

CITY OF BARRE
Police Advisory Committee Agenda
Monday, September 9 , 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 110 Personal Use of Social Media & Electronic devices
8. Discuss and consider approving 111 Interactions with LGBTQ+ Individuals
9. Discuss and consider approving 202 Jurisdiction & Mutual Aid
10. Discuss and consider approving 204 Forms Control
11. Discuss and consider approving 213 Records Management
12. Discuss and consider approving 317 Military Deployment & Reintegration
13. Miscellaneous
14. Adjourn



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

CONDUCT & RESPONSIBILITY

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Interactions with LGBTQ+ Individuals	111	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 the respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Policy: The Barre City Police Department understands the importance of acknowledging and respecting a person's sexual orientation, gender identity, and gender expression. Discrimination on the basis of gender identity, gender expression, or sexual orientation is illegal.

It is the policy of the Barre City Police Department not to discriminate against anyone based on actual or perceived gender identity, gender expression, or sexual orientation in the performance of law enforcement duties or the delivery of police services. All members will interact with all members of the public, including LGBTQ+ individuals, in an affirming, respectful, and professional manner and shall treat all individuals equally regardless of gender identity, gender expression, or sexual orientation. Members shall dedicate themselves to preserving life, maintaining human rights, and treating all people with compassion and respect.

Purpose: To provide personnel with procedures to appropriately and respectfully interact with members of the lesbian, gay, bisexual, transgender, and queer (LGBTQ+) community.

Contents:

- I. Definitions
- II. Culturally Aware Language
- III. Equal Treatment
- IV. Discrimination Prohibited
- V. Name Usage, Forms of Address & Gender Identity
- VI. Search, Seizure, Arrest & Transport
- VII. Release of Information to the Media
- VIII. Cancellation

I. Definitions

- A. Affirmed or Chosen Name** - A name that is different from a person's legal name and is used consistently in place of the legal name. Also known as a preferred, affirmed, or lived name.
- B. Cisgender**- A term used to refer to an individual whose gender identity aligns with the one associated with the sex assigned to them at birth. The term "cisgender" is not a slur.
- C. Deadnaming** - Occurs when an individual, intentionally or not, refers to the name that a transgender or gender-expansive individual used at a different time in their life. This practice should be avoided, as it can cause trauma, stress, embarrassment, and even danger. Some may prefer the term "birth name," "given name," or "old name."
- D. Gender Expansive** - An umbrella term sometimes used to describe people who expand notions of gender expression and identity beyond perceived or expected societal gender norms. Some gender-expansive individuals identify as a mix of genders, some identify more binarily as a man or a woman, and some identify as no gender.
- E. Gender Expression** - The manner in which a person communicates about gender to others through external means such as clothing, appearance, or mannerisms. This communication may be conscious or subconscious and may or may not reflect their gender identity or sexual orientation.
- F. Gender Identity** - A person's deeply held core sense of self in relation to gender. Gender identity does not always correspond to biological sex.
- G. Gender Nonconforming** - A term for those who do not follow gender stereotypes. Often an umbrella for nonbinary genders. Though fairly uncommon, some people view the term as derogatory, so they may use other terms. It is important to respect and use the terms people use for themselves, regardless of any prior associations or ideas about those terms.
- H. Intersex** - The current term used to refer to people who are biologically between the medically expected definitions of male and female. This can be through variations in hormones, chromosomes, internal or external genitalia, or any combination of any or all primary or secondary sex characteristics.
- I. Legal Name** - A person's legal name is the name shown on their birth certificate, government identification, or other legal documents, unless the person's name has changed based on certain events, such as a marriage or a valid court order.
- J. LGBTQ+** - An acronym collectively referring to individuals who are lesbian, gay, bisexual, transgender, or queer. The Q can also stand for "questioning," referring to those who are still exploring their own sexuality or gender. The "+" represents those who are part of the community but for whom LGBTQ does not accurately capture or reflect their identity.
- K. Misgender** - To refer to someone using a word, especially a pronoun or form of address, that does not correctly reflect their gender. This may be unintentional and without ill intent or can be a maliciously employed expression of bias. Regardless of intent, misgendering has a harmful impact.

- L. Nonbinary or Gender Fluid** - Refers to people who do not subscribe to the gender binary. They might exist between or beyond the man-woman binary. Some use the term exclusively, while others may use it interchangeably with terms like “genderqueer,” “gender fluid,” “gender nonconforming,” “gender diverse,” or “gender expansive.”
- M. Pronouns** - The words used to refer to a person other than their name. Common pronouns are “they/them,” “he/him,” and “she/her.” Neopronouns are pronouns created to be specifically gender neutral.
- N. Sex Assigned at Birth or Assigned Sex** - The sex assigned to an infant at birth based on the child’s visible sex organs, including genitalia and other physical characteristics.
- O. Sexual Orientation** - a person's identity in relation to the gender or genders to which they are sexually or emotionally attracted; the fact of being heterosexual, homosexual, etc.
- P. Transgender** - A term describing a person’s gender identity that does not necessarily match their assigned sex at birth.
- Q. Transition** - A term used to refer to the process—social, legal, or medical—one goes through to affirm one’s gender identity. This may, but does not always, include taking hormones, having surgeries, and changing names, pronouns, identification documents, and more.
- R. Transsexual** - A term that refers to people who consider or use medical interventions such as hormone therapy or gender-affirming surgeries, also called sex reassignment surgery, or pursue medical interventions as part of the process of expressing their gender.

II. Culturally Aware Language

- A.** The language used in reference to, and by, members of the LGBTQ+ community is ever evolving. However, some terms that may have been used in the past are now outdated, and often considered to be offensive, and thus should be avoided. An appropriate approach is for a member to ask the person if it is acceptable to mirror the language used by the individual to describe themselves.
- B.** The term “transgender” is an adjective; it is not a noun or a verb. It is appropriate to say “transgender people,” but saying “some transgenders or transgendered” would be viewed as disrespectful. Further, no one is “transgendering”; an appropriate term would be “transitioning.” Likewise, a person is cisgender rather than “cisgendered.”
- C.** Terms like “sexual preference” or “gay/transgender/alternate/alternative lifestyle” should not be used. This language is a reflection of cisnormativity and is designed to reinforce the notion that having a sexual orientation that differs from being straight or a gender identity different from being cisgender is a “choice.”

III. Equal Treatment

- A. Barre City Police Department members shall interact with LGBTQ+ people in an unbiased, fair, and respectful manner.
- B. All requests for service or complaints generated by or involving LGBTQ+ individuals shall be investigated with diligence and vigor in the same manner as for any other individual regardless of gender identity, gender expression, or sexual orientation.

IV. Discrimination Prohibited

- A. The Barre City Police Department prohibits harassment or discrimination based on gender identity, gender expression, or sexual orientation.
- B. Members shall not use gender identity, gender expression, or sexual orientation in exercising discretion to stop, detain, search, seize, or make contact with any person, except as part of an actual and apparently credible physical description of a specific suspect, victim, or witness in any criminal investigation.
 - Members shall recognize that gender identity, gender expression, and sexual orientation do not constitute reasonable suspicion, probable cause, or evidence that a person has engaged in any crime; and
 - Members shall recognize that a person's gender identity or sexual orientation is not a physically observable trait, like facial hair or eye color, and cannot be part of a reliable and trustworthy physical description of a specific suspect. A person's gender expression may relate to their physical description. In this case, gender expression is similar to an observation someone might make about race. The observation made by an onlooker may not be accurate regarding the person's identity, but members should be aware that it may be part of a physical description someone might use to identify another person.
- C. No member shall fail to respond to a call for service or a complaint based on the actual or perceived gender identity, gender expression, or sexual orientation of the caller or complainant.
- D. Members shall not ask any person questions about their anatomy (except as required for searches), gender expression, medical history, or sexual practices unless directly relevant to a criminal investigation.
- E. Members should not make assumptions about a person's sexual orientation or gender identity.
- F. Except when legally necessary (e.g., processing an arrest), members shall not either require proof of a person's gender or question an individual's gender identity or gender expression and shall not disclose a person's actual or perceived gender identity, gender expression, or sexual orientation without their consent.

V. Name Usage, Forms of Address & Gender Identity

A. Acknowledging a person's gender identity

- Members may need to ask a person what their gender identity is in order to complete a police report, evaluate a bias crime, or fulfill another official purpose.
- When a member needs to determine a person's gender identity, they shall respectfully ask the person how they identify in terms of gender. For example, "How do you describe your gender identity?" (If the person uses an unfamiliar term, it is reasonable to ask, "I am not familiar with that term. What does it mean to you?") If a member needs to ask about pronouns, they should simply ask, "What are your pronouns?"

B. **Names & Pronouns:** Members shall not intentionally deadname, use the legal name of, or misgender any person after that person has made their chosen name or pronouns known to the member.

- Where possible, members should avoid gendered pronouns, should omit using "Sir"/"Mr." or "Ma'am"/"Ms.," and should use gender-neutral pronouns such as "they" or "them."
- Members shall not use slurs, derogatory or dehumanizing language.
- Members should be aware that people's names may change over time, whether due to marriage, changes to reflect gender identity, or other factors, and should address people by the name they currently use. Members should also be aware that changing one's identification documents to match one's gender identity may be very difficult, and that those documents must not be used to determine one's gender identity.

VI. Search, Seizure, Arrest & Transport

In addition to those procedures identified in Barre City Police Department Operational Procedure #407, Arrest, Custody & Transport, members shall adhere to the following guidance:

A. Search & Seizure

- For purposes of searches, a person's gender will be classified as it appears on the individual's government issued identification card, absent being advised otherwise. In the event the individual does not have a government issued identification card available, the officer will respectfully ask if the person has male genitalia.
 - If the individual states they have male genitalia, they will be classified as a male.
 - If the individual states they do not have male genitalia, they will be classified as a female.
 - If the individual requests an officer of a different gender identity to conduct the search which conflicts with the above, the person's request shall be documented.

- If the officer intends not to accommodate the person's request or the officer has concerns about conducting the search or pat-down, they should contact their supervisor for instructions as to how to proceed. If the request was not accommodated, the member shall record the reason that the preference was not honored on their body-worn camera.
- A person may request an officer of the same gender identity or expression is present while the search takes place. When reasonable, an officer of the same gender expression as the arrestee will be requested to respond to the incident scene to be present for the search.
- Members shall not conduct a weapons pat-down or search any person to determine that person's gender identity or sex, or for any demeaning or harassing purpose.
- Members shall not perform a more or less invasive search or weapons pat-down of a person based on that person's gender identity.
- Certain items such as prosthetics, clothing, wigs, chest binders, and cosmetic items may be central to a person's gender identity and gender expression. Thus, requests to remove identity-related items (for searches or arrests) shall be consistent with requirements for similar items for cisgender individuals, and such items shall not be removed unless required for law enforcement purposes. Whenever practicable, removal of these items shall be conducted in private.
 - Example: If an officer would not request the removal of a wig or a bra by a cisgender woman, then the member shall not request the removal of a wig or a bra by a transgender woman.

B. Arrest & Transport

- If the situation arises where multiple individuals are transported, transgender individuals will be transported separately.
- If a member is aware that a person is transgender, and only if absolutely necessary, the member shall verbally inform, in a discreet manner, the next person who will be taking custody of the person.

VII. Release of Information to the Media

- A. Media releases shall refer to transgender persons using their provided name and pronouns that reflect their gender identity.
- B. If gender identity is unknown or cannot be confirmed, the department will use gender-neutral pronouns such as "they" or "them."
- C. Members will not intentionally deadname or misgender people in media releases, but it sometimes may list multiple names for clarity, public interest, or investigatory purposes.

VIII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Biased Policing
Gender
Impartial Policing
LGBTQ+
Transgender



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

ADMINISTRATIVE PROCEDURES

<u>Subject:</u> Jurisdiction & Mutual Aid	<u>Number:</u> 202	<u>Effective Date:</u> X/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: The Barre City Police Department is committed to cooperative working partnerships with the criminal justice community in and out of the City of Barre and will enter into agreements that provide mutual benefits to Barre City residents.

Purpose: To identify primary and concurrent jurisdiction and establish procedures for requesting mutual aid.

Contents:

- I. Geographical Boundaries
- II. Jurisdiction
- III. Interagency Cooperation
- IV. Providing Available Mutual Aid
- V. Emergency Federal Law Enforcement Assistance
- VI. National Guard Emergency Assistance
- VII. Cancellation

I. Geographical Boundaries

The City of Barre is approximately 4 square miles situated in Washington County of Central Vermont. The City of Barre is bordered on the north, south and east by Barre Town, and on the west by the Town of Berlin.

A. All members will familiarize themselves with the geographical boundaries of the city.

II. Jurisdiction

Vermont Statutes, Title 24, Annotated Section 1935, "Municipal and County Government" gives each law enforcement officer in the State of Vermont the ability to exercise police authority statewide.

- A. Other agencies frequently operating and having jurisdiction within the City of Barre are the Vermont State Police, the Washington County Sheriff's Department, and the Department of Corrections Probation and Parole.
- B. Members of the Barre City Police Department will offer cooperation when situations arise where these agencies enlist the aid of the Department.

III. Interagency Cooperation

Effective law enforcement is not a solitary effort but one requiring the cooperation and interaction of many agencies. The Barre City Police Department supports this concept and will cooperate fully with other agencies in the discharge of duties.

IV. Providing Available Mutual Aid

- A. If the Department is contacted by an allied agency requesting mutual aid, the on-duty supervisor will immediately be notified of the request, review the situation and determine the appropriate number of personnel, equipment and other resources available for commitment to the requesting agency.
- B. The safety and security of the City of Barre is the first concern of the Barre City Police Department; only those resources which can be spared without leaving the city unprotected will be sent to the requesting agency.
- C. When taking law enforcement actions in another agency's jurisdiction, including uses of force, officers from this department shall at all times adhere to this department's policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
- D. The designated supervisor of the requesting department shall be in charge at the emergency for which assistance is being provided. All personnel providing assistance shall follow their lawful orders. However, where the provided assistance involves the loan of a specialized function, such as a hostage negotiator, canine unit, or the like, the individual providing the specialized function shall be responsible for implementation of the mission, as determined by the supervisor of the requesting department.

V. Emergency Federal Law Enforcement Assistance

- A. In the event of an emergency which, in the opinion of the Chief, requires federal law enforcement assistance, only the Chief is authorized to solicit aid from the appropriate federal agency.
- B. When the Chief is not available, the Deputy Chief will be briefed on the situation and determine if solicitation of aid from federal authorities is appropriate.
- C. If the authorizing official is not the Chief, the Chief shall be advised of the commitment of personnel and equipment as soon as practical.

VI. National Guard Emergency Assistance

Should an emergency arise necessitating a call-out of the Vermont National Guard, any requests for military assistance will be made in accordance with **Barre City Police Department Special Operations Procedure #901 “Critical Incident Response & Management.”**

VII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Federal Assistance
Geographical Boundaries
Jurisdiction
Mutual Aid
National Guard Assistance



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

ADMINISTRATIVE PROCEDURES

<u>Subject:</u> Records Management	<u>Number:</u> 213	<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: The Barre City Police Department Records Management program has been established pursuant to the provisions of the Vermont State Archives and Records Administration and in accordance with 1 VSA § 317, 3 VSA § 117, and § 218 including a retention and disposal schedule for files and records throughout the agency.

Purpose: This directive develops and implements a records management program for the Barre City Police Department. It will also be utilized to organize and maintain current records and for the disposition of all record and non-record materials.

- Contents:**
- I. Centralized Records Management
 - II. Decentralized Records
 - III. Scope
 - IV. Filing and Retention
 - V. Release of Office Records
 - VI. Cancellation

I. Centralized Records Management

The Administrative Assistant controls all physical records, reports and other information stored in the Barre City Police Department’s Centralized Records Management System.

- A.** The Administrative Assistant is responsible for the distribution and destruction of centralized reports and records in accordance with the Barre City Police Department’s Filing and Retention Schedule.

II. Decentralized Records

Reports and records not stored in the Centralized Records Management System and maintained by the various components of the Police Department include, but are not limited to:

- A. Chief** – Internal Affairs, Public Affairs, Personnel Files
- B. Patrol Division** – Field Reporting, Traffic Complaint, Traffic Enforcement Records
- C. Criminal Investigations Division** – Intelligence and Investigative Case Files
- D. Administrative** – Accounting and Budget Records and Member Training Records

III. Scope

Unless otherwise ordered, the provisions of this directive and the Barre City Police Department Filing and Retention Schedule are mandatory and shall apply to all Department divisions.

- A.** Supervisors responsible for the maintenance and use of files and records will ensure an approved filing system is implemented.
- B.** The most convenient method of carrying out files and records disposition is to “cutoff” each file regularly and start a new file. This system prevents the accumulation of files beyond their current need, simplifies the retirement and destruction of records in blocks and facilitates reference to current files that restricts the requirement for additional space and equipment.

IV. Filing and Retention

The filing and retention schedule defines a system for identifying and arranging records to facilitate quick and easy reference and disposition. All correspondence records and reports created or received will be brought together according to the filing system.

- A.** All records and files will be listed on a Records & Retention Schedule approved by the State Archivist. Destruction and storage of records will comply with this schedule.
 - Files considered sensitive or confidential in nature will be shredded or burned. Otherwise, alternative methods of destruction may be considered.

V. Release of Office Records

- A.** Public interest and individual privacy are directly affected by the collection, maintenance and dissemination of police information. Criminal justice policies, procedures and guidelines are established for:
 - Disseminating criminal history record information.
 - Releasing victim information.

- Disclosing juvenile information.
- Purging information/complying with court ordered information disclosures.
- Maintaining records and control for the collection, maintenance, dissemination and disposition of police records.
- Collecting fees for police reports.

B. Confidentiality Rules

All police records, with the exception of traffic related records, are subject to local, state and federal privacy laws. Department personnel shall not engage in unauthorized dissemination of information.

C. Freedom of Information Act Requests

Citizens wishing to obtain copies of accident reports or incident reports must make the request to the Administrative Assistant. This request must be made in writing and the appropriate fee made payable to the Barre City Police Department. Request(s) for photographs will be handled individually and the cost charged to the requesting person(s).

- Anytime a request is received for a “Freedom of Information Act” release of information, the request will be forwarded to the Chief or Deputy Chief and:
- The Administrative Assistant retrieves all files.
 - The Administrative Assistant forwards copies of files to the Chief or Deputy Chief for review.
 - The Chief or Deputy Chief will review files for conflicts with NCIC, CI information, private material, etc.
 - The Chief or Deputy Chief approves or denies request & advises of cost involved.
 - The Chief or Deputy Chief sends approved packet to the Administrative Assistant who stores packet pending release to authorized party.
- The receipt of cash or checks received in payment for fees shall be accomplished in accordance with **Barre City Police Department Administrative Procedure #208, “Fiscal Management.”**

D. Criminal Records Inquiries

Criminal history information will be disseminated to criminal justice agencies/persons and/or authorized agencies for criminal justice investigations and/or criminal justice agency employment investigations in compliance with Criminal Justice Information Systems (CJIS).

- Telephone Requests for Criminal History Records Information may be honored only if the requesting party first transmits a request on official agency letterhead

and provides a telephone number where the information can be disseminated.

- When requesting criminal history record information in person, the requestor must establish their identity by valid government issued identification.
- The following police documents may be disseminated to authorized agencies/persons for law enforcement purposes only:
 - Arrest reports
 - Disposition records
 - Criminal photographs (mug shots)
- Except for portions of reports subject to confidentiality, information contained in police reports may be released to the following “parties of interest”:
 - Owners (real/personal property)
 - Complaints (T/A)
 - Victims (real/personal property)
 - Authorized representatives
 - Aggrieved individuals
 - Parents/legal guardians
 - Insurance companies
 - Criminal justice agencies (local, state and federal)
- If the requested information is withheld, parties of interest may appeal to the appropriate court for a court ordered disclosure.

E. Juvenile Records

- The following juvenile related records may be disclosed to law enforcement agencies/persons:
 - Juvenile Report Forms
 - Juvenile Arrest Reports
 - Criminal Photographs
- Juvenile history record information shall be released to criminal justice agencies/persons for the following specified purposes:
 - Criminal investigations
 - Arrest information
- The following agencies/persons are authorized to receive arrest and non-arrest juvenile information:
 - Department for Children and Families (DCF)
 - Law Enforcement Agencies
 - Other persons/organizations authorized by court order(s).

F. Medical & Mental Health Records

All medical and mental health records obtained pursuant to an arrest or investigation are maintained with the investigative case file to insure confidentiality. Access is limited to sworn law enforcement officers, support personnel and prosecutors.

- Medical and health records shall not be disclosed, except by authorization of the Chief or Deputy Chief, for:
 - Purposes of investigation and prosecution of criminal activity; or,
 - In response to subpoena, warrant, or court order.

VII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Freedom of Information Act
Lawsuits
Records
Retention & Records Disposal