child in the care of the complainant that are required for the immediate needs of the complainant or the child.
 - If the complainant is denied access, and the property is not rented or owned by the complainant, the officer will:
 - Restate that the complainant can access the appropriate court to petition the court for a protective order if the complainant is eligible;
 - Direct the complainant to the appropriate court for relief if the complainant is not eligible to petition the court for a protective order; or
 - Refer the complainant to CIRCLE, and/or the Department for Children and Families, and/or the Family Division of Superior Court, and/or recommend that the complainant seek the advice of an attorney.

XII. Documentation & Reporting

- A.** An incident report shall be completed for all domestic violence cases in conformance with the Barre City Police Department Incident Reporting System. This includes:
- All domestic violence cases involving physical injury or assault, regardless of whether an arrest is made, as well as;

- All domestic violence cases where no physical injury or assault occurred, no criminal elements are involved, and no arrest can be made.
- B. A Domestic Violence Investigative Report should be completed in its entirety, to include the Lethality Screen during all investigations alleging or involving physical injury or assault, regardless of whether an arrest is made.
 - C. When applicable, the Documentation of Strangulation forms will be completed.
 - D. For all domestic assault cases where no arrest is made, an explanation will be written in the narrative section of the incident report explaining why the respondent was not arrested.
 - E. If a child or children are present for an incident of domestic violence, whether or not the violence is directed at them, and whether or not an arrest is made, the officer should make a report to the Department of Children and Families (DCF) as appropriate.
 - F. When a firearm or other evidence is seized, the officer will follow the procedures in accordance with **Barre City Police Department Investigative Procedure 609, “Property and Evidence Management.”**

XIII. Enforcement of Protection Orders

An officer shall arrest, with or without a warrant, and take into custody a person whom the officer has probable cause to believe is in violation of a temporary or final protection order in effect at the time of the violation.

- A. The violation does not have to occur in the officer’s presence in order to make a warrantless arrest as long as the officer has probable cause to believe that the violation occurred.
- B. **Verifying validity of an Order**
 - Officers responding to a scene and presented by the victim with any order for protection will verify the validity of the order and take whatever action has been so ordered.
- C. **Person Claims the Existence of an Order for Protection**

When officers are told of the existence of a temporary or final protection order, but no document is presented, officers will request that emergency communications personnel query VOWS/NCIC and contact the originating agency or Court to determine whether a protective order is outstanding and has been served. If the order and subsequent service are verified, the officer must determine the conditions of the order and an arrest will be made if warranted.

- If not verified, the officer may not take action based on the possibility of a protection order. However, the officer should advise:
 - The alleged defendant of the possible consequences if a protection order is outstanding; and
 - The complainant to seek safety, confirm the existence of the protection order and

refer the complainant to court to initiate contempt proceedings for any violations of non-arrestable conditions.

- Officers should be mindful that service of protection orders must be accomplished before enforcement action can be taken.

D. If the plaintiff has a copy of the order, but it has not been served on the defendant, and the defendant is present, the officer should serve the plaintiff's copy on the defendant and file a return of service. The officer should then facilitate providing the plaintiff with another copy of the order.

XIV. Foreign Abuse Prevention Orders

A. A protection order issued by a Court of another state or any federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia shall be accorded full faith and credit by a Vermont Court and **shall be enforced** only to the extent that the order affords relief that is permitted for protection orders issued under Vermont law.

B. An officer has the authority to arrest an individual who is violating a foreign abuse prevention order if:

- That order grants relief available under Vermont law; and
- The individual is violating that part of the order that is enforceable in Vermont.

D. A foreign abuse prevention order shall be enforced for the terms provided in the order. For example, if a New Jersey protection order states it is issued for life, the order must be enforced for life in Vermont even though Vermont Law provides for a maximum of 12 months and 3 years for a second or subsequent offense.

E. Provisions in an out of state protection order related to support or child custody order are generally not enforceable within the State of Vermont. After verifying and consulting with the Washington County State Attorney's Office, the complainant should instead be referred to the court of issuance to initiate contempt proceedings.

XV. Defendant "Invited" Back by the Plaintiff

A. Officers called to the scene where a defendant has been "invited" back into the residence by the plaintiff will:

- Arrest the defendant if they are in violation of a condition of the order or, if arrestable for any violation of valid conditions of release.

B. Officers will inform both parties that:

- The two parties cannot mutually consent to changing the conditions of the protection order.

- Only the issuing court can modify or rescind a protective order and;
- If the victim/plaintiff wishes to change the conditions of the protection order, they should go to the issuing court and request a modification or rescission of the order. The original order is in full force until a judge signs the modification request or rescission.

XVI. Supervisor's Role and Responsibilities

Supervisors will monitor responses to domestic violence cases to ensure compliance with office policies and procedures. Supervisors will pay particular attention to problem solving, dual arrests, report writing and what actions were taken by officers regarding the safety of victims or potential victims.

XVII. Cancellation

This written directive cancels and replaces **Barre City Police Department Operational Policy titled "Domestic Violence Response Policy" dated February 25, 2015**, and cancels, replaces and supersedes any other directive in conflict therewith.

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2023

Index As:

Abuse Prevention Order
Domestic Assault
Domestic Stand-by
Domestic Violence Lethality Screen
Mutual Assault
Protection Order
Victim Assistance



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Police Radio Communications	418	X/X/23

Note: These Rules & Regulations, Operational Policies and/or Procedures are for internal use only and does not enlarge a member’s civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with the respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Policy: The Barre City Police Department recognizes that the police radio is a vital public safety resource, and thus provides members with twenty-four-hour, continuous two-way radio communications. In accordance with Federal Communications Commission (FCC) procedures and requirements, transmissions on all channels are restricted to official Department affairs. False calls or distress signals, superfluous or unidentified communications, obscene or profane language, transmission of unassigned call signals or any other unprofessional conduct is strictly prohibited.

Purpose: To establish standard communications procedures that will insure the universal, accurate and timely dissemination of operational and emergency communications between citizens, officers, and supervisors.

- Contents:**
- I. Duties and Responsibilities
 - II. Radio Procedures and Protocol
 - III. Attempt to Locate/Look-Out (BOL)
 - IV. Communications Codes & Signals
 - V. Call Assignment
 - VI. Anonymous, Reluctant, and Sex Crime Complainants/Victims
 - VII. Requests for Assistance from Other Agencies
 - VIII. Security and Review of Recorded Conversation
 - IX. Cancellation

I. Duties and Responsibilities

A. Emergency Communications Center (ECC)

The Emergency Communications Center provides twenty-four-hour, continuous two-way radio communications between members of the Barre City Police Department and the Emergency Communications Center, including access to multiple channels for inter-jurisdictional or joint

communications with police, fire, ambulance and other local government agencies.

- To promote quick and easy access by citizens seeking emergency services, the Emergency Communications Center has designated **9-1-1** as the single emergency telephone number for twenty-four-hour, toll-free access to all local and state emergency services.
 - Persons seeking access to non-emergency police services may contact the Emergency Communications Center at: **802-476-6613**.
- The Emergency Communications Center maintains a twenty-four-hour computer link with all, local, state, and federal Criminal Justice Information Systems (CJIS & VCIC) to facilitate police investigations.
- The Emergency Communication Center maintains the equipment necessary to provide the immediate playback of recorded telephone and radio conversations from the communications console.

B. Communications Dispatcher

- The primary responsibility of the Communications Dispatcher is to receive, and dispatch calls for emergency services and maintain accurate unit status for all responders operating on the radio channel.
- Computer queries and requests are a secondary responsibility. Authorized requests and queries from field personnel will be honored when airtime and resources permit.
- The Communications Dispatcher will not make determinations of legality or tactical decisions. The patrol supervisor, or senior officer, will be notified of the request for tactical assistance and other direction.
- Inform the on-duty patrol supervisor of significant activity and, those incidents where there may be a question as to the agency's liability or those which may result in heightened community or media interest.

C. Emergency Communications Supervisor (*future*)

- Has supervisory authority/responsibility for personnel in the communications center.
- Is responsible for ensuring communications personnel comply with all Police Department rules, policies, and procedures.
- Is responsible, along with the patrol supervisor, for maintaining radio protocol and proper decorum of their respective personnel.
- The Emergency Communications Supervisor is responsible for making notifications, coordinating Emergency Communications Center (ECC) operations with other municipalities and outside agencies, and ensuring the mission of the Communications Center is performed professionally.

D. Patrol Supervisor

- The patrol supervisor is responsible for ensuring proper deployment, radio protocol, and compliance with all Police Department rules, policies, and procedures.
- Supervisors will ensure that the Shift Briefing is e-mailed to the Emergency Communications Center prior to the patrol shift change, and ECC personnel is aware of any significant and necessary information regarding the upcoming shift(s).
- The significant activities of Emergency Communications personnel assigned to their shift, including those incidents where there may be a question as to the agency's liability or those which may result in heightened community or media interest are included in the Shift Briefing.

E. On-Duty Personnel

All police personnel, to include administrative, support and non-uniformed members will notify the Emergency Communications Center when they begin and end their tour of duty.

- Officers switching to and operating from a secondary radio channel other than the primary police communications channel will inform the Emergency Communications Center beforehand and will provide updates of their unit status.
- Police officer(s) **will** indicate their arrival and clearance of emergency and non-emergency calls for service and other police activity by radio, as this communication is critical to officer safety, and the accurate collection of workload data.
 - Nothing shall limit the use of Valcour Mobile and/or Computer Aided Dispatching (CAD) features by the police officer in lieu of a lengthy radio transmission.
- Officers traveling out of the City of Barre for training, court, transports, etc., will notify the Emergency Communications Center of their status.
- Officers executing search warrants or conducting covert operations, including surveillance and other operations where the use of publicly monitored radio could increase the risk of officer or offender safety, will notify the Emergency Communications Center by telephone just prior to the start of the operation and;
 - Provide Location/Address Information
 - The name and/or unit radio numbers of all personnel involved,
 - The name and/or unit radio designation of the officer in charge, and
 - Approximate times and estimate of the length of operations.
 - The officer in charge of the operation will notify the Emergency Communications Center at the conclusion of the detail.

F. Off-Duty Personnel

- Off-duty officers operating a police vehicle will monitor the radio and will notify the

Emergency Communications Center when assisting a motorist, taking or assisting with a call for service, or **any** policing actions where the officer’s safety may be a concern. The officer will inform the Communications Specialist when the activity concludes.

- Off-duty officers will not notify the Emergency Communications Center over the radio for routine administrative or non-police matters.

II. Radio Procedures and Protocol

The Emergency Communications Supervisor (*future*) is responsible for assisting the Chief of Police with the continued development of radio communication protocols, including the maintenance of the Police Department unit radio designation system, and coordinating the entry of radio designators into the Computer Aided Dispatch System, (CAD).

A. Radio Designation System

A unique three-digit radio identification number is assigned to members for both on and off-duty use. Numbers in the 750-790 series are reserved for use by the Barre City Police Department.

B. Use

- To ensure interoperability between responding agencies, and at the recommendation of the National Incident Management System Integration Center, “Common Language” may be used in radio communications when possible. Radio transmissions will be concise and will not contain any inappropriate terms or slang. Officers should use generally accepted call types in their radio transmissions when appropriate.
- Examples of generally accepted terminology include, but are not limited to:

Beginning Tour of Duty	Use Caution	Stop Transmitting
Ending Tour of Duty	Out of / In Service	Fight in Progress
Animal Complaint	Stand by (Stop)	Civil Disturbance / Riot
Medical Issue	Domestic	Meet complainant
Urgent/Quickly/Expedite	Return to ...	Location
Call by telephone	Disregard	Arrived at Scene
Assignment completed	Subject Detained	License Check
Registration Check	Warrant Check	In Progress
Weapon Reported at Scene	Suspicious Vehicle	Beginning Tour
Make Notification for ...	Permission to ...	Ending Tour
Road Repair at ...	Traffic Light out at ...	Traffic Collision w/Injury
Prop. Damage Collision	Direct Traffic	In the Vicinity
Prepare to Copy	Message Received	Fire Alarm
Affirmative	Negative	En Route
Need Assistance	Pursuit in Progress	Bomb Threat

- Although plain language terminology may be used, several codes are considered universal and may still be used. The most common are as follows:

10-0 Caution

10-32 Gun / Person with gun

10-4 Acknowledgment	10-41 Beginning of Shift
10-7 Out of Service	10-42 End of Shift
10-8 In Service	10-43 Information
10-23 Arrived on scene	10-50 Crash
10-24 Assignment Complete	10-55 Intoxicated Driver
10-27 License Check	10-56 Intoxicated Person
10-28 Registration Check	10-61 Personnel in the area
10-29 Criminal History check	10-99 Wanted/Stolen indicated

- The police radio is for official business only. FCC regulations prohibit misuse (including profane language, inappropriate transmissions, clicking microphone buttons, intentionally covering other users, etc.) of public safety radios.
- Radio misuse is a serious and potentially dangerous breach of safety protocol and is not tolerated. Idle or personal conversations are prohibited.
- Supervisors are responsible for maintaining radio protocol and identifying individuals misusing the radio.
- Members identified misusing the radio or radio system will be subject to corrective action.
- If a radio transmission is non-essential and lengthy, officers should use a tactical (TAC) or secondary channel.

C. Brief and Concise

- Radio transmissions will be brief and concise using plain language, the phonetic alphabet, and/or signals or clearance codes.
- Radio messages should be acknowledged promptly when, and the dispatch or relay of detailed information communicated thereafter.
- Officers should record, in writing, addresses, suspect description, etc., before acknowledging receipt of the message to assist in not asking for the message to be repeated.

D. Telephone Use Instead of Radio

All calls for police service, including persons responding to the police department to report an offense or seek assistance while patrol personnel are in the building **will be** dispatched by radio. This communication is critical to officer safety and the accurate collection of workload data. Except where expressly permitted, calls for police service **will not** be dispatched by telephone, to include text or instant messaging by mobile data computer.

- Radio airtime is a premium resource. Officers making lengthy notifications and other routine communications should use the telephone in lieu of the radio when available.
- Officers are encouraged to utilize Valcour Mobile Computer Aided Dispatching (CAD) features for the entry of additional details into the Call for Service Record

in lieu of a lengthy radio transmission. For example, attaching multiple names to an incident should be done by the officer either at the scene or at a later time.

E. Switching Channels

Officers **will** notify the Communications Dispatcher when they switch from their primary radio channel to another channel, i.e., a VSP frequency, etc. Officers responding to a call or assisting law enforcement officers in another agency will switch to the channel of the agency being assisted.

- Officers will notify Vermont State Police whenever they are responding to a VSP dispatched call, or assisting Troopers with a call for police service, or other incident requiring coordinated police communications.

F. Calls For Service

When notifying officers for calls for service the Communications Dispatcher will advise of the address of the incident, nature of the incident, and relay any pertinent information relative to the call.

- Calls for service at a business address should be dispatched providing the name of the business and the address (i.e., Dollar General, 540 N. Main Street).

G. Traffic Stops and Suspicious Conditions

- Officers calling out on traffic stops or a suspicious condition will announce their Unit number and the activity.
- The Communications Dispatcher will acknowledge the unit, and the officer will then provide a location and other pertinent information concerning the situation. The officer should indicate any need for backup at this time.

H. Requesting Computer Checks

- Officers will initially announce the type of computer check they intend to request. When the Communications Dispatcher advises to proceed with the request, the officer will state in the following order:
 - For person checks: Last name, first name, middle initial, sex, date of birth, issued state of license.
 - For vehicle checks: State of registration, tag number or VIN and vehicle make, model.
- Communications Specialists will provide information requested that may include:
 - Suspension / Validation Status
 - Tag pick-up orders

- Driving record histories
- If VCIC/NCIC is down, the Communications Dispatcher will **not** hold the request until the system is operational unless specifically requested. Officers should not ask for returns; officers will be advised when the Communications Dispatcher has processed the request.

I. Notification of Relatives

- In accordance with **Operational Procedure #420, “Patrol Operations,”** the Barre City Police mental health clinician, Community Outreach Specialist or a supervisor should be requested to assist in making notifications involving fatalities or seriously injured persons.

III. Attempt to Locate / Look-Out (BOL)

Be on the look-out(s) or (BOL’s) must be timely, complete, and accurate to be effective as an investigative aid in attempting to locate persons or vehicles. BOL’s for fleeing suspects may serve as probable cause for arrest and will be broadcast as soon as practical. All other BOL’s (e.g., non-critical missing persons, late reported hit-and-run collision, etc.) will be dispatched as soon as airtime permits, but not when units are involved in a call of a serious nature.

A. Types of BOL’s

- Officers may place BOL’s for individuals wanted for a specific crime or a vehicle when probable cause for arrest without a warrant exists. BOL’s must state the specific crime and must be associated with a written report.
- Welfare check BOL’s are permissible but will not be used in lieu of a BOL for an individual who is wanted for a specific crime. Due to the potential danger to officers, ECC should relay all welfare check BOL’s to and from all allied police departments.
- BOL’s for crimes where no probable cause for arrest exists (stop and obtain information) may be broadcast, but the initiating officer is responsible for clarifying there is not sufficient information to arrest. In those instances, phrases such as **“No probable cause exists for arrest”** should be used in the BOL. All relevant information regarding the crime will be included. This category includes crimes for which probable cause exists but arrest without a warrant cannot legally be made. This type of BOL must also be associated with an incident number.
- BOL’s for traffic violations, such as reports from citizens of DUI/DWI in progress and aggressive or reckless driving will be broadcast with as much information as possible.
 - Traffic violation BOL’s will be self-canceling at the end of the initiating officer’s tour of duty unless a report is written, and a request is made for ECC to continue broadcasts of the lookout to subsequent patrol shifts.

B. Procedures for Placing and Canceling BOL’s

- When an immediate broadcast is necessary, officers will notify the Communications

Dispatcher to put out the BOL and its specifics.

- When an immediate radio broadcast is not necessary, officers will provide the information to ECC via phone.
- Officers will telephone other areas themselves for investigative checks.
- The arresting/recovering officer is responsible for ensuring the BOL is canceled.

IV. Communication Codes & Signals

Officers will utilize the following radio codes and signals.

A. Phonetic Alphabet

When it is necessary to spell out words or otherwise use letters in radio transmissions, the following phonetic code words are suggested, but not limited to:

- A – **Alpha / Adam** J – **Juliet / John** S – **Sierra / Sam**
B – **Bravo / Boy** K – **Kilo / King** T – **Tango / Tom**
C – **Charlie / Charles** L – **Lima / Lincoln** U – **Uniform/Union**
D – **Delta / David** M – **Mike / Mary** V – **Victor**
E – **Echo/Edward** N – **November/Nora** W – **Whiskey/William**
F – **Foxtrot / Frank** O – **Oscar / Ocean** X – **X-ray**
G – **Golf / George** P – **Papa / Paul** Y – **Yankee/Yellow**
H – **Hotel / Henry** Q – **Quebec / Queen** Z – **Zulu / Zebra**
I – **India / Ida** R – **Romeo / Robert**

- When transmitting a name over the radio, the phonetic alphabet will be used.
- Personal Identification Numbers (PID's) may be provided to the ECC along with the name of the individual the PID should come back to.

B. Caution Code

To provide the safest environment for officers during violator contacts, 10-0, USE CAUTION, will be aired to notify any officers in contact with a subject that there is a history of violence/drugs/alcohol.

- The information given to support the use of a caution code should have some verifiable foundation from which it is offered. Materials contained in Valcour Records or local data base files, e.g., CJIS or other supporting information (e.g., investigative reports or arrest records) may be used as justification for a caution descriptor.

C. Confidential/Critical Information to be Relayed

Communications dispatchers relaying information such as a possible hit that has been received or other pertinent information that needs to be relayed which should not be overheard by suspects, should inquire if the officer is 10-61. The officer then responds either in the positive or negative, and when it is safe to transmit the information.

- 10-0 (CAUTION) may be used in conjunction with NCIC Terrorism Response codes.

D. Emergency Button

When an officer activates the emergency button on their portable or vehicle radio, the Communications Dispatcher will immediately respond by challenging the officer responsible for the activation by:

- Broadcasting “**750 to 770, Confirm or Deny**”
- The activating officer will respond “**Deny**” for an accidental activation
 - The Communications Dispatcher will clear/reset the alarm
- The activating officer will respond “**Confirm**” to request help
 - Upon receiving no response or “Confirm” from the officer, the Communications Dispatcher will immediately dispatch additional units to the officer’s last known location and notify the on-duty supervisor.

V. Call Assignment

A. The selection, including the number of units assigned for dispatch to calls is completed by inputting the information into the CAD/RMS system.

B. Supervisors & Back-up

Certain Part One Crimes, Serious Personal injury Collisions, Fatal Collisions, DOA’s, and calls requiring CID or Crime Lab, etc. will require a supervisory response.

- At any time after initial dispatch, the on-duty patrol supervisor may modify the number of units responding.
- Without exception, during serious incidents, the on-duty supervisor will be notified by the Communication Dispatcher with incident information, and updates.

C. Recording of Status

- Officer safety and operational effectiveness is enhanced when officers, communications staff and supervisors know the status of one another; such as their location, the nature of incidents and developments in on-going incidents. Emergency Communication Center staff will log radio-transmitted activities of law enforcement personnel in the respective incidents.
- Officers shall communicate with the Emergency Communications Center upon arrival at the scene of an incident, when clearing the scene, when making vehicle or pedestrian stops and other times deemed appropriate by the officer.

- **Status Check(s)** – Communications dispatchers will check the status of officers during those calls for service involving a heightened officer safety risk, periodically after the officer(s) arrive on-scene and all personnel clear the call, or until the assigned officer advises the status check is no longer needed. Communications dispatchers will check the status of officers not otherwise on a call if they haven't been in communication with the communications dispatcher for an extended period of time.
 - Communications dispatchers will check on officers' status utilizing the code "**11-20.**"
 - Police officer(s) that do **not** need assistance will acknowledge the status check utilizing the code "**11-21.**"
 - When no response is received from the officer, or the response is not "11-21," the communications dispatcher will dispatch additional units to the officer's last known location and notify the on-duty supervisor.

VI. Anonymous, Reluctant, and Sex Crime Complainants/Victims

- Anonymous Complainant** - An anonymous complainant is one who refuses to give the call taker a name, address, and phone number. Callers are encouraged to provide identification information; however, it is not required. All calls will be handled as if full disclosure was made. The fact that a person does not identify themselves does not negate the necessity to respond to a call for service. The officer may obtain the identification information via telephone.
- Reluctant Complainant** - A reluctant complainant is one who provides their identity, but requests the information be kept confidential. Communications dispatchers will not broadcast the identity of a reluctant complainant, rather the officer may obtain the identification by telephone. Complainant information will not be divulged by police at the scene, although all personnel should be aware that such information is discoverable under the rules of evidence.
- Sex Crime Complainants/Victims** - The Communications dispatcher will not broadcast the identity of a sex crime complainant/victim over the air. If an officer requires this information, the officer will call Communications via phone.

VII. Requests for Assistance from Other Agencies

- Officers should provide the following information, if available, when requesting the assistance of Barre City Fire Department:
 - **Traffic & non-traffic related injuries:**
 - Location
 - Number of persons injured
 - If the person is conscious/unconscious
 - Nature of the injuries
 - Whether the person is trapped

- **Fires & explosions:**
 - Location
 - Intensity of the fire (e.g., smoke, fully involved)
 - Type of structure
 - Whether a person is trapped

B. Officers must advise of any other hazards that responding units should be aware of, i.e., HAZMAT, etc.

C. Traffic Signal Malfunctions

Barre City Department of Public Works and/or the Vermont Agency of Transportation will be promptly notified by the Communications Dispatcher of any signal malfunction reported to the ECC by members of the public, and upon discovery by an officer.

- Should the citizen(s) report indicate that the signal malfunction is a potential traffic hazard; the ECC shall dispatch an officer to investigate.
- Should the citizen(s) report indicate that the signal malfunction is not a potential traffic hazard and is not inhibiting the flow of traffic; the ECC Communications Dispatcher may dispatch an officer to investigate the malfunction after notifying DPW and/or the Vermont Agency of Transportation.

D. Crossing Jurisdictional Lines

- When entering neighboring jurisdictions, on-duty units will notify the ECC of their destination.
- In exigent circumstances, such as a vehicle pursuit, police officers will notify the ECC in conformance with **Traffic Procedure #502, “Vehicle Pursuits & Roadblocks”** The ECC will notify the neighboring jurisdiction and the appropriate Barre City Police Department Supervisor.
- In criminal investigative matters, officers will request assistance from the neighboring police jurisdiction, if necessary, via telephone.
- In all cases, ECC will be notified upon the return of the officer(s) to the City.

VIII. Security and Review of Recorded Conversation

Recordings of radio and telephone communications are an indispensable resource during training, criminal and internal investigations, and audits of the agency’s delivery of services.

A. Security

- Access to data is limited by procedure to those with official duties and is secured by password procedures.

B. Requests for Review of Recorded Conversation

All recorded telephone and radio transmissions are accessible to sworn personnel, law enforcement agencies, and other public agencies as well as the general public.

- Sworn members of the Barre City Police Department may request a copy of the recording of the information transmitted over police radio or recorded telephone lines in the following circumstances:
 - Administrative review
 - Criminal or Internal Investigation
 - Court
 - Training
- Sworn members of the Barre City Police Department requesting a copy of the recording will complete a brief memorandum, or email detailing what information is needed, to include the case number, location, start and end times of the incident.
- All requests should be submitted a minimum of forty-eight (48) hours prior to the time the recording is needed. Emergency exceptions to this requirement may be made at the discretion of the Deputy Chief.

XI. Cancellation

This written directive cancels and replaces **Barre City Police Department Operational Policy titled “Communications” dated September 14, 2012**, and cancels, replaces and supersedes any directives in conflict therewith.

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2023

Index As:

- BOL
- Communications Dispatcher
- Emergency Communications Center
- Radio Communications
- Request for Recorded Conversation



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

INVESTIGATIVE PROCEDURES

<u>Subject:</u> Criminal Investigations	<u>Number:</u> 601	<u>Effective Date:</u> X/XX/23
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Note: These Rules & Regulations, Operational Policies and/or Procedures are for internal use only and does not enlarge a member's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with the respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Policy: Crimes reported to the Barre City Police Department will be thoroughly investigated. The ultimate objective of a criminal investigation is to protect the innocent, recover evidence, and present the accused in a court of law for a determination of guilt or acquittal.

Purpose: To provide procedures for conducting criminal investigations while ensuring continuity with on-scene support during the investigation of specific crimes.

Contents:

- I. Preliminary Investigation
- II. Follow-up Investigation
- III. Solvability Factors
- IV. Case Status & Management
- V. Special Investigative Procedures
- VI. Informant Master File
- VII. Criminal Investigations Division
- VIII. Investigative Resources
- IX. Cold Case Investigation
- X. Constitutional Requirements
- XI. Search Warrants
- XII. Cancellation

I. Preliminary Investigation

The most important factor in solving any crime is the information supplied by a complainant, victim, or witness to the first responding officer. The first responding patrol officer will generally conduct the preliminary investigation of most crimes and is responsible for contacting special investigative personnel as needed.

A. A preliminary investigation begins when the call is made to the Emergency Communication Center, the assigned officer arrives at the scene of an incident, first makes contact with the complainant, or becomes aware that a crime has been or is being committed. The preliminary investigation continues until the closure of the investigation or transfer of responsibility. The preliminary investigation usually includes some or all of the following activities:

- While enroute and upon arrival, officers should observe all conditions to include, departing persons and vehicles, events and remarks made by bystanders. The importance of a prompt response is especially significant to the preservation of evidence and preventing scene contamination or collusion by witnesses.

- **Providing first aid to injured persons**

In cases involving personal injury, first responding officers must immediately tend to the victim by administering first aid and summoning an ambulance if necessary.

- Officers must recognize the potential for disruption of evidence by responding medical personnel. Therefore, officers will document the exact location of all evidence with diagrams/photos.

- **Arrest of the suspect(s)**

The officer's initial observations and preliminary questioning of the victim, complainant, or witness may immediately establish that a crime has been committed. Upon identifying and interviewing the suspect(s), the officer may be required to effect an expeditious arrest as appropriate, or if the suspect has fled:

- Provide descriptions to the Emergency Communications Center and other patrol units regarding the suspect and/or suspect vehicle, including:
 - The suspect's physical description;
 - Their associates/accomplices;
 - Vehicle (year, body type, color, license number);
 - Direction of travel;
 - Instruments of the crime;
 - Type of weapon(s) used;
 - Any other information helpful in identifying or locating the suspect(s).
- Should officers develop facts concerning the suspect(s) identity, place of residence or whereabouts, the officer will remain at the crime scene and summon assistance. The shift supervisor will dispatch a second officer to either attempt to locate the suspect(s) or relieve the investigating officer at the scene so they may attempt to locate the suspect(s).

- **Protecting the crime scene**

The success or failure of a criminal investigation depends upon the immediacy of the preliminary investigation. Unless disruption is necessary to assist the injured or to effect an arrest, the crime scene must remain intact and undisturbed until the completion of an examination for evidence.

- Initial videography should be completed of the scene as soon as possible and should be narrated by the officer. This can be accomplished using the body worn camera (*future*).
- Photographs “freeze time.” Initial crime scene photographs may be critical to the successful prosecution of a case, as they capture the scene before any disturbances can occur or any evidence is moved.
- Crime Scene Photographs should be taken as soon as reasonably practicable from each angle and perspective. Typically, from the top left, top center, top right, left side, right side, bottom left, bottom center, and bottom right following a corner to corner and side to side pattern.
- All unnecessary persons, including police not assigned to the investigation must be restricted from entering the crime scene.
- When a crime scene perimeter is established and entry to the scene is restricted to permitted personnel, an officer will be designated to maintain a log of **ALL** persons who enter the crime scene, including police personnel.
- Cellular phones and other electronic devices capable of storing data may contain valuable evidence such as photos, texts and posts that help establish timelines associated with criminal activity and should be seized in conformance with **Barre City Police Department Investigative Procedure #608, Collection & Preservation of Evidence**.
- Arrange for a criminal investigator if necessary.

- **Locate, identify and separate witnesses** – To prevent the exchange of information which might influence witnesses to alter their own statements to confirm the accounts of others, officers will tactfully separate the complainant, victims and witnesses as quickly as possible. Officers must be cognizant that some bystanders may leave the area in order to avoid becoming involved in the investigation.

- When possible, separation should be both auditory and visual to prevent any influence by other involved parties.

- **Interviews** - Information obtained from the complainant, victim(s) and witnesses can corroborate other evidence, and the manner in which the preliminary investigating officer obtains that information has a direct impact on the amount and accuracy of that information. When interviewing a witness, the investigating officer should:

- Inquire about the person’s medical and physical condition;
 - Establish a rapport with the person;
 - Use open-ended questions (e.g., “What can you tell me about the car?”);
 - Augment with closed-ended questions (e.g., “What color was the car?”);
 - Avoid leading questions (e.g., “Was the car red?”);
 - Inquire about the identity of other persons that may have been in the area at the time of the incident;
 - Clarify the information provided with the person being interviewed;
 - Whenever possible, have the witness write a written statement;
 - Document the information obtained from the person interviewed, including their identity, in a written report;
 - Provide the person interviewed with a telephone number and encourage them to contact investigators with any further information.
 - Ensure any additional incident specific forms are completed (for example, Domestic Violence Supplement), including any required signatures to allow the appropriate release of records (for example, medical, or financial) that may be essential to the investigation of the crime.
- **NOTE:** Interviews that are completed using audio/video technologies may include the disclosure of more information than what a witness is willing to provide in a written statement. When using video and/or audio statements officers must have the witness swear to the truthfulness of the statement on the media; and
 - In accordance with **Barre City Police Department Operational Procedure #408, “Processing & Temporary Detention,”** the Interview Room is equipped for audio and video recording (*future*) designed primarily for use in completing investigative interviews and interrogations.
 - Those interviews recorded utilizing the body worn cameras will be completed in conformance with **Barre City Police Department Operational Procedure #430, “Body Worn Cameras”** and the completed file submitted in accordance with judicial requirements for discovery. (*future*)
 - **Victim & Witness Assistance** – Officers will refer victims to the Washington County Victim’s Advocate. If the case is being prosecuted by the US Attorney’s Office, officers will refer victims and witnesses to the US Attorney’s Victim-Witness Specialist at 1-866-824-0398. Officers will also:
 - Provide victim(s) with the case number of the initial report, the name and telephone number of the investigating officer and a copy of any applicable assistance literature such as the victim’s rights form, domestic violence services form and/or the sexual assault survivor rights form.
 - Refer victim(s) to the WCSAO Victims Advocate when appropriate.

- Officers should separate the victim from the abuser in domestic violence, and/or child abuse/sexual assault cases – even if it is a parent.

B. NCIC Entry

Reports of stolen vehicles, property, or missing person(s) may require NCIC computer entry. The required information must be furnished to Communications personnel and the NCIC entry made before the end of the officer's current tour of duty. As directed by the procedures established in section **Barre City Police Department Field Reporting System Procedure #801, "Field Reporting,"** a copy of all NCIC entries and clears will be included and attached with the submitted incident report.

C. Reporting

Preparation of the initial Incident Report shall be completed by the initial responding officer as directed by section **Barre City Police Department Field Reporting System, Procedure #801, "Field Reporting."** If a criminal investigator is summoned to the scene, the initial report is still completed by the initial responding officer. Follow-up investigation will be conducted by the assigned investigator.

- Unless otherwise approved by the appropriate supervisor, all incident reports will be submitted for review prior to the end of the officer's tour of duty during which the incident occurred.

II. Follow-up Investigation

Generally, a minimum of one follow-up investigation shall be conducted on **all** investigated crimes. Exceptions may be made for fraud cases where no solvability factors are present, and minor Unlawful Mischief cases where there are no suspects or additional leads to follow. For these circumstances, the investigating officer must detail the absence of investigative leads in the Incident Report and instruct the victim on procedures to contact investigators should additional information be discovered. Whenever possible, the victim will be contacted in person by the investigating officer. Follow-up investigations are critical to a successful conclusion of a criminal investigation. The primary purpose of the follow-up is to gather additional information that may result in the arrest of an offender and/or the recovery of stolen property. The following investigative steps will be followed or used as appropriate:

- A.** Review and analyze reports prepared during the preliminary investigation;
- B.** Review agency records;
- C.** Review laboratory results;
- D.** Conduct Criminal History and background checks of potential suspects;
- E.** Develop a timeline to account for the whereabouts of suspects, POI's, and victims;
 - Timeline should be annotated with the sources of the information that support the timeline.

- F. Conduct additional interrogations and interviews, to include other police and informants;
 - The interview of a known suspect is especially important, regardless if enough evidence exists to prosecute outside of the suspect’s statements.
- G. Plan, organize and conduct searches when necessary;
 - Collect or arrange for the collection of physical evidence;
- H. Determine the identity of the suspect(s), complete application for an arrest warrant and apprehend the suspect once appropriate;
- I. Determine involvement of suspects in other crimes;
- J. Prepare cases for court presentation and assist in prosecution;
- K. Notify victim(s) and witness(es) of the investigation status;
 - Victims, and/or immediate family members of victim if relevant, shall be notified periodically with updates, even if there is no new information.
- L. In accordance with **Barre City Police Department Field Reporting System Procedure # 801, “Field Reporting”** Supplemental Reports documenting follow-up activities will be submitted twice monthly (i.e., 15th and 30th of each month) until suspended or closed.

III. **Solvability Factors**

Solvability factors are information about a crime that can provide a basis for determining who committed that crime; a “lead” in the search for the perpetrator of an offense. The solvability factors selected are those which will assist the investigating officer/detective in bringing the case to a conclusion; assist the reviewing supervisor in assuring that proper investigative steps have been taken and in deciding which cases have the potential for a successful resolution through further investigation.

- A. The solvability factors that should be considered are:
 - **CAN A SUSPECT BE NAMED?** The officer conducting the preliminary investigation shall determine from any pertinent party available whether a full or partial name of a suspect is available. It shall be stated in the officer’s report with whom they spoke to obtain this information and to whom they spoke with negative results.
 - **COULD A SUSPECT BE IDENTIFIED BY THE VICTIM/WITNESS IF SEEN AGAIN?** The officer shall determine whether the victim/witness would be able to identify the suspect if seen again. This information should be stated in the officer’s report.
 - **IS THE ADDRESS OF A SUSPECT KNOWN?** Often a victim/witness may not know the suspect’s name but could state that they have seen the suspect leave a certain residence or know where they live. This information should be included in

the officer's report.

- **IS IT KNOWN WHERE A SUSPECT MAY USUALLY BE FOUND?** As in the case of a suspect's address, a person providing information may not know the suspect by name, but could state that they may usually be found at a particular place - bar, social club, gym, class, etc.
- **WAS A VEHICLE PLATE NUMBER OBTAINED BY THE VICTIM/WITNESS?** Citizens have been trained to look for this feature during moments of suspicious activity. The investigating officer shall closely question pertinent parties when a vehicle is known to be involved. Even partial numbers may be of assistance; do not disregard the witness who cannot provide a full vehicle tag number.
- **CAN THE VEHICLE BE IDENTIFIED BY THE VICTIM/WITNESS IF SEEN AGAIN?** The investigating officer shall determine if the vehicle had any distinguishing characteristics such as bumper stickers, dents, body work, unusual paint or tires, extra antennas, etc. This inquiry shall not necessarily be limited to the exterior of the vehicle.
- **WAS ANY TRACEABLE PROPERTY TAKEN?** Determine if any of the property taken had serial numbers, distinguishing characteristics that would make identification easy, or other considerations generally made in tracing stolen property.
- **WAS ANY TRACEABLE PROPERTY TAKEN?** Determine if any of the property taken had serial numbers, distinguishing characteristics that would make identification easy, or other considerations generally made in tracing stolen property.
- **IS THERE ANY SIGNIFICANT PHYSICAL EVIDENCE AVAILABLE?** State what evidence was taken by whom, where it was found, the purpose of taking the evidence, and the significance of the material to the investigation. The officer must evaluate the importance of evidence in terms of the goal of solving the crime. If the answer to this solvability question is "yes," the officer must report all the details about the evidence. If the answer is "no," the officer must document what efforts were made to find significant evidence.
- **IS THERE A SIGNIFICANT "MODUS OPERANDI" PRESENT?** Criminals generally commit the same type of crime more than once. They also commit the crime in the same or similar fashion as they had in the past. Therefore, the investigating officer shall cite in the report exactly how the crime was committed and determine if the method has any particular significance in relation to other crimes, known criminals, or unique circumstances.
- **WAS THERE A LIMITED OPPORTUNITY FOR THE SUSPECT TO HAVE COMMITTED THE CRIME?** Attempt to determine from the victim if the crime could have been within a specific time frame or if only specific persons could possibly have committed the crime. This factor often has significance with respect to people who know the victim's habits or schedule, people "casing" a

place, or when only certain persons have access to a particular restricted area.

- **IS THERE REASON TO BELIEVE THAT THE CRIME WOULD AROUSE SUCH INTEREST THAT PUBLIC ASSISTANCE WILL LEAD TO ITS RESOLUTION?** Certain crimes, such as homicide, offenses against children, or a series of rapes, all generate a good deal of public interest. Since police rely on people for information, this increased level of interest is often of great assistance. The investigating officer shall use his/her judgment as to the level of interest in a particular offense and answer this question accordingly.
- **IS THERE REASON TO BELIEVE THAT FURTHER FOLLOW-UP INVESTIGATION WILL LEAD TO THE RESOLUTION OF THE CRIME?** The investigating officer in a particular case may feel that more work could conclude the case, but for one reason or another this officer is unable to conduct this work at the time. In some cases, the officer may feel that there are steps that they can take that may lead to the resolution of the crime, even though no other solvability factor is present. If the officer answers “yes” to this question, they must state the basis upon which they rest this conclusion and specify what steps should be taken to bring the case to a successful conclusion.

IV. Case Status & Management

The department maintains an automated Records Management System (Valcour) which contains information relative to all case reports. This system records the type of case, case number, the date/time assigned, and the officer/investigator assigned. Supervisors shall review and approve the case status and extent of follow-up activities of each criminal investigation conducted by patrol officers through the careful evaluation of individual solvability factors. Generally, all Part I offenses are handled by the Criminal Investigations Division. Such offenses which are serious in nature requiring the immediate or subsequent assignment of an investigator include death of a violent or suspicious nature, rapes and sexual offenses, assaults of a serious nature, armed robberies, burglaries in which there is excessive loss of property, hostage situations, or any other incident deemed necessary to assist patrol officers by the Chief of Police. Any Part I offenses handled by patrol officers will be forwarded to the Sergeant, Criminal Investigations Division for secondary review.

- A. **Open** - Criminal cases being investigated by department personnel are considered open while investigative activities, information gathering, interviews, and analysis are ongoing.
- B. **Suspended** - Indicates all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed.
- C. **Closed** - By one of the following conclusions:
 - **Arrest** - A person has been arrested and charged with this crime or a criminal citation has been served. This includes juveniles who are released to their parents when a juvenile citation or referral is completed.
 - **Unfounded** - Incident is false or baseless. An offense did not occur or was not

attempted.

- **Exceptionally Cleared** - An incident is exceptionally cleared if there are reasons beyond the control of law enforcement that would preclude the arrest and subsequent prosecution of the identified offender(s) whether the offender(s) can be located or not. Examples may include the death of an offender, the prosecution declining to prosecute, or an uncooperative victim/witness.
- **Referred to** - Another agency for disposition in lieu of formal court action (i.e., diversion, restorative justice, etc.)

D. Investigative Case File

An investigative case file is established and maintained for all cases to provide an immediate information resource to investigators. Case files contain a copy of the preliminary investigative reports, photocopies of statements, results of examinations of physical evidence, case status reports, and other reports and records needed for investigative purposes.

- Officers will ensure that all investigative case files and materials are properly managed and maintained. The exact content of case files will vary according to the incidents being investigated. Certain documents will be submitted electronically (Valcour) or by hard copy as appropriate to Records for inclusion in original case files.
- Supervisors are responsible for conducting a review of all submitted criminal Incident Reports for quality control.
- Once a case file is reviewed by the supervisor it is released for recording and filing in the Records Section.
- Access to investigative case files is restricted to Barre City Police Personnel having a verifiable reason for access.
- **File Maintenance**
Open Missing Persons Investigative Case Files are maintained **indefinitely**. Investigative Case Files that are suspended or closed are purged from the Records Section and destroyed in accordance with the State of Vermont records retention schedule.
 - Suspended and Closed Investigative Case Files may be maintained as long as necessary with the approval of the Chief of Police. Examples would be serious felony investigations or those of interest to prosecutors or allied police departments as requested.

E. Investigative Case Ledger

The Sergeant, Criminal Investigations Division maintains a case file ledger/spreadsheet listing each Investigation by Incident Report Number handled by the Criminal Investigations Division. The ledger includes:

- Nature of Investigation
- Date of Assignment
- Date of Initial Report
- Assigned Investigator
- Supplement Report Due & Received Date
- Investigation Status & Status Date
- Victim

V. **Special Investigative Procedures**

The use of special investigative procedures will assist officers in identifying and developing investigative information through witnesses, victims, informants, documents, and other sources.

A. **Photographs**

Officers may use digital cameras for basic investigative photography; investigators may also have additional, more sophisticated camera equipment. Photographs of a crime scene or traffic collision provide the investigating officer with a permanent record of the scene as it appeared upon arrival. Evidence that may be lost, altered, or destroyed by weather, haste or the carelessness of others, is thus preserved and may be useful to the officer at some later stage of their investigation.

- Photographs should be taken to preserve evidence, to prove or disprove a point or to further aid the investigation. However, photographs should not be used to replace original notes, sketches, or diagrams.
- Photographs shall be taken, processed, and submitted in conformance with the procedures outlined in **Barre City Police Department Investigative Procedure # 608, “Collection & Preservation of Evidence,” Section III, Photography.**

B. **Field Interviews**

Field interviews are voluntary, consensual conversations with members of the public for the purpose of gathering information. During a field interview, the person being interviewed is under no obligation to answer any questions and is free to leave at any time. Officers will safeguard their actions and requests so that a reasonable person would not perceive the contact to be a restraint on their freedom. Field interviews are a productive tool and source of information for law enforcement when used in the pursuit of legitimate investigative purpose and are never used to harass any segment or particular member of the community. When used properly, they can discourage criminal activity, identify suspects, and gather intelligence information to the files of known criminals. Some legitimate uses of the field interview include:

- Identifying a suspicious person in a high crime area;
- Identifying a suspicious person who is in an area at a time that is unusual or abnormal;
- Identifying a suspicious person under circumstances that would lead a reasonable person to believe criminal activity may be afoot;

- Field interviews relative to criminal investigations will be documented in a supplement narrative in the original incident of the Valcour computerized Records Management System.
 - Under circumstances where officers develop a reasonable articulable suspicion to fear the suspicious person(s) may attempt to harm them, the interviewing officer may conduct a frisk of the outer clothing for any weapons. Under these conditions, the field interview is now an investigative detention, subject to the rules of a Terry Stop (Refer to Paragraph C of this section);
 - If a field interview becomes an investigative detention, the officer must recognize that any further questioning without advising the suspect of their Constitutional rights (Refer to Section IX of this Policy) may not be admissible in court.

C. Investigative Detention

Investigative Detention occurs when an officer stops a person for questioning, having reasonable suspicion that the person has committed, is committing, or is about to commit a crime.

- Officers are not required to have probable cause to arrest the individual at the time of contact. However, there must be reasonable suspicion that the person is involved in criminal activity, based on objective or specific facts known or observed by the officer prior to the contact, and that the officer can later articulate in detail. Factors that are considered in determining the reasonableness of the stop include:
 - The officer's experience and specialized training;
 - The individual's proximity in both time and location to the alleged crime;
 - The individual's location at that time appears unusual for the norm;
 - The individual flees upon seeing an officer;
 - The individual is carrying a suspicious object.
- The detention should be limited in duration, lasting only long enough to confirm or dispel the officer's suspicion. The length of the detention may be extended if the individual fails to adequately identify themselves or if information is developed that furthers the officer's suspicion.
- If the officer reasonably believes the suspect may have a weapon, the officer may frisk or pat-down the individual for weapons. The officer must have a separate, reasonable basis for this suspicion. Factors considered by officers may include:
 - The criminal activity being investigated involves a weapon;
 - The time of day and location of stop;
 - The officer has prior knowledge that the individual is known to carry weapons;

- The individual displays furtive movements;
- The officer observes suspicious bulges, consistent with carrying concealed weapons, on the individual.
- A Stop & Frisk will be documented by narrative in an Incident Report. (Refer to **Barre City Police Department Operational Procedure #405 “Warrantless Searches”**)
- Officers should always consider officer safety measures when conducting an investigative detention, including:
 - Advise the Emergency Communications Center;
 - Choose a safe location for the investigative stop;
 - Request back up units if appropriate.

D. One-On-One Identification (Show-Up) – The use of a one-on-one identification process can provide investigative information at an early stage, but the inherent suggestiveness of a one-on-one requires careful use of the following procedures. Immediately following a crime, should a suspect(s) matching the reported or broadcasted description be located, they may be detained for a reasonable length of time and:

- The victim/witness may be transported via cruiser to the location of the suspect(s) so they can view the suspect(s) and confirm or dispel their identity as the suspect(s) in a manner that limits the legal impact of the suspect’s detention.
 - If a suspect is stopped within a short time after the commission of the crime, they may be taken to a location where they can be viewed by a witness for possible identification. Transporting the witness to the site of the stop is preferred if circumstances permit.
- The victim/witness must be cautioned that the person they are looking at may or may not be the suspect. Officers must be cautious to remain professional and unbiased during all interaction with the victim/witness, so as not to indirectly imply opinions concerning the guilt or innocence of the suspect(s). When multiple witnesses are involved:
 - Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
 - If a positive identification is obtained from one witness, consider using other identification procedures for remaining witnesses.
- If the victim/witness makes a positive identification of the suspect, officers may:
 - Use this information as probable cause to arrest the suspect, or
 - Use this information later in an application for arrest warrant and release the suspect pending the issuance of an arrest warrant.

- Do not confirm or disaffirm the identified as that of a suspect. Officers must be cautious to remain professional and unbiased during all interaction with the victim/witness so as not to indirectly imply opinions concerning the guilt or innocence of the suspect(s).
- **Reporting** – Documenting the outcome of the one-on-one identification process, whether it resulted in the identification or non-identification of the suspect, will be accomplished in conformance with the **Barre City Police Department’s Office Field Reporting System, Section 800**, including the following details:
 - The time and location of the one-on-one identification;
 - Both identification and non-identification results in writing, including the witness’ own words regarding how certain they are;
 - The amount of time it took for the witness to reach their determination of identification or non-identification.

E. Photographic Line-up - A presentation to the victim(s) or witness(s) of the suspect and at least five photographs of persons similar in appearance and that best match the description of the suspect. Photographic line-ups will be conducted in accordance with 13 VSA § 5581. To ensure that photographic line-ups are objectively compiled, and the suspect does not unduly stand out, officers composing a photographic line-up should:

- **Photographs** – create a consistent appearance, and:
 - If multiple photographs of the suspect are reasonably available to the officer, utilize a photo that resembles the suspect description or appearance at the time of the incident.
 - Must have the same type of background scenery;
 - Cannot contain identifying information or arrest numbers that could identify the person in the photograph;
 - Photographs will be displayed individually, one at a time.
 - In cases involving multiple suspect(s), only one suspect shall appear in each photo Line-Up.
 - In cases involving multiple suspect(s), avoid using the same filler photographs shown to the same witness(s).
 - Photographic line-ups will be conducted by a blind administrator who does not know the suspect’s identity.
- **Photo Line-Up** – utilize the instructions on the Photo Line-Up Instruction Form to instruct the witness(s).
 - Upon meeting with the victim/witness present the Photo Line-Up Instruction Form and read the form to them.

- Once identification is made, or if no identification is made, the victim/witness so indicates and signs the Photo Line-Up Instruction Form
- If the witness makes an identification, the administrator shall seek and document a clear statement from the witness, at the time of the identification and in the witness' own words, as to the witness' confidence level that the person identified in the photo Line-Up is the suspect.
- Do not confirm or disaffirm the photograph identified as that of a suspect. Officers must be cautious to remain professional and unbiased during all interaction with the victim/witness so as not to indirectly imply opinions concerning the guilt or innocence of the suspect(s).
- In cases involving multiple suspect(s), only one photo line-up will be presented to the witness(s) at any one time.
- In cases involving multiple victim(s)/witness(es), the victim(s)/witness(es) will be shown the photo line-up separately, and in such a manner as to prevent any bias in the identification process.
- The original Photo Line-Up Instruction Form and the photo line-up photographs are evidence and will become part of the case file.

F. Criminal History and Background Investigations

Criminal investigations frequently involve the need to conduct background investigations of persons suspected of participating in certain crimes. These investigations will be conducted discretely and with special care given to safeguarding the information obtained. Copies of any personal background or criminal history information obtained shall be maintained within the Investigative Case File.

G. Surveillance

Surveillance may be used in the investigation of a crime when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance may create additional information involving the investigated crime, gather additional intelligence information, or observe new crimes being committed. In surveillance operations occurring outside of the City of Barre, appropriate notifications will be made to the law enforcement agency with jurisdiction.

- The Sergeant, Criminal Investigations Division, with approval from the Chief or Deputy Chief, is responsible for coordinating, and planning surveillance operations. The scope of surveillance operations will be identified to include, but not limited to:
 - Analysis of the crimes and suspects to determine the nature and scope of personnel, and the equipment and activities required to safely and effectively conduct the operation;

- Identification of probable offenders, their habits, associates, methods of operation, and any other pertinent information that may affect the manner of surveillance, or prosecution of the offender(s);
- A familiarization of the neighborhood or target area for officers and other law enforcement personnel involved in the surveillance operation;
- Scheduling to ensure that surveillance continues as necessary, including relief of involved personnel during extended operations;
- Procedures for observation, arrests, and “tails” to ensure continuity between planning and the conduct of the surveillance operation;
- Identification of routine and emergency communication resources;
- Assessment of equipment needs and resources for attainment.

H. Polygraph Examinations

The Barre City Police Department considers the polygraph to be an investigative tool in the resolution of criminal cases, internal affairs investigations, and other matters within the jurisdiction of the Police Department. The polygraph will serve as an adjunct to, but not a substitute for, other investigative efforts. Examinations shall be conducted to determine the veracity of the person tested regarding the issue under investigation, and to arrive at the truth concerning that issue. Polygraphs will only be conducted in criminal investigations after consultation with the State’s Attorney’s Office.

- A polygraph examination will not be given until the investigation has established sufficient facts to enable a polygraph examiner to adequately construct comprehensive and objective questions. All conventional methods of closing the case must have been exhausted. Circumstances in which Polygraph examinations may be conducted include, but may not be limited to:
 - Requests from the Office of the States Attorney as part of an agreement with the defense attorney or for other investigative purposes;
 - Determining the validity of an informant or witness's statement;
 - Attempts to verify or reconcile statements of parents or guardians (e.g., in suspicious cases of missing or abused children);
 - Efforts to confirm or refute an allegation(s) that cannot be verified or disproved by other evidence;
 - Efforts to establish probable cause to seek a search warrant; or
 - As part of an administrative or criminal internal investigation of a member with this agency or another criminal justice agency consistent with agency policy and state law.
- In accordance with 42 U.S.C. 3796gg-8(a, b) It is strictly forbidden to compel any victim of an alleged sexual offense as defined under Federal, State, or local law to submit to a polygraph examination, (or other truth telling device), as a condition for proceeding with the investigation of an offense. The law further mandates that

the refusal of a victim to submit to a polygraph examination (or other truth telling device) shall not prevent the investigation, charging, or prosecution of an alleged sexual offense. Personnel will strictly adhere to this law in the investigation of all sex-based crimes.

I. Informant Use

Although use of informants is most often utilized by criminal investigators, patrol officers may also find the need and opportunity to use informants.

- An Informant is a person who provides information to the law enforcement community. Patrol officers are likely to develop a number of informants through routine day-to-day activities. Generally, these informants are not paid, do not require or desire anonymity, and therefore, do not come under special procedure requirements.
- **Confidential Informants** - Confidential Informants are persons who cannot or do not desire to have their identity known. Should an officer develop a confidential informant or wish to make use of a paid informant, then coordination through the Sergeant, Criminal Investigations Section must be accomplished in accordance with the instructions in **Section V “Informant Master File”** of this directive.
- The use of confidential informants (CIs), under the direction and responsibility of the Sergeant, Criminal Investigations Division, can be important to the suppression of crime and satisfactory completion of many investigations, including patrol/criminal investigations; drug, vice, and organized crime control functions; and intelligence functions. The traditional police practice of using CIs to gather information concerning criminal activity must be properly monitored and controlled in order to maintain the integrity of the investigation as well as the officer using a confidential informant.

VI. Informant Master File

The Sergeant, Criminal Investigations Division will create and maintain a master file of all informants. This file is secured inside a locked file cabinet in the office of the Sergeant, Criminal Investigations Division. The files shall not leave the immediate area unless authorized by the Criminal Investigator or Sergeant, Criminal Investigations Division.

A. Definitions

- **Informants** - A person acting at the direction of specific officers, with or without expectations of compensation, who furnishes information on crimes.
- **Defendant Informant** - A person who has been or is subject to arrest for some criminal activity and provides assistance in criminal investigations with expectations of prosecution consideration or some other form of compensation.

- **Source of Information - (Concerned Citizen)** - A person who, without expectation of compensation, assists the police by providing information relevant to a criminal investigation.
- **Controlling Officer** - The member who is actively working with an informant and who has completed (or updated) an informant file.

B. Informant File Content

- Personal Data Sheet
- Photograph
- Status reports
- Criminal history record, (except NCIC printouts) if any
- Receipts for monies signed for by the informant
- Any correspondence relative to informant
- Confidential Informant number (CI #)
- Signed informant agreement
- The informant's involvement in any investigation

C. Security of Informant Identity

Informant files shall consist of a file with only the confidential informant number (CI #) visible on the front portion of the binder. The confidential informant number will be assigned by the Sergeant, Criminal Investigations Division and should be the next sequential number available.

- When an officer wishes to establish an Informant File, the Sergeant, Criminal Investigations Division will obtain the next available number from the Confidential Informant Ledger. This informant control number will be used in all reports concerning the informant in order to protect the informant's identity.
- Informant files are subject to inspection only by the Deputy Chief, the Sergeant, Criminal Investigations Division, and the Chief.
- Protecting the security of informants aid in insuring the safety of the informant. Other safety precautions, such as not openly talking about an informant or their identity in uncontrolled settings shall be taken.

D. Informant Reliability

Informant reliability must be established before use. Therefore, a check will be made by the officer to determine the following about the informant:

- Verify the reliability established by another law enforcement agency that used the informant;
- Verify the reliability established by another member of the Barre City Police Department;
- Corroborate information provided by the informant through independent means;

- Is the informant currently under indictment or out on bail? If on bail, the arresting officer shall be contacted for additional information concerning the suitability of the arrestee as an informant;
- **Juveniles as Informants**
 - Persons under the age of eighteen (18) years shall be used as informants only after consultation with the WCSAO and with written consent of a parent or guardian and concurrence of the Deputy Chief;
 - The parent or guardian shall be kept fully informed as to the use of the juvenile informant. Officers will diligently strive to protect a juvenile informant from physical or emotional harm and shall not allow the juvenile to be placed in possible danger without the parent or guardian's full written permission and knowledge.
 - Juveniles may not be used as a paid informant.

E. Informant Relations

Informants provide services to the Barre City Police Department and not personally for the controlling officer. It is important for officer(s) to share information received from informants in order to maximize their value to the Department.

- All direct contact with the informant will be through the controlling officer, except as authorized by the controlling officer or, in emergencies, by the Chief or Deputy Chief.
- Controlling status can be transferred to another officer by the controlling officer or, under certain circumstances, by the Chief or Deputy Chief, and with the concurrence of the informant, when possible.
- Generally, such status is to be transferred when an informant's activities are outside the scope of the controlling officer's duty assignment.
- Informants' knowledge of Police Department operations, facilities, and personnel shall be kept to a minimum.
- Controlling officers are to debrief informants on their knowledge of all serious crimes, and not just those within the controlling officer's job assignment. Any information received is to be forwarded as expeditiously as possible to those with investigative responsibility.
- All matters of referral will be documented in an Incident Report.
- Members will maintain a proper attitude with informants. Precautions must be taken at all times to guard against allegations of misconduct.
- Where possible, it is recommended that two officers conduct an informant-related activity, even if one officer is merely conducting a surveillance of the activity.

- Special precautions must be taken when conducting activities with a juvenile informant or an informant of the opposite sex.
- Members must never engage in or encourage any criminal activity in order to maintain a relationship with an informant.
- Informants are not permitted to control the course of an investigation. The controlling member will ensure that an informant is operating within the law and does not make decisions on how an investigation is conducted.
- Members should be noncommittal about the value of information received when in the presence of the informant.

F. Criteria for Paying Informants

Informants may be compensated for information given or services rendered. Any plea bargaining will be conducted by representatives from the Washington County State Attorney's Office.

- It must be determined that information or services relate to investigations with the jurisdiction of the Barre City Police Department.
- The Chief or Deputy Chief, in consultation with the Sergeant, Criminal Investigations Division must determine the value of the information/services based upon input provided by investigating officers, and investigating officers must be able to substantiate the reliability of information to the satisfaction of the Sergeant, Criminal Investigations Division and the Chief or Deputy Chief.
- Only the Chief may authorize the compensation of informants. The Chief shall consult with investigative personnel or other appropriate parties as necessary to determine the amount of informant compensation. Amounts paid to informants depend on criteria that include, but are not limited to:
 - Relative importance or involvement of targeted individuals, organizations, or operations;
 - Value or quantity of actual or potential seized materials;
 - Significance of informants' involvement and contribution to achieving desired investigative objectives.

G. Informant Funds

The Sergeant, Criminal Investigations Division maintains the accounting system for all confidential funds.

- The accounting system will include a ledger book securely maintained by the Sergeant, Criminal Investigations Division, containing entries recording:
 - CI #'s
 - Date paid

- Amount paid
- Additions of new monies; and
- Balance after each transaction

- All cash payments require informants to sign receipts

- All cash payments must be recorded in informants' files

- If practical, payments will not be made until cases are completed or the information is verified. Payment will not be contingent on the success of the investigation or the outcome of prosecution, rather the reliability of the information, services, etc.

- Informant payments will not be made without two witnesses to transactions.
 - One of the witnesses must be a supervisory officer
 - Uniformed personnel can be utilized as witnesses
 - Informants refusing to sign transaction receipts will not be paid
 - Signatures of informants signing for payments must reasonably compare with signatures contained in their CI files.

VII. Criminal Investigations Division

Under the supervision of the Sergeant, investigators assigned to the Criminal Investigations Division are on-duty or available for activation through the Emergency Communication Center while off-duty, in accordance with the current agreement between the City of Barre and the Barre City Police Officers Association and Fraternal Order of Police, Lodge 004 (*future*), to assist officers by supplying investigative guidance and input.

- A.** Complicated, lengthy, and serious investigations that, by their very nature would be unduly hampered by the intervention of normal uniformed patrol duties or require specialized or intricate investigative skills will be assumed by an investigator assigned to the Criminal Investigations Division for further investigation as determined by the Sergeant, Criminal Investigations Division.
- Investigations that will be handled by the Criminal Investigations Division include, but are not limited to:
 - All major Part I offenses
 - Suspicious death investigations
 - Frauds of significant value or unique circumstances

 - Investigations of minor Part I offenses that may be handled by the Uniformed Patrol Division include, but are not limited to:

- Minor burglaries
- Minor larcenies
- Minor robberies
- Unattended/untimely deaths without suspicious circumstances
 - Certified Death Investigators will assist and review

B. Once an investigator assumes responsibility for an investigation, they assume the responsibility for coordinating all facets of the case, to include required reports and follow-up procedures.

VIII. Investigative Resources

To establish an effective method of combating criminal activity within the City of Barre, the Barre City Police Department, in partnership with several state and local government agencies, have combined investigative resources to form several investigative task forces that provide maximum support to Barre City Law Enforcement as a whole.

A. Vermont Narcotics Investigation Unit

The Vermont Narcotics Investigation Unit is a combined investigative resource responsible for investigating illegal drug use and distribution within the State of Vermont. Investigators are under the direction of the Vermont State Police and are on duty or available for activation twenty-four hours a day to assist law enforcement by supplying investigative guidance and input.

- Investigating illegal drug use and distribution is complicated, lengthy and requires specialized and intricate investigative skills.
- Members receiving any complaints about suspected illegal drug use or distribution will document the complaint in an appropriate incident report and forward a copy to:
 - The Sergeant, Criminal Investigations Division for further investigation

B. Washington County Special Investigations Unit

Child abuse, sexual assault, and rape are violent crimes that are even more painful because victims must discuss very intimate details of the crime. For this reason, after following the guidelines provided in **Barre City Police Department Investigative Procedure # 604, “Response to Crimes of Sexual Violence.”** officers should make a referral to the Washington County Special Investigations Unit so that specially trained investigators can assist with or assume the investigation.

C. Internet Crimes Against Children Task Force

The Internet Crimes Against Children Task Force may be notified to investigate any crime where the internet has been utilized to:

- Abuse or exploit a child.
- Advertise, solicit promote, produce, sell, or receive child pornography; or solicit unlawful sexual conduct or sadomasochistic abuse with a minor.

D. Crime Scene Technician

Crime Scene Technicians are skilled personnel trained in the use of specialized equipment and techniques required to conduct effective crime scene processing, having the specific duty to sketch the scene, search for, identify, collect, preserve, and transport DNA and physical evidence to the Vermont Forensic Lab for analysis. Crime Scene Technicians are also available to provide officers with advice and assistance in their field of expertise.

- **Vermont State Police Crime Scene Search Team** - With supervisory authorization, the Vermont State Police Crime Scene Search Team may be contacted to document, process, photograph, search, and collect physical evidence from major crime scenes

E. Washington County States Attorney's Office

The Washington County States Attorney's Office (WCSAO) may assist with criminal investigations by providing legal opinions, guidance, and the procurement of documents in addition to special investigative and victims' assistance with sensitive crimes. The Assistant State's Attorneys are available day or night and the roster listing their on-call schedule will be used. The WCSAO will be notified from the scene of any of the following types of incidents:

- Death investigation, to include motor vehicle collision involving a fatality;
- Criminal investigation involving real or potential serious bodily injury;
- Incident involving an in-custody death; or
- Officer involved shooting.

IX. Cold Case Investigation

A cold case is any case of serious (Part I) crime against a person which is not an active investigation and has been suspended. Technological advances in Deoxyribonucleic Acid (DNA) analysis and investigative technique present new opportunities to solve previously reported crimes where investigative leads went cold and investigative efforts were suspended. Using the following criteria, the Sergeant, Criminal Investigations Division will periodically review unsolved homicides, rapes, robbery, and aggravated assaults for possible closure.

- A. In order to be considered for a cold case evaluation, the initial investigative file must be available and there must be some available physical evidence, which has not previously yielded investigative results.
- B. Other criteria that must be considered in cold case investigations should be, but are not limited to the following:

- Legal considerations, such the application or expansion of statutes of limitations.
 - Technology considerations, such as the nature and conditions of the evidence and the advancement of new technology techniques in solving a crime.
 - Particular considerations, such as the availability of witnesses in the event DNA profile testing would identify a suspect and lead to an arrest and trial.
 - Resource considerations, such as time, money and personnel available for investigation and forensic analysis.
- C. Unsolved homicides, rapes, robberies, and aggravated assaults will be reviewed every three (3) years. The Sergeant, Criminal Investigations Division will submit the written review to the Deputy Chief with recommendations or non-recommendations for reassignment and case status changes; if any.
- D. **Investigator Responsibility** – Investigator’s assigned with follow-up responsibility for a cold case investigation will:
- Identify potential unsolved cases according to solvability factors;
 - Review case files, evidence logs, laboratory reports and autopsy reports;
 - Evaluate case evidence for potential probative DNA sources;
 - Consult with the WCSAO.
 - Identify witnesses who are willing to proceed in prosecution.
 - Submit the evidence profile to CODIS if the DNA profile does not match the suspect’s DNA profile.
- E. Any follow-up activities on a cold case investigation will be documented in accordance with **Barre City Police Department Field Reporting System Procedure # 801, Field Reporting**” Supplemental Reports and submitted twice monthly (i.e., 15th and 30th of each month) until suspended or closed by the Sergeant, Criminal Investigations Division.

X. **Constitutional Requirements**

To protect the constitutional rights of persons involved in criminal investigations, the following guidelines will be adhered to:

- A. Advice of Rights – An individual shall be considered in custody any time a reasonable person in that position would not feel free to leave. Prior to the interview or interrogation of any individual who is in custody, officers shall first advise the individual of their rights as required by the Supreme Court decision of Miranda vs. Arizona (1966).
- Whenever there is doubt about a custodial interrogation, the suspect should be advised of their constitutional rights;
 - Officers are encouraged to utilize the Miranda Warnings Waiver informing suspects of their rights in writing and ensure that the Waiver is also acknowledged. When used, the Miranda Warnings Waiver form will be read without modification or unnecessary comment. If the individual indicates a need for additional legal advice, contact an appropriate Public Defender or the

individual's private attorney, if any;

- Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement.
- Miranda warnings only apply to in-custody interrogations.
- Miranda warnings are **not** necessary when:
 - Questioning a person, provided that a reasonable person in their position would feel free to leave.
 - Interviewing suspects who have not been deprived of their freedom and realize that they are free to terminate the interview at any time, unless the suspect initiates a conversation of desire to negate their original refusal
 - Questioning a motorist stopped for a routine traffic offense.
 - Asking questions reasonably motivated by concern for public safety.
- Suspects expressing the desire to exercise their right to counsel shall not be interrogated any further until they have obtained counsel, or a court appointed attorney.

B. Search and Seizure at the scene of a crime - Officers arriving at the scene of a crime where any party has a reasonable expectation of privacy in the thing or place to be searched must have a search warrant or receive a consent to search in accordance with Barre City Police Department Operational Procedures.

- Absent a warrant, a consent to search will require officers to reconcile the demands of personal privacy with their law enforcement need. If the search imposes more than a minimal intrusion on personal privacy, the officer shall impound the home, items or area pending the issuance of a search warrant.

XI. Search Warrants

- A.** Any application for a search warrant will be reviewed by a supervisor and forwarded to the WCSAO for review prior to presentation to a judge for signature. Review by the State's Attorney's Office helps to insure the "good faith" aspect of a search. If the necessity for an immediate service of a search warrant is required by the circumstances of the incident, the State's Attorney's Office or, if after normal business hours, an on-call Deputy State's Attorney will be contacted for guidance prior to the presentation to a judge.
- B.** Search warrants of significance requiring an operational plan will be coordinated with the Sergeant, Criminal Investigations Division prior to any service of the warrant.
- C.** Operational plans must be approved by the Chief prior to any service of the warrant.
- D.** Applications for search warrants and their accompanying affidavits shall be

XII. Cancellation

This written directive cancels, replaces and supersedes any directives in conflict therewith.

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2023

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