

CITY OF BARRE
Police Advisory Committee Agenda
Monday, July 8 , 2024
6:00 pm
Public Safety Building
15 Fourth Street
Barre, VT 05641

Join Zoom Meeting

<https://us02web.zoom.us/j/85091779970>

Meeting ID: 850 9177 9970

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 Vail's report
7. Discuss and consider approving 109 Observation & Recording of Police
8. Discuss and consider approving 409 Diplomatic & Consular Immunity
9. Discuss and consider approving 611 Response to Crimes Against Health Care Workers
10. Discuss and consider approving 802 Incident Report
11. Discuss and consider approving 803 Supplement Reports
12. Discuss and consider approving 804 Names Table
13. Discuss and consider approving 903 First Amendment Assemblies
14. Discuss and consider approving 419 Patrol Operations
15. Miscellaneous
16. Adjourn



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

CONDUCT & RESPONSIBILITY

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Observation & Recording of Police	109	XX/XX/24

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: Barre City Police Department officers shall respect and shall not infringe upon the right of all persons to observe and record the actions of law enforcement officers in the public discharge or their duties in all public spaces (including sidewalks, parks, and other locations for lawful public protest), as well as in all other areas in which persons have a legal right to be present (including a person’s home or business and common areas of public and private facilities and buildings), so long as the observation or recording does invade the privacy of members of the community, does not threaten the safety of any officer or any other person, and does not physically interfere with the performance of any officer’s duties.

Purpose: To ensure members of the Barre City Police Department are aware of the rights of the public to observe and record police officers in their public activities and to ensure that they are aware of the appropriate time, place, and manner restrictions related to those rights and how to legally obtain evidence captured by the public when engaged in such activity.

- Contents:**
- I. Definitions
 - II. General
 - III. Prohibited Actions
 - IV. Supervisor Responsibilities
 - V. Seizure of Evidentiary Video, Audio and Photographs
 - VI. Cancellation

I. Definitions

- A. First Amendment Auditor** - Individuals who record public safety personnel and facilities to test their compliance with the First Amendment right to observe and record police activity.
- B. Media** - The storage source for visual or audio recordings, whether by film, analog, or digital means.

- C. **Recording** - Capturing of images, audio, or both by means of a camera, smartphone, audio recorder, or other device.

II. **General**

- A. Officers are prohibited from interfering with a person's right to observe or record police activity in all public settings such as open outdoor spaces, sidewalks, streets, locations of public protest, and common areas of facilities and buildings.
- B. Officers are prohibited from interfering with a person's right to observe or record their own interaction with police. However, an officer may instruct a person to cease recording and put away the recording device when that person is being placed under lawful arrest.
- C. Officers shall restrict persons, regardless of their intent to video and/or audio record any police activity, from entering any marked and protected crime scene or a restricted area that would normally be unavailable to the general public. Responding officers and follow-up investigators will determine who enters or leaves a secure scene in conformance with **Barre City Police Department Investigative Procedure #601, "Criminal Investigation."**
- D. If a person is photographing or recording police activity from a position that threatens the safety of an officer or others, or physically interferes with a member's ability to perform their duties, an officer shall first inform the person that they are permitted to observe and/or record but must move to a position that will not threaten anyone's safety or physically interfere with the officer's ability to perform their official duties. The officer shall give the person a reasonable opportunity to comply prior to taking further enforcement action.
- E. An officer shall not order the person to stop photographing or recording, except as described in Section III of Prohibited Actions below.
- Interference consists of conduct, threats, actions, or activities that prevent or hinder officers from doing their job. Examples of interference may include, but are not limited to:
 - Direct physical intervention with a lawful arrest.
 - Tampering with a witness (including repeatedly instructing a witness being questioned by an officer not to respond to the officer's questions).
 - Persistently engaging or attempting to engage an officer in conversation while the officer is executing their duties.
 - Inciting bystanders to hinder or obstruct an officer in the performance of their duties.
 - Unreasonably obstructing the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.
 - Entering a marked crime scene or an area not accessible to the general public.

- Observing or recording police activity alone does not constitute interference.
 - A person's expression of criticism of any police activity, even when observing it or recording it, is not interference so long as that expression does not jeopardize the safety of any officer, suspect, or bystander and so long as that expression does not violate the law or incite others to engage in likely imminent lawless action.
- F.** Verbal disagreements, criticism, insults, name calling, or obscene gestures directed at officers or others do not in themselves justify a member taking law enforcement action against that person. Whenever possible, de-escalation techniques should be employed. During hostile situations, officers should consider, prior to making contact with a person who is photographing or recording, whether initiating contact may incite the person or others.
- **NOTE:** Officers may have interaction with First Amendment auditors. During any interaction with a First Amendment auditor, members shall, at all times, remain calm, courteous, and helpful and shall avoid debates with such individuals on the scope of their legal rights or any other matter.
- G.** If an incident escalates to where an officer determines that a person should be arrested for obstructing or hindering law enforcement while recording police activity, when feasible, that officer should consult with the supervisor present at the scene.
- H.** In areas open to the public, officers shall allow any person the same access for photography and recording as is given to the news media, as long as the person has a legal right to be present where they are located.

III. Prohibited Actions

- A.** Officers shall not tell a person observing, photographing, or recording police activity that the person's actions are not allowed, require a permit, or require their consent.
- B.** Officers shall not order that person to cease such activity, unless that activity threatens the safety of themselves or others or physically interferes with the ability to perform their duties. Officers should direct the person to move to a position that will not physically interfere as a first step, instead of ordering the person to cease recording. If these efforts are unsuccessful, a supervisor shall be consulted.
- **NOTE:** In some instances, the photographing or recording of police activity may not be welcomed by individuals involved in the interaction with the police. To preserve the privacy of the person involved in the interaction with police, an officer may ask the person they are interacting with whether they would like to go to a more private location, if appropriate and available. The officer may also respectfully request the person recording or photographing to voluntarily stop, but shall not order them to do so, unless that activity threatens the safety of themselves or others or physically interferes with the ability to perform their duties.
 - Officers should record on a body worn camera (BWC) a statement explaining the basis for ordering the person to stop recording.

- C.** Officers shall not in any way threaten, intimidate, or otherwise discourage a person who is not violating any other law from observing, photographing, or recording an officer's enforcement activities.
- D.** Officers shall not demand a person's identification because the person is observing, photographing, or recording police activity.
- E.** Officers shall not demand that the person state a reason why the person is observing, photographing, or recording police activity.
- F.** Officers shall not stop, detain, search, arrest, issue a citation to, or use force against a person solely because the person is observing, photographing, or recording police activity.
- G.** Officers shall not regard observing, photographing, or recording police activity as suspicious conduct on its own. Officers may initiate consensual encounters with any person, but the person's refusal to answer questions or speak to the officer during a consensual encounter does not provide a basis for ordering a person to stop observing, photographing, or recording police activity, nor is it a basis for an investigative stop or search.
- H.** Officers shall not intentionally block or obstruct cameras or recording devices.
- I.** Officers shall not demand to review or erase any image, sound, or video recording.
- J.** Officers shall not request or seize a person's camera or recording device for the purpose of deleting, destroying, or otherwise concealing any recorded material, including sounds, images, or videos, which they believe may portray individual officers or the BCPD in a negative light. Concerns of this nature do not provide a basis to request or seize cameras or recording devices.
- K.** Officers shall not retaliate against any person who lawfully exercises the rights to witness, observe, record, comment on, criticize, or peacefully protest police activity and shall not take any other type of police action in retaliation for the exercise of any of those rights. This includes:
- Ordering persons or groups to disperse.
 - Stopping, detaining, searching, arresting, or issuing a citation to any person or group.
 - Threatening to stop, detain, search, arrest, or issue a citation to any person or group.
- L.** Officers shall not, under any circumstances, erase or delete or instruct any other person to erase or delete any recorded images, videos, or sounds from any camera or other recording device that is in the possession of a non-member or that has been voluntarily turned over or seized under the terms of this Directive.
- M.** Officers shall not search, seize, or otherwise coerce (implicitly or explicitly) production of recorded images, videos, or sounds without obtaining a warrant, unless the person in possession of the recorded material voluntarily provides the recorded material or unless exigent circumstances exist.
- N.** Some appropriate police responses by officers being recorded are:
- Informing the recording party that they have a right to record but there are some restrictions.

- Advising the recording party if they are doing something that is not permitted.
 - Directing the recording party to a location at a reasonable distance where they can record.
 - Designating a reasonable police perimeter. This perimeter must be applied to all individuals equally, and the recording party should not be singled out.
- O.** An arrest of a person who is observing, recording, and/or verbally commenting on or complaining about the performance of police duties occurring in public by an officer shall be related to an objective, articulable violation of the law unrelated to the act of observing, recording, and/or verbally commenting on or complaining about the performance of police duties occurring in public. The action does not, in itself, provide grounds for detention or arrest. Should such an arrest be made, a supervisor should be immediately notified.
- P.** Arrest of a person does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized during an incident in an arrest, downloading, viewing, or otherwise accessing files requires an officer to obtain a search warrant. Members shall not alter or erase files and media under any circumstances.

IV. Supervisor Responsibilities

- A.** An officer shall contact a supervisor after unsuccessful attempts at directing an observer to move to a position that does not threaten or physically interfere with the officer's ability to perform their duties; the supervisor shall determine the best course of action to protect the rights of the observer while ensuring the officer is able to perform their duties fully
- B.** Supervisors shall ensure that officers who have stopped the recording of police activity in public because of legitimate safety or interference concerns have properly ordered a person or people to stop recording and have properly documented the order and the reasons for the order.

V. Seizure of Evidentiary Video, Audio and Photographs

- A.** If an officer has probable cause to believe that a bystander or witness has captured video, audio, or photographic evidence related to a crime on a recording device, the officer shall request that the person in possession of that device either (1) voluntarily provide the device or recording medium (e.g., the memory chip) to a supervisor not present during the event; or (2) where possible and practicable, and in the presence of the officer, voluntarily transmit the evidence, via electronic mail or text message, to the officer's official email account or to the officer's departmental cruiser cellphone.
- B.** If an officer has probable cause to believe that a bystander or witness has captured video, audio, or photographic evidence of alleged misconduct, no officer involved in the incident will request evidentiary video, audio, or photographic evidence. A supervisor should be asked to respond to the scene to do so, and if not available and the witness or bystander cannot be delayed, an uninvolved officer may request the evidentiary video, audio, or photographic evidence, via the methods in paragraph (A) above.

- C. **NOTE:** Consent is not considered voluntary when the officer asserts their official status and claims a right to the evidence and the person gives the evidence or allows a search because of these assertions. If consent is obtained under duress, threat, or intimidation, it is not voluntary and thus not valid.
- D. If the person voluntarily provides the recording device or recording medium to the officer, the officer shall complete a consent to search card.
- E. If the person declines to voluntarily provide the recording device or electronically transmit the recorded video, audio, or photographic evidence, if there is probable cause to believe that the recording device or medium contains critical evidence related to a serious crime, and if such evidence is in immediate jeopardy of being tampered with, altered, deleted, or destroyed, then an officer may seize the recording device while a search warrant is obtained.
- Officers shall not make any attempt to view, download, or otherwise access any material contained on the device or medium without first obtaining a search warrant, unless a warrantless search is justified by exigent circumstances, such as an immediate threat to public safety (i.e., if a person was recording a video and caught a fleeing suspect of a violent crime on their video, if the person is armed and still at large, and if the person’s flight poses an immediate threat to public safety, an officer may be required to view the video for prompt suspect identification purposes).

VI. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

First Amendment Auditor
Public Assemblies
Recording



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Diplomatic & Consular Immunity	409	X/XX/24

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: Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and authorities for both their official and largely personal activities. Diplomatic immunity is not intended as a license for persons to ignore the law and purposely avoid accountability for their actions. The purpose of these privileges and immunities is not to benefit individuals but rather to ensure the efficient and effective performance of their official missions on behalf of their governments.

Purpose: The purpose of this directive is to provide guidance to members who encounter persons who possess or claim diplomatic immunity

Contents:

- I. Definitions
- II. General
- III. Identification
- IV. Responding Officer Duties
- V. Supervisor Duties
- VI. Diplomatic Traffic & Parking Offenses
- VII. Cancellation

I. Definitions

- A. Career Consular Officer** – Career consular officers are those members of consular posts who are recognized by both the sending and the host country as fully authorized to perform the broad array of formal consular functions. They have only official acts or functional immunity in respect of both criminal and civil matters, and their personal inviolability is quite limited.
- B. Diplomatic Agent** – The term for ambassadors and the other diplomatic officers who generally have the function of dealing directly with host country officials. This category enjoys the highest degree of immunity.

- C. **Diplomatic Missions** – Diplomatic missions are traditionally the principal communication link between the country that sends them and the host country. Accordingly, the staffs of diplomatic missions (embassies) are afforded the highest level of privileges and immunities in the host country so that they may effectively perform their important duties.
- D. **Inviolability** – Concept embodied in international law that generally precludes law enforcement officials from handcuffing, arresting, or detaining certain foreign diplomatic and consular officials in any form and forbids U.S. authorities from entering the residences, automobiles, or other property of protected persons. Where public safety is in imminent danger or it is apparent that a felony or crime of violence may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity or defend themselves or others from personal harm.
- E. **Members of the administrative service staff** – Members of diplomatic missions, including those who support the activities of diplomatic agents. This category includes secretaries, certain clerical personnel, office managers, and certain professional security personnel. These persons enjoy privileges and immunities that in some respects are less than diplomatic agents.
- F. **Members of the service staff** – Members of diplomatic missions who perform tasks such as driving, cleaning, and/or grounds maintenance. These persons are afforded significantly less in the way of privileges and immunities.

II. General

- A. Officers may intervene to any extent necessary with persons of any level of immunity in circumstances where the safety of members of the public is in imminent danger or it is apparent that a serious crime may otherwise be committed. This includes the authority for officers to defend themselves and others from personal harm.
- B. A reference chart containing guidance for BCPD officers encountering individuals with varying levels of diplomatic or consular privileges can be found in Appendix A.
- C. BCPD officers shall call a supervisor to assist if/when they identify that they are, or likely are, interacting with a person who does have, or likely has, some level of diplomatic immunity.
- D. Full diplomatic immunity means that those persons, their residences, vehicles, belongings, and papers cannot be searched. They cannot be arrested or detained and are not required to give evidence as witnesses. Those persons with full diplomatic immunity are:
 - Diplomatic agents
 - Administrative and technical mission staff
 - Spouses of the persons in the above bullet points, and
 - Dependent children of the persons in the above bullet points, until the age of 21 or 23 if fulltime students.
 - If a person suspected of a crime enjoys personal inviolability, they shall not be handcuffed by officers, **except when that person poses an immediate threat to safety**. Once all pertinent information is obtained, that person must be released by the officer.

- Vehicles bearing diplomatic registration plates or owned by persons with full diplomatic immunity cannot be searched by officers unless the vehicles are verified to have been stolen or to have been used by unauthorized persons in the commission of crimes.
- E.** Limited criminal immunity prevents convictions if judges find that criminal acts occurred in the course of official duties. Persons with limited criminal immunity enjoy limited or no personal inviolability, meaning they may be detained or arrested, their persons and belongings searched by officers, and they may be required to give evidence as witnesses. Those persons with limited criminal immunity are:
- Service staff such as chauffeurs, drivers, mission servants, and domestic mission employees, and
 - Career consular officers. These persons can only be detained or arrested by officers in the case of a felony and pursuant to a warrant.
- F.** Persons who have no criminal or diplomatic immunity include:
- Families of service staff,
 - Families of consular officers,
 - Consular staff or their families,
 - Citizens of the United States who are employed by a consulate, and
 - Private servants of any non-citizen.
- G.** Diplomatic Pouches:
- Are containers of any size used to transport official communications or equipment needed for communication,
 - Are required to be clearly marked as such, and
 - Will not be opened by BCPD officers in any circumstance. A BCPD officer who has probable cause to believe that a diplomatic or consular pouch is being used in furtherance of a crime will promptly report this to a supervisor who will report the information to the U.S. State Department Bureau of Diplomatic Security.
- H.** Officers shall document all contacts and incidents involving claims of any level of immunity, whether bona fide or not, in appropriate reports. A copy of the incident report must be faxed or emailed as soon as possible to the U.S. Department of State or to the U.S. Mission to the United Nations (UN) in cases involving the UN community. The supervisor is responsible for ensuring related reports are forwarded to the appropriate federal agency.

III. Identification

- A.** The burden of proof falls upon those claiming any level of diplomatic immunity to display valid diplomatic credentials.

- B.** In all cases, including those in which the suspect provides an identification card issued by the U.S. Department of State, the officer should verify the suspect's status by contacting the U.S. Department of State or the U.S. Mission to the UN (if applicable). Once the status is verified, the officer shall prepare their report, fully describing the details and circumstances of the incident in accordance with normal procedures.
- C.** Only an identification card issued by the U.S. Department of State, Office of Protocol, or by the U.S. Mission to the UN may be used as valid identification for diplomats and consular officials.
- On the back of these identification cards is an explanation of the immunity to which the official is entitled and telephone numbers to call to verify status.
- D.** Foreign diplomatic passports, U.S. diplomatic visas, tax exemption cards, vehicle registration, license plates, and driver licenses (including those issued by the U.S. Department of State) shall not be used by officers to determine whether an individual enjoys immunity.
- E.** License plates issued by the U.S. Department of State are coded to reflect the degree of immunity which the registered owner of the vehicle enjoys:
- Plates with a "D" prefix or suffix are issued to diplomatic missions and those members who hold diplomatic rank.
 - Plates with a "C" prefix are issued to consular missions and career consular officers.
 - Plates with an "S" prefix are issued to the administrative and technical staff at diplomatic missions and consular employees at consular missions.
 - Plates with an "A" prefix or suffix are issued to official vehicles of the Secretariates of the UN and the Organization of American States and the personally owned vehicles of those staff members who have diplomatic status.
 - Plates with an "E" prefix are issued to other foreign missions that are not included in the above categories and their eligible employees.
 - U.S. Department of State issued license plates are meant to help officers identify vehicles belonging to persons who may enjoy some degree of immunity. However, in no circumstance should the license plate alone be used to verify the status of a person claiming immunity.
 - Such license plates are not the property of a diplomat or a diplomatic mission and always remain the property of the U.S. Department of State. As such, they must be surrendered to the U.S. Department of State when recalled. Similarly, these license plates may not be transferred from the vehicle to which they were assigned by the U.S. Department of State without the authorization of its Office of Foreign Missions.
- F.** If attempting to detain a person who claims diplomatic immunity but is unable to produce valid identification, the officer shall detain the person, inform them of the reason for the detention and that they will be held in custody for the time it requires to confirm their identity and status, and hold them until the U.S. Department of State can confirm the proper identity.

- G. Once their identity and diplomatic status is confirmed, officers shall immediately release them from custody.

IV. Responding Officer Duties

Duties and responsibilities of officers responding to calls involving persons with diplomatic immunity include, but are not limited to:

- A. Identifying and/or verifying through the U.S. Department of State the categories of immunity for which the persons are entitled,
- B. Do so by contacting the Department of State Diplomatic Security Command Center at 571-345-3146 or 866-217-2089 or another current number and informing the center of the circumstances (see Appendices A and B),
- C. Respecting the person's immunity to the degree they are entitled,
- D. Following instructions given by the U.S. Department of State representative regarding any further detention, arrest, and/or release. It may be that the BCPD officer is required to release the person, even if they have committed a crime,
- E. Ensuring supervisors are notified of all incidents involving persons who claim or have diplomatic immunity, and
- F. Completing reports on all incidents involving persons who claim or have diplomatic immunity. Officers will record all pertinent information from the I.D. card and details and circumstances of the incident in the incident report.

V. Supervisor Duties

Duties and responsibilities of supervisors becoming aware of calls involving persons with diplomatic immunity include, but are not limited to:

- A. Responding to incident locations,
- B. Ensuring related reports are completed,
- C. Ensuring the Chief is notified of all incidents, except for parking citations and traffic stops for minor violations involving persons with immunity, and
- D. Ensuring the U.S. Department of State is contacted for incidents involving persons with diplomatic immunity. The Department of State Diplomatic Security Command Center can be contacted at 571-345-3146 or 866-217-2089 or another current number and informing the center of the circumstances (see Appendices A and B).

VI. Diplomatic Traffic & Parking Offenses

- A.** Officers may issue traffic citations or warnings to drivers who have diplomatic immunity. Issuing citations does not constitute arrests or detention of diplomats.
- B.** Diplomats do not have to sign citations and cannot be arrested for refusal to sign citations.
- When diplomats refuse to sign citations, officers will write “Diplomat - Refused to Sign” on the defendant’s signature line and give the defendant’s copy to the diplomat
- C.** If diplomats refuse to accept their copies, officers will submit those copies with all other regularly submitted copies as in normal procedures. The supervisor shall ensure these copies are mailed to the State Department’s Diplomatic Motor Vehicle Program.
- D.** Officers issuing citations to persons with immunity will promptly email copies of the citations to the Office of Foreign Missions at OFMImmunity@state.gov, along with related documents.
- E.** Persons with diplomatic immunity who are suspected of alcohol or CDS related driving violations will not be arrested and cannot be compelled to take any sobriety or otherwise mandatory tests.
- Officers may offer these persons standard roadside sobriety tests, including Preliminary Breath Tests (PBTs).
 - Officers shall:
 - Not allow persons with immunity to continue driving. This is imposed to protect the safety of the diplomat and the public, and
 - Make arrangements for the diplomat’s removal from the location by either requesting taxi services, allowing the person to contact a friend or relative to respond and drive them, contacting the diplomat’s embassies or consulate for assistance, or contacting the Department of State’s Diplomatic Security Command Center for assistance.
 - Officers may issue a traffic citation to the person for any other related traffic charges, but no physical arrest can be made.
- F.** Parking tickets may be issued to vehicles displaying diplomatic license plates.
- G.** If diplomats’ vehicles are suspected of being stolen or used in the commission of crimes, occupants may be required to present vehicle documentation to permit police verification of vehicle status through computer checks.
- Vehicles verified to have been stolen or to have been used by unauthorized persons in the commission of crimes may be searched.

VII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Consular
Diplomat
Diplomatic Immunity



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

INVESTIGATIVE PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Response to Crimes Against Health Care Workers & Emergency Medical Personnel	611	X/XX/24

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: To address workplace violence against health care workers and to signal to all that violence against health care workers, including emergency medical personnel, is not “part of the job.” Officers are to cite, arrest and/or remove violent and disruptive patients and others from hospitals and pre-hospital scenes.

Purpose: To establish guidelines for arrests for non-witnessed misdemeanor crimes against health care workers and emergency medical personnel, including the procedures for officers to follow to arrest and/or remove individuals from hospitals without a warrant when there is probable cause to believe such individuals have committed the offenses of Simple Assault, Criminal Threatening or Disorderly Conduct.

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- II. Prehospital Incident Response
- III. Hospital Incident Response
- IV. Report Writing
- V. Americans with Disabilities Act
- VI. Post-Incident Criminal Decisions
- VII. Cancellation

I. Definitions

- A. Authorized representative of the hospital** – an individual with legal authority to disclose protected health information (PHI) to a law enforcement official, when permitted or required by law, including but not limited to whether the medical condition of a patient subject to detention is stabilized. An authorized representative of the hospital will typically be the administrator on- call, the treating practitioner or a nurse leader.

- B. Emergency medical personnel** – persons, including volunteers, licensed by the Department of Health to provide emergency medical treatment on behalf of an affiliated agency whose primary function is the provision of emergency medical treatment. The term does not include duly licensed or registered physicians, dentists, nurses, or physician assistants when practicing in their customary work setting. [24 VSA §2651(6)]
- C. Emergency medical treatment** – pre-hospital, in-hospital, and interhospital medical treatment rendered by emergency medical personnel given to individuals who have experienced sudden illness or injury to prevent loss of life, the aggravation of the illness or injury, or to alleviate suffering. Emergency medical treatment includes basic emergency medical treatment and advanced emergency medical treatment. [24 VSA § 2651 (9) and 24 VSA §2651(6)]
- D. Deadly weapon** – any firearm, or other weapon, device, instrument, material, or substance, whether animate or inanimate that in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury. [13 VSA §1021 (a)(3)]
- E. Health care worker in a hospital** – an employee of a health care facility or a licensed physician who is on the medical staff of a health care facility who provides direct care to patients or who is part of a team-response to a patient or visitor incident involving real or potential violence. [13 VSA § 1028 (d)(3)]
- F. Health Insurance Portability and Accountability Act of 1996 (HIPAA)** – the federal law that protects from disclosure in certain instances individually identifiable health information, called protected health information or PHI, held by most health care providers and health plans and their business associates. HIPAA dictates how and with whom PHI may be shared. HIPAA also gives individuals certain rights regarding their health information, such as the rights to access or request corrections to their information.
- G. Hospital** – a place devoted primarily to the maintenance and operation of diagnostic and therapeutic facilities for in-patient medical or surgical care of individuals who have an illness, disease, injury, or physical disability, or for obstetrics. [18 VSA § 1902]
- H. Medically necessary health care services** – health care services needed to diagnose or treat an illness, injury, condition, disease or its symptoms and that meet accepted standards of medicine.
- I. Non-patient** – individuals at a hospital who have not attempted to gain access to health care services at the hospital to diagnose or treat their own medical or mental health condition.
- J. Person providing emergency medical treatment** – emergency medical personnel rendering pre-hospital, in-hospital, and interhospital medical treatment to individuals who have experienced sudden illness or injury to prevent loss of life, the aggravation of illness or injury or to alleviate suffering. [24 VSA §2651(9)]
- K. Prehospital** – before or during transportation to a hospital. For example, EMS personnel provide prehospital emergency care and transport patients to definitive care or hospital care.

- L. **Serious bodily injury** – bodily injury that creates any of the following: (i) a substantial risk of death; (ii) a substantial loss or impairment of the function of any bodily member or organ; (iii) a substantial impairment of health; (iv) substantial disfigurement; or strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person. [13 VSA §1702 (g)(1); 13 VSA § 1021(a)(2)]
- M. **Sexual assault** – as described in 13 VSA § 3252.
- N. **Stabilized** – no material deterioration of the patient’s medical condition is likely, within reasonable medical probability, to result from or occur during the transport of the patient from the hospital or the emergency medical treatment scene. [18 VSA §1883 (c)(4)]

II. Prehospital Incident Response

During a call for service involving allegations of misdemeanor crimes against emergency medical personnel, dispatchers should clarify with the caller whether law enforcement should respond to the prehospital setting or the hospital where the patient is being transported.

- A. Consistent with HIPAA, emergency medical personnel may disclose the following information for the purpose of identifying a suspect:
 - Name and address;
 - Date and place of birth;
 - A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.
- B. Upon arrival to a prehospital emergency scene based on a call involving allegations of crimes against emergency medical personnel, officers are encouraged to:
 - Do what is necessary to make the scene safe;
 - Confirm whether the subject of call is a patient and/or bystander; and
 - Obtain additional information about the call for service.
- C. Upon arrival to a hospital based on a call involving allegations of crimes against emergency medical personnel that occurred prehospital, officers are encouraged to:
 - Activate body worn cameras;
 - Body worn camera recordings of patients not involved in criminal conduct that result when law enforcement officers respond to calls involving violence against emergency medical services personnel are considered incidental uses and disclosures under HIPAA pursuant to 45 CFR 164.502 (a)(1)(iii), and do not require prior patient authorization.

- Do what is necessary to make the scene safe;
 - Locate the emergency medical personnel who alleged criminal conduct to obtain additional information about the call for service; and
 - Determine who has custody of the subject patient (i.e., the hospital or the emergency medical personnel). Typically, once the patient arrives at the hospital, the hospital has custody of the patient. Before removing a patient from the hospital when there is probable cause to believe the patient has committed at least one of the three enumerated crimes in Vermont Rules of Criminal Procedure, Rule 3 (c)(18) – (20), a law enforcement officer should inquire of an authorized representative of the hospital whether the patient is stabilized, has been evaluated or is awaiting patient care.
- D.** Officers will accompany an assaultive patient and EMS in the ambulance when feasible.
- E.** In some cases, physical control of an assaultive or violent patient may require both EMS and officer participation until the patient can be safely deescalated or restrained.
- Unlike in a hospital, the law does not prohibit officers from restraining prehospital patients for medical reasons. However, EMS personnel are solely responsible for the patient’s medical care in a prehospital setting.
 - Officers should never expressly request the administration of chemical sedation nor indirectly pressure paramedics to administer chemical sedation. The use of medications is solely the decision and responsibility of the EMS personnel.
 - Officers should work collaboratively with EMS personnel when it is necessary to restrain a patient for purposes of assessment, treatment, and/or sedation for safe transport.
 - Officers should generally remove mechanical restraints when requested by EMS personnel to allow EMS personnel to evaluate patients in a side-lying or supine position without handcuffs and/or to ensure the patient’s airway is not compromised by mechanical restraints or restraint position.
- F.** The investigation of an alleged, non-witnessed misdemeanor crime against emergency medical personnel will differ based on the whether the subject of the call is a patient or bystander.
- When a patient is the alleged perpetrator, officers should generally delay investigation of the alleged crime until the patient has been assessed, treated, and transported to a hospital. Evaluation, assessment, and monitoring of the patient by emergency medical services personnel take precedence over investigation.
 - When a bystander is the alleged perpetrator, officers may begin their investigation at the prehospital scene if the investigation will not unreasonably delay the assessment, treatment, and transport of a patient. Unreasonable delays are delays that put patient health and/or safety at risk by taking emergency medical services personnel away from the task of assessing, treating, monitoring, and transporting

patients. Unreasonable delays may result in increased morbidity and mortality of patients.

- G.** In general, when there is probable cause to believe a prehospital patient has committed at least one of the three enumerated crimes of Simple Assault, Criminal Threatening or Disorderly Conduct (VRCP, Rule 3 (c)(18) – (20)), officers should not remove the patient from a prehospital setting unless EMS personnel:
- Informs the officer that the patient is stabilized and does not require transport to a hospital; or
 - Informs the officer that the patient has made an informed refusal of medical care
 - In either situation, the officer should document the name of the crew member who provided the information.
- H.** Before removing a patient from the hospital when there is probable cause to believe the patient has committed at least one of the three enumerated crimes as described in G. above, the officer should inquire of an authorized representative of the hospital whether the patient is stabilized, has been evaluated or is awaiting inpatient care.
- Officers may remove stabilized patients from the hospital.
 - Officers should document the name and title of the authorized representative of the hospital who disclosed to the officer that the patient is stabilized.
 - Officers should specifically request the authorized representative of the hospital to provide any discharge instructions provided to the patient about which the officer should be aware to safely remove the patient from the hospital.
 - Officers shall not remove a patient from the hospital if an authorized representative of the hospital informs the officer that the patient is not stabilized, has not yet been evaluated, or is awaiting inpatient care.
 - Officers may place a non-stabilized patient or a patient who has not yet been evaluated under arrest and maintain custody of the patient. In these circumstances, the non-stabilized patient or patient not yet evaluated is both a patient and a prisoner.
 - Any use of force against the patient-prisoner should be employed only for law enforcement purposes. Officers should not use force to assist health care workers in the provision of health care, including restraint and seclusion.
 - Officers should give health care workers space and room to render health care services to the patient-prisoner and not interfere with the delivery of such services.

- Officers may place a patient awaiting inpatient care under arrest and maintain custody of the patient. In these circumstances, the non-stabilized patient is both a patient and a prisoner
 - Any use of force against the patient-prisoner should be employed only for law enforcement purposes. Officers should not use force to assist health care workers in the provision of health care, including restraint and seclusion.
 - Officers shall maintain continuous custody of a patient awaiting inpatient care.
 - Officers should position themselves in a manner that allows them to monitor visually the patient awaiting inpatient care. Officers should not leave their post until relieved by another law enforcement officer.
 - If the patient awaiting patient care is waiting in a room, the officer should sit outside the room in a position that allows them to monitor the patient visually.
 - If requested by health care workers, officers may accompany the health care worker inside the room during treatment. Officers should stand out of the way of the health care worker providing treatment, for example, by standing against a wall away from the patient.
 - Where BCPD does not have the resources to maintain around the clock custody of a patient awaiting inpatient care, the Washington County Sheriff's Department should be contacted to inquire about splitting the detail.

III. Hospital Incident Response

In the event BCPD officers may be called to assist with an incident at the Central Vermont Medical Center involving allegations of crimes against health care worker or emergency medical personnel, communications dispatch staff should attempt to obtain information about the subject of the call to assist officers in their response to the call.

- A. Information to request, which hospitals are permitted to disclose under HIPAA, might include:
 - Name and address;
 - Date and place of birth;
 - A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.
- B. Upon arrival to the hospital based on a call involving allegations of crimes against health care workers in a hospital, officers are encouraged to:

- Activate body worn cameras
 - Do what is necessary to make the scene safe; and
 - Contact the authorized representative of the hospital to obtain additional information about the call for service
- C.** Lifesaving efforts by hospital staff always take precedence over investigative activities.
- D.** Officers should request a room or area to conduct witness interviews. Where a room or space is unavailable, officers should consider conducting interviews outside the hospital, when feasible.
- E.** Officers should attempt to interview all involved parties, including the alleged victim, the alleged perpetrator, and witnesses. It may violate the Americans with Disabilities Act to fail to interview alleged perpetrators because of their diagnoses or presumed mental health state.
- F.** Officers should attempt to review any available audio and/or video recordings. If pertinent to the investigation, officers should ask the hospital to provide a digital copy of any recording.
- G.** Before removing a patient from the hospital when there is probable cause to believe the patient has committed at least one of the three enumerated crimes as described in Section II G., an officer should inquire of an authorized representative of the hospital whether the patient is stabilized, has been evaluated or is awaiting inpatient care.
- H.** Officers should confirm with an authorized representative of the hospital if the individual is a non-patient.
- After confirming that the individual is a non-patient, in accord with existing policy, officers may cite, arrest and/or remove non-patients where there is probable cause to believe they have committed simple assault, criminal threatening against a health care worker at a hospital, engaged in disorderly conduct that interfered with the provision of medically necessary health care services, and/or as otherwise provided by VRCP, Rule 3.
- I.** An authorized representative of the hospital with the lawful right to do so may serve a notice of trespass on the disruptive individual pursuant to 13 VSA §3705.
- Individuals subject to a no-trespass order at a hospital may lawfully return to the hospital for emergency medical services.

IV. Report Writing

- A.** Officers should allow victims of crimes against health care workers to use the hospital contact information (hospital address and phone number) rather than personal contact information, when filing a complaint, if they are concerned about their safety.
- Emergency medical personnel should be allowed to use their employer's contact

information (address and phone number) rather than personal contact information, if they are concerned about their safety.

- B. Officers should ask hospitals and emergency medical personnel to create a point of contact for prosecutors and victim witness advocates who need to communicate with victims and witnesses if cases move forward.

V. Americans With Disabilities Act

- A. Officers should err on the side of caution and should consider patients awaiting evaluation, stabilized patients, non-stabilized patients, and patients awaiting inpatient care as persons with a “disability.”
- B. When feasible, officers should seek to reasonably accommodate individuals with known or apparent disabilities when encountering and interacting with such individuals in hospitals or prehospital settings.
- C. Reasonable accommodations are specific to each situation. At a minimum, when feasible, officers should speak slowly, simply, and briefly; maintain distance from the individual and respect their comfort zone; and use time to defuse a situation.
 - An individual does not have to request accommodation if the officer knew or should have known of the disability.

VI. Post-Incident Criminal Decisions

- A. officers should follow existing policy for criminal charging decisions, including the enhanced penalty for assaults against health care workers at 13 VSA §1028 and the enhanced penalty for criminal threatening at 13 VSA § 1702.
- B. If an officer has reason to believe that the incident in question constitutes a hate crime incident or qualifies for a hate crime enhancement, the officer should directly communicate such information to the State Attorney’s Office rather than rely on the State Attorney’s Office to discover such evidence on its own in the written statements, police reports or physical evidence.
 - Incidents at a hospital or prehospital setting that involve bias or hate should be reported to the Attorney General’s Office for inclusion in the hate crimes database in accordance with **Barre City Police Department Investigative Procedure #605 “Hate-Bias Incident Investigations.”**

VII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Assault on EMS
Assault on Health Care Worker



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

FIELD REPORTING SYSTEM

<u>Subject:</u> Incident Report	<u>Number:</u> 802	<u>Effective Date:</u> XX/XX/24
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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 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: Members of the Barre City Police Department will process Incident Reports as described herein.

Purpose: To establish procedures for processing the Barre City Police Department Incident Report.

Contents:

- I. Introduction
- II. Submission
- III. Report Processing
- IV. Report Preparation
- V. Involvements
- VI. Follow-ups
- VII. Late Report Entry
- VIII. Non-jurisdictional Offenses
- IX. Cancellation

I. Introduction

- A.** The Incident Report is designed as a singular report, encompassing criminal investigations, criminal and non-criminal traffic offenses, and non-criminal complaints that require written documentation, regardless of whether the incident was attempted or committed.
- B.** The Incident Report is generated through Valcour, the department's current Record Management System (RMS).
- C.** This report is used to record all complaints, incidents, activities, and investigations of criminal or non-criminal incidents either reported by citizens, initiated by officers, or otherwise generally brought to the attention of the Barre City Police Department.

- D. The Incident Report contains fields to capture all information, involved persons and circumstances relative to the incident, to include a narrative, unless otherwise used solely as an Incident Report Number. Supplement Reports, which are additional fields of the Incident Report, are used for all follow up activities/reports by the officer, or narratives from additional officers assisting with the initial incident.

II. Submission

All Incident Reports will be submitted for supervisory review before the end of the officer's current tour of duty in which the incident occurred unless, with prior supervisory approval, circumstances exist that make it infeasible.

- A. Incidents that are complete and require no further investigation will be marked by the officer as "Ready for Approval" which will automatically submit the incident to their supervisor for approval.
- B. Incidents requiring further investigation, follow-up, or those that are otherwise incomplete will remain in the officer's work queue until ready for supervisory approval.

III. Report Processing

- A. All Incident Reports will be reviewed by the shift supervisor through the Incident Review process. The shift supervisor will have the prerogative to have the reporting officer correct incomplete information and/or conduct an immediate follow-up investigation if appropriate. In addition to giving guidance to subordinates in individual investigations, supervisors will be provided with the opportunity to review the propriety of actions taken in individual cases and to use reports in evaluating the work performance of officers under their command.
- B. Fields which the officer is unable to complete or do not apply to the given incident will be left blank in the Valcour computerized RMS.
- C. Based on completeness of the investigation, the reviewing supervisor will either approve the Incident Report or return the report to the submitting officer for corrections. If approved, the Supervisor will then select "Approved" which will remove the report from the supervisor's queue.
- If the report is being returned for corrective action or further follow-up, the supervisor will leave review comments in the appropriate field documenting why the report is being returned and change the officer's initial "Ready for Approval" status to "Pending" which will send the Incident Report back to the officer's work queue. The supervisor should leave their approval status as "Pending" in order to keep the Incident Report in their supervisory queue to monitor progress of completeness.
- D. Supervisors are responsible for the accuracy and completeness of the Incident Report upon approval.

IV. Report Preparation

The Incident Report is entered through the Valcour computerized Records Management System and consists of the following sections:

A. **Initial Call Information** – Call Type, Call Priority, Call Origin, Date & Time of Call, Location of Call, Area, Team, Incident Number, Incident Codes, Dispatch Narratives, and Responding Officers, and DMV Query Returns. These fields are provided by Emergency Communications Center personnel upon initiating an incident through the RMS system. Further fields within the Initial Call Information consist of a “Drugs Involved” field and check boxes for Opiate blocker, Mental Health, DOMV, Cargo Theft and Print Query Returns.

- **Call Type** - The Call Type is a drop-down list of options that best describes the incident as reported and is provided by the Emergency Communications Center during entry. The Call Type should be changed by the officer on the main incident screen when circumstances change after the initial report.
- **Call Priority** - The Call Priority is a drop-down list of options to indicate if the call just occurred within the past hour, in progress while being called in, or late reported.
- **Call Origin** - The Call Origin is a drop-down list to indicate how the call was received. Options consist of phone, 911, officer/radio, in person, online, or mail.
- **Date & Time of Call** - The date and time of call indicates when the call is received by the Emergency Communications Center.
- **Location of Call** - The Location of Call (Incident Address) is based upon a geo-based address system and is the address which is provided where the incident occurred. This address is provided by the Emergency Communications Center during entry. The officer will be responsible for changing the address to reflect the actual address of where the incident occurred if different from the reported address. Example: A person presents at the Police Department to report an assault. The entry may reflect the incident address as the Police Department’s address (15 Fourth Street). Once the officer verifies where the assault occurred, the officer will change the address when completing the Incident Report.
- **Area** - The Area represents the city/town in which the incident occurred and is provided by the Emergency Communications Center. The number after the town/city represents the state provided town/city code (1201). If an incident is created for assisting another agency or investigating an incident in another town, that town’s identifier will be used. Example: an officer is assisting Berlin Police at an incident in their town; the area would be Berlin 1203.
- **Team** – The Team indicates which shift or team the incident is assigned to and is being investigated by (i.e., 1st shift, Detective, SRO, Mental Health Clinician, etc.).
- **Incident #** - The Incident Number is an agency specific sequential number automatically generated for all calls for service and self-initiated activity, provided by the Emergency Communications Center.
- **Incident Codes** - The Incident Codes drop-down field provides a relevant code to add further clarifying information about the incident (i.e., if an agency assist incident is created whereas the officer is assisting another agency by serving paperwork, the “SOP – Service of Paperwork” code would be chosen). Multiple codes can be added.

- **Drugs Involved** - The Drugs Involved drop-down field allows to add options for drug (by type) or alcohol involvement (i.e., an alcohol DUI incident would indicate “Alcohol.”)
 - **Dispatch Narratives** - The Dispatch Narratives section is an entry log of information relevant to the incident. Entered information is name and time & date stamped as to who and when the information is entered.
 - **Responding Officers** – The Responding Officers area indicates all officers assigned/responding to the incident and is generally provided by the Emergency Communications Center during CAD entry upon officer notification. An officer may also attach themselves to an incident as a responding officer in Valcour Mobile while the incident is open/active, or they may add themselves after the fact.
 - **Primary (responsible) Officer** – The Primary Officer box is checked to indicate the officer that is assigned the incident and is responsible for the report’s completion. An officer may change if the responsible officer changes. Example: A death investigation incident may initially be assigned to a patrol officer. However, a criminal investigator may take over the case and become the responsible officer.
 - **Function Buttons** – There are a series of function buttons within the Initial Call Information field to include Display Call Log, Link Incidents, Show Linked, Print, Email, Search, and Recommendation. These will allow the officer/communications dispatcher to display the call log for that particular incident, link other related incidents, etc.
- B. People Detail** – The People Detail section contains the personal identifiable information of all individuals associated with the incident to include the caller (complainant), persons involved, arrestees, witnesses, etc. These can be populated with existing names table entries, or if an individual does not currently exist in the names table, must be created and added. All name information searched/entered is to be in accordance with **Barre City Police Department Field Reporting System #804 “Names Table.”**
- C. Vehicles** – The Vehicles section contains information of any vehicles associated with an incident to include make, model, color, identification number, registration number and state. Other fields in this section include the role of the vehicle (seized, vandalized, towed, etc.) the owner, operator, and reason seized/towed. Further check boxes allow to indicate if the vehicle was used in a crime, abandoned, driven by suspect, impounded, or vehicle of interest.
- D. Incident Detail** – The Incident Detail section contains detailed information relative to the incident to include when the incident occurred, who the primary investigating officer is, all officer reports and attachments, and offense information.
- **Occurred From/Occurred To** – These two fields contain a drop-down calendar and time bar. These fields populate when the incident is created. However, for late reported incidents the officer is required to change the information as to the timeframe when the incident is believed to have occurred. For example, a victim of burglary while the homeowner was away on vacation would indicate the occurrence as being between the date and time they left the residence and the date and time they returned.

- **Narrative Type** – The Narrative Type field contains a drop-down with a description of the type of narrative being entered by the officer. Options include Report, Affidavit, Supplement and Field Notes.
 - Report should be used by the investigating/primary officer to document the initial narrative for the incident.
 - Affidavit should be used by the officer to document an affidavit when criminal charges are being filed.
 - Supplement should be used by all assisting officers to document their involvement in the incident, most importantly if a criminal case is being filed.
 - **Attachment** – The Attachment field contains a drop-down list of options containing descriptions that best the appropriate file being attached to the incident such as audio file, image, conditions of release, etc.
 - **Circumstances** – There are a series of check boxes within the Incident Detail area to be checked depending on the circumstances of the incident. For example, if a K9 was utilized, the officer would check the K9 box, if a TRO/FRO exists or if video or audio recordings exist, those particular boxes should be checked accordingly.
 - **Offense** – The Offense section is to be completed in instances where a criminal case is being filed. This area contains various drop-down boxes to be completed as appropriate to document all relative information related to each offense.
 - **Media/Press Summary** – The Media/Press Summary field is to be completed by the primary officer with a short summary of the incident, without embellishment, and without providing personal identifiers. For example, “Officers responded to a domestic disturbance at 35 Keith Avenue. One male arrested for domestic assault and lodged; TRO obtained.”
 - **Secondary Call Type** – The Secondary Call Type field is a drop-down field with options to be completed in instances where a secondary incident results from the original incident as appropriate. For example, a Traffic Stop incident may ultimately result in a DUI, etc.
- C. Arrest Information** – The Arrest Information section consists of drop-down fields to document all appropriate information as to which associated name involvement was arrested, the charges, citation date and time, arrest type, charges, etc. All information should be documented as appropriate.
- D. Property Information** – The Property Information section allows an officer to document all property associated with the incident. **Officers are responsible for completing this area for all incidents in which property is involved and document each item of property and/or evidence as appropriate.** Once the officer clicks the “+” (add) button, it will bring up an area with several drop-down options to appropriately document an item of property and what its relationship is, as well as the ability to add images of the property.
- E. Tickets & Warnings** – The Tickets and Warnings section allows officers to document tickets and/or warnings associated with the incident. This section contains several drop-down boxes to

be completed to document all pertinent information regarding the ticket and/or warning. The mandated race data collection and subsequent information is contained within this area and must be completed. There are also a series of function buttons in this area to include Delete Ticket, Add Ticket, Duplicate Ticket, Print Ticket, Search and Print Screen.

- F. Incident Review** – The Incident Review section allows the officer to submit the completed incident to their reviewing supervisor in accordance with section III, Report Processing of this directive. This area also contains a function button, Submit for Prosecution to send the completed criminal case to the State Attorney’s office.
- **Keep in Officer Queue** – The checkbox titled “Keep in Ofc Q” is to be checked for incidents being actively investigated prior to completion whereas further supplemental reports will be entered, attachments will be added, etc. This will keep the incident listed in the officer’s work queue.
 - **Keep in Supervisor Queue** – The checkbox titled “Keep in Sup Q” is to be checked by the supervisor for any incidents requiring further investigation by the officer, supplemental reports, returned for corrections, etc. that had been previously sent to the supervisor so that the supervisor can monitor the officer’s progress.
- G. Resistance/Response** – The Resistance/Response section is to be completed when any force is utilized during the incident, and in accordance with **Barre City Police Department Operational Procedure, #401 “Use of Force.”**
- H. Prosecution Data** – The Prosecution Data section is completed by the State Attorney’s Office as appropriate regarding cases submitted for criminal prosecution.

V. Involvements

Involvements capture all involved persons, vehicles, property, or other related incidents associated with the incident report.

- A.** The officer will enter involvements in compliance with NIBRS requirements. For example, a vandalism investigation must include at least one name involvement with a relationship as victim and at least one property involvement with a relationship as vandalized. It is the responsibility of the supervisor reviewing the report to ensure NIBRS compliant information is completed prior to approving the report.
- B.** When adding involvements such as people, vehicles or property, the officer will add as much information obtainable and/or known into the respective table. If a record already exists, the officer will confirm the accuracy of the existing information and update it as necessary when adding the record to the incident.

VI. Follow-Ups

Follow-Ups are entered as Supplemental Narratives to the original Incident Number. Officers conducting follow-ups on investigations are to document all activity by entering additional supplemental narratives.

- A. **Supplemental Reports** - Supplemental reports are to be reviewed by the supervisor. When a supplemental report changes the disposition of the case and/or needs supervisory approval, the approving supervisor should maintain that incident within their supervisor queue.

VII. Late Report Entry

When the computerized Records Management System is not available due to the system being down, the Emergency Communication Dispatcher will document all incidents and relevant dates and times with respect to each incident. Once the system is available, the Communication Dispatcher will create the incident reports and change all dates and times to reflect the original reported dates and times.

VIII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index as:

Incident Report
Supplement Report
Involvements
Valcour



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

FIELD REPORTING SYSTEM

<u>Subject:</u> Supplemental Reports	<u>Number:</u> 803	<u>Effective Date:</u> XX/XX/24
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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 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: Members of the Barre City Police Department will process the Supplemental Reports as described herein.

Purpose: To establish procedures for completing and processing Supplemental Reports

Contents:

- I. Introduction
- II. Report Completion
- III. Report Processing
- IV. Cancellation

I. Introduction

Supplement Reports serve two purposes:

- A.** Supplemental Reports record information of action taken on a case subsequent to the submission of the initial Incident Report described in the Field Report System.
- B.** Supplemental Reports will also be used when assisting officers engaged in activity directly related to the actual investigation of the incident (for example: questioning a subject, premise search, etc.).
 - Supplement Reports are captured under the Incident Detail section of the Valcour computerized Records Management System.

II. Report Completion

Supplement Reports will be completed as described in **Barre City Police Department Field Reporting System #801, “Field Reporting.”**

III. Report Processing

- A. The investigating officer will keep active incidents in their work queue and submit for review once the entire incident is completed to their approving supervisor utilizing the Incident Review system.
- B. The investigating officer will document all follow-up activity relative to an incident in Supplemental Reports.
 - If the officer adds a supplemental report to an incident that had been previously approved, the officer will check the “Keep in Sup Q” box to put the incident into the supervisor’s queue and notify the supervisor of the supplement that needs review.
- C. The supervisor will process all Supplemental Reports in accordance with **Barre City Police Department Field Reporting System #801, “Field Reporting.”**
 - The supervisor that approved the initial Incident Report shall be responsible to review and approve all Supplement Reports attached to the initial incident.

IV. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index as:

Supplement Report



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

FIELD REPORTING SYSTEM

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Main Names Table	804	XX/XX/24

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: Members of the Barre City Police Department will utilize the main names table as described herein.

Purpose: To establish procedures for uniform data entry that will enhance accuracy and minimize the duplication of records within this table.

Contents:

- I. Introduction
- II. Definitions
- III. Names Table Entry
- IV. Data Entry Standards
- V. Conducting Name Searches
- VI. Cancellation

I. Introduction

The integrity of the Names Table within Valcour is dependent upon accurate and uniform data entry by users. Name involvements (People Detail) are the most common involvement associated with a Valcour incident. Accurate, thorough and current information can aid in the efficiency of investigations when attempting to locate individuals.

II. Definitions

- A. Personal Identifiers** – The term personal identifier refers to the Date of Birth and Operator’s License Number associated with a person.

- B. Environmental Identifiers** – The term environmental identifier refers to the home address, home or work phone number, or like involvement's (involvements which match current information) associated with a person.

III. Names Table Entry

In all cases, users shall determine if the name of a person being entered in the system already exists by making a thorough search of the Valcour Names Table. For existing entries, all environmental identifiers shall be verified and updated as necessary. Furthermore, duplicate entries found in the system should be forwarded to the Communications member(s) responsible for merging purposes.

- A.** A name entry shall, at a minimum, consist of the first and last names of the person and at least one personal identifier or two environmental identifiers (see definitions above). Exceptions to this policy may be made for unknown persons when a name must be entered pursuant to a death incident.
- B.** Death cases where the name is unknown:
- Whenever name information is unavailable for death victims, users shall enter the Law Incident number associated with the report of the death in the name field of the Names Table. Example: 24BA00001 Doe, John
 - If the victim is a male, the name "Doe John" shall be entered in the name field;
 - If the victim is a female, the name "Doe Jane" shall be entered in this field and if an infant, the name "Doe Baby" shall be entered.
 - Upon determination of the true name of the victim, the record shall be updated to reflect this.

IV. Data Entry Standards

Users of the system having any data entry responsibilities, which require the entry of names, are required to familiarize themselves with the following data entry guidelines:

- A. Entry of Personal Names** – The legal name shall be used, when available. Abbreviated versions or nicknames may be listed in the Nicknames field of the Names Table.
- All names shall be entered using proper noun capitalization, e.g., Johnson, Thomas.
 - Name suffixes, e.g. "Sr", "Jr", and "III" shall be included in the name field, e.g. III Johnson, Thomas.
 - Titles, e.g. Doctor, Professor, etc., shall not be included in a name field.
 - Punctuation and special characters such as hyphens (-) and apostrophes (') shall be entered appropriately. For example, the name "O'Brian" shall be entered with the apostrophe appropriately placed between the two capitalized letters.
 - Multiple surnames, e.g. "Romero-Gonzales" or Romero Gonzales" shall always be entered as they appear.

- Compound surnames, e.g. "De La Rosa" or "St Marie" shall be entered with the appropriate spaces as they appear.

B. Entry of Business Names – Business names shall be entered in the name field the same as a an individual’s name. Store numbers used by organizations with multiple locations, e.g., Cumberland Farms, McDonalds, etc., if known, shall be entered after the business name. For example, Cumberland Farms #20. The Street Address shall be a further identifier for businesses with multiple locations.

- Business name suffixes such as "Company", "Corporation", "Incorporated", as well as abbreviations including "PC", "Inc", and "Corp." may be included in the name field.

C. Entry of Juvenile Names – If a juvenile is entered into the system, the “juvenile” checkbox shall be checked.

- All other information in the name record should be entered the same way as a normal name record.

D. Images – Mugshot images of arrestees who are 18 years and older may be attached to the name involvement if available.

- Images utilized shall have appropriate neutral or mugshot specific backdrops.
- The “Photo Gallery” tab can be utilized to browse images on the computer.
- Images should be taken and attached each time the individual is arrested to capture significant changes in appearance.

V. Conducting Name Searches

A. To assist the user in finding previously entered name information so that information may be efficiently obtained during searches for information and the duplication of records minimized during data entry, the following guidelines are provided:

- Users should enter as little information as possible in the Names screen when conducting searches. Enter only that information which will most likely find the correctly spelled name as well as an incorrectly spelled name entry. For example, if the name of the individual is “Partelow,” by typing in “part” it may bring up the individual with the correct name as well as one that may have been erroneously entered as “Partlow.” This will allow the officer to utilize the correct involvement and forward the information about the duplicate name to the Communications member(s) responsible for merging duplicate names.
- The initial name search should not normally be conducted or limited by using information other than the person's name. For example, date of birth or address information should NOT be entered with the person's name information unless it is being used to help identify a specific name record after the initial search has revealed several similar name records exist.

- When searching for hyphenated names, the user should always conduct separate searches on each of the two names in addition to any search of the hyphenated version. For example: Sarah Thompson-Smith should include a search using the last name of "Thompson" as well as the last name "Smith" in the event an entry exists where the two names have been reversed.

VI. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index as:

Involvements
Names Table
People Detail



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

SPECIAL OPERATIONS

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
First Amendment Assemblies	903	X/XX/24

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 respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

Purpose: To provide Barre City Police Department personnel with guidance for responding to public assemblies or demonstrations and to ensure officers understand their responsibility to protect the rights guaranteed by the First Amendment to the United States Constitution, including the rights to freedom of speech and expression, freedom of assembly, and freedom to observe and record the actions of law enforcement officers .

Contents:

- I. Definitions
- II. General
- III. Response to Demonstrations & Assemblies
- IV. Planned Events
- V. Unplanned Events
- VI. Use of Force
- VII. Arrests
- VIII. Media Relations
- IX. Demobilization
- X. After Action Review
- XI. Cancellation

I. Definitions

A. Assembly – A peaceful gathering. This may be a scheduled event that allows for law enforcement planning, but it also may include a spontaneous gathering. Gatherings could include, but are not limited to marches or protests

- B. Acts of Expression Protected by the First Amendment** – Acts of expression protected by the First Amendment include all forms of peaceful speech and expressive conduct used to convey ideas and information, express grievances, or otherwise communicate with others; they can include verbal and nonverbal expression. Common acts of expression protected by the First Amendment include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, use of puppets, street theater, and other artistic forms of expression as well as the right to observe and record police activity. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the U.S. Constitution. Violence of any kind is not protected by the First Amendment of the U.S. Constitution.
- C. Civil Disturbance/Unrest** – A breach of the peace by a gathering of persons where there is a threat of collective violence, destruction of property, or other unlawful acts.
- D. Counter Demonstrators and Assemblers** – A participant in a demonstration or assembly that opposes another on-going demonstration or assembly.
- E. Demonstration** – A public display of a group's or individual's feelings toward a person or people, idea, cause, etc., and includes but is not limited to marches, protests, student walkouts, assemblies, and sit-ins. Such events and activities may attract a crowd that includes participants, onlookers, members of the media, and others who may agree or disagree with the point of view of the activity.
- F. First Amendment Auditor** – Individuals who record public safety personnel to test their compliance with the First Amendment right to record police activity. This is generally preceded by recording in public governmental facilities such as town or city halls in anticipation that law enforcement will be called to respond.
- G. Legal Observers** – Individuals, usually representatives of civilian human rights agencies, attend public demonstrations, protests, and other activities where there is a potential for conflict between those assembled and law enforcement or security. Indicia of legal observers include green legal observer hats or black and green vests from the National Lawyers' Guild or blue ACLU-issued or authorized legal observer vests.

II. General

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, etc. However, officers shall not take action or fail to take action based on the opinions being expressed.

- A.** Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:
- Lawful, constitutionally protected actions and speech.
 - Civil disobedience (typically involving minor criminal acts).

- Rioting.
- B.** All the abovementioned behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property. Officers should not:
- Engage in assembly or demonstration-related discussion with participants
 - Harass, confront or intimidate participants.
 - Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.
- C.** Supervisors should continually observe department members to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

III. Response to Demonstrations & Assemblies

- A.** Officers shall not restrict the rights of any person to peacefully speak and express themselves freely, including by using criticism, insults, profanity, name calling, or obscene gestures directed at law enforcement or by expressing disagreement.
- B.** Officers shall seek to prevent and de-escalate disruptions and prevent assemblies and demonstrations from escalating into civil disturbances through appropriate de-escalation and intervention techniques.
- C.** Officers shall, when feasible, separate demonstrators and assemblers and counterdemonstrators and assemblers to maintain order and avoid any potential confrontation.
- D.** To avoid potential confrontations, officers shall also seek to make sure there is adequate space for ingress and egress around assemblies and demonstration and promptly respond to any reports of threats of harm or harassment by or against persons engaged in acts of expression protected by the First Amendment.
- E.** For any event for which there is an Operational/Special Events Plan, officers shall adhere to the plan unless otherwise directed by supervisors or criminal activity that requires an immediate law enforcement response is identified.
- F.** To de-escalate the potential for disorder and avoid mass arrests, officers shall endeavor to accommodate assemblies and demonstrations that may temporarily block traffic or otherwise obstruct public streets by regulating or rerouting traffic as much as practical and within reason so long as it is not a significant amount of time.
- This will also allow officers time to mobilize and prepare for a mass arrest situation, if necessary, if demonstrators refuse to move, as well as keeping the demonstrators safe and avoiding potential interference from passersby.

- G.** Officers are prohibited from interfering with a person’s right to observe or record police activity in all public settings (including sidewalks, parks, and other locations for lawful public protest) and all other areas in which people have a legal right to be present (including a person’s home or business and common areas of public and private facilities and buildings), so long as the observation or recording does not threaten the safety of any officer or any other person and does not physically interfere with the performance of any officer’s duties or violate a person’s reasonable expectation of privacy. See **Barre City Police Department Conduct & Responsibility Procedure, #109 “Observation and Recording of Police.”**
- Officers may interact with First Amendment auditors. During any interaction with a First Amendment auditor, officers shall always remain calm, courteous, and helpful and shall avoid debates on the scope of their legal rights or any other matter.
- H.** Officers shall not restrict the rights of any person to criticize law enforcement through speech, unless they are endangering another officer or person, or are actually interfering with a legitimate law enforcement objective.
- I.** Officers shall not take any action in retaliation against anyone who engages in assemblies and demonstrations to comment on or protest any police activity. This includes retaliation by ordering persons or groups to disperse; by stopping, detaining, searching, arresting, issuing a citation to, or threatening to stop, detain, search, arrest, or issue a citation to any person or group; or by using force or threatening to use force against persons or groups engaged in acts of expression protected by the First Amendment, unless such force is necessary and in accordance with **Barre City Police Department Operational Procedure #401, “Use of Force.”**
- J.** Officers shall not allow personal beliefs and opinions to interfere with their duties as law enforcement officers, nor shall they express personal, political, or religious views during a public assembly while on duty.
- K.** Body-worn cameras and other audio video recording devices shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service, voluntary or investigative encounter between a law enforcement officer and a member of the public.

IV. Planned Events

For planned events, comprehensive, incident-specific operational plans (special events plan) should be developed. The Incident Command System (ICS) should be considered for such events.

- A. Information Gathering and Assessment** – In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:
- Collaborating with the Vermont Intelligence Center (VIC).
 - Information obtained from outreach to group organizers or leaders.
 - Information about past and potential unlawful conduct associated with the event or similar events.

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.
 - Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.
 - Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

B. Operational/Special Events Plans – Plans will minimally provide for the following:

- Command assignments, chain of command structure, roles, and responsibilities
- Staffing and resource allocation
- Management of criminal investigations
- Designation of uniform of the day and related safety equipment
- Deployment of specialized resources
- Event communications and interoperability in a multijurisdictional event
- Liaison with demonstration leaders and external agencies
- Liaison with City government and legal staff
- Media relations
- Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation
- Traffic management plans
- First aid and emergency medical service provider availability
- Prisoner transport and detention
- Review of relative policies as listed in this directive
- Parameters for breaches of the peace (as defined by T13 VSA, chapter 19)
- Arrest protocol, including management of mass arrests
- Protocol for recording information flow and decisions
- Rules of engagement, including rules of conduct
- Protocol for handling complaints during the event

C. Mutual Aid & External Resources – The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any anticipated mutual aid is requested and facilitated.

V. Unplanned Events

- A.** When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:
- Location
 - Estimated number of participants

- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

B. Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

VI. Use of Force

Use of force is governed by current department policy and applicable law as defined in **Barre City Police Department Operational Procedure #401, “Use of Force.”**

- A.** Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Devices such as Conducted Electrical Weapons (CEW’s) and oleoresin capsicum (OC) spray should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage.
- Control devices should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

VII. Arrests

Officers should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest. Efforts shall be made to isolate and remove specific individuals or groups of agitators whose purpose is to incite the crowd before orders for mass arrest are issued in response to illegal behavior. Often, removing agitators will cause others in the crowd to de-escalate activity or disperse without further law enforcement intervention.

- A.** Mass arrests will be in accordance with **Barre City Police Department Special Operations Procedure #901, “Critical Incident & Response Management,”** section XII, Mass Arrests. Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest. If employed, mass arrest protocols should fully integrate:

- Reasonable measures to address the safety of officers and arrestees
- Dedicated arrest and booking teams
- Timely processing of arrestees
- Full accountability for arrestees and evidence
- Timely access to medical care, if needed
- Coordination and cooperation with the State Attorney’s Office, correctional facilities, and courts

VIII. Media Relations

Media relations will be in accordance with **Barre City Police Department Operational Procedure #426, “Media Relations.”** All available avenues of communication should be utilized, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event.

IX. Demobilization

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

X. After Action Review

- A. A comprehensive after-action review and report of the event, explaining all incidents where force was used including the following:
- Date, time and description of the event
 - Actions taken and outcomes (e.g., injuries, property damage, arrests)
 - Problems identified
 - Significant events
 - Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

XI. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index as:

Arrest, Mass
Civil Disturbance
First Amendment
Incident Management



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Patrol Operations	419	XX/XX/24

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 Patrol Division provides continuous delivery of police services to the community through uniformed preventative patrol, emergency response, criminal enforcement, traffic management, hazard mitigation, investigation, and field reporting. Where necessary, memorandums of understanding are established to ensure uninterrupted police service.

Purpose: To establish procedures for the deployment of uniformed Police Officers.

Contents:

- I. General
- II. Strategy
- III. Traffic Management
- IV. Response to Alarms
- V. Notifications
- VII. Cancellation

I. General

The Chief of Police or their designee will maintain a system of assignment for Patrol Officers that provides 24-hour, 7 day per week police patrol of the City of Barre. The system prescribes assignments of personnel to patrol shifts/squads and in conformance with a separate agreement with the Barre Police Officers Association and Fraternal Order of Police Lodge 004 (Union), establishment of the frequency of shift duration, rotation, and determination of leave.

A. Assignment to one of three (3) patrol squads is based on operational needs as determined by the Chief of Police with consideration given to:

- Supervisory recommendation
- Personal interest of the individual officer

- Current Transfer/Reassignment Requests
 - Agency needs
- B.** The Barre City Police Department patrol schedule consists of an eight (8) week rotation. The master schedule is developed annually and maintained by the Deputy Chief. Regular leave days are scheduled in the following manner:
- Within the eight (8) week rotation, patrol personnel are scheduled regular leave days and regular workdays during each weekly payroll cycle.
 - Within each weekly pay period, workdays are nine (9) hour shifts (Day - 0800 hours to 1700 hours, Eve - 1700 hours to 0200 hours), or eight (8) hour shifts for Nights (0000 hours to 0800 hours).
- C.** The Deputy Chief is responsible for the authorization of discretionary leave of patrol personnel, extra duty, training or special details to ensure the necessary staffing to provide at minimum:
- Two (2) personnel.
 - If someone is held over, they should be released by the supervisor once the matter giving rise to their holdover is resolved.
 - The on-duty supervisor will be responsible for the filling of vacancies created in the patrol schedule to ensure that staffing minimums are maintained.

II. Strategy

Supervisors may assign officers to perform various patrol strategies to prevent or detect certain crimes, regulate the traffic flow, reduce collisions, curtail traffic or criminal law violations and address community perceptions or concerns about crime trends.

- A. Directed Patrol** - a patrol directed toward a certain traffic offense or geographic area identified by citizen complaint or through the Traffic Collision & Enforcement Analysis; or a patrol directed toward a certain criminal or nuisance offense, or geographic area identified in briefings.
- B. Stationary Patrol** - During peak traffic times or at strategic locations, officers may utilize stationary observation posts to monitor traffic, to deter traffic violations, and to prevent criminal activity.
- C. Saturation Patrol** - The commitment of large numbers of enforcement personnel targeting a specific geographic area to locate, identify and arrest traffic, criminal or nuisance offenders. A vigorous tactic to quickly and significantly impact an area known for a high concentration of offenses or complaints.
- F. Foot Patrol** - During business hours, foot patrol is utilized to check on the welfare of employees, patrons or citizens and aligns with the concept of community-oriented policing.
- After business hours, business doors and interiors are inspected for damage, points of

entry, or obvious signs of theft.

- Foot patrols may be provided during special events or as necessary for increased visibility and the orderly pedestrian or vehicular traffic flow.

III. Traffic Management

To promote the safe and efficient movement of vehicular and pedestrian traffic within the City of Barre, reduce traffic collisions, and their resultant fatalities and injuries, the Traffic Safety Supervisor will establish a Traffic Management System that includes the following strategies:

A. Enforcement of Motor Vehicle Laws

It is the policy of the Barre City Police Department that **all** enforcement action taken when traffic laws are violated will be impartial, courteous and commensurate with the severity of the traffic offense.

B. Collision Investigation

The Barre City Police Department will respond to, investigate and report motor vehicle collisions occurring within the City of Barre as described in **Barre City Police Department Traffic Procedure 504, “Collision Investigation.”**

C. Traffic Direction & Control

Members may be required to perform manual traffic control to ensure an orderly flow of traffic, prevent congestion, and ensure the safety of all motorists, pedestrians, and other highway users.

D. Parking Control

Officers will be familiar with the parking laws and regulations as defined by the City of Barre ordinances and, shall enforce parking ordinances and regulations in conformance with **Barre City Police Department Traffic Procedure 513, “Parking Enforcement”** as necessary to facilitate the safe, efficient flow of traffic.

E. Selective Enforcement

To reduce traffic collisions, traffic violations and community traffic complaints, all uniformed officers will apply selective traffic enforcement techniques to traffic hazard/complaint roadways within the City. Supervisors are encouraged to implement directed and saturation selective enforcement plans and techniques to:

- Actively enforce traffic violations within traffic collision, complaint and hazard zones
- Receive, identify, document, distribute and enforce community traffic complaints
- Utilize traffic technologies and resources; including educational literature, speed awareness trailers, etc. to encourage compliance with traffic laws.

IV. Response to Alarms

The Barre City Police Department will respond to all business and residential alarms in a timely manner. The responding Officers' primary objectives are to prevent the loss of life, a hostage situation, theft of property and apprehend offender(s).

A. **Robbery/Hold-up Alarm**

Officers will exercise caution when responding to calls for Robbery/Hold-up Alarms, refraining from the use of emergency equipment and excessive vehicle noise (e.g. engine roar, squealing brakes, etc.) when close enough for suspects to hear their approach.

- Upon arrival, position themselves inconspicuously at a distance from the business to observe the suspect(s) leaving the scene. Officers should also:
 - Look for accomplices;
 - Look for suspect's vehicle;
 - Direct the deployment of assisting law enforcement personnel.
- Officers **will not** enter a business while a robbery is "in progress" unless immediate action is necessary to avoid serious injury or death to a victim/witness. If the suspect(s) are still inside or believed to still be inside the business, the officer will:
 - Request the Emergency Communications Center to call the institution to verify the status of the alarm, and
 - Wait for further assistance, as necessary,
 - Dispatch pertinent information to supervisors and assisting law enforcement personnel,
 - Allow the suspect(s) to leave the scene before making an arrest to reduce the risk of a hostage situation,
 - After the suspect(s) leave, an officer should position him/herself between the business and the suspect(s) so they cannot return.
 - For false alarms, a representative of the business will be asked by Emergency Communications Center personnel to respond outside to meet waiting officers.
- **Robbery Not In Progress** - Once it is determined that a robbery has occurred but is no longer in progress, officers shall initiate a preliminary investigation and broadcast a description of:
 - Suspect Vehicle description;
 - Suspect(s) description;
 - Direction of travel;
 - Weapons used;
 - Shots fired, if any; and
 - Number of suspects involved.

B. **Burglary Alarms**

Officers will exercise caution when responding to calls for Burglary/Intruder Alarms, refraining

from the use of emergency equipment and excessive vehicle noise (e.g. engine roar, squealing brakes, etc.) when close enough for suspects to hear their approach.

- Upon arrival, position themselves inconspicuously at a distance from the business or residence to observe the suspect(s) leaving the scene. Officers should also:
 - Look for accomplices;
 - Look for suspect's vehicle;
 - Direct the deployment of assisting law enforcement personnel.

- **Exterior Search**

The responding officer will make contact with the homeowner or representative if available and/or, make a thorough exterior search of the premises to identify:

- Suspect(s);
- Suspect vehicle(s);
- Signs of forced entry;
- Foot prints;
- Tire tracks;
- Possible escape route(s);
- Any evidence left at the scene; and
- Ladders or elements of a roof entry.

- **Interior Search**

When resources permit, two (2), officers or a Canine Patrol Team should be assigned to conduct a search of the buildings' interior. Additional officers should be positioned outside the building during the search to watch for suspects leaving the premises.

- The owner's identity should be confirmed; and the owner, employees, family members and animals cleared from the building before conducting a search.
- If it is determined that a burglary has occurred, officers will initiate a preliminary investigation and broadcast a description of:
 - Suspect Vehicle description;
 - Suspect(s) description;
 - Direction of travel;
 - Weapons used;
 - Shots fired, if any; and
 - Number of suspects involved.
 - Description of property stolen, i.e. weapons, coins, etc
- Officers will use discretion in handling frequent, false, and malfunctioning alarms.

V. **Notification**

Notifications are an important law enforcement duty that is traumatic for the relatives and friends of deceased and seriously injured or ill persons, but can also be extremely stressful for the notifying

Officer(s). Notifications must be delivered in a compassionate and professional manner.

A. Preparation

When possible, notification should be done by two (2) officers, as family members may experience severe emotional or physical reactions.

- The embedded mental health clinician may be asked to assist with Death Notifications and should be utilized in lieu of the second officer when available.
- Once positive identification of the injured/deceased person is verified, personnel making notification shall clarify one another's role in the notification process, delivering the notification or comforting the family, and
 - Obtain as much detail as possible about the circumstances of the death.
 - Obtain any available information about the injured/deceased persons family members before notifying, specifically if there are any survivor health considerations to be aware of – e.g. elderly, heart conditions, highly emotional.
 - **Do not** deliver the decedents' personal belongings at the time of notification.
 - In the case of a death notification, consider a civilian presence at the notification such as the family clergy, a counselor, family physician, or a close friend.
 - Conduct the notification as soon as practicable after verification of identity.

B. **All** notifications within the City of Barre will be made in person as soon as possible after verification. Telephone notifications should **not** be considered unless absolutely necessary. The injured/deceased person's information will **not** be broadcast over the radio. All notification information between personnel should be relayed in person or by telephone.

- If the relatives or friends of the injured/deceased person live outside of the City of Barre, officers should notify the nearest law enforcement agency to accomplish the notification and always request verification of survivor(s) notification.
- Do not make the notification on the doorstep or by talking to someone who is leaning out of a window. Enter the home **insure that you are speaking to the right person.**
- Inform them you have some difficult information to share, and inquire if there are others in the home they would like present to hear the information. Encourage them to find a safe and comfortable place to sit.
- Find a private area if notification must be made at the hospital, a place of employment or other public setting.

C. Language

Notification should be effected directly and in plain language; using the words, "dead, died, and death." Surviving family members are best served by telling them directly what happened.

- Use the name of the injured/decedent when you're making notification.

- Do not mislead the family about the condition of their loved one. Notify them of the death, illness or injury and, when appropriate, offer assistance with a ride to the hospital.
- Calmly and patiently answer any questions about the cause of injury/death, where the injured/ill person is receiving treatment; or the location of the deceased's body, and how/when the body will be released, and whether an autopsy will be performed.
 - If you don't know the answer to a question, say so, and offer to find out and get back to the inquiring family member.
- Examples of adequate plain language notifications include:
 - "Your son John, was in a car accident this morning and I'm sorry to tell you that he has died as a result of his injuries."
 - "Your husband John, was shot a few hours ago in a robbery and flown to the University of Vermont Medical Center, he is alive but in serious condition."
 - "Your father had a heart attack at his work this morning and is being treated by doctors at Central Vermont Hospital."
- There are few consoling words that family and friends will find helpful, but it is always appropriate to say, "I'm sorry this happened." Do not express your own religious beliefs.
 - Avoid expressions such as "he is in a better place," or "it was God's will," or "she led a full life." These kinds of statements are not helpful to survivors and may easily cause resentment toward you.
 - A professional presence and compassion are the most important resources during a death notification. Do not posture as cold and unfeeling.

D. Always leave a name and phone number with injured/deceased person's family in case they require additional information. If necessary, arrange a follow-up visit by yourself or another Officer.

- Offer to assist in contacting others who should be notified. If necessary, offer to call a friend or family member who can come to support the family and friends, and if possible stay until the support person arrives.
- Take time to provide information and support to family and friends. Never simply notify and leave; give helpful guidance and directions.
 - If the embedded mental health clinician does not assist with the initial notification, leave the notification and family contact information to make a follow-up if needed.
- If appropriate, assist with arrangements to transport the decedent's family to the hospital, their home, or the home of a family member or friend.
- Consider referral to the Washington County State's Attorney Office Victim Advocate at

802-479-4220.

- In the case of deceased persons, advise the survivors of how to arrange to claim the body when known.
- Should the family request to view the body of their loved one before it is taken by the funeral home or medical examiner, prepare them for what they will see (i.e. – tube down their throat, bandages, swelling, blood, etc.)

VI. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Alarm
Assignment, Patrol Shift
Burglary Alarm
Death Notification
Hold-up Alarm
Patrol Strategies
Selective Enforcement
Traffic Management



DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES FROM CRIMINAL JURISDICTION LAW ENFORCEMENT ASPECTS SUMMARY

Appendix A

Category	Arrested or Detained?	Enter Residence Subject to Ordinary Procedures?	Issued Traffic Citation?	Subpoenaed as Witness?	Prosecuted?	Recognized Family Member?	
International Organizations	International Organization Staff ³	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Diplomatic	Diplomatic Agent	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No ¹	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Service Staff ²	Yes	Yes	Yes	Yes	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Consular	Career Consular Officers ²	No, except in the case of a felony and pursuant to a warrant.	Yes ⁴	Yes	No—for official acts. Testimony may not be compelled in any case.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Honorary Consular Officers	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Consular Employees ²	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
TECRO/TECO	TECRO Designated Employee	No	No	Yes	No	No	Immunity from criminal jurisdiction, arrest, and detention.
	TECO Head/Deputy Head	No, except in the case of a felony and pursuant to a warrant.	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult AIT.	No immunity or inviolability.
	TECO Designated Employee	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult AIT.	No immunity or inviolability.

¹ Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

² This table presents general rules. The employees of certain foreign countries may enjoy **higher** levels of privileges and immunities on the basis of special bilateral agreements.

³ A small number of senior officers are entitled to be treated identically to “diplomatic agents.”

⁴ Note that consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.

Diplomatic Security Command Center

Direct questions or inquiries to the Diplomatic Security Command Center.

Call: 571-345-3146
Toll free: 1-866-217-2089

Available 24 hours daily

Consular Notification

Assistance with consular notification procedures following the arrest or detention of a foreign national.

Business hours: 202-485-7703
After-hours: 202-647-1512
Email: consnot@state.gov

Immunity Issues

Contact the Office of Protocol: Diplomatic Affairs

Business hours: 202-647-1727
After-hours: 571-345-3146
Toll-free: 1-866-217-2089
Fax Number: 202-647-4080

Appendix B

USEFUL TELEPHONE NUMBERS

ALL FOREIGN MISSIONS AND THEIR PERSONNEL (Other than United Nations or TECRO/TECO)	
During Business Hours (Monday-Friday, 8am-5pm EST)	
To verify immunity, call the Office of Foreign Missions (OFM):	202-895-3521
Send Reports/Citations to OFM:	OFMDMVEnforcement@state.gov 202-895-3646 (Fax)
For 24/7 Hour Response, Call Diplomatic Security Command Center	(571)-345-3146 (866)-217-2089

MISSIONS AND SECRETARIAT TO THE UNITED NATIONS AND THEIR PERSONNEL	
During Business Hours (Monday-Friday, 9am-5pm EST)	
To verify immunity and for law enforcement inquiries:	212-415-4168 212-415-4407 212-415-4300
Diplomatic motor vehicle registration and driver's licensing inquiries:	202-895-3521 OFMDMVInfo@State.gov
After Hours	
USUN-Communications Section	212-415-4444

TECRO/TECO AND THEIR PERSONNEL	
During Business Hours (Monday-Friday, 9am-5pm EST)	
To verify immunity and for law enforcement inquiries:	703-525-8474
Diplomatic motor vehicle registration and driver's licensing inquiries:	202-895-3521 OFMDMVInfo@state.gov