

CITY OF BARRE
Police Advisory Committee Agenda
Monday, January 8 , 2024
6:00 pm
Alumni Hall
Conference Room
Barre Auditorium
Barre, VT 05641

Join Zoom Meeting

<https://us02web.zoom.us/j/83053276707>

Meeting ID: 830 5327 6707

Telephone 1 929 205 6099

Open to the Public

1. Call to order.
2. Consider approval or adjustments of the agenda
3. Consider approval of previous meeting minutes
4. Receive guests
5. Councilor Waszazak's report
6. Chief's report
7. Discuss and consider approving 312 Transfers and Reassignments
8. Discuss and consider approving 314 Peer Support
9. Discuss and consider approving 316 Line of Duty Death
10. Discuss and consider approving 416 Court orders for Protection
11. Discuss and consider approving 309 Attendance and Leave
12. Miscellaneous
13. Adjourn



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

| | | |
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| <u>Subject:</u> Court Orders for Protection | <u>Number:</u> 416 | <u>Effective Date:</u> 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 is responsible for the prompt and effective recording and service of Temporary or Final Relief from Abuse Protective Orders, Orders against Stalking or Sexual Assault, and Extreme Risk Protection Orders.

Purpose: Establishes procedures for the service of Temporary or Final Relief from Abuse (RFA) Orders, Orders against Stalking or Sexual Assault, and Extreme Risk Protection Orders issued pursuant to the Courts and Judicial Proceedings of the Vermont Statutes Annotated.

Contents:

- I. Definitions
- II. Requests for Relief
- III. Temporary Relief from Abuse Protection Orders
- IV. Final Relief from Abuse Protection Orders
- V. Temporary & Final Relief from Abuse Orders on behalf of a Child
- VI. Temporary & Final Relief from Abuse Orders on behalf of a Vulnerable Adult
- VII. Orders against Stalking
- VIII. Extreme Risk Protection Orders
- IX. Office procedures for Temporary & Final Protection Orders
- X. Service of Protection Orders
- XI. Procedures after Service
- XII. Sanctions for Violating an Order
- XIII. Cancellation

I. Definitions

- A. Court:** "Court" means Vermont Superior Court – Civil, Criminal or Family Divisions.
- B. Defendant:** The person alleged in the order from whom the plaintiff, petitioner, or interested person is seeking protection against.

- C. **Interested Person:** A person who, on behalf of a vulnerable adult files for protection against abuse, neglect, or exploitation as defined in 33 VSA § 6902.
- D. **Person Eligible for Relief:** Any person eligible for a Protection Order, as defined in 12 VSA § 5133, 15 VSA § 1103, and 33 VSA § 5115 and 6933.
- E. **Petitioner:** A person who, on behalf of a child files for protection against abuse, stalking or sexual assault.
- F. **Plaintiff:** The person named in the order for whom protection is being sought.
- G. **Protection Order:** “Protection Order” means any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, issued in response to a complaint, petition or motion filed by, or on behalf of, a person seeking protection. Protection Orders include Temporary or Final Relief from Abuse Orders, Orders against Stalking or Sexual Assault, and Extreme Risk Protection Orders issued by a Judge in accordance with Vermont Statutes Annotated.
- H. **Respondent:** The person alleged in an Extreme Risk Protection Order

II. Requests for Relief

- A. Any family or household member may seek relief from abuse by another family or household member on behalf of themselves or their children. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in 15 VSA § 1101(2) may file a complaint seeking relief on their own behalf.
 - Emergency relief may be granted ex parte, without notice to the defendant, upon findings that defendant has abused the person eligible for relief.
 - Except as provided for emergency relief, relief may be granted only after notice to the defendant and a hearing.
- B. A person other than a family or household member as defined in 15 VSA § 1101(2) may seek relief against stalking. Such complaint shall be filed only during regular court hours and in the venue of the civil division of the Court.
 - The Court may issue a temporary order ex parte, without notice to the defendant upon findings that the defendant has stalked the person eligible for relief.
- C. A petitioner, on behalf of a child, may seek relief for the child(ren) in accordance with section II.A. above.
- D. A vulnerable adult, or an interested person on behalf of a vulnerable adult may seek relief from abuse, neglect, or exploitation.

- E.** A State's Attorney or Office of the Attorney General may file a motion or petition with supporting affidavit seeking relief in the form of requiring the relinquishment of dangerous weapons as defined in 13 VSA § 4051
- Emergency relief may be granted ex parte, without notice to the defendant, upon findings by a preponderance of the evidence that at the time the order is requested the respondent poses an imminent and extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.
 - Except as provided for emergency relief, relief may be granted only after notice to the defendant and a hearing.

III. Temporary Relief from Abuse Protection Order

- A.** A judge of the civil, criminal or family divisions of the Court may issue an emergency protection order for Temporary Relief from Abuse if it is found that there are reasonable grounds to believe that the defendant has abused, stalked, or sexually assaulted the plaintiff and/or children, and there is a danger of further abuse to the plaintiff and/or children.
- B. A Temporary Relief from Abuse Protection Order may:**
- Order the defendant to refrain from abusing the plaintiff and/or children.
 - Order the defendant to refrain from interfering with the plaintiff's and/or children's personal liberty or freedom.
 - Order the defendant to refrain from stalking or sexually assaulting the plaintiff and/or children.
 - Order the defendant to immediately vacate the residence and order sole possession to the plaintiff, and if stipulated, to only allow entry with plaintiff's prior permission and in the presence of a law enforcement officer or other party as designated.
 - Order the defendant to refrain from coming within a fixed distance of the plaintiff, children, plaintiff's residence, the plaintiff's place of employment, plaintiff's motor vehicle, children's school or daycare, other children, or other, as stipulated by the Court.
 - Order the defendant to relinquish possession of weapons to law enforcement or another party.
 - Grant sole possession of personal property necessary for the protection of plaintiff and the care of the children.
 - Award temporary rights and responsibilities (custody) of children to the plaintiff or other person.
 - Order the defendant to refrain from contacting the plaintiff and/or children in any

way, directly, indirectly, or through a third party with the purpose of making contact with the plaintiff and/or children.

- Control or otherwise limit the restrictions and circumstances under which the defendant may have contact with the children.
- Order the defendant to refrain from cruelly treating or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household.
- Other, as stipulated by the court.

C. Duties of the Court:

- Promptly enter the Temporary Relief from Abuse Order and any other required documentation into the Vermont Orders and Warrants System (VOWS) for service.
- Provide a copy of the abovementioned order to the plaintiff.

D. A Temporary Relief from Abuse protection order shall be effective upon service to the defendant and remain in effect until the Court dismisses the case or, after a hearing, issues an order or denies a final order, or at 1700 hours on the date of hearing, whichever is earlier.

- A hearing shall be held not more than 14 days from date of issuance of the order.

E. A Temporary Relief from Abuse protection order may be extended by the Court, upon request from the plaintiff for such additional time as necessary to achieve service of a notice of hearing upon the defendant.

IV. Final Relief from Abuse Protection Order

A. As a result of the hearing on the Temporary Relief from Abuse Order, the Court may issue a Final Relief from Abuse Order. The relief granted in a Final Relief from Abuse Order may include all the provisions provided for in a Temporary Order and the following additional relief:

- Order the defendant to pay the plaintiff's living expenses for a fixed period of time, not to exceed three months.
- Order the defendant to pay child support for a fixed period of time, not to exceed three months.
- Order stipulations concerning possession, care and control of any animal owned, kept or held as a pet by either party or a minor child residing in the household.
- Order the defendant to return any personal documentation in his or her possession pertaining to the plaintiff or the plaintiff's children.

V. Temporary & Final Relief from Abuse Protection Orders on behalf of a Child

A. A petitioner may, on behalf of a child who is a person eligible for relief, seek an order of protection for the child if the defendant has abused the child by having physically injured or otherwise treated the child in a manner which placed the child's health, development or welfare in jeopardy; and/or the defendant is a parent or legal guardian for the child and either inflicted physical punishment out of anger, or physically punished the child in an excessive, unreasonable, or cruel manner; and/or stalked the child as defined in 12 VSA § 5131(6); and/or sexually assaulted the child as defined in 12 VSA § 5131(5); and/or attempted to cause or caused physical harm to the child; and/or placed the child in fear of imminent serious physical harm; and/or the defendant is incarcerated and has been convicted of one of the crimes specified in 15 VSA § 1103 (c)(1)(B).

B. A Temporary Relief from Abuse Protection Order on behalf of a child may:

- Order the defendant to refrain from abusing the child(ren) and not interfere with the child(ren)'s personal liberty.
- Order the defendant to refrain from stalking or sexually abusing the child(ren).
- Order the defendant to refrain from contacting the child(ren) in any way, directly, indirectly, or through a third party with the purpose of making contact with the child(ren).
- Order the defendant to refrain from coming within a fixed distance of the child(ren), child(ren)'s residence, child(ren)'s school or daycare, other children, or other, as stipulated by the Court.
- Award temporary rights and responsibilities (custody) of child(ren) to the petitioner.
- Order the defendant to vacate the residence and award sole possession to the petitioner.
- Order the defendant to refrain from cruelly treating the pet(s) of the parties or the pet(s) of the child(ren).
- Order the defendant to relinquish possession of weapons to law enforcement or another party.
- Other, as stipulated by the Court.

C. As a result of the hearing on the Temporary Relief from Abuse Order on behalf of a child, the Court may issue a Final Relief from Abuse Order. The relief granted in a Final Relief from Abuse Order on behalf of a child may include all the provisions provided for in a Temporary Order and the following additional relief:

- Control or otherwise limit the restrictions and circumstances under which the defendant may have contact with the child(ren).
- Grant possession and control of the household pet(s) owned by the parties or by the

child(ren) to either the petitioner or the defendant.

- Grant sole possession of personal property to the petitioner necessary for the protection of and the care of the child(ren).
- Order the defendant not to take any regulated drug unless prescribed or drink alcohol for at least 8 hours prior to scheduled contact or during contact with the child(ren) and allow the petitioner to cancel scheduled contact if the defendant appears to be under the influence of intoxicating substances.
- Order the defendant to not physically punish the child(ren) in any way.
- Order the defendant to pay temporary child support for the child(ren).
- Other, as stipulated by the Court.

VI. Temporary & Final Relief from Abuse Protection Orders on behalf of Vulnerable Adult

A. An interested person on behalf of a vulnerable adult, or the vulnerable adult if capable, may seek an order for protection if the defendant has abused, as defined in 33 VSA § 6902(1), neglected, as defined in 33 VSA § 6902(7), or exploited, as defined in 33 VSA § 6902 (6), the plaintiff.

B. A Temporary Relief from Abuse Order on behalf of a Vulnerable Adult may:

- Order the defendant to refrain from abusing the plaintiff.
- Order the defendant to refrain from neglecting the plaintiff.
- Order the defendant to refrain from exploiting the plaintiff.
- Order the defendant to immediately vacate the household.
- Order the defendant to relinquish possession of weapons to law enforcement or another party.
- Other, as stipulated by the Court.

C. As a result of the hearing on the Temporary Relief from Abuse Order on behalf of a vulnerable adult, the Court may issue a Final Relief from Abuse Order. The relief granted in a Final Relief from Abuse Order on behalf of a vulnerable adult may include all the provisions provided for in a Temporary Order and the following additional relief:

- Order the defendant to refrain from threatening, assaulting, molesting, or otherwise interfering with the personal liberty of the plaintiff.
- Order the defendant to not intentionally follow the plaintiff.

- Control or otherwise limit the restrictions and circumstances under which the defendant may have contact with the plaintiff.
- Order the defendant to refrain from coming within a fixed distance of the plaintiff or addresses as listed by the Court.
- Stipulate financial care for the plaintiff.
- Other, as stipulated by the Court.

VII. Order against Stalking

- A.** A judge of the civil division of the Court may issue an emergency protection order against Stalking if it is found that there are reasonable grounds to believe that the defendant has engaged in a course of conduct as defined in 12 VSA § 5131 against the plaintiff to include following, monitoring or surveilling; threatened or made threats against; interfered with the property of; or a finding that the defendant was convicted of stalking the plaintiff.
- B. A Temporary Order against Stalking may:**
- Order the defendant to stay away from the plaintiff and/or plaintiff's children.
 - Order the defendant to refrain from coming within a fixed distance of the plaintiff.
 - Other, as stipulated by the Court.
- C.** As a result of the hearing on the Temporary Order against Stalking, the Court may issue a Final Order against Stalking. The relief granted in a Final Order against Stalking may include all the provisions provided for in a Temporary Order.

VIII. Extreme Risk Protection Order

- A.** A State's Attorney or the Office of the Attorney General may file a motion/petition requesting the Court issue an Extreme Risk Protection Order based upon supporting affidavit.
- Such affidavit shall support the allegation that the respondent poses an extreme risk of causing harm to himself or herself or another person by purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or control.
- B. A Temporary Extreme Risk Protection Order may:**
- Order the respondent to relinquish dangerous weapons to law enforcement, a federally licensed firearms dealer (FFL), or court approved person.
 - Prohibits the respondent from purchasing, possessing, or receiving a dangerous weapon or by having a dangerous weapon within the respondent's custody or

control.

- C. An officer may obtain a search warrant to retrieve the respondent's dangerous weapons.
- D. A Temporary Extreme Risk Protection Order shall be effective upon service to the respondent and remain in effect, unless the petition is voluntarily dismissed by the prosecutor in accordance with 13 VSA § 4054(c)(2), for a period up to 14 days or, after a hearing, the Court issues an order or denies a final order.
- E. As a result of the hearing on the Temporary Extreme Risk Protection Order, the Court may issue a Final Order. The relief granted in a Final Extreme Risk Protection Order may include all of the provisions provided for in a Temporary Order.
 - The Final Order shall remain in effect for a period of up to six (6) months.

IX. Office Procedures for Temporary & Final Protection Orders

- A. If a Temporary or Final Relief from Abuse Order is granted by the Court and subsequently entered into VOWS, in accordance with **Barre City Police Department Operational Procedure # 413, "Arrest Warrants and Service of Criminal & Legal Process,"** on-duty communications personnel will generate a "TRO/FRO Service" incident in Valcour with the appropriate information and assign it to an officer for attempted service. A printed copy of the Order will be made available for service.
- B. If a foreign abuse prevention order, as defined in 15 VSA § 1101, or a protection order from any other jurisdiction is received by the Barre City Police Department either by electronic means or in person, on-duty personnel will follow the procedures as enumerated in section IX. A. above.

X. Service of Protection Orders

- A. Officers who are assigned to serve protection orders will ensure that service is attempted as soon as possible.
 - Orders that have not been successfully served by the assigned officer will remain active in Valcour for attempted service by other officers.
- B. No authority exists for forcible entry to serve an order.
- C. An officer will explain the stipulations of the order upon service and inform the defendant that any intentional violation of the order will result in arrest, in accordance with 13 VSA § 1030 and pursuant to Rule 3 of Vermont Rules of Criminal Procedure (V.R.Cr.P. 3) and will provide a copy of the order and any other required paperwork to the defendant.
- D. If the order directs that the defendant vacate the home, officers must allow the defendant a reasonable amount of time to gather only such personal belongings that are necessary.
- E. If the order directs the defendant to relinquish weapons, the officer will take control of, or

otherwise facilitate the relinquishment of the weapons.

- F.** If the order enumerates other stipulations directing the defendant to relinquish other items of property, or other, the officer will take control of, or otherwise facilitate the relinquishment of the property, or other.

XI. Procedures after Service

- A.** The officer will provide a copy of the return of service to on-duty communications personnel for appropriate disposition and scan same to the Valcour incident under which service was made.
- Returns of service of Foreign Abuse Prevention Orders will follow the requested procedures of the providing entity.

XII. Sanctions for Violating an Order

- A.** A violation of any Protection Order, including Temporary or Final Protective Orders may result in a finding of contempt and/or criminal prosecution.
- B.** If a defendant intentionally fails to comply with the relief granted in a Protection Order, they will be criminally charged with violating the Order in accordance with 13 VSA § 1030 and pursuant to Vermont Rules of Criminal Procedure (V.R.Cr.P. 3).
- C.** If a respondent intentionally fails to comply with the relief granted in an Extreme Risk Protection Order, he/she will be criminally charged with violating the Order in accordance with 13 VSA § 4058 and pursuant to Vermont Rules of Criminal Procedure (V.R.Cr.P. 3).

XIII. Cancellation

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

AUTHORITY:

Index As:

Protection Order
Relief from Abuse
Restraining Order
RFA
Stalking Order
TRO

Braedon S. Vail, Chief of Police

, 2024



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

PERSONNEL PROCEDURES

| <u>Subject:</u> | <u>Number:</u> | <u>Effective Date:</u> |
|--------------------------------------|----------------|------------------------|
| Transfers & Reassignments | 312 | XX/XX/24 |

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Policy: The Barre City Police Department transfers and reassigns members to such duties and responsibilities necessary to best serve the needs of the Police Department, the public interest, and to afford members an opportunity for professional growth and training in the various functions of the Police Department.

Purpose: To establish procedures for the request of position transfer or reassignment.

- Contents:**
- I. Definitions
 - II. Transfer
 - III. Special Assignment/Position
 - IV. Selection
 - V. Cancellation

I. Definitions:

- A. Transfer-** Movement of personnel between similar positions within the same job class that does not have increased levels of responsibility and/or the need for specialized training beyond the minimum requirements of the position’s job class. Examples include transferring from one patrol shift to another patrol shift.
- B. Reassignment-** A change in job function that entails a significant change in the scope of duties and responsibilities necessary to complete the assigned tasks, such as the selection and reassignment of an officer from the Patrol Division to the Criminal Investigations Division.
- C. Special Assignments/Positions-** A specialized assignment/position may be a full-time position or adjunct assignment that has increased levels of responsibility and/or the need for special training beyond the minimum requirements of the assignment/position’s job class.

II. Transfer

For purposes of this directive, a transfer is the lateral movement of a member between jobs within the same classification, not including those positions identified in **Section III** of this directive as a Special Assignment/Position. Members may request a transfer at any time.

- A.** All requests by members for transfer must be submitted to the Chief of Police utilizing a Transfer/Reassignment Request/Withdrawal Form. All transfer requests will be typewritten or legibly printed in ink, and:
- Transfer/Reassignment Request/Withdrawal Forms for those positions identified in Section III of this directive will only be accepted when the specialized assignment/position is posted.
- B.** The Chief of Police will maintain a master file of all original Transfer/Reassignment Request/Withdrawal Forms. A copy of the request will be placed in the member's personnel file when a request is granted.
- C.** Unless otherwise specified in an active position announcement, Transfer/Reassignment Request/Withdrawal Forms that have not been acted upon will remain active for one year unless they are withdrawn earlier by the submitting member.
- Annually, the Chief of Police will destroy all remaining Transfer/Reassignment Request/Withdrawal Forms.
 - Member(s) still wishing to be considered for a transfer, must submit a new Transfer/Reassignment Request/Withdrawal Form for the following year.
- D.** Transfers that result in a change to the member's work hours and/or regular leave days must be communicated to the affected member and accomplished in accordance with the current agreement between the City of Barre and the Barre City Police Officers Association and Fraternal Order of Police Lodge 004.

III. Special Assignments/Positions

When a specialized assignment or position becomes available, the Chief will announce the assignment/position by posting it for at least fourteen (14) days to give all members an opportunity to submit a Transfer/Reassignment Request/Withdrawal Form and participate in any selection process, if appropriate.

- A.** For purposes of this directive, the Barre City Police Department has identified the following specialized assignments/positions:
- Bicycle Patrol
 - Canine Handler
 - Criminal Investigation Division (CID) Supervisor
 - Communications Training Officer (CTO)
 - Community Oriented Policing Liaison
 - Community & Support Services Supervisor

- Detective
- Drug Recognition Expert (DRE)
- Field Training Officer (FTO)
- Peer Support/Critical Incident Stress Management Team Member (CISM)
- School Resource Officer
- Traffic Safety Supervisor

- B. Each specialized assignment/position announcement will specify all requirements, and steps in the selection process.
- C. Completed Transfer/Reassignment Request/Withdrawal Forms will be submitted directly to the Police Chief with any attachments required by the Position Announcement.

IV. Selection

- A. Transfer and/or reassignment of members is a recognized right of management and will be based primarily on the Chief’s prerogative to assign personnel to best suit the needs of the Police Department. Those needs include but are not limited to the following:
 - Budgetary considerations;
 - Unique skills and abilities;
 - Education;
 - Training;
 - Federal, State, and Equal Employment Opportunity laws, rules, regulations, obligations and goals, etc.
 - Any other need identified by the Chief.
- B. Selection for announced special assignments/positions shall be based on the knowledge, skills, abilities, education, and experience required for the specialized assignment. Work performance evaluations will also be a factor in the selection for special assignments. The final selection will be made by the Chief.

VII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

Index as:

Reassignment
 Specialized/Adjunct Assignment
 Specialized Position _____, 2024
 Transfer
 Transfer/Reassignment Request/Withdrawal Form



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

PERSONNEL PROCEDURES

| | | |
|---|-------------------------------------|--|
| <u>Subject:</u> Peer Support Program | <u>Number:</u> 314 | <u>Effective Date:</u> 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: It is the policy of the Barre City Police Department to provide assistance and referrals to peer support personnel in times of personal and/or professional stress and/or crisis in the best interest of the employee, the agency and the public.

Purpose: To establish and manage peer support services for agency personnel who may be in need of peer counseling or mental health services.

Contents:

- I. Definitions
- II. Peer Support Team
- III. Notification and Activation
- IV. Peer Support Team Guidelines
- V. Defusing
- VI. Debriefing
- VII. General Duties
- VIII. Cancellation

I. Definitions

- A. Critical Incident** - any situation which has such a profound emotional impact that it has the potential to interfere with an employee's ability to function due to trauma.
- B. Critical Incident Stress Management (CISM)** - a peer-driven, comprehensive, systematic, and multi-component approach to the management of traumatic stress that endeavors to decrease the effects of critical incident stress early on before reactions become rooted.
- C. Debriefing** - a confidential meeting between employees involved in a critical incident and a designated Critical Incident team, usually following a defusing. This meeting

can be on an individual or group basis. It is used to inform and educate involved employees on stress management techniques. It is not an operational critique; rather the focus is on assisting the employee or group with coping behaviors and techniques.

- D. Defusing** - a brief discussion, parallel to a debriefing, between involved employees and peer counselors immediately following a critical incident, at the location of the involved personnel. The defusing meeting serves as an assessment of the personnel to determine if a full debriefing is necessary.
- E. Mental Health Professional** - a licensed professional, departmentally authorized social or mental health caseworker, counselor, psychotherapist, psychologist, or psychiatrist.
- F. Peer Counselor(s)** - employees specifically trained in CISM techniques that provide personal support. Peer counselors shall be authorized by this agency to provide voluntary counseling services to agency employees only after having successfully completed the 16-hour course as mandated by the International Critical Incident Stress Foundation. Peer counselors must be active members of the Barre City Police Department.
- G. Trauma** - a state of emotional shock induced by severe stress and precipitated by an intense, unusual, and/or emergency event, e.g., an unexpected death of a coworker or suspect in custody, hostage incident, sexual assault, etc.

II. Peer Support Team

- A.** The Peer Support Team shall be comprised of members from the department. Ideally, composition of the team should represent a cross section of department personnel such as patrol, emergency communications and criminal investigations.
- B.** The Peer Support Team will be managed by a Team Coordinator. The coordinator will be a member of the team and selected by the Chief of Police or their designee. The Team Coordinator will be responsible for:
 - supervising the program on a daily basis;
 - arranging agency critical incident debriefings and defusings;
 - coordinating training of the Team;
 - coordinating follow-up response when referrals are made by Peer Supporters for outside services; and
 - offering guidance to Peer Supporters as necessary
- C.** The police mental health clinician will be considered as part of the Peer Support Team.

- D.** All members must complete a department-approved training program, unless otherwise trained as a professional by virtue of their position (i.e., police mental health clinician), prior to serving as a Peer Supporter.
- E.** Selection and participation:
- Interested employees requesting appointment as a Peer Supporter must submit their request through their chain of command to the program coordinator.
 - The program coordinator will convene a board to review, interview, and select Peer Supporters.
 - In consultation with the Chief, successful candidates will be appointed.
 - A Peer Supporter will be removed from participation in the program for conduct inconsistent with program policies or objectives.

III. Notification and Activation

- A.** A list of Peer Support Members will be maintained. The Team Coordinator is responsible for providing the Communications Center with updated rosters of Team members.
- The Peer Support Team is available for activation 24 hours a day for critical incidents.
- B.** The supervisor shall promptly notify the Peer Support Team Coordinator of the following types of incidents.
- Suicide of a department member
 - Any police-related shooting
 - Any mass casualty incident or natural disaster with traumatic results (i.e., plane crash, hurricane, etc.)
 - Death or severe injury to a child
 - Any other incident in which the circumstances were so unusual or the sights and sounds so distressing as to produce a high level of immediate or delayed emotional reaction. These may include but are not limited to fatal crashes, suicides, or other traumatic events
- C.** In the event of a traumatic incident, the shift supervisor shall immediately assign an on-duty member of the Peer Support Team as Peer Supporter to stay with the affected employee for personal support during post incident activities.
- If no on-duty Peer Support Team members are available then a co-worker may be assigned until the Peer Support Team can be activated.

- At no time should the affected employ be left alone.
- D.** When a member of the Peer Support Team is requested by the proper authority to respond to a Peer Support Team call-out during non-scheduled working hours, that member will be compensated on an overtime basis.
- E.** Under some circumstances, it may be necessary for a Peer Support Team member to conduct one-on-one Peer Support at the scene. These interventions shall be brief and supportive in nature.
- On-scene formal group debriefings are prohibited.

IV. Peer Support Team Guidelines

- A.** Team members shall meet quarterly to discuss mutual issues and concerns, review team activities, and update training as needed. The Peer Support Team Coordinator or their designee shall facilitate this meeting.
- B.** It shall be the duty of the Peer Support Team members to maintain strict confidentiality in matters involving emotional, financial, or personal concerns of Peer Support participants.
- C.** Members of the Peer Support Team who are also employees of the Barre City Police Department have certain legal obligations. Team members may become aware of information during the CISM process that may not remain confidential. Exceptions to the confidentiality rule of CISM are:
- There is as reason to believe a participant presents a danger to themselves or others.
 - There is a reason to believe a participant has committed or anticipates committing a criminal offense.
- D.** Officers who have been involved in a violation of law or their oath of office shall not rely upon nor expect peer counseling to serve as a means of relieving or diminishing their real or perceived responsibility. Exceptions to the confidentiality rule will be clearly stated to the participants prior to the beginning of a debriefing process.
- E.** Peer Support Team members having knowledge of one of the exceptions will not discuss the matter but will immediately contact the Peer Support Team Coordinator or their designee for direction.
- F.** It will be the practice of the Department not to question Peer Support Team members for facts surrounding a critical incident defusing or debriefing or the individual involved.
- G.** Agency employees may voluntarily seek the assistance of a peer counselor at any time.

- H. Peer counselors may be used to assist officers and their families in cases of job-related crises through informal counseling and support and through referral to professional mental health service providers where necessary.
- I. Employees should use peer counselors as a referral source where appropriate and may, with or without anonymity, provide the name of a fellow officer or employee for discreet and confidential intervention.
- J. Strict confidentiality shall be maintained between the peer counselor and the employee. Other than the noted exceptions, nothing discussed between counseling participants shall be divulged to any third party without the express written consent of the employee.
- K. As an alternative to peer counseling, employees are encouraged to contact the Employee Assistance Program, a police chaplain, their personal clergy, physicians or mental health professionals when deemed necessary for resolving emotional crisis.

V. Defusing

The primary purpose for the off-scene defusing is to educate personnel of possible stress reactions and the need for proper care of themselves (i.e., food, rest, things to avoid, etc.)

- A. Off-scene defusing can be an individual or group process. The defusing should be conducted within eight hours of the incident, if possible, and in a comfortable, quiet location away from at the scene.
- B. Personnel are encouraged to unwind during this session and ventilate feelings and emotions. Peer Support Team Members shall make themselves available for individuals who would like to talk one-on-one after defusing. Team Members should ensure that this session does not turn into a critique of the incident.

VI. Debriefing

- A. It shall be the responsibility of the Peer Support Team Coordinator, in conjunction with the on-scene supervisor, to determine if a debriefing and/or defusing is needed and when they will take place.
- B. Any member or employee of the department can request or recommend a debriefing by contacting the Peer Support Team Coordinator.
- C. Only those members involved in the Critical Incident will be permitted to attend the debriefing and/or defusing.

VII. General Duties

- A. Peer Support Team Coordinator:

- Shall be responsible for administering and supervising the program and assuring that services are available on a reasonable basis to all agency employees.
- Determine if the Peer Support Team shall respond to a scene or incident.
- If needed, ensure a debriefing is held as soon as possible, preferably within 72 hours following the incident.
- Notify the Deputy Chief of an affected employee's physical and emotional status if the coordinator feels that additional time off, work assignment modification or other follow-up assistance is needed.
- Monitor Peer Support Team members for signs of emotional burn-out.

B. Peer Supporter:

- Obtain first aid for the affected employees if necessary and, if requested by the employee, accompany them to the hospital.
- Inform the affected employee of the limits of confidentiality prior to discussing the traumatic incident.
- Notify the Peer Support Team Coordinator of an affected employee's physical and emotional status if the Peer Supporter feels that additional time off, work assignment modification or other follow-up assistance is needed.
- Continually monitor fellow Peer Supporters for signs of emotional burn-out.

VIII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

CISM
 Critical Incident
 Debriefing
 Defusing
 Peer Support
 Trauma



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

PERSONNEL PROCEDURES

| | | |
|---|-------------------------------------|--|
| <u>Subject:</u> Line of Duty Death | <u>Number:</u> 316 | <u>Effective Date:</u> 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 provides liaison assistance to the immediate family of a member who is seriously injured or dies in the line of duty and provides support during this traumatic period of readjustment for the surviving family.

Purpose: Defines procedures for members who sustain a serious injury or death in the line of duty and directs the agency in providing proper support for the affected member’s family.

- Contents:**
- I. Definitions
 - II. Notifications
 - III. Hospital Liaison
 - IV. Office Liaison
 - V. Family Liaison
 - VI. Benefits Coordinator
 - VII. Line of Duty Death Benefits
 - VIII. Family Support Advocate
 - IX. Protocol
 - X. Cancellation

I. Definitions

- A. Line of Duty Injury/Death** - The serious injury or death of a member by felonious or accidental means during the course of performing law enforcement functions while on or off duty.
- B. Survivors** - Immediate family of the deceased member including spouse, children, parents, siblings, fiancée, and/or significant others.

II. Notifications

A. Upon notification of a serious injury to a member, whether the injury was sustained on or off duty, the senior ranking officer on duty shall notify the following personnel via the chain of command:

- On Duty Sergeant
- Deputy Chief of Police
- Chief of Police

B. **Death Notification**

The following procedures should be adhered to in cases of line of duty deaths and in cases of critically injured members with poor prognosis of survival. These procedures should be followed whenever possible with the understanding that **the wishes of the family take priority over the desires of the department.** Officers providing services and assistance to family members and survivors shall make every effort to accommodate their needs, wishes and desires, but should not make promises to the family that can't be met.

- The name of the deceased member shall not be released to the media or other parties before survivors are notified, and the Chief has granted permission.
- The senior ranking officer will designate a notification officer to inform the immediate family of the member's condition in the event of a serious incapacitating injury. In the event of a death, the Chief will make notification.
- Notification of the immediate family should be made as soon as possible.
- Notification of survivors in the immediate area will be made in person and in the company of another officer. Whenever the health of survivors is a concern, emergency medical service personnel shall be requested to stand by.
- If the opportunity to get the family to the hospital exists prior to the member's death, notification officers shall inform the hospital liaison officer that the family is on its way. In such cases, immediate transportation should be provided for survivors rather than waiting for other department members to arrive. It is recommended that the family not be allowed to drive themselves to the hospital. If the member has died, notification should be made to the survivors in a forthright and empathetic manner.
- Communication of information concerning the member and the incident shall, whenever possible, be restricted to the telephone to avoid interception by the media. All media inquiries will be handled by the Chief. Should the media obtain the member's name prematurely, the ranking officer shall request that the information be withheld until proper notification of survivors.
- The notification officer is responsible for identification of additional survivors outside the area and shall make any notifications as desired by the family.

Such notifications shall be made by contacting the law enforcement agency in that jurisdiction and requesting that a personal notification be made.

III. Hospital Liaison

- A.** Whenever possible, the Chief will join the family at the hospital. The next highest-ranking officer to arrive at the hospital shall serve as liaison until such time as the Chief can designate a member as hospital liaison.
- B.** The hospital liaison shall be responsible for coordinating the arrival of the family and other survivors, office personnel, the media and others and will assume the following responsibilities:
- Arrange for waiting facilities for the survivors and a press staging area, if necessary. The desires of the survivors should be followed with regard to their accessibility to other members and friends.
 - Encourage medical personnel to provide pertinent medical information on the member's condition to the family before any other parties.
 - Assist family members, in accordance with their desires, in gaining access to the injured or deceased member.
 - Arrange transportation for the family and other survivors upon their departure from the hospital.
 - Ensure that family members or other survivors are provided with additional assistance at the hospital, as appropriate.

IV. Office Liaison

- A.** The Chief will act as the office liaison and will act as a facilitator between the family and the police department.
- B.** To lessen the confusion for the family and to the extent possible, the office liaison will be the one voice through which the office representatives (family liaison and family support advocate) communicate with the family. The office liaison will expedite tasks employing office resources and the delegation of assignments. The duties of the office liaison include, but are not necessarily limited to, the following:
- Sending appropriate messages to other agencies announcing the death of the member.
 - Providing oversight of travel and lodging arrangements for out-of-town family members.
 - Identifying alternative churches and reception halls that will accommodate the law enforcement funeral. Those alternatives will be presented to the family who will make the final determination.

- Coordinating all official law enforcement notifications and arrangements to include an honor guard, ceremonial funeral, traffic control, and liaison with visiting law enforcement agencies.
- Ensure that the office coordinates all statements and press conferences concerning the incident. The family should not have to personally deal with the stress of media inquiries.

V. Family Liaison

- A. The Chief will designate a member who will act as the family liaison to serve as a facilitator between the decedent member's family and the office during the wake and funeral.
- B. This position requires that the family liaison have a good knowledge of the family relationships, but not so emotionally involved with the loss that it would impair their effectiveness. The family liaison is responsible for:
- Meeting with family members and explaining their responsibilities to them.
 - Being available to the family prior to and throughout the wake and funeral.
 - Ensuring that the needs and wishes of the family are met and come before those of the department.
 - Assisting the family in working with the funeral director regarding funeral arrangements.
 - Relay any information to the family concerning the circumstances of the member's death and appropriate information regarding any investigation. The family liaison should coordinate with investigators to ensure the family receives as much information as is allowable during the first few days.
 - Determining the need for travel arrangements for out-of-town family members and any other special needs of the family during the funeral and reporting this information to the office liaison.
 - Briefing the family members on the procedures involved in the law enforcement funeral.

VI. Benefits Coordinator

The Chief is designated as the benefits coordinator and is responsible for:

- A. Filing workers' compensation claims and related paperwork.
- B. Ensure the presentation of all information regarding benefits available to the family, including but not limited to:
- Life Insurance

- Accidental Death and Dismemberment Insurance
 - Long Term Disability Benefits
 - Social Security
 - Salary Due
- C. Documenting inquiries and interest in public donations to the family and establishing a mechanism for receipt of such contributions.
- D. Coordinate the preparation of all documentation of benefits and payments due survivors to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments and the name of a contact person or facilitator at each benefit or payment office.
- E. Filing all benefit documents and maintaining contact with the family to ensure that benefits are being received. A copy of benefits documentation with an explanation should be provided to all affected survivors.
- F. Advise the family of the role of relevant associations and organizations and the nature of support programs that they sponsor for law enforcement survivors.

VII. Line of Duty Death Benefits

There are federal, state, and professional organizations that offer benefits to beneficiaries of officers killed in the line of duty. The benefits coordinator will initiate contact with the following immediately after an officer's death:

A. Federal

U.S. Department of Justice, Bureau of Justice Assistance
 Payment Programs
 810 Seventh Street N.W.
 Washington, D.C. 20531
 1-(888) 744-6513
 FAX: (202) 616-0314

- **The Public Safety Officers' Benefits Program** (42 U.S.C. 3796, et seq.) provides death benefits in the form of a one-time financial payment to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty.
- The Public Safety Officers' Benefits Program also includes the **Public Safety Officers' Educational Assistance (PSOEA) Act**, which provides financial assistance for higher education to the spouses and children of federal, state, and local public safety officers who have been permanently disabled or killed in the line of duty.
- The educational assistance may be used to defray relevant expenses, including tuition and fees, room and board, books, supplies, and other education-related costs.

B. State

Vermont Department of Labor
5 Green Mountain Drive
PO Box 488
Montpelier, VT 05601-0488

- **Workers' Compensation** - coverage for employers in Vermont is compulsory and in accord with 21 V.S.A. § 632. Benefits paid shall be 66 2/3% of the member's wage paid to a spouse with no dependent children, 71 2/3% with one dependent child, or 76 2/3% if there are two or more dependent children. Burial and funeral expenses are paid, not to exceed \$10,000 and out-of-state transportation of decedent to place of burial not to exceed \$5,000.

C. Professional

Vermont Police Association
PO Box 700
Shelburne, VT 05482

- Association provides a line of duty death benefit for members in the amount of \$13,500

VIII. Family Support Advocate

A. The Chief will designate a member to serve as the family support advocate.

B. The family support advocate serves in a long-term liaison and support capacity for the surviving family. The duties include:

- Providing contact with the family members keeping them abreast of criminal proceedings related to the death of the family member.
- Accompanying family members to criminal proceedings, explaining the nature of the proceedings, and introducing them to prosecutors and other persons as required.
- Identifying all support services available to family members and working on their behalf to secure any service necessary.
- Maintaining routine contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the department and the immediate family.
- Relaying the concerns and needs of the family to those individuals or organizations that may provide assistance and encouraging others to visit and help as necessary.
- Ensuring that the anniversary date of the member's death is observed with a note to the family and/or flowers sent to the grave, and that adequate support is given to the family during holidays, particularly during the first year.

IX. Protocol

The Chief shall provide all members with information explaining availability and use of the Employee Assistance Plan and post incident debriefing/counseling services.

- A.** Officers attending the funeral of a deceased law enforcement officer will dress in appropriate uniform as designated by policy with only the badge, nameplate, rank insignia, and official office awards worn.
- B.** A mourning band will be worn over the badge immediately upon the death of an officer of this department and will continue to be worn for the next thirty (30) days. Non-uniformed members will wear the mourning ribbon on an outer garment in a location approved by the Chief.
 - The mourning band will be worn over the badge immediately upon the death of an officer of another law enforcement agency located in Vermont, or surrounding jurisdiction, until the burial of the officer.
 - Officers attending funerals involving law enforcement officers from outside a surrounding jurisdiction will wear the mourning band over the badge while attending the funeral and it will be removed immediately after the burial of the deputy/officer.

X. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Benefits, Line of Duty Deaths
Death, Line of Duty
Line of Duty Death
Mourning Band



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

PERSONNEL PROCEDURES

| <u>Subject:</u> | <u>Number:</u> | <u>Effective Date:</u> |
|-------------------------------|----------------|------------------------|
| Attendance & Leave | 309 | 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 recognizes that members require time off from work to attend to personal and family needs. Paid and unpaid leave benefits are available to promote stability within the family and the work force and to ensure a healthy balance between work and personal responsibilities.

Purpose: To establish limitations, guidelines, and procedures for granting leave to members while considering the minimum staffing levels necessary to fulfill the duties and responsibilities of the Police Department.

Contents:

- I. Definitions
- II. Punctuality
- III. Lateness of Members
- IV. Inclement Weather Conditions
- V. Approval Required/Increments
- VI. Holiday Leave
- VII. Annual/Personal Leave
- VIII. Sick leave
- IX. Accident and Accident and Sick Leave Reports
- X. Duty Status/Medical Status
- XI. Compensatory Leave
- XII. Administrative Leave
- XIII. Bereavement Leave
- XIV. Military Leave
- XV. Leave of Absence without Pay
- XVI. Cancellation

I. Definitions

- A. **Lateness** – Arriving on the job after the scheduled starting time.
- B. **Excused Lateness** – Lateness for valid reasons and for which prior approved leave has not been granted. Determining the validity of the excuse may include whether it can be verified through another source and whether a responsible course of action by the member could have avoided the lateness.
- C. **Absent Without Official Leave (AWOL)** – A status in which a member who fails to report for duty as scheduled or who leaves the work site prior to the end of the scheduled workday without the approval of a supervisor.
- A member considered absent without leave shall be subject to appropriate disciplinary action.
 - All documentation regarding any member placed in AWOL status will be immediately forwarded through the chain of command to the Chief of Police.

II. Punctuality

Members shall be punctual in reporting for duty at the time and place specified by shift schedule, or otherwise as outlined in the collective bargaining agreement.

- A. No member will be absent from duty without leave or without authorization from their supervisor.
- B. No member will leave work during the workday, or before the end of the scheduled workday without the approval of a supervisor.
- C. Any member who fails to report for duty or who leaves the work during the workday, or prior to the end of the scheduled workday without the approval of a supervisor may be considered absent without leave and be subject to appropriate disciplinary action.

III. Lateness of Members

- A. When a member arrives late for work, they will notify their supervisor of their arrival. The supervisor will make a proper inquiry regarding the member's lateness and determine if it is excusable or inexcusable.
- B. If the lateness is excusable, supervisors will follow the procedures as outlined below:
- **Excusable Lateness of Less Than 16 Minutes**
If the lateness is excusable, no further action will be taken.
 - **Excusable Lateness of 16 Minutes or More**
If the lateness is excusable, the employee takes appropriate leave for the entire period of lateness, rounded as appropriate and in correlation to the type of leave

used in accordance with the current collective bargaining agreement, i.e., to the nearest one (1) hour sick leave, quarter-hour (1/4) all other.

C. If the lateness is inexcusable, the supervisor will follow the procedures as outlined below. The disposition for the most recent incident of inexcusable lateness will be based on the total number of inexcusable lateness that has occurred in the past six (6) months.

- **First Inexcusable Lateness of Less Than 16 Minutes**

Complete the Job Observation Report noting that the lateness is inexcusable, and the employee was considered AWOL and counseled by the supervisor. No further action will be taken.

- **First Inexcusable Lateness of 16 Minutes or More**

Complete the Job Observation Report documenting that the lateness is inexcusable; the member was considered AWOL and counseled by the supervisor. The supervisor will ensure that the member's paysheet reflects use of appropriate leave time for the entire period of lateness, rounded as appropriate.

- **Subsequent Inexcusable Lateness within 6 Months of the Last Inexcusable Lateness**

Confer with the Chief for appropriate disciplinary action.

IV. Inclement Weather Conditions

Inclement weather conditions sometimes cause delays and inconveniences to everyone; however, non-administrative members of this department are considered essential and must take all reasonable measures to report to work on time as scheduled.

A. Department staff assigned to relieve an off-going shift will telephone the on-duty supervisor to confirm their reporting status if unforeseen circumstances due to inclement weather will cause a delay so that appropriate coverage for the period of lateness can be arranged.

B. All lateness due to inclement weather will follow the same procedures as outlined in Section III, A and B of this procedure.

V. Approval Required/Increments

Leave requires supervisory approval and may be authorized in accordance with the provisions of the current collective bargaining agreement and the minimum staffing requirements of the Police Department.

A. The City of Barre Human Resources and/or Finance Department shall establish the procedure for crediting leave to a member's account.

- A member may use leave in one-quarter-hour increments excepting sick leave (one hour).
 - Leave requests will be accepted in amounts up to the number of hours of annual leave that is earned for the year.
 - Leave requests will only be approved for amounts of time that a member has accrued. No allowances will be made to approve leave requests prior to the member having the accrued leave credited in their respective account.
- B.** Members seeking leave authorization will complete the request through the appropriate section of the automated scheduling/payroll software system to their immediate supervisor in accordance with this directive for all scheduled leave requests.

VI. Holiday Leave

In accordance with the collective bargaining agreement, the City of Barre recognizes twelve (12) paid holidays. Certain non-exempt members and exempt members are eligible to receive paid holiday leave subject to the following:

- A.** "Holiday" is defined as a leave day authorized by the City of Barre in recognition of certain holidays.
- B.** Eligible members include regular full-time permanent members after six (6) months' continuous service.
- C.** Recognized holidays occurring on a Saturday will be observed on the previous Friday and those occurring on a Sunday will be observed on the following Monday.
- D.** Floating Holiday leave is authorized for certain exempt members subject to the following:
- Floating Holiday leave must be used in the fiscal year in which it is accrued and must be used by the last day of the last pay period in June of the fiscal year and shall not be carried forward to the next year.
 - Floating Holiday leave may only be used for those holidays deemed eligible as a Floating Holiday by the City.
 - Upon termination of City employment, no member will be compensated for unused floating holiday leave.
- E.** If a member is required to report for work on a holiday, and is absent on the holiday without approved leave, the member may otherwise be subject to discipline.

VII. Annual/Personal Leave

Members may use annual/personal leave with supervisory approval. Permanent members having completed six (6) months of continuous service shall receive five (5) paid vacation days.

- A. Annual Leave** – Fulltime members shall be entitled to vacation leave each year. The amount of vacation leave accrued shall depend upon an employee’s continuous service to the City, after one (1) year of continuous service as follows:

| Length of Service | Annual Accrual/Days |
|--------------------------|----------------------------|
| > 6 mos. | 5 days |
| > 1 year | 10 days |
| > 2 years | 11 days |
| > 3 years | 12 days |
| > 4 years | 13 days |
| > 5 years | 14 days |
| > 6 years | 15 days |
| > 7 years | 16 days |
| > 8 years | 16.5 days |
| > 9 years | 17 days |
| > 10 years | 18 days |
| > 11 years | 19 days |
| > 12 years | 20 days |
| > 13 years | 21 days |
| > 14 years | 22 days |
| > 15 years | 23 days |
| > 16 years | 24 days |
| > 17 years | 25 days |

- All vacation time will be taken during the year in which it is earned and may be used in increments equaling one quarter (1/4) hour or more. However, vacation time earned in the prior year may be carried over into the following year.

- B. Personal Leave** – Beginning in July of each fiscal year, employees shall be permitted to one day (1) of personal leave for their personal use.

- Fulltime Communications members shall be permitted to an additional one (1) day per quarter of the fiscal year for a maximum of five (5) personal days.
- Personal leave days may be used at the employee’s discretion after giving notice to their supervisor.
- Personal leave shall be used in the fiscal year in which it accrues, or any remaining portion thereof shall be forfeited without compensation.

VIII. Sick leave

The City of Barre complies with the Americans with Disabilities Act, the Family & Medical Leave Act of 1993 and other applicable federal and state law. If any conflict arises between the provisions of those laws and this policy, those laws govern.

- A.** Each fulltime employee shall be entitled to earn one (1) day of sick leave with pay for each full calendar month of continuous employment with the City (credited at the end

of the month). A “day” shall equal the number of hours in the employee’s regularly assigned shift.

- B.** Members may accrue and carry over up to 120 days of sick leave.
- C.** Sick leave will be paid in increments of not less than one (1) hour.
- D.** Sick leave shall be requested at least one hour before the member’s scheduled reporting time and may only be used with supervisory approval as provided in this subsection:
 - At the time a member requests the use of sick leave, they shall notify the supervisor receiving the request if their absence will affect scheduled court appearances, training, or any other scheduled assignments.
 - Approved sick leave may be used when a member is ill, as well as for routine medical checkups.
 - Members should schedule medical appointments during off duty time when possible; or, when that is not possible, during the least disruptive time of the workday.
 - **Family Sick Leave** – An employee is entitled to three (3) family sick leave days to be used to care for an immediate family member who is sick, ill, or under the care of a healthcare provider.
 - Eligible family members, for use of family sick leave and FMLA coverage, include the member’s spouse (as defined by State law), significant other with whom the member resides (domestic partner), parent (as defined in FMLA Act of 1993 TITLE I-SEC. 101. (7)), children under age 18 and children over age 18 requiring direct care. For use of family sick leave, biological, adopted, foster children, stepchildren, legal wards, children of significant others, and individuals who fall under “In Loco Parentis” (as defined in FMLA Act of 1993 TITLE I-SEC. 101. (12)) are considered eligible family members.
- E.** **Supervisor Responsibility** – At the time a member requests the use of sick leave, the on-duty supervisor will ascertain from the member if their absence affects any other scheduled assignments, and ensure the following:
 - Verifying the shift for which the employee is calling in sick will not drop below the minimum required personnel, and if necessary, scheduling a replacement to keep the shift at the required number of personnel.
 - Making any necessary notifications to Court, training, or other events for which the member was scheduled.
- F.** Absence for all or part of three or more consecutive working days may not be charged to sick leave or family sick leave without a health care provider's certification of the illness or injury necessitating the member's absence for personal sick leave or family sick leave.

G. Sick leave ordinarily may not be used before it is accrued.

H. Sick Leave Misuse

- Sick leave accruals are intended to be used by an employee in accord with 21 V.S.A. § 483. Long term sick leave accruals are for the protection of the employee in the event of a serious illness or accident that renders the employee unable to work. Employees should not utilize sick leave time unless the employee is unable to work and said leave is in accordance with the guidelines for sick leave usage.
- Employee attendance records may be reviewed on a regular basis to determine the employee's amount, pattern, and frequency of sick leave usage.
- The criteria used to determine whether sick leave is being misused for a particular employee are the amount, frequency, and pattern of sick leave usage. Area of concern include but are not limited to a high number of single-day sick leave usages, calling in sick before or after holidays or scheduled days off or frequent use resulting in no long-term accrual of sick leave.
- If there are concerns regarding an employee's use of sick leave, the employee's supervisor will meet with the employee to discuss those concerns. This meeting will provide an opportunity for the employee to give the supervisor any information that the employee feels is pertinent to their use of sick leave. If the supervisor is still concerned after this meeting about the employee's sick leave use, that concern will be documented. Documentation may be made part of a performance evaluation or in a written memo to the employee.

IX. Injury and Sick Leave Reports

A. Members must report all illnesses, injuries, or health care appointments that:

- Are job related
- Result in an absence from duty
- Illnesses or conditions in which there was a lapse of consciousness, blackout, or seizure that may affect the employee's ability to perform assigned responsibilities.
- Illnesses, injury, or the use of medication that would impair the member's ability to perform assigned responsibilities.

- B. Initial Report** – Sick leave will be documented in the scheduling/payroll system by the member/supervisor receiving notification. Notification should be made to the Chief following the realization that the illness/injury/special condition is or has become one that requires reporting to the Chief.
- At the time members request sick leave, supervisors will obtain an estimate of the amount of time the member feels will be needed to recuperate sufficiently to return to duty.
 - If this estimate needs to be revised, it will be incumbent upon the member to supply their supervisor with a new return-to-duty date.
- C.** Should a member have an illness that is of a confidential nature, the member may substitute diagnosis of the illness or injury with the words “personal illness” on the initial report. Whenever the “personal illness” may have an effect on the employee’s ability to meet the criteria of the employee’s essential job function, this illness will be reported to occupational health. The occupational healthcare provider will be responsible for the determination of the employee’s ability to meet the essential job functions and will communicate the findings with the Chief and Director of Human Resources, Safety and Health.
- D.** Members of the agency who come in contact with persons who might have contracted a communicable disease will submit a First Report of Injury stating the type of illness the person is suspected of contracting.
- E. Reporting Pregnancies (Female Members)** – The Barre City Police Department recognizes that pregnant women have the right to decide for themselves whether they want exposure to potential risks. Therefore, the decision to request a limited duty status or to remain on regular duty status rests with the pregnant member. Requests for limited duty status will be considered, and if approved, the member may remain on limited duty status for the duration of the pregnancy.
- Members choosing to request limited duty status due to a pregnancy will submit a memorandum to the Chief.
 - The Chief will ensure the memorandum’s inclusion in the member’s medical file.
 - If the member chooses to remain on a full duty status, they shall be allowed to do so, provided that the member’s job performance does not indicate an inability to meet the essential job functions.
 - The member is responsible for notifying the Chief of any doctor ordered changes to the member’s duty status.
 - Member’s will inform the Chief of any planned changes to duty status, whether requested by the member or ordered by a doctor, as soon as those dates become known.

X. Duty Status/Medical Status

All members will indicate their duty status at time of injury as either on duty or off duty. Initial, Interval and Final reports will reflect their medical status consistent with the definitions in this subsection.

- A. Full Duty** – A full duty status indicates that a member is able to perform all regular duties without restriction. Members may report themselves on full duty provided the illness or injury is such that medical attention is unnecessary.
- B. Limited Duty** – is a restricted form of duty prescribed by the members attending healthcare provider to address a disability or injury. The Chief shall identify available limited duty positions within the department. If a limited duty position is available, a member may request to be placed in that limited duty position until able to return to full duty status.
- C.** If authorized, a member may perform a maximum of ninety (90) calendar days limited duty during a twelve (12) month period beginning on the sixth day of reporting. Members may be removed from limited duty if not fully recovered within the 90-day period, with the exception of limited duty as the result of a pregnancy.
- D. Regular Leave** – When an illness extends into the member’s regularly scheduled leave days reporting will be handled as follows:
- Members will take their regular off-duty days as originally scheduled.
 - Members will take any scheduled leave, unless canceled in advance by their supervisor.
- E. Return-to-Duty Certificate – Uniformed Personnel**

Absences of three (3) or more consecutive working days due to illness or injury will not be credited to sick leave until the member has submitted the healthcare provider’s certification of member disability. A signed healthcare provider’s certificate/slip may be accepted but must contain sufficient information concerning illness/injury that would satisfy the agency physician. The healthcare provider’s certificate/slip must be signed personally by a healthcare provider as defined by the United States Department of Labor under F.M.L.A.

- Absences of five (5) or more consecutive working days due to a debilitating illness or physical injury will require a signed Essential Job Functions Questionnaire. The member cannot return to full duty until the healthcare provider certifies that the member can perform all of the listed functions.
- The choice of medical provider/rehabilitation center rests with the employee, their insurance company, and/or Workers’ Compensation laws. However:
 - The Essential Job Function Questionnaire will be completed by Central Vermont Medical Center Occupational Health Medical Staff and returned to the Barre City Police Department.

F. Return-to-Duty Certificate – Civilian Members

- Absences of three (3) or more consecutive working days due to illness or injury will not be credited to sick leave until the member has submitted the health care provider's certification of member disability. A signed health care provider's certificate/slip may be accepted but must contain sufficient information concerning illness/injury that would satisfy the agency physician. The health care provider's certificate/slip must be signed personally by a health care provider as defined by the United States Department of Labor under F.M.L.A.
- Should a member be unable to have the health care provider's certificate of member disability form completed within seven calendar days from return to duty for sick leave taken, such time must be charged to other earned leave or a leave of absence without pay.

XI. Compensatory Leave

Non-exempt members of the Barre City Police Department may choose to receive Compensatory Time for all hours worked otherwise classified as overtime hours. Compensatory Time will be credited at the end of each established pay period at a rate of one and one-half hours of a member's regularly scheduled work hours per week.

- A.** Non- exempt Members must select either the appropriate overtime code or compensatory time for comp accrued prior to the end of each pay cycle in the scheduling/payroll system for which the time is worked.
- B.** Members may only accrue a maximum of forty (80) hours of Compensatory Leave. Hours earned in excess of forty (80) will automatically be converted to paid overtime.
 - Upon separation of City employment, a member shall be paid for all accumulated unused compensatory leave.
- C.** Exempt members are not eligible for compensatory leave.

XII. Administrative Leave

Members shall, upon direction of the Chief, be granted paid administrative leave in accordance with the following:

- A.** Members who are the subject of an internal investigation for allegations that would warrant administrative leave while the investigation is being completed.
- B.** In accordance with **Barre City Police Department Operational Procedure #401, "Use of Force"** the Chief will place any member whose actions or use of force results in a death or serious physical injury on "Administrative Leave" following the completion of their preliminary report of the incident. This leave shall be without loss of pay or benefits and will last until the conclusion of the investigation and pending the results.

- To ensure member welfare, the Chief may place any member involved in a critical or traumatic incident on "Administrative Leave" until conclusion of the post incident debriefing and counseling.

XIII. Bereavement Leave

Members shall receive bereavement leave upon the death of an immediate family member, not to exceed five (5) days.

A. For purposes of this subsection, "immediate family member" include:

- Spouse
- Father
- Domestic Partner
- Sister
- Mother
- Child
- Brother
- Grandmother
- Grandfather

B. Members shall receive bereavement leave upon the death of an employee's father/mother-in-law, grandparents or spouse's grandparents, grandchildren or spouse's grandchildren brothers/sisters-in-law or stepchildren not to exceed three (3) days.

C. Members shall receive bereavement leave upon the death of a person not in the immediate family of the employee, living in the employee's household, including step-parents/brothers/sisters and relatives of the employee not to exceed one (1) day.

XIV. Military Leave

Military leave is granted in accord with 21 V.S.A. § 491 and 38 U.S.C. §§ 4301-4335. The Chief is the point of contact for all issues and communication regarding military leave, both for the agency and all human resources issues. Employees assigned to military service training or active duty will notify the Chief as soon as possible regarding the scheduling of any training or operational military assignments.

A. Out Processing – Employees who will, to the best of their knowledge, be assigned to military duty for more than 30 days will meet with the Chief in order to communicate the required steps to take in order to be reintegrated upon completion of the active military assignment.

- Prior to departure for military service lasting greater than 30 days, the Deputy Chief will cause for the disabling of NCIC/CJIS accounts

B. Military Training and Short-Term Operations

- Any members who is also a member of the Army, Navy, Air Force, or Marine Reserve; Army or Air National Guard; or Coast Guard shall be granted military leave for military training or operations not to exceed 15 workdays per fiscal year for active-duty training, and for any period of temporary emergency declared by the President or Governor.
- Members will be provided all the benefits and protections afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

C. Military Activations exceeding 15 days

- The Barre City Police Department follows the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects the employment of those absent from work due to activation for military duty.
- Employees retain reemployment rights for up to five years when their absence is due to military service.
- The timeframe may be extended past five years under certain circumstances, which include but are not limited to initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active-duty extensions and recalls. Reemployment protection does not depend on the timing, frequency, duration, or nature of an individual's service as long as the basic eligibility criteria are met.
- The Barre City Police Department will make reasonable efforts to accommodate employees who are injured during their military service. Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs.
- Employees returning to the Barre City Police Department from military service will be reemployed in the position that they would have attained had they not been absent for military service, with the same seniority, status, and pay.
- Returning employees will be retrained per Vermont Criminal Justice Council standards for recertification based upon the employee's time away from the job.
- Employees may elect to continue their City of Barre Health Benefits in cases where they are performing military duty for more than 30 days, but less than 24 months. They may, however, be required to pay up to 102 percent of the full premium. Employees performing military service for less than 31 days retain health care coverage from the City of Barre as though the employee had remained employed. Additionally, all pension plans are protected under USERRA.

- Employees are permitted, but not required, to use accrued annual or personal leave while performing military service.

D. Completion of Military Service, Return to Duty

- Military Service lasting less than 31 days – Employees returning to work after military service of less than 31 days are required to report back to work at the beginning of the next regularly scheduled work period on the first full day after release from military service, taking into account safe travel home plus an eight-hour rest period.
- Military Service lasting more than 30 days, but less than 181 days – Employees returning to work after military service of more than 30 days, but less than 181 days, must apply for reemployment within 14 days of release from service.
- Military Service lasting more than 181 days – Employees returning to work after military service of more than 181 days, must apply for reemployment within 90 days of release from service.

E. In Processing/Reintegration

- Prior to reintegration, returning employees shall meet with the Chief. This meeting will address any concerns of the returning employee, as well as detail the steps necessary for reintegration.
- All returning employees shall, upon reintegration, be scheduled to attend and complete any training required by the Vermont Criminal Justice Council, to include 30 hours of in-service training as defined by the Council, and firearms qualifications for each weapon system they will be authorized to utilize.
- See **Barre City Police Department Personnel Procedure #317 “Military Deployment & Reintegration.”**

XV. Leave of Absence without Pay

- A.** All leaves of absence without pay requires approval of the city manager. The duration of leave without pay shall be at the discretion of the Chief based on the reason for the request and the effect on operations. The leave generally may not exceed one year unless otherwise authorized on a case-by-case basis.
- B.** When leave of absence without pay occurs for the duration of an entire pay period, no leave of any kind shall accrue during the pay period.
- C.** There is no entitlement to leave of absence without pay except where required by state or federal law.
- D.** A member who has been granted leave without pay must return to work by the date the leave expires.

XVI. Cancellation

This written directive cancels and replaces Barre City Police Department Operational Policy titled "Overtime" dated May 6, 2020, and cancels, replaces and supersedes any other directive in conflict therewith.

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Accident and Accident and Sick Leave Reports
Administrative Leave
Annual/Personal Leave
Bereavement Leave
Compensatory Leave
Duty Status/Medical Status
Holiday Leave
Leave Request
Military Leave
Pregnancies, reporting
Sick leave