

CITY OF BARRE
Police Advisory Board Agenda
Monday, January , 2022
6:00 pm
Barre Public Safety Building
Conference Room
15 Fourth Street
Barre, VT 05641

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

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

1. Call to order.
2. Consider approval or adjustments of the agenda
3. Consider approval of previous meeting minutes
4. Receive guests
5. Councilor Waszazak's report
6. Chief's report
7. Consider approving the Vehicle Pursuits and Roadblocks policy from 12/22
8. Discuss and consider approving Arrest, Custody and Transport policy
9. Discuss and consider approving Processing and Temporary Detention policy
10. Discuss and consider approving Promotional Process policy
11. Discuss and consider approving Sergeant-Corporal Promotion process policy
12. Miscellaneous
13. Adjourn



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/23

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

Policy: 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. Accident 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 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 an 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).

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.

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 copy, 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.

VIII. Accident 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 directive cancels, replaces, and supersedes any directive in conflict therewith.

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2023

Index As:

Handcuffs
Nylon Control Strap
Property for Safekeeping Form
Detainee Search
Sick or Injured Detainee
Transport



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Processing & Temporary Detention	408	X/XX/23

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

Policy: To minimize the inherent danger when handling, searching, escorting, or transporting detainees, officers **will** utilize handcuffs and/or a combination of authorized detainee restraints as described in this directive.

Purpose: To provide for the safety and security of detainees, transporting officers and the public by identifying authorized restraining devices and their methods of use during the handling and transport of detainees.

Contents:

- I. General
- II. Arrest Processing Area
- III. Interview Room
- IV. Temporary Holding Cells
- V. Transport & Release to Correctional Facilities
- VI. Transport & Release to Courthouse Holding Facilities
- VII. Transport & Release to Medical Facilities
- VIII. Inspections
- IX. Fire Suppression and Evacuation
- X. Cancellation

I. General

To ensure the safety of employees, detainees and the general public, the Barre City Police Department maintains clearly marked, specially equipped processing and holding areas for the secure, temporary detention of those persons being investigated, charged in connection with a criminal or other serious offense, or awaiting processing, testing and transfer to another facility or agency.

- A. Only authorized personnel shall have access to the arrest processing and holding areas while a detainee is present. Authorized personnel include members of allied law enforcement agencies with a need for access to the areas or detainee, a detainee's attorney with a need to confer with their client, medical or human service provider evaluating a detainee.
- B. Officers will receive initial training regarding the procedures, operations, and use of equipment pertaining to the holding cells and processing area as part of their field training. Communications Center personnel will receive an orientation as part of their initial communications training.
- C. Juveniles will be processed in conformance with **Barre City Police Department Operational Procedure #410, "Juvenile Operations"** with special attention to the following:
- Juveniles taken into custody for status offenses (CHINS or other non-criminal incident such as runaways, truants, incorrigible, etc.) **will not** be placed within the holding area or secured to any fixed object.
 - Juvenile detainees in Police custody will remain restrained as described in **Barre City Police Department Operational Procedure #407, "Arrest, Custody & Transport,"** and under the constant supervision of officer(s) until released to the Department of Children and Families (DCF), an allied agency, or a parent/guardian.
 - Juveniles **will not** be held within sight or hearing distance of any adult detainee, including during escort from processing, interview or transport areas.
 - Juvenile detainees should not be held longer than six (6) hours, notwithstanding delayed response from DCF or other circumstances beyond control.
- D. Female detainees **will not** be held within sight or hearing distance of any male detainee, including during escort from processing, interview or transport areas.

II. **Arrest Processing Area**

The Arrest Processing Area at the Barre City Police Department has equipment for the processing of all arrestees, including breath testing, digital fingerprint, and arrest photography equipment. While in the processing area of the Barre City Police Department, all detainees will be under constant supervision by a law enforcement officer.

- A. In accordance with **Barre City Police Department Operational Procedure #418, "Police Radio Communications"** the arresting officer will notify the Communications Center when they arrive at the sally port or processing area; and once they release the arrestee.
- Police officers are assigned portable radios equipped with an emergency alert button that, when activated, sends an emergency alert tone across the radio channel to the Emergency Communications Center.
 - Officers will secure their firearm in the gun locker provided, or in the trunk of the

cruiser with the vehicle locked, before entering the processing area with the detainee. Collapsible Straight Batons and OC spray are permitted in the interview and processing rooms as long as these weapons are secured in their holders.

- All other law enforcement officers entering or working in the processing area(s) are to secure their firearm(s) when the processing area is in use.
- Officers will monitor their assigned portable radio while processing an arrestee.
- During all circumstances, officer(s) transporting and escorting arrestees into the interview rooms or processing area in the police department will ensure that **all** arrestees are secured in handcuffs and have been thoroughly searched before entering the facility. A secondary search will be conducted once inside the secured area.
- The arresting officer is responsible to provide for the constant supervision of detainees in their custody during arrest processing. Detainees not being actively processed (*fingerprinting, submitting to a breath test, etc.*), will be secured to the handcuff rail with one wrist being handcuffed to the rail.
- If the detainee is not going to be transported within a reasonable amount of time following processing, the detainee should be moved to a holding cell, or if being released, moved to the lobby.

III. **Interview Room**

Uniformed and non-uniformed officers may need facilities to conduct interviews and interrogations. There is one interview room located centrally, and adjacent to the Communications Center. This interview room will be the primary room used to interview and interrogate detainees not otherwise being interviewed in the processing area.

- A. Officers will secure all firearms prior to interviewing or interrogating arrestees and potential suspects. Collapsible Straight Batons and OC spray are permitted in the interview rooms as long as these weapons are secured in their holders. While interviewing witnesses, officers do not need to place their firearm in the gun locker but must keep the firearm secured in the holster.
- B. Officers shall conduct a security inspection of the interview room prior to and immediately after the interview/interrogation has been completed, or the arrestee has been removed. **Arrestees will be frisk searched prior to entering the interview room.**
- C. The interview room shall have only those items necessary to conduct the interview and provide for the safety and/or the comfort of both the officer and the person being interviewed/interrogated. These items include but are not limited to: recorder, paper, pens, etc.
- D. Detainees' hands are allowed to be cuffed while conducting the interview/interrogation.
 - The number of personnel allowed in the interview room will be governed by officer safety, the purpose of the interview, and awareness by the member of the

admissibility of any statements made therein.

- Once an interview/interrogation begins, no one is to interrupt the process for any reason unless the interviewer makes the request.
 - In the case of juveniles, the number of officers engaged in an interrogation shall not exceed two at any given time and shall not exceed two hours without a break being offered.
 - The detainee/interviewee will be offered access to restrooms, water and comfort breaks if the officer feels it is safe to do so.
- E.** The interviewing/interrogating officer will use their assigned portable radio or walk into the Communications Center prior to beginning the interview to notify them that they will begin the interview process. The officer must maintain possession of their portable radio at all times during the process, ensuring that the volume is minimized on the radio.
- F.** If an emergency occurs during the interview and interrogation process the officer will activate the alarm on his/her portable radio, sending an emergency alert tone across the radio channel to the Communications Center.
- G. Audio/Video Recording (*future*)** – The interview room is recorded via DVR with recording retrieval capability. Interviews/Interrogation recordings **WILL** be downloaded during the following types of investigations:
- Homicides;
 - All criminal investigations involving real or potential serious bodily injury to a victim.
 - In-custody deaths;
 - Officer Involved Shootings;
 - Interviews / Interrogations may be recorded during other types of investigations.
 - All Interviews / Interrogations utilizing recording equipment will comply with all State and Federal Laws regarding audio/video recording.
 - If audio/video recording is used, the ENTIRE interview/interrogation will be recorded. This will include the advisement of Miranda Rights, if applicable.
 - All interviews/interrogations captured on the audio/video equipment will be transferred as soon as practical, but no later than 24 hours from the time of the recording, from the hard drive to a CD/DVD. Only members trained in the operation of the audio/video recording equipment will conduct this transfer.
 - It is permissible to make a second, working copy of the material, provided it is labeled as such.
 - If the audio/video recording equipment is determined to be non-functional at the time of an interview/interrogation, or there are no members present who have been trained in its operation, the officer's body camera will be utilized as necessary.

IV. Temporary Holding Cells

Temporary holding cells provide a secure area for holding detainees when not being actively processed in the arrest processing area. There are two holding cells located peripherally to, and accessible from the sally port. Each cell is audio and video recorded, with monitoring capability in Communications Center. Each cell contains a detention facility combination toilet/sink.

- A. Officers will secure their firearm in the gun locker provided, or in the trunk of the patrol vehicle with the vehicle locked, before entering the holding area with the detainee.
- B. In conformance with Barre City Police Department Operational Procedure #407, "Arrest Custody & Transport," all detainees will be thoroughly field searched prior to being placed in the cell, and;
 - Detainees being placed in a holding cell will have their footwear and any belts removed and be placed in leg restraints.
 - A waist restraint belt will be used in conjunction with handcuffs, securing the detainees' hands to the belt using the loop on the front of the belt when processing or holding combative detainees, or those deemed to be an escape risk.
- C. Officers shall conduct a security inspection of the holding cell prior to and immediately after the detainee has been removed.
- D. No items are allowed within the cell while a detainee is being held. Coreless, non-clogging toilet paper is available in the holding area for detainee use upon request, but is not to remain in the cell when not needed.
- E. The arresting officer is responsible for monitoring their arrestee/detainee. Video monitoring is available by staff in the Communications Center.
- F. Should the arresting officer need to leave an area where monitoring capability exists for more than a brief time, the officer shall either have another officer monitor the detainee, or in emergency circumstances, notify the on-duty dispatcher of the emergency and request they monitor the detainee in the absence of an officer.
- G. Notwithstanding audio/video monitoring of detainees, officers must make a face-to-face visual observation of any detainee being held at least every thirty (30) minutes, or sooner if circumstances warrant.

V. Transport & Release to Correctional Facilities

Officers(s) transporting detainees to correctional facilities for processing will ensure that all detainees are in handcuffs and/or other restraints and have been thoroughly searched prior to arrival. Should the transporting officer determine that the detainee is a security risk, they shall notify staff at the respective correctional facility prior to their arrival, providing staff with adequate time to make any necessary security arrangements such as additional staff, special restraints or facilities.

- A. Transporting officers shall insure that all detainees who are sick or injured and require medical treatment beyond what can be reasonably treated with a first aid kit have received the necessary medical treatment. Failure to do so may result in the detainee being refused by the correctional facility.
- When a detainee requiring medical treatment is attended to by Barre City Fire and Emergency Service Medical Technicians or any area hospital, transporting officers will ensure that any associated documentation accompanies the detainee to the correctional facility, and is provided to the receiving corrections officer advising them of the detainee's conditions.
- B. The correctional facility may not store various items of a detainee's personal belongings, therefore transporting officers are responsible for securing and storing any detainee property that would not be accepted as described in **Barre City Police Department's Investigative Procedures #609, "Property & Evidence Management."**
- C. Transporting Officer(s) will secure all firearms in the trunk of the cruiser prior to correctional center staff entering the vehicle sally port to retrieve detainees.
- D. Correctional center staff will escort the transporting officer and detainee to the intake area.
- Transporting officer(s) are responsible for the security of their detainee(s) until acceptance by correctional center staff and will remain with their detainee(s) while correctional center staff conducts a frisk search of the detainee.
 - Any contraband recovered during the frisk search is the responsibility of the arresting/transporting officer and will be turned over immediately to the transporting officer(s) for further processing.
- E. Upon acceptance, correctional center staff will remove the transporting officer's restraints just before the detainee's placement in a holding cell.
- F. The arresting/transporting officer is responsible for the completion and submission to correctional center staff all the necessary medical, administrative, arrest, and charging documentation before leaving the facility.
- Correctional center staff should review submitted documentation, only to ensure that all required documents are accounted for.
- G. Correctional center staff will give the transporting officer a receipt indicating that they have taken custody of the detainee. This documentation will be kept with the case file.

VI. Transport & Release to Courthouse Holding Facilities

The following procedures will govern arrival with detainees at the Vermont Superior Court: Criminal Division - Washington County Court Holding Facilities:

- A. The officer will identify themselves upon arrival at the courthouse sally port, or garage to gain access.

- B. The officer will secure their weapon in the gun locker provided or in the trunk of the patrol vehicle before removing the detainee from the vehicle.
- C. The officer will transfer the detainee, as appropriate, to the accepting authority and produce all necessary documents. The officer will then:
 - Stand by until verification of paperwork is made
 - Depart the reception area promptly when transfer of custody is complete.
 - Remain in the holding area to monitor the detainee, if required, until such time as the detainee appears before a judge.
- D. The transporting officer will notify the intake court security officer or correctional officer of the specific circumstances of any high security risks with the detainee. In such cases use of additional precautions and/or restraints may be employed.
 - Officer will always document all information received regarding high security risk detainees, their circumstances, notification, and approvals of restraints in their incident reports.
- E. The officer will retrieve their weapon from the gun locker or the trunk of their cruiser and depart the secured area promptly.

VII. Transport to Medical Facilities

- A. When a detainee remaining in custody requires transport to the hospital for any reason, the following procedures apply:
 - The officer will remain with the detainee.
 - Restraints will be removed only upon medical direction and then only when they would interfere with medical treatment.
 - Alternate site restraints will be secured if necessary; leg restraints or one wrist or leg to the bed.
 - Visitors will not be permitted except in critical cases, and only when authorized by the supervisor.
 - The officer will monitor treatment and be alert to detainee attempts to conceal contraband or potential weapons.
 - The detainee will not be permitted any telephone conversation and the officer will answer all incoming calls.
 - The officer will make note of all events and activities for submission in the incident report.

- Some level of illumination will be maintained in the detainee's room.
 - Hourly, the officer will advise a designated supervisor of their status.
 - If the detainee is treated and released, a hospital release form will accompany the detainee to their final destination.
- B.** When a detainee is admitted, the officer will notify the appropriate supervisor to:
- Inform the case status;
 - Contact the State's Attorney's office to advise and Court Clerk/Judge if applicable.
 - The officer will not leave the detainee until properly relieved.

VIII. Inspections

Shift Supervisors or their designee shall routinely complete an inspection of the department arrest Processing and Detention Areas.

- A.** The areas to be inspected include:
- Holding Cells
 - Sally Port
 - Arrest Processing Area
 - Interview Room
- B.** Inspections will include:
- A check of holding cell doors/handles, property lockers, and access control/locks,
 - A search for weapons, contraband or illegal items,
 - Accounting of restraints and equipment assigned to processing/detention areas
 - A check of the DMT, AFIS, booking computer, and electronic or other security devices for operational wear and prisoner tampering.
 - Any defective or unsafe equipment will be repaired or replaced immediately, or
 - If the repair or replacement creates a safety concern and is unable to be immediately completed, the cell or other equipment will not be utilized and placed out of service, and
 - The discrepancy noted with a copy forwarded to Deputy Chief of Police.
 - **Sanitation Checks** - A general check for cleanliness of surfaces, neatness and absence of trash or debris to include but not limited to:

- A check of toilets, to insure they're flushed and working,
- Supplies should be stocked, organized and appropriately stored for readiness, and;
- The absence of supplies, inoperative lighting, condition of equipment, etc.

IX. Fire Suppression and Evacuation

The public safety complex contains a sprinkler system to include the holding cells, interview room, and arrest processing area. Further, fire extinguishers are located throughout, to include one located inside the holding area and interview room area.

A. Evacuation - In the event a detainee is being held within the holding cell or processing area while an evacuation is necessary due to fire or other hazard, the detainee:

- Will be transported to the most appropriate allied agency for continued processing and/or detention if the evacuation includes the entire building
- May be moved from the holding cell, if appropriate, to the arrest processing area if only the holding cells require evacuation.

X. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2023

Index As:

Audio Recording
 Correctional Facility
 Detainee Search
 Holding Cells
 Interview Room
 Processing Area
 Property for Safekeeping
 Vehicle Search/Inspection
 Video Recording



Barre City Police Department

Barre, Vermont

Braedon S. Vail
Chief

PERSONNEL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Promotional Process	310	X/X/23

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

Policy: The Barre City Police Department will ensure that all candidates considered for promotion receive fair and equitable consideration during a job-related process that meets validated standards.

Purpose: To establish a process that fosters and identifies skilled, knowledgeable, and technically proficient sworn and non-sworn personnel who possess the potential to assume greater responsibility as leaders within the various sections of the Police Department.

Contents:

- I. Responsibilities
- II. Career Development Program (*future*)
- III. Competitive promotional Process
- IV. Selection
- V. Probationary Period
- VI. Security of Materials
- VII. Cancellation

I. Responsibilities

- A.** The Barre City Police Department is responsible for the development and overall coordination of the promotional process for all employees, including but not limited to the scoring of examinations, and the certification of eligibility lists.
 - The Chief of Police is responsible for the administration of the promotional process and will manage its operation and direction.
- B.** All procedures used in the promotional process will be job-related and non-discriminatory, and following the current agreement with the Barre City Police Officers Association and Fraternal Order of Police Lodge 004 and established guidelines to ensure the selection process meets work related standards.

- C. Each promotional examination announcement will be prominently posted and emailed to all employee(s) to insure those who may be eligible have an opportunity to apply.
- The announcement will specify the application, examination elements, scoring procedures and when appropriate, all references used as source materials in developing the exam.
 - If performance evaluations are considered in the promotional process, the terms of their use will be specified in the promotional announcement.
- D. When an oral interview is used as part of the examination process, the oral interview board may be comprised of community leaders or elected officials in good standing, and subject matter experts from allied agencies. In the case of sworn law enforcement personnel, board members shall be of equal or higher rank than the position for which the candidate is applying.

II. Career Development Program *(future)*

III. Competitive Promotional Process

- A. Eligible candidates may participate in the competitive promotional process and may apply for promotion as often as promotional examinations are given.
- There is no limitation to the number of times an employee may participate in the promotional process.
- B. Upon announcement of the development of a promotional list, eligible personnel interested in participating will submit the required application to the Chief of Police within the time period stated in the promotional bulletin.
- C. The written announcement of the promotional process will include the following:
- The job class/position for which the test is given;
 - The specific procedures to be used during the promotional process;
 - The weight given to each component in the process used to establish an overall ranking;
 - Reasonable notice of the scheduled written test dates.
- D. Notice of the written and oral components of the examination, if any will be by way of memorandum to each candidate from the Chief of Police and will include the following:
- A description of eligibility requirements
 - A description of the process for use in selecting personnel for the vacancies, i.e. written examination, oral interview, etc.
 - Procedures for review and appeal of results for each promotional element by candidates
 - Procedures for reapplication, re-testing, and/or re-evaluation.

IV. Selection

- A. The eligibility list will be established from applicants having attained the minimum qualifying composite rating. The rating will be determined by the total score received for each part of the process, based on the assigned values. The candidates will be placed alphabetically on the eligibility list for reference.
- B. An eligibility list will remain in effect for one year from the date of issuance or until exhausted unless announced otherwise in the promotional bulletin.
- Should an eligible candidate decline an offer of promotion by the Chief of Police; the candidate may elect to remain on an active list for further consideration providing other eligible candidates remain on the list.
 - Should no other eligible candidates appear on the list, the Chief may deem the list exhausted and direct the establishment of a new list.
- C. The Chief of Police shall be free to choose any candidate for promotion from the eligibility list, subject to Equal Employment Opportunity and Affirmative Action objectives.
- D. Unless otherwise stated in a specific examination announcement, the Chief of Police will make the selections from eligible lists and may consider the following:
- Length of City service
 - Time in current rank
 - Other information relating to the candidate's suitability and potential for successful performance in the higher rank
- E. The Chief of Police may also consider work performance (*three most recent years maximum*), work experience, education/training, commendations, seniority, and disciplinary actions.
- Information may be obtained by a review of personnel files, examination results, personal interviews and/or recommendations from the supervisors of those in the highest rating category of the eligible list.
 - The selection process must be consistently applied for each candidate under consideration.
- F. The Chief of Police may formally delegate to others the authority and responsibility to review and consider the above listed information and based upon that information, to recommend candidates for promotion.
- Sworn personnel recommending candidates must be at least equal in rank to the promotional position. Several individuals may serve as a recommending panel, including minority and female representation when possible.

V. Probationary Period

- A. Each newly promoted candidate will be subject to a six-month probationary period consistent with the current agreement with the Barre City Police Officers Association and Fraternal Order of Police Lodge 004. This period is considered an integral part of the promotional process that allows the supervisors to closely observe the candidate’s work and reject any candidate whose performance does not meet required standards.
- B. To be considered eligible for participation in **any** competitive promotional process, candidates must satisfactorily complete the probationary period before the expiration date of the eligibility list as specified in the written announcement.

VI. Security of Materials

All promotional test materials and eligibility lists are considered confidential. The Chief of Police is responsible for the security and maintenance of promotional materials and records.

VII. Cancellation

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

AUTHORITY:

Braedon S. Vail, Chief of Police

, 2023

Index as:

Career Development Program
Competitive Promotion Process
Promotions