



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

ADMINISTRATIVE PROCEDURES

| <u>Subject:</u> | <u>Number:</u> | <u>Effective Date:</u> |
|--------------------------|----------------|------------------------|
| Fiscal Management | 207 | X/XX/24 |

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

Policy: It is the policy of the Barre City Police Department to maintain a system of fiscal management that is compatible with the accounting and purchasing procedures of the municipal authority of the City of Barre and the laws of the State of Vermont.

Purpose: Establishes procedures for the budgeting, accounting, collections and disbursement of fees, and governs the maintenance of all cash funds or accounts where cash is received, maintained, or disbursed.

Contents:

- I. Authority
- II. Budget Preparation
- III. Accounting System
- IV. Collection, Disbursement and Safeguarding of Fees
- V. Purchasing and Supplies
- VI. Asset Forfeiture
- VII. Supplemental and Emergency Appropriations
- VIII. Petty Cash
- IX. Imprest Fund
- X. Audits
- XI. Cancellation

I. Authority

The Chief of Police is designated by ordinance as the director of the police department, thereby having the authority and responsibility for the fiscal management of the department and may designate administrative staff of the department to perform those duties under their direction.

- A.** The fiscal year runs from July 1st of one year to June 30th of the next year.

- Upon approval of the budget, the Chief of Police shall have authority and responsibility for the management of the department budget and shall ensure that fiscal management procedures are consistent with the provisions established by the City of Barre.

II. Budget Preparation

- A.** The Chief of Police, with the assistance of administrative staff will prepare the annual department budget, in addition to submitting the recommended budget to the City's finance director on or before the date specified by such director.
- Personnel in charge of specialties, divisions or units such as the K9 program, firearms training, traffic safety, Communications, CID, etc. may be requested to provide itemized written estimates and recommendations for any budgetary needs above and beyond normal operating costs for the upcoming fiscal year.
 - Recommendations shall be based upon an analysis of operations, activities, and anticipated needs of the component for the upcoming fiscal period.
 - Consideration shall be given to expenditures that may be necessary to achieve unit goals and objectives, including capital purchases and future personnel needs. Presently assigned positions and programs should be considered to ensure that they continue to be necessary and appropriate to agency operations.

III. Accounting System

- A.** The police department is included in the City's accounting system. The system provides status reports showing:
- Initial appropriation for each general ledger account;
 - Balances at the commencement of the monthly period;
 - Expenditures and encumbrances made during the period; and
 - Unencumbered balance
- B.** The finance director provides a budget status report on a monthly basis indicating the initial appropriation for each general ledger account, the actuals based upon expenditures and the percentage of budget spent.

IV. Collection, Disbursement and Safeguarding of Fees

The Barre City Police Department collects fees for services such as providing reports from record requests, fingerprinting services, towing, etc.

- A.** The Administrative Assistant receives and processes records requests which are accompanied by subsequent payment.

- These fees are attached to the request or received prior to releasing the records
- After collection, the fees are turned over to the Deputy Chief who in turn submits them to the City Clerk's office.
- All fees are documented via the request and entered into a spreadsheet which is subsequently maintained as record.

B. Vehicles may be towed to the public safety complex and subsequently released by department personnel upon payment of the towing fee (i.e., winter parking ban violators).

- In these instances, the towing company provides invoices for the vehicles.
- All occurrences are documented in the Valcour RMS system with subsequent case number and all appropriate information.
- Vehicles may be released with proper payment of cash, money order or certified bank check.
- All fees are documented and tracked via towing ledger.
- The fees are provided to the City Clerk's office for deposit and subsequent reconciliation and payment of the towing invoices by the finance department.

C. The following positions in the police department are authorized to accept and/or disburse funds:

- The Administrative Assistant, and the Chief and/or Deputy Chief are authorized to disburse money. Administrative Assistant can receive money for sheriff's fees. The Administrative Assistant and communications personnel are authorized to receive money for records requests and towed vehicles, respectively.

V. Asset Forfeiture

A. The Barre City Police Department participates in the Equitable Sharing Program through the Department of Justice. This is broken down into two separate funds with usage stipulations relative to each fund.

- Justice Funds
- Treasury Funds

B. Local asset forfeiture consists of funds acquired through plea agreements through the State's Attorney Office.

- C. Any currency involved in asset forfeiture originates as seized evidence subsequently documented in the department's evidence management system. If such currency results in asset forfeiture, the Property & Evidence Manager provides the currency to the Deputy Chief who submits same to the City Clerk for deposit into the appropriate asset forfeiture account.
- D. Use of asset forfeiture funds is accomplished and tracked through the appropriate general ledger fund account through the finance department.

VI. Purchasing and Supplies

- A. All purchases made by the Barre City Police Department will be accomplished pursuant to the rules and regulations promulgated by the City of Barre in accordance with the City's procurement policy.
 - Specifications for standardized purchases;
 - Criteria for the selection of vendors and bidders;
 - Bidding procedures.
- B. The approvers for purchasing of regular supplies and incidental purchases are the Chief and Deputy Chief.

VII. Supplemental and Emergency Appropriations

To compensate for urgent or emergency purchases not previously anticipated or budgeted for during the annual budget process, the Chief or their designee will consult with the finance director.

VIII. Petty Cash

- A. The Administrative Assistant is authorized and responsible for the disbursement and maintenance of the petty cash fund. No more than \$10.00 can be disbursed without the authorization of the Chief or Deputy Chief. In the case of absence of the Administrative Assistant, the Deputy Chief may disburse money from the cash box.
 - Petty cash funds are generally disbursed for such items as tolls or other small incidental purchases as necessary and appropriate upon approval.
- B. Petty cash disbursements are recorded in the petty cash ledger by the Administrative Assistant. Once the cash box is totaled, the date and amount totaled will be recorded.
 - The starting balance of the petty cash box is \$100.00.
 - Disbursement/reimbursement through petty cash cannot exceed \$10.00.
 - Members must submit a receipt in order to receive reimbursement. The receipt must show the item purchased, the date of purchase, and the amount of the purchase.

- The Administrative Assistant will enter the transaction into the petty cash ledger and maintain the original receipt within the locked petty cash box until the funds have depleted to \$25.00 or less. At a minimum, the petty cash fund will be reconciled on a quarterly basis.
- The Administrative Assistant will prepare a request to replenish petty cash which will be forwarded to the Finance Director for review and approval. The original receipts and request are forwarded to the Finance Office to replenish petty cash.
- The Finance Office will issue a check to replenish petty cash and forward to the Police Department. When the check is received, the check is cashed and an entry is made in the petty cash receipt book adding the amount of the check to the balance in the petty cash receipt book, which should total \$100.

IX. Imprest Fund

The imprest fund is utilized for the purchase of information by a cooperating individual (CI) or evidence (controlled buys of illicit drugs).

- A.** The imprest fund is maintained in a cash box/safe and secured in the office of the Chief.
- Monies in the fund are acquired from transferring money from the local asset forfeiture account.
 - The beginning balance of the fund is \$3,000.
 - When the fund reaches a balance of \$500 it will be replenished up to \$3,000.
- B.** Any request for funds from the imprest account must be approved by the Chief of Police.
- All usage of the account will be documented in the imprest account ledger with the appropriate information to include the date, amount, purpose, CI number, case number, and return amount (if any).
 - Receipt forms will also be required for each usage and maintained as record.

X. Audits

The City of Barre Finance Department can perform random audits, or upon request of any fund listed herein under the control of the police department.

- A.** Independent audit firms are contracted by the City of Barre Finance Department to perform annual audits in which the police department is included.

XI. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Accounting System
Budget
Imprest
Petty Cash
Purchasing



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

PERSONNEL PROCEDURES

| <u>Subject:</u> | <u>Number:</u> | <u>Effective Date:</u> |
|--|----------------|------------------------|
| Personnel Allocation & Classification | 301 | X/X/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 will periodically assess workload demands and analyze the tasks necessary to meet those demands to establish goals and objectives that improve operational efficiency and effectiveness, facilitate the recruitment process and enhance career development opportunities for department personnel.

Purpose: To establish procedures for the allocation and distribution of personnel while balancing workload demands among available resources.

Contents:

- I. Position Management System
- II. Workload Assessment
- III. Position Classification
- IV. Job Task Analysis
- V. Cancellation

I. Position Management System

The Department’s position management system shall be maintained as authorized by City government through the Office of the Chief of Police. The position management system shall be utilized to ensure that positions are filled in accordance with the Department’s budget authorizations and provides information for the following:

- The number and type of each position, sworn and non-sworn, authorized in the Department budget.
- The location of each authorized position within the Department’s organizational structure.
- Position status information, whether filled or vacant, for each authorized position.

II. Workload Assessment

A primary management function is the effective allocation of personnel. Although formal workload assessments are not always documented, personnel needs are periodically evaluated, and resources are measured against the delivery of services. The Chief of Police shall continually monitor the allocation of personnel on workload demands to ensure maximum service to the community by all personnel in consideration of the analysis of incidents and community policing strategies. To provide for the most efficient and effective use of personnel resources, the Barre City Police Department shall strive to staff each organizational component consistent with the component's workload.

A. Considerations

In addition to statistics, consideration will be given to the following factors when assessing workload demands:

- Job analyses;
- Personnel strength authorized by City government;
- Number of incidents or tasks processed by hour of day and, day of week;
- Average time required to complete assigned incident or task;
- Time lost through authorized/approved leave days in comparison to the total time necessary to complete each assignment;

B. The allocation of personnel to patrol is based on workload assessments that include but are not limited to an analysis of the following factors:

- Community needs;
- Problem solving efforts;
- Officer safety factors;
- Number of calls for service handled by personnel during a specific period;
- Average number of community and department expected officer-initiated activities and/or enforcement during a specific period;
- Average time required to handle an incident at the patrol level (or measurement of a sampling of cases);
- Calculations of the percentage of time, on average, that should be available to the patrol officer for handling incidents during a specific period;
- Policies of prosecutorial, judicial, correctional, and probation agencies; and
- Time lost through days off, holidays, and other leaves, compared to the total time required for each patrol assignment.

III. Position Classification

The Barre City Police Department is comprised of sworn and non-sworn personnel within four divisions of the department: Patrol Division, Criminal Investigations Division, Communications Division, and Parking/Meters Division. Additionally, there are support positions that serve an administrative function or community-based function to support the Patrol Division.

B. Sworn – sworn officers are either assigned to the Patrol Division or Criminal Investigations Division or are administrative by nature but otherwise can perform the same functions as necessary.

- Chief of Police
- Deputy Chief of Police
- Sergeant (Shift Commander/Patrol, Division Commander/CID)
- Corporal (Assistant Shift Commander)
- Police Officer
 - Senior Police Officer
 - Police Officer First Class
 - Police Officer Probationer (Entry Level)
 - Police Officer Candidate (Training)

C. Non-Sworn – civilian personnel are assigned to the Communications Division, the Parking Division or are support positions.

- Communications Dispatcher
 - Communications Dispatcher IV
 - Communications Dispatcher III
 - Communications Dispatcher II
 - Communications Dispatcher I (Entry Level)
 - Communications Dispatcher Candidate (Training)
- Administrative Assistant
- Community Outreach Specialist
- Parking Enforcement/Community Service Officer

D. Job Descriptions

Job descriptions are maintained for each authorized position. The Chief of Police is responsible for ensuring descriptions are developed for any new job or position created and will modify and revise those that need to be changed. Adjunct responsibilities that lie with other positions are also enumerated in separate job descriptions (i.e., FTO, CTO, SRO, Peer Support, Classes of Police Officer and Communications Dispatcher, etc.)

- Position descriptions are available to all members in the electronic Police Department Manual, and are included in all posted job openings, promotional process and transfer opportunities

IV. Job Task Analysis

A Job Task Analysis is a systematic examination of the essential functions and objectives of each position or job as it relates to the knowledge, skills, and physical demands required to perform the tasks or duties required of the particular assignment.

A. The objective of the job task analysis is to:

- Establish a foundation for position and job descriptions in the Position Classification Plan
- Provide guidance to members and their supervisors concerning the essential functions and physical demands of individual positions, or jobs
- Assist in the establishment of training curriculum
- Provide a basis for minimum requirements in recruitment, examination, selection, appointment, promotion, and performance evaluation

B. The job task analysis includes, but is not limited to:

- The work behaviors, duties, responsibilities, functions, tasks, etc.
- The frequency that the work behavior occurs
- How critical the job-related skills, knowledge, and abilities are

C. The Chief shall maintain any completed written job task analyses.

VII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Job Description
Job Task Analysis
Position Classification
Position Management
Workload Assessment



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

PERSONNEL PROCEDURES

| | | |
|---|---|---|
| <u>Subject:</u> Work Related Injury & Exposure | <u>Number:</u> 315 | <u>Effective Date:</u> X/XX/24 |
|---|---|---|

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

Policy: The Barre City Police Department will comply with Vermont statutes and the City of Barre procedures pertaining to workers' compensation. All work-related illnesses and injuries will be promptly reported, and the reports forwarded to the City of Barre Human Resources Administrator through the chain of command.

Purpose: To provide guidelines for all employees regarding injuries and exposures that occur while on duty.

- Contents:**
- I. Definitions
 - II. Precautions
 - III. Exposures
 - IV. Reporting Procedures
 - V. Cancellation
 - VI. Appendix A - City of Barre Employee/ Incident/Injury Review Report and Vermont Workers’ Compensation Medical Authorization Form

I. Definitions

- A. Exposure** – includes but not limited to being subjected to a toxic substance or harmful physical agent through any route of entry (i.e., inhalation, ingestion, skin contact, absorption, etc.), or contact with blood or other body fluids to which universal precautions apply through contact with an open wound, non-intact skin, or mucous membranes during the performance of normal job duties.
- B. Work Related Injury or Illness** - an event or exposure that either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

II. Precautions

- A.** The Department provides certain levels of PPE to include, nitrile gloves, face masks, safety glasses, etc., as well as other items of safety equipment relative to the profession (i.e., body armor, reflective traffic vests, puncture resistant gloves, etc.).
- Members are individually responsible for obtaining nitrile gloves from the supply.
 - Members are responsible for utilizing provided safety equipment in accordance with applicable policies and manufacturer specifications.
 - Members are responsible for submitting Equipment Request Forms for approval for any appropriate equipment needs as applicable.
- B.** Members are strongly encouraged to utilize the appropriate PPE and/or safety equipment for the given situation. For example:
- Members should wear the provided puncture resistant gloves when searching vehicles and subjects potentially carrying needles.

III. Exposures

- A.** Because of the nature of police work, officers may be routinely exposed to hazards and communicable diseases.
- B.** Contacts with persons infected by diseases such as Tuberculosis, Viral Hepatitis, Acquired Immune Deficiency Syndrome (AIDS), or Herpes Type 2 can be a “life-threatening” hazard to officers. Exposure to body fluid of infected persons can spread the infection
- C.** All officers involved in administering emergency medical treatment are at risk for acquiring an infectious or communicable disease.
- The risk can be minimized by using basic protection measures such as medical gloves, eye protection, and surgical masks. These items are provided for use by officers and should be used in the appropriate circumstances.
- D.** OSHA (Occupational Safety and Health Administration) requirements mandate that receptacles holding blood-borne pathogens and other body fluids be clearly marked with labels reading “Biohazard.” When seizing and submitting evidence that you believe may be contaminated with any bodily fluid must bear a sticker on the evidence bag, before placing the item into evidence lockers.
- E.** Rubber gloves, facemasks, goggles, or other items needing destruction due to exposure should be disposed of in an appropriate biohazard receptacle.
- You may turn over contaminated items to medical personnel, if it is accepted by them, or fire department personnel.

IV. Reporting Procedures

- A.** Members who have suffered a work-related injury or exposure shall notify their immediate supervisor as soon as possible and shall complete a City of Barre Employee/ Incident/Injury Review Report and Vermont Workers' Compensation Medical Authorization Form (Appendix A).
- Should the member be unable to fill out the City of Barre Employee/ Incident/Injury Review Report, the member's supervisor with knowledge of the incident will be responsible for completing the form.
 - Be as thorough as possible make sure to clearly state the injury.
 - Make sure that you are clear as to how the injury occurred.
 - Make sure that both the employee and the supervisor sign the form.
- B.** The forms must be forwarded to the Deputy Chief of Police by the end of the affected member's shift or otherwise as soon as possible.
- C.** The Deputy Chief will forward the forms to Human Resources within 24 hours of the incident and provide a copy to the Chief of Police.
- The forms will be filed in the member's confidential medical folder in the Chief's office.
- D.** Members seeking medical attention shall provide the appropriate documentation from medical professionals regarding any work restrictions, return to duty status, etc. to administration for filing and scheduling purposes.
- Medical professionals may be required to complete an Essential Job Functions Questionnaire in order to be able to return to work.

V. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Exposure
Injury
Workers Compensation



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

| | | |
|--|-----------------------|-------------------------------|
| <u>Subject:</u> | <u>Number:</u> | <u>Effective Date:</u> |
| Arrest, Custody & Transport | 407 | 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: To minimize the inherent danger when detaining persons during an investigation or arrest, and when searching, escorting, transporting, or otherwise handling persons detained by police, officers **will** thoroughly and professionally search **all** persons while utilizing handcuffs and/or a combination of authorized restraints as described in this directive to provide for individual, officer, and public safety.

Purpose: To establish procedures and guidelines for the search of individuals detained or otherwise in police custody and provide for the identification of authorized restraining devices and their methods of use during the handling and transport of persons under arrest as defined herein.

Contents:

- I. Definitions
- II. Searching Individuals
- III. General Search Procedures**
- IV. Persons in Custody
- V. Property for Safekeeping
- VI. Transportation of Detainees
- VII. Special Transports**
- VIII. Vehicle Collision or Disabled During Transport
- IX. Cancellation**

I. Definitions

A. Arrest - For purposes of this directive, an arrest is a physical action by a police officer, with or without a warrant, to physically remove a person from their location, including but not limited to any enforcement action that consists of taking persons into custody for the purpose of holding, processing or detaining them to answer a charge of law, transport to a place of confinement, treatment and/or facility tasked with administering justice, medical or human services.

- B. **Body Cavity Search** - Manual examination of a person's body cavities for weapons or contraband by a licensed physician, or medical practitioner, pursuant to a search warrant.
- C. **Constant Supervision** – The direct, personal supervision and control of a detainee by the arresting/attending officer who can immediately intervene on behalf of the agency or the detainee.
- D. **Contraband** - Anything in the possession, either on the person, within their lunge, reach or grasp, or in and around their confined area that is illegal to possess and/or not authorized by Police Department regulations.
- E. **Detainee** – A person in the custody of police department personnel and whose freedom of movement is at the will or direction of department personnel due to investigation, processing, arrest, caretaking, or other responsibilities. A detainee includes an “arrestee” or those persons under arrest as defined in paragraph “A” of this section.
- F. **Disabled Detainee** – A detainee as defined by this procedure who possesses an anatomical, physiological, or mental issue or impairment that hinders mobility.
- G. **Frisk Search** – A brief, cursory, manual examination of a clothed person for weapons.
- H. **Field Search** - Manual examination of a clothed person for weapons, contraband, and evidence. This includes, but is not limited to; a pat down of the entire body, the person's hair, pockets, and footwear. The search must also include all other property in the possession of the person. The field search is a detailed search of the arrested person in which the person is thoroughly examined.
- I. **Investigative Detention** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions that the individual has committed, is committing or is about to commit a crime.
- J. **Safety Risk** – The belief that an individual is a threat to other detainees, staff, or the public.
- K. **Security Risk** - The belief that an individual is a threat to escape or to the security of an area under the control of the police department.
- L. **Strip Search** - A search in which an arrested person removes or arranges some or all their clothing so as to permit a visual inspection of the genitals, buttocks, anus, breasts or their undergarments of such person(s). All clothing, including footwear, is carefully scrutinized.

II. **Searching Individuals**

All persons taken into custody or otherwise detained by officer(s), including those entering a processing or detention area at the Barre City Police Department will be searched thoroughly and professionally.

- A. **Frisk Search** - A frisk search may be used by an officer who is questioning or interrogating a person but has not placed the person under arrest, such as during an investigative detention. Despite the lack of specific or general information to support an arrest, the officer has an articulable reason to fear for their safety or the safety of others and must be assured the person is not armed.

B. Field Search - A field search will be used under the following circumstances:

- **Incidental to Arrest** - In the course of a lawful arrest, officers may field search the arrestee's person and any area within the arrestee's immediate control where the arrestee could reach a weapon, or destroy evidence of the crime; and seize,
 - Any weapons the arrestee may use to resist the arrest or effect an escape,
 - Any evidence of the crime that if not immediately seized, could be disposed of or destroyed,
 - Any contraband that is an immediate danger to the officer or others present.
- **Before Transport or Transfer** - A field search of the arrestee's person **must be** conducted at the arrest scene before an arrestee is transported.
 - The use of a frisk search is permissible when the circumstances of the arrest limit the thoroughness of a search (i.e., hostile crowd, more than one arrestee, etc.).
- Before a detainee is placed into any police department vehicle.
- When an individual is transferred to the custody of an officer by a court, magistrate, other agency or legal authority.
- Use of a frisk search is permissible when the circumstances of a custody transfer limit the thoroughness of a search, such as the need to move from a public area.
- When an individual is committed or is in the process of being committed to custody, a field search must be conducted immediately upon admission to any holding facility, and before the individual is placed into a holding cell or detention area. An itemized inventory of all property taken from the detainee must be listed on a Property for Safekeeping Receipt.
- Any time there is a concern for the safety of the police officer or others, and an articulable suspicion that the individual may be concealing a weapon or contraband. Any such search, to include the observations and concerns leading to the search will be articulated in the appropriate incident report documenting the arrest in accordance with **Barre City Police Department Incident Reporting System, #802 "Incident Report."**

C. Strip Search

Strip Searches are highly intrusive and will only be conducted to ensure the safety of the detainee or officers, or to preserve evidence where it is within the limits of legal authority and, **only** with the approval of the Deputy Chief, or Chief of Police. The decision to authorize a strip search must be based on specific factors that give rise to a reasonable suspicion that a detainee may be concealing on their person, weapons, escape implements, contraband, or evidence.

- The search must be conducted by an officer and witnessed by a second officer. Both officers must be of the same sex as the detainee.

- The search must be conducted in an area where the privacy of the detainee will be protected from public view and those persons not directly involved in the search.
- The detainee will not be required to remain unclothed any longer than is necessary to conduct the search.
- The officer requesting authorization for a strip search must complete prior to the end of their tour of duty, a written incident narrative as directed in **Barre City Police Department Incident Reporting System, #802 “Incident Report”** detailing the following:
 - The fact that a strip search was conducted and the specific factors that gave rise to suspicion that the detainee was concealing weapons, escape implements, contraband, or evidence and,
 - The authority granting permission to conduct the search,
 - The names of the officers conducting and witnessing the search,
 - The results of the search, and
 - All arrest documentation and incident reporting requirements will be attached and included with the case file.

D. **Body Cavity Searches**

Body cavity searches are the most intrusive search, and inasmuch will only be conducted with the approval of the Chief of Police and the State’s Attorney, and only **after securing a search warrant.** As with a strip search, the decision to authorize a body cavity search must be based on specific factors that give rise to probable cause that a detainee may be concealing on their person, weapons, escape implements, contraband, or evidence.

- The mouth is the **only** body cavity that may be searched without a warrant. If an officer has probable cause to believe that a detainee is concealing something in their mouth, the officer may use reasonable force to prevent the swallowing of the object and may remove the object.
- Excluding the search of a mouth as described in the preceding paragraph, body cavity searches may be conducted **only** by a licensed physician, or medical practitioner.
- Body cavity searches must be witnessed by at least one officer of the same sex as the detainee.
- The officer requesting authorization for a body cavity search, and/or performing a body cavity search as authorized by this section must complete, prior to the end of their tour of duty, a written incident report and narrative in accordance with **Barre City Police Department Field Reporting Procedure, #802 “Incident Report”** detailing the following:
 - The fact that a body cavity search was conducted and the specific factors that gave rise to probable cause that the detainee was concealing weapons, escape implements, contraband, or evidence.
 - The name of the judge granting the search warrant
 - The name(s) of the officer(s) who witnessed the search

- The results of the search
- If applicable, any required arrest documentation will be attached.
- The officer requesting the search warrant must make a return to the court the next business day the court is in session.

III. General Search Procedures

Searches must be conducted in accordance with the following guidelines by officers arresting, transporting, or processing detainees with due regard for safety, security human dignity.

- A. Whenever possible, searches must be conducted by an officer of the **same sex** as the detainee being searched.
- B. If an officer of the same sex as the detainee is not available, the officer may conduct a frisk search of a detainee of the opposite sex provided the officer articulates to the detainee the area to be searched. The officer will frisk the genital and breast area of a detainee using the back of their hand.
- C. If an officer observes or has reason to believe that a detainee is in possession of a weapon, escape implement, or evidence, and an officer of the same sex as the detainee is not immediately available, the officer may conduct a field search of a detainee of the opposite sex.
 - The on-duty supervisor will be notified of **all** field searches of detainees of the opposite-sex from the searching officer, and when possible, they will be completed in the presence of the supervisor(s), and
 - Documented in a written incident report and narrative in accordance with **Barre City Police Department Field Reporting Procedure, #802 “Incident Report.”**
- D. **All** searches of detainees of the opposite-sex shall be recorded via the officer(s) issued body worn camera-if equipped, and/or in front of any other known recording device that may be available (i.e., available security or surveillance cameras, and cruiser camera-if equipped).
- E. *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.*
 - *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?";

- *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.*

F. *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.*

G. *Members shall not perform a more or a less invasive search or weapons pat-down of a person based on that person's gender identity.*

H. *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.*

IV. Persons in Custody

All persons taken into custody or otherwise detained shall be handcuffed and will remain handcuffed at all times unless they have a physical or medical condition that would prohibit handcuffing.

- A.** Handcuffs will be applied with the detainee's hands behind their back, palms outward, keyholes facing up/outwards, and double locked, unless a waist restraint is utilized.
- Under NO circumstances will male and female detainees be handcuffed together.
 - Under NO circumstances will adult and juvenile detainees be handcuffed together.

- B.** Plastic “flex cuffs” are authorized for use as a temporary restraint.
- During mass arrest situations, “flex cuffs” may be utilized as the primary restraining device.
- C.** Leg restraints shall be used in addition to handcuffs when transporting and processing combative detainees, or those deemed to be an escape risk; and,
- During lengthy transports, and
 - During the period of detention of **all** arrestees while being held in a Barre City Police Department holding cell.

D. Nylon Control Strap

The Nylon Control Strap may be used to control individuals during transport who demonstrate a tendency to use their legs to harm/injure themselves or others; damage property; or otherwise resist arrest or control. The Nylon Control Strap will only be used to bind and immobilize an individual’s legs in the following manner:

- Officers should not attempt to apply the Nylon Control Strap alone. A back-up officer should be requested and utilized when applying the Nylon Control Strap.
- The Nylon Control Strap will be fully extended, then wrapped around the individual’s ankles only with the hook and loop side out. Feed the Nylon Control Strap through the slide bar and pull tight around the individual’s ankles.
 - The Nylon Control Strap will be applied no tighter than necessary to secure the legs. Officers will check the tension of the Nylon Control Strap after application.
 - Once the individual is placed into the transport vehicle, seated upright and seat-belted, the remaining portion of the strap will be extended through the adjacent car door, closing the car door on the strap leaving the trailing slide bar outside the car door.
- **Prohibition** - Under no circumstances will the Nylon Control Strap be used longer than two (2) hours; and, under no circumstances will the Nylon Control Strap be attached to an individual’s handcuffs; and,
- **Prohibition** - Under no circumstances will an individual be placed into a transport vehicle face down after having handcuffs and/or leg restraints applied. Use of restraints in this manner causes breathing difficulties and could result in death by positional asphyxia.

E. Restraining Physically Disabled, Sick, Injured or Mentally Impaired Detainees

The use of handcuffs as hereinbefore described is not always appropriate when handling, transporting or detaining physically disabled, sick, injured or other impaired detainees. When deciding what restraints to use during these circumstances, officers must consider the following:

- The safety of the public, officer and detainee;

- The likelihood of an escape; and
- The nature of the disability, illness, injury, or impairment.
 - Should an officer determine that the disability, illness, or impairment inhibits the use of handcuffs or the ability to maintain control of the detainee, officer(s) will utilize a combination of waist restraint and/or leg restraints; and/or
 - Request an ambulance to assist with transport to an emergency medical facility when appropriate.
- Detainees being transported pursuant to 18 V.S.A. § 7505 Warrant and Certificate for Emergency Examination shall be transported using soft restraints as a first option unless circumstances dictate otherwise.
 - If handcuffs and/or other mechanical restraints are used, the reason(s) for such determination shall be documented in the incident report.

F. Detainee Searches

In all instances, officers shall conduct a frisk search of detainees after being handcuffed, and before being escorted or transported. Each time an officer takes an individual into custody, a search will be conducted before securing the detainee in the transport vehicle.

- Officers shall never assume a thorough search for contraband or weapons was conducted by another officer on any detainee(s) before accepting custody. This applies to all transports.
- Detainee searches should be conducted by officers of the same sex. When an officer of the same sex as the detainee is not available, the officer will conduct the frisk search of a detainee in conformance with **Section III, General Search Procedures** of this directive.

V. Property for Safekeeping

Individuals taken into custody for transport to a medical, correctional, or any other holding facility/area must be searched in accordance with **Section III, General Search Procedures of this directive**, and the arresting or transporting officer will seize and carefully inventory detainee’s personal property as follows:

- A.** Remove personal property from detainees and record the inventory on the Property for Safekeeping Form, in their presence, when possible.
- B.** Personal property includes but is not limited to, belts, ties, shoelaces, watches, rings, jewelry, currency, tobacco products, and outer clothing such as hoodies etc.
 - The processing officer and detainee will sign the property receipt,
 - Provide the detainee a copy of the receipt, submit a copy with the property envelope to the Property Room, and attach a copy with the casefile.

- C. If the detainee refuses to sign the Property for Safekeeping Form, the refusal is noted on the form, and witnessed by a second officer.
- D. In cases of a violent, unconscious, or otherwise uncooperative detainee, the inventory is conducted by the arresting officer and witnessed by a second officer.
- E. Detainees may be allowed to keep a wedding band or religious articles of jewelry unless the arresting officer deems that due to the status of the detainee the item could be used either to harm the individual or facilitate an escape.
 - When detainees are allowed to retain any item, it will be noted on the Property for Safekeeping Form.
- F. If the detainee is transferred to another agency, their personal property and appropriate copies of the Property for Safekeeping Form, will accompany them.
 - Personal property that is considered contraband by the receiving facility or agency will be submitted to the Property & Evidence Management Room, held, and released in accordance with **Barre City Police Department's Investigative Procedure #609 "Property and Evidence Management."**
- G. Personal property being returned to detainees upon citation or release from confinement will be inventoried again in the detainee's presence with the arresting officer or the Property Evidence Manager and/or their designee. The Property Evidence Manager and detainee will sign the Property for Safekeeping Form acknowledging the return of the property.
 - Detainees who refuse to sign the property release section on the Property for Safekeeping Form will be given a copy of the receipt with a notation of refusal recorded, and witnessed by a second officer.
- H. Any discrepancies claimed by the detainee should be noted by the detainee in writing, witnessed by the arresting officer and presented to a supervisor prior to the release or transfer of the detainee.

VI. **Transportation of Detainees**

Vehicles used primarily for the transportation of detainees will have a safety barrier (cage) to separate the officer from the detainee. Vehicles will be modified to prevent unassisted exits from the rear of the vehicle. Rear door handles and window buttons shall be removed and/or made inoperable.

- A. The opportunity for introduction of contraband into police vehicles exists before, during, and after each transport. Therefore, in addition to the daily inspection required by **Administrative Procedure #211, Fleet Operations**, police officers will conduct a search of their assigned vehicle before and after each transport of an arrestee or other detainee(s) to ensure contraband is not present in the vehicle.
 - Any weapons or contraband discovered during a vehicle search will be documented in the appropriate Incident Report within the Valcour RMS and the contraband submitted to the Property Room in accordance with **Investigative Procedure #609: "Property & Evidence Management."**

- B.** Detectives making an arrest shall arrange for transportation of the detainee by an officer using a vehicle equipped with a safety barrier (cage). When transport by a vehicle equipped with a safety barrier (cage) is not practical, detectives shall transport the detainee in the front passenger seat; and if available, a second detective seated immediately behind the detainee. Detectives shall not transport more than one (1) detainee at a time in this manner.
- C.** Seat belts will be used to secure detainees during transport. Detainees will not be handcuffed or attached, other than by seatbelt, to any part of the vehicle during transport.
- D.** No officer shall at any time lose sight of or be separated from their detainee. Officers will always maintain visual observation of detainees in their custody.
- E.** During any transport a detainee will not be permitted to communicate with, or have physical contact with persons other than police officers except for unavoidable, incidental physical contact with other secured detainees in the same vehicle, and;
- The transporting officer will always take the most direct route to the destination unless otherwise advised by supervisory personnel, and
 - Transports will occur without delay and without unnecessary stops,
 - Juveniles will always be secured and transported separate from adults,
 - Females will always be secured and transported in a separate vehicle from males,
 - All property taken into custody from any source will be inspected and secured in the trunk, cargo storage area, or in the officers(s) possession during transport,
 - When away from their vehicles, police officers will lock and secure the vehicle, and in a vehicle not equipped with a barrier (cage), with engine off and keys in their possession.
- F.** When transporting a detainee of the opposite sex as the transporting police officer, the officer will:
- Notify the Communications Center of the starting location, vehicle mileage and destination; and
 - Upon arrival, the officer will notify the Communications Center of the ending vehicle mileage and location.

G. Assistance to Others

The primary duty of the transporting officer is the safe delivery of the detainee. Officers should not stop to render law enforcement assistance to third parties along the route except under extreme emergency conditions where the risk to the third party is clear and present and the risk to custody of the detainee is minimal. If the officer stops, local authorities will be immediately notified of the following:

- Identity of the officer

- Officer's status (detainee in transit); and,
- Nature and location of incident.
 - The transporting officer will only consider stopping when arriving first on the scene and will remain only until other emergency assistance arrives.
 - The transporting officer will not become involved in a pursuit, roadblock, or other situations, which might create a risk of harm to the detainee.

H. Escapes

Should a detainee escape while in transport, the transporting officer will take the following actions:

- **Notifications**
 - Local 911 or Police Dispatch Center, (Immediately by radio and/or telephone);
 - Immediate police jurisdiction;
 - Surrounding police jurisdiction;
 - On duty patrol supervisor, (To notify Chief through the Chain of Command).
- **Reports**
 - Barre City Police Department Incident Reporting System;
 - Escape charges;
 - Others when advised by supervisory personnel.
- **Additional Action**
 - Notification to surrounding police agencies of detainee's personal description, cautions, known associates and potential addresses.
 - Provide photograph of detainee to surrounding police agencies by text, email, scan or fax.

I. Detainee Communications

A detainee's right to communicate with their attorney shall not be exercised during transport. Safety aspects of the transportation function require that detainees not be permitted to communicate with attorneys, clergy, family, or others during the period of transport. Further, detainees will not be afforded an opportunity to make any phone calls or communicate with anyone while being readied for transport.

- During transport, detainees are not permitted to make calls, nor will an officer do so on a detainee's behalf.
- Family, friends, or others are not permitted to come in contact with detainees while in transit.
- Officers will not discuss their itinerary within hearing distance of a detainee and will not allow a detainee to influence their itinerary in any way.

VII. Special Transports

Police officers must exercise due care and caution when transporting detainees that are sick, injured and/or disabled. The safety, comfort and care of the detainee and police officer requires thorough and planned action when preparing to transport physically and mentally impaired detainees. Additionally, persons possessing medications and juveniles require special handling.

A. Transporting Handicapped, Injured, Sick or Impaired Detainees

Physically and mentally impaired detainees, including those in crisis present special conditions for transport that dictate due care and attention. For example, the type of vehicle to be used would be a consideration when transporting non-ambulatory persons or those requiring wheelchairs, crutches, or prosthetic appliances. It may be necessary to call an ambulance into service to safely effect the transport.

B. A person's immediate medical needs take precedence over legal processing procedures. Any detainee in need of medical assistance, including those injured before, or during an arrest situation, will be transported to and offered treatment at a local hospital prior to processing, initial court appearance and/or incarceration. If necessary, an ambulance will be requested to provide emergency transport to the hospital. In this event,

- The arresting or other officer will ride with the detainee in the ambulance, and
- A second officer, if available will follow the ambulance to the hospital.
 - Should the detainee refuse treatment while at the hospital, the officer will obtain a copy of the hospital refusal of treatment form prior to transporting the prisoner to another location.
 - If the prisoner is to be incarcerated the form will be photocopied and initialed by the police officer.
 - A copy will be provided to the on-duty detention holding authority as part of the prisoner's intake records. The officer will retain a copy of the release for police records.
- Officers will promptly advise the on-duty supervisor of all medical incidents, including injuries to detainees in police custody. The circumstances, including photographs will be included with the appropriate Incident Report, other applicable administrative reports and submitted before the end of the officer's tour of duty.

C. Transporting Medications

Medications are not administered by police and are not generally transported by police personnel. If a detainee requires medication, emergency medical personnel with the Barre City Fire Department should be summoned to assess the detainee's needs.

- Detainees shall not possess any medication while in custody or during transport.
- Should the officer recover prescription medication from the detainee during arrest

processing, the medications should be packaged in conformance with **Section V, Property for Safekeeping** of this directive.

D. Juveniles

The police department will only transport delinquent offenders being charged as such or under proper court order, and those juveniles in need of assistance as approved by Department for Children & Families, limited custody order or detention order.

- Juveniles will not be transported with adults.
- Juveniles will not be secured to an adult by a restraining device.
- Juvenile delinquent offenders and waived non-felons will not be held in secure custody, including for transport, beyond a six (6) hour period without written authorization by the Department for Children & Families or court order.

E. Transgender Individuals

- *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.*

VIII. Vehicle Collision or Disabled during Transport

A. In addition to those procedures in **Administrative Procedure #211, Fleet Management**, a police officer involved in a vehicle collision during transport of a detainee is also responsible for:

- Verbally inquiring as to detainee injuries and observe the seating arrangements for later reporting.
- Contact the Communications Center to report the collision, the number of detainees involved, injuries, and the need for an ambulance, if any.
- Request the Communications Center to dispatch a patrol officer to assist, or contact an agency which has primary police jurisdiction and authority.
- Remove the detainees to a close, safe, conspicuous, and visible area until other transportation arrives.
- Providing emergency care to injured persons when possible.
- Securing and safeguarding the scene as needed by use of flares, emergency lights, directing bystanders, and taking photographs.

- B. If a vehicle becomes disabled during detainee transport, the officer will contact the Communications Center to report the situation, request an officer be dispatched to complete the transport, and request dispatch of the appropriate tow service.
- C. If radio is not operable, attempt to notify the Communications Center by cellphone. At no time should detainees be left unattended. If there is no cellphone reception or one is not available, flag down a citizen and request their cellphone to make a call or go to a local business to make a phone call.

IX. Cancellation

This written directive cancels and replaces Barre City Police Department *Operational Procedure #407 titled "Arrest, Custody & Transport" dated July 1, 2023*, and cancels, replaces and supersedes any directives in conflict therewith.

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Gender
Handcuffs
LGBTQ+
Nylon Control Strap
Property for Safekeeping Form
Detainee Search
Sick or Injured Detainee
Soft Restraints
Transgender
Transport



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

| <u>Subject:</u> | <u>Number:</u> | <u>Effective Date:</u> |
|---|----------------|------------------------|
| Emergency Medical Assistance & Examination | 412 | 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: In accordance with the Vermont Statutes Annotated, Health Title (18 V.S.A), during emergency circumstances a law enforcement officer may take a person believed to be a danger to the life and safety of themselves or others into temporary custody, and without delay transport that person to the hospital emergency room for evaluation by a physician, and/or make application to a judge for a warrant for an emergency examination.

Purpose: To establish procedures for temporary and protective custody, and the application and service of a Certificate/Warrant for Emergency Examination pursuant to the Vermont Statutes Annotated, Health Title (18 V.S.A).

Contents:

- I. General
- II. Definitions
- III. Person In-Need of Treatment
- IV. Protective Custody & Transport to Emergency Medical Facilities
- V. Procedures at the Medical Facility
- VI. Cancellation

I. General

The Barre City Police Department values and seeks to protect human life. Upon personal observation, and/or after receiving other information that is pertinent, a police officer that has reason to believe a person is suffering from a mental health issue and the individual presents an immediate danger to the life and safety of themselves or others, the police officer will contact Washington County Mental Health and arrange for a screener to evaluate the individual at the scene, station, or other appropriate location and/or transport that individual to the nearest designated hospital emergency room for an examination unless otherwise directed by emergency medical personnel.

- A. **Voluntary Assistance & Examination** – A person who is experiencing a mental health crisis may request or voluntarily consent to receive treatment and/or examination provided they acknowledge that such treatment will involve inpatient status, and that he or she consents to admission voluntarily, without any coercion or duress (18 V.S.A, 7503).
- Persons under fourteen (14) years of age may be admitted as a voluntary patient provided their parent or guardian also consents, and
 - The emergency medical facility may require persons seeking voluntary assistance, to include the parent or guardian of those persons under fourteen (14), to consent in writing.
 - Unless otherwise requested by the individual seeking treatment and/or examination, the **Emergency Room at Central Vermont Medical Center** is designated and will be utilized for all persons **voluntarily** seeking medical/mental health treatment and/or examination.
- B. Although not a requirement, should a police officer encounter an adult who, in the judgment of the officer, is intoxicated and seeking non-medical assistance, the officer may provide that person with transportation or assist in arranging transportation to their home or another mutually agreeable location.

II. **Definitions**

- A. **Incapacitated** - A person, as a result of his/her use of alcohol and/or other drugs, is in a state of intoxication or of mental confusion resulting from withdrawal such that the person:
- Appears to need medical care or supervision by approved substance abuse treatment personnel, as defined in this section, to assure his or her safety; and/or
 - Appears to present a direct active or passive threat to the safety of others.
- B. **Intoxicated** - A condition in which the mental or physical functioning of an individual is substantially impaired as a result of the presence of alcohol or other drugs in his or her system.
- C. **Protective Custody** - A civil status in which an incapacitated person is detained by a law enforcement officer for the purposes of assuring the safety of the individual or the public, or both; and assisting the individual to return to a functional condition. In no event, shall protective custody exceed twenty-four (24) hours.
- D. **Temporary Custody** - A person shall be deemed to be in temporary custody when the first of the following occurs:
- A physician files an initial certification for the person while the person is in a hospital; or
 - A person is certified by a psychiatrist to be a person in need of treatment during an emergency examination.

- Screeners may bring a psychiatrist or nurse practitioner to a scene. The person can be detained in temporary custody for the purpose of facilitating the evaluation for an Emergency Exam by the screeners and psychiatrist.

III. Person In-Need of Treatment

When a police officer, through direct observation, and/or supplemented by information from the reliable reports of others, that a person who has a mental health issue, and as a result of that mental health issue, demonstrates that their capacity to exercise self-control, judgment, or discretion in the conduct of their affairs and social relations is so lessened that he or she poses an immediate danger of harm to themselves or others, it shall be deemed that the person is in need of treatment, (18 V.S.A. §7101). Specifically,

- A. A person may be considered a danger of harm to others when he/she has inflicted or attempted to inflict bodily harm on another; or
- By their threats or actions, the person has placed others in reasonable fear of physical harm to themselves; or
 - The person(s) actions or inactions have presented a danger to persons in his or her care.
- B. A person may be considered a danger of harm to themselves when, they have threatened or attempted suicide, and/or other form of serious bodily harm; or
- When the person has behaved in such a manner as to indicate that they are unable, without supervision and the assistance of others, to satisfy their need for nourishment, personal or medical care, shelter, or self-protection and safety, and
 - So that it is probable that death, substantial physical bodily injury, serious mental deterioration, or serious physical debilitation or disease will ensue unless adequate treatment is afforded.
- C. When a police officer determines that a person is in need of treatment as hereinbefore described, and that person is unwilling or unable to seek voluntary assistance, and/or otherwise lacks a physician, psychiatrist or judicial order for examination, the officer shall take the individual into temporary custody and transport them to the designated hospital emergency department for emergency assistance and mental health screening, (18 V.S.A. §7101).
- D. Persons that are in police custody for an involuntary Emergency Medical Evaluation may **only** be treated and evaluated at a Vermont hospital.

IV. Protective Custody & Transport to Emergency Medical Facilities

When transporting a person with a mental health issue or other impairment who is combative, aggressive or otherwise presents an immediate danger to the life and safety of themselves or others, police officers will exercise caution to avoid injury to themselves, and the person in need of assistance.

- A. All persons taken into custody for transport to a medical facility, voluntarily or involuntarily, will be restrained using issued restraints or a combination thereof as appropriate to the nature of the individual's demeanor, and considering their mental health issue, illness or impairment in conformance with **Barre City Police Department Operational Procedure #407, "Arrest, Custody & Transport."**
- Detainees being transported pursuant to 18 V.S.A. § 7505 Warrant and Certificate for Emergency Examination shall be transported using soft restraints as a first option unless circumstances dictate otherwise.
 - If handcuffs and/or other mechanical restraints are used, the reason(s) for such determination shall be documented in the incident report.
- B. The police officer will thoroughly search these individuals and their property before placing them into a vehicle, and before being transported to the hospital.
- This search extends to the individual's property, to include bags, purses and backpacks, for the safety of the officer and medical staff.
 - Special attention should be given to cell phones/cases. Hospital staff have reported having patient(s) secreting razor blades in phone cases and/or in the battery compartment of the phone.
- C. Where the individual is aggressive, combative or medically unstable to the extent that they cannot be safely transported in a police vehicle, an ambulance will be requested to provide emergency transport to the hospital. In this event,
- The police officer will assist ambulance personnel with the application of appropriate restraints, (tie down stretcher, leather restraints, etc.).
 - The police officer will ride with the detainee in the ambulance. When possible, an officer of the same sex as the individual transported should ride in the ambulance.
 - A second officer, if available, should follow the ambulance to the hospital.
- D. The police officer shall notify, or have the Emergency Communications Center telephone the emergency room, regardless of the persons status as voluntary or involuntary, to provide hospital staff with advance notice of the individual's transport and pending arrival, to include if they are aggressive, combative or medically unstable.
- E. The **Emergency Room at Central Vermont Hospital** is designated and will be utilized for all persons in-need of treatment who are in police custody for criminal charges, are under a Vermont Court Order, and/or who are otherwise being transported for **involuntary** assistance, treatment and/or examination.
- Unless otherwise requested by the individual seeking treatment and/or examination, the **Emergency Room at Central Vermont Medical Center** is designated and will be utilized for all persons **voluntarily** seeking medical/mental health treatment and/or examination.

- **Arriving at the Hospital** - Person(s) transported for assistance, treatment and/or examination will be admitted to the designated hospital emergency department using the appropriate designated entrance.
- **Body Camera** - Due to privacy issues related to HIPAA, officer(s) must **turn-off their issued body camera** when entering the hospital unless a use of force is anticipated.

V. **Procedures at the Medical Facility**

Upon entering the Emergency Department, the police officer will request to speak with the Charge Nurse and inform the nurse as to why the individual has been brought to the hospital. The Charge Nurse will direct the officer as appropriate, or to a space to wait while medical staff prepare a room for the individual.

- A. The police officer and/or the Charge Nurse will request the assistance of a Crisis Screener from Washington County Mental Health for all persons whom they believe are “Incapacitated” and/or determined to be a “Person In-Need of Treatment.”
- B. The police officer must provide the emergency department staff and crisis screener with all pertinent information concerning the individual to the best of their ability.
- C. The police officer will remain at the emergency medical facility to maintain control of the person in need of treatment until medical staff has roomed and secured the individual unless advised otherwise by medical staff.
 - Advance notification by the police officer should expedite this process, which should not generally exceed 45 minutes. During this time period, the officer:
 - Will remain with the detainee, and
 - Restraints will be removed only upon medical direction, and generally only when they would interfere with medical treatment.
 - The use of soft restraints provided by medical staff, and/or issued mechanical restraints may be used to secure the person to the hospital bed.
 - The officer will be alert for concealed contraband and/or potential weapons.
 - Otherwise, police are not required to remain at the emergency medical facility unless the patient is violent, and the physician requests the police officer to remain.
 - The officer shall immediately notify the on-duty supervisor when requested to remain at the emergency department beyond this time period. If the individual is violent, and the hospital is unable to make alternative security arrangements with their local law enforcement agency, the supervisor will direct the officer to remain and ensure patrol staffing minimums are maintained by recalling staff to duty.

- D. When a police officer is requested to remain at the emergency facility beyond the initial rooming and check-in process, it is the responsibility of the attending physician and crisis screener to examine the individual and make application for certification/warrant for examination from the court as promptly as possible.
- E. If the examining physician does not certify the individual as a person in need of treatment, and/or the court does not issue a Warrant for Emergency Examination, the individual must be released immediately.
 - When the police officer is still at the emergency medical facility, the officer shall provide transportation from the emergency facility to the location where the individual was taken into custody (if appropriate), providing there is no alternative transportation available to the individual.

VI. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Emergency Medical Evaluation
Incapacitated
Intoxicated
Involuntary
Mental Health Issue
Protective Custody
Temporary Custody
Warrant for Emergency Examination



Barre City Police Department

Barre, Vermont

Braedon S. Vail

Chief

OPERATIONAL PROCEDURES

| <u>Subject:</u> | <u>Number:</u> | <u>Effective Date:</u> |
|----------------------------------|----------------|------------------------|
| 40mm Less Lethal Launcher | 432 | X/X/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 values and seeks to preserve human life, recognizing that less lethal force and control options reduce the potential for causing death or serious bodily injury. The Less-Lethal Launcher and impact munitions are provided as an additional resource to assist in resolving potentially violent situations with a minimal amount of force, including when a person is attempting to injure themselves, is suicidal or is exhibiting conduct that rises to active aggression. Use of impact munitions are not intended to substitute for the use of verbal de-escalation, or other less lethal, and lethal force techniques when it is reasonable and necessary.

Purpose: To establish procedures for the training of personnel, maintenance and use of the 40mm launcher as a force option.

Contents:

- I. System Overview
- II. Operational Guidelines
- III. Storage and Transportation
- IV. Deployment
- V. Investigation and Reporting
- VI. Cancellation

I. System Overview

The authorized Less Lethal Launcher is a Less-Lethal Impact Munition System (LLIM) consisting of two parts, the launcher and the munition. The launcher fires a foam projectile which is designed to disorient or incapacitate a person with blunt trauma.

A. Launcher:

- Deftec #1325/1327 or LMT #1425

- Single shot, 40mm, Rifled bore
- Double/single action
- Rail for optics
- Red-dot sight mounted
- Sling attached

B. Munition

- Safariland eXact Impact/Direct Impact
- Single Projectile/Single Projectile Oleoresin Capsicum (OC) Infused
- Minimum stand-off distance: 5 feet (1.7 yards)
- Maximum effective range: 120 feet (40 yards)

II. Operational Guidelines

Officers should consider deployment of the LLIM in high-risk encounters where suspect control is necessary and a minimal potential for death or serious injury is the desired result.

- A.** Single projectile LLIM are most often used for single subject engagement and may be used when it is objectively reasonable to:
- Control a person who is armed with a deadly weapon and is threatening suicide
 - Control a person who is about to commit suicide or inflict serious bodily injury upon themselves
 - Disarm or disable a person who is armed with a weapon and/or who is engaged in escalating behavior that is illegal and presents a threat to the person, police or others
 - Control a violent person, or person threatening imminent violence
- B.** Oleoresin Capsicum, (OC) chemical munitions may be used to dislodge a barricaded person when other methods are ineffective or not practical, and during increased standoff distances where traditional OC deployment would be ineffective.
- C.** Only officers certified with the LLIM Launcher will be issued or deploy the Launcher in the course of their duties.
- D.** Officers certified with the LLIM Launcher will be re-certified biennially. This shall include a written examination and live-fire qualification. LLIM Instructors will be recertified in accordance with system manufacturer guidelines.
- E.** A LLIM Qualification course will be developed by the LLIM Instructor in accordance with Vermont Criminal Justice Council and equipment manufacturer guidelines.
- F.** Responsibility for deployment of the LLIM Launcher rests ultimately with the certified officer.

III. Storage and Transportation

- A. The LLIM Launcher and ammunition will be secured in the issued case and transported in the trunk or cargo area of the officer's patrol vehicle.
- B. The LLIM Launcher will be kept unloaded until use. LLIM ammunition will be stored in an attached stock pouch or bandolier.

IV. Deployment

- A. A deadly force cover officer must be provided for the certified LLIM officer. Deployment of a patrol shield is recommended when available.
- B. The LLIM Launcher will be loaded prior to confronting a suspect; the remaining LLIM rounds will be secured in the issued stock pouch or bandolier. **It is the certified officer's responsibility to ensure the complete absence of lethal ammunition during any loading process.** Each round will be visually inspected before it is loaded into the LLIM Launcher to confirm that it is in fact a less-lethal round. Officers deploying the LLIM Launcher should be ready for follow up shots.
- C. When practical, the officer will give a verbal warning and point the LLIM Launcher at the subject prior to discharging the LLIM Launcher. This warning should include a command to obey police orders and cease illegal or dangerous behavior, such as "drop the weapon" or "stop what you are doing."
- D. Deployment should occur at a range of 5-120 feet. Although these are the recommended minimum-maximum distances, actual range of deployment will be determined by the circumstances encountered.
- E. Prior to discharging the LLIM Launcher the officer will loudly announce, "**Impact! Impact!**" to reduce sympathetic gunfire.
- F. The actual targeting and discharge of the LLIM Launcher will be consistent with training. Officers shall consider the need for immediate incapacitation as well as the potential for causing injury, then balance these factors while making the point of aim decision. The LLIM projectile should be directed at:
 - **Zone 1:** Where the threat level is appropriate and this zone is viable, the buttocks, thigh, or calf should be targeted. The groin will not be intentionally targeted.
 - **Zone 2:** The abdominal area. The spine and kidneys should not be intentionally targeted.
 - **Zone 3:** The chest, spine, head and neck. This zone carries the greatest potential for serious or fatal injury and should be avoided where possible. It should only be considered when maximum effectiveness is desired to meet a level of threat escalating to deadly force.

G. Whenever a person is struck with a LLIM projectile:

- Emergency medical services shall be summoned for medical assistance.
- The person shall be transported to a medical facility.
- When OC munitions are used, arrangements shall be made for decontamination of the person(s).
- The on-duty supervisor will be notified.

V. Investigation and Reporting

Less Lethal Impact Munitions occupy a level on the use of force continuum at which the use of an expandable baton would be appropriate, but where deadly force is not justified.

A. Anytime a LLIM Launcher is discharged, other than for training, the officer will complete and submit an Incident Report, or Supplemental Incident Report in accordance with **Barre City Police Department, Field Operations Procedure #802, “Incident Report”** detailing their actions before the end of their tour of duty, and include:

- A completed Response to Resistance/Use of Force Report in conformance with **Barre City Police Department Operational Procedure #401 “Use of Force,”**
- Photographs of the area the suspect was struck by the munition, including any injuries before and, when possible, immediately following any treatment,
- Photographs of the scene, documenting where munitions were fired from, and where the suspect was located,
- Copies of medical treatment and release documentation from paramedics, hospital, etc.

B. In cases where a LLIM deployment results in death or serious physical injury, or where the LLIM projectile is intentionally deployed to a target area recognized as likely to cause death or serious physical injury, the Chief or their designee will be immediately notified and the investigation expanded in accordance with **Barre City Police Department Operational Procedure #401 “Use of Force.”**

VI. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index As:

Less Lethal Force
Less Lethal Impact Munitions
40mm Launcher
Use of Force Report



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

FIELD REPORTING SYSTEM

| | | |
|--|-------------------------------------|---|
| <u>Subject:</u> Field Reporting | <u>Number:</u> 801 | <u>Effective Date:</u> X/XX/24 |
|--|-------------------------------------|---|

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

Policy: The Barre City Police Department continually strives to maximize its effectiveness in serving the community and preventing, detecting, and investigating criminal activity. Proper reports protect the Barre City Police Department and the personnel handling an incident or activity from unwarranted accusations that improper or inadequate police action was taken. Additionally, other agencies and the public regularly obtain information from the department.

Purpose: To establish procedures pertaining to the field reporting process.

Contents:

- I. Introduction
- II. Field Reporting
- III. Forms Completion
- IV. Submission and Review
- V. Cancellation

I. Introduction

The collection and proper documentation of information is key to the department's ability to function both effectively and efficiently. Information gathered by department personnel can be essential to the successful conclusion of investigations and prosecutions, as well as the department's planning and problem-solving activities. The unavailability or the inaccuracy of such information erodes the public's confidence and trust in their police department. Because information gathered by police personnel plays such important roles, it is necessary that a system be in place to ensure that such information is properly and correctly recorded.

II. Field Reporting

The Department utilizes two electronic reporting systems for the input, storage and retrieval of field reports: the VT Automated Crash Report System, which is used for the reporting of motor vehicle

collisions; and the Valcour CAD/RMS System, which is used for the reporting of all incidents requesting criminal and non-criminal police action.

- A. Incident reports shall be the permanent method of documenting required information. However, other ancillary forms of documentation may be used during the field reporting process depending on the incident. These forms include, but are not limited to: Death Investigation Reports, Missing Person Reports, Domestic Violence Packets, Towing Records, Property Receipts, etc.
- When an incident includes additional required reports, these documents will be scanned and attached to the original Incident Report in Valcour and the original will be submitted and stored in the original case folder, if applicable.
- B. All incidents and activities occurring within the City of Barre reported by citizens, initiated by officers and/or generally brought to the attention of the Barre City Police Department for investigation which are covered by the Field Reporting System will be recorded in the Valcour RMS, automatically generating an incident report number.
- Incident report numbers are automatically generated in Valcour in a single numbering series beginning with the year and the department's initials, followed by a series of six (6) digits, indicating the incident number for the respective year (e.g., 24BA000001 would be the first incident report of 2024).
 - All incident reports will be completed in accordance with **Barre City Police Department Field Reporting System Procedure #802 "Incident Report."**
- C. Complaints or incidents brought to the attention of the police department for investigation are ordinarily assigned to a uniformed officer who conducts the preliminary investigation of the matter. This generally involves an interview with the complainant to obtain the full details as to what occurred. The officer then prepares the appropriate reports.
- D. Many incidents, particularly those involving crimes, require subsequent investigation. A follow-up investigation may be performed by investigative personnel or uniformed officers as appropriate.
- E. When a motor vehicle collision occurs, not only will an incident report be generated but also will generally require reporting in the Automated Crash Reporting System.
- The same incident report number generated in Valcour will be used for reporting purposes in the crash reporting system.
 - All motor vehicle crash reports will be completed in accordance with **Barre City Police Department Field Reporting System Procedure #806 "Automated Crash Reporting System."**

III. **Forms Completion**

- A. It is the responsibility of the officer to ensure that reports contain pertinent information (i.e., who, what, where, when) with accurate and updated information relative to names, addresses, phone numbers, witnesses, property involved, etc.

- Officers should be verifying existing personally identifiable information within the system and updating as appropriate.
- B.** Ancillary reports that cannot be completed in electronic format should be hand printed, using pen with blue or black ink, or typed.
- C.** For any report that requires a VLETS/NCIC entry, the required information must be furnished to communications personnel and, the VLETS/NCIC entry made before the end of the officer's tour of duty.

IV. Submission and Review

- A.** Whenever two or more officers respond to an incident, the primary responding officer to whom the incident is assigned shall be responsible for completing all required reports. However, in many circumstances, an assisting officer may be required to submit a supplemental report.
- B.** Some types of police response require that only a brief summary of the police action be documented while others require a more extensive, detailed narrative and possible subsequent investigation.
- Officers are to complete incidents prior to the end of their tour of duty.
 - At a minimum, incidents which require more detailed narratives, or extensive or further investigation will contain a brief summarization narrative of the incident.
 - Any related data entry screens such as for response to resistance, property, persons, vehicles or other screens related to specific offenses or arrests shall be completed.
- C.** Reports will be reviewed and approved by a supervisor to ensure compliance with the specific procedures outlined in this and other related directives. In addition to giving guidance to subordinates in individual investigations, supervisors will be provided with the opportunity to review the propriety of actions taken in individual cases and use reports in evaluating the work performance of officers under their command.
- D.** Supervisors are responsible for monitoring the work queue and all assigned cases and reports of officers under their command.
- E.** Supervisors are responsible for the appropriate routing of all completed reports and ancillary forms.

V. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2024

Index as:

Field Reporting
Incident Report
Narrative
Personally Identifiable Information (PII)
Report Writing