



COLCHESTER POLICE DEPARTMENT

MEMORANDUM

TO: TOWN MANAGER AARON FRANK
FROM: CHIEF DOUGLAS ALLEN
DATE: JUNE 12, 2020
SUBJECT: CPD GENERAL ORDERS

Recent national events have created an increased interest in the policies that guide our police department's functions known as our General Orders. I have answered multiple telephone and email inquiries from the press and public about our General Orders. Anyone with such an interest is encouraged to send me an email request to douglas.allen@colchesterpdvt.org and/or call me at 802-264-5541.

Our General Orders are routinely reviewed and edited as needed. These orders are public documents and can be accessed at:
https://clerkshq.com/Content/Attachments/Colchester-vt/policy_police.pdf?clientSite=Colchester-vt

COLCHESTER POLICE DEPARTMENT

SUBJECT: Citizen Complaints & Internal Investigations		
EFFECTIVE DATE: July 12, 2018	NUMBER:	G.O. #2
SPECIAL INSTRUCTIONS: rescinds G.O. #27 and portions of G.O. #10 related to "Incident Reports – Censurable Conduct"		
REEVALUATION DATE: as needed	APPROVED: <i>J. Monahan #190</i>	NO. PAGES: 6
ATTACHMENTS: Appendices A thru I inclusive		

POLICY: Establishment of procedures for investigating complaints and allegations of employee misconduct is vital to maintaining the public trust. It is the policy of this Department to invite citizens to bring forward complaints about the conduct of its employees whenever that citizen believes an employee acted improperly. A review and corrective process has been established which balances the department's ability to address citizen concerns and take appropriate corrective action as necessary, while protecting employees from unwarranted criticism for properly discharged duties. Complaints regarding all CPD employees will be investigated in accordance with the procedures described herein, and in a manner consistent with any applicable collective bargaining agreement, or Town Employee Handbook.

CONTENTS:

- I. Origin of Allegations/Charges
- II. Rights & Obligations of the Employee
- III. Internal Investigation Process
- IV. Authority of the Chief

I. ORIGIN OF ALLEGATIONS/CHARGES

- A. Allegations and/or charges of misconduct, violations of Department Rules or Regulations or laws (both on and off duty) may be initiated from within or outside of the Department. Every such allegation and/or charge will be reviewed by a Command Staff member (rank of LT or higher). CPD will accept complaints from any source.
- B. An employee electing to lodge a complaint against another employee may verbally transmit the complaint to his/her immediate supervisor. The supervisor shall notify the Chief of Police, via the chain of command.
- C. A citizen verbally lodging a complaint or charge against an employee will be asked to document the complaint or charge by filling out a "Citizen's Complaint Form," which requires the name, address and telephone number of the complainant and a brief statement describing the incident. If the complaining citizen elects not to document his/her complaint or charge, the

officer receiving the complaint shall obtain pertinent facts and refer the complaint to the Officer in Charge, who shall fill out the "Citizen Complaint Form" with as much information as is available. All complaints must be reported to the Chief of Police.

- D. Every effort shall be made to facilitate the convenient, courteous and prompt receipt and processing of citizen complaints. Any employee who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action up to and including immediate termination.
- E. This policy does not apply to minor misunderstandings on the part of a complainant, which can be quickly resolved with an explanation of State law and/or Department policy. Such minor misunderstandings may be resolved by the Officer in Charge and should be documented via an e-mail to the Chief of Police. If the complaining citizen is not satisfied with this resolution, he/she may complete a "Citizen's Complaint Form."
- F. A "Citizen's Complaint Form" and the accompanying cover letter explaining the process for filing citizen's complaints shall be available to the public at all times (Appendices E & F).
- G. The Chief of Police will determine if it is necessary to commence an internal investigation. Such investigation will be assigned to a supervisor, to act as the investigator. A copy of all relevant information will be provided to the designated investigator.
 - 1. Sometimes there is not enough information available to determine if a complaint is a minor misunderstanding or something more serious or complex that requires an internal investigation.
 - 2. When it is unclear if an internal investigation is required, the Chief of Police may order an "administrative review" to gather further information. An administrative review is a cursory investigation into the allegations to determine if there are potential violations of department rules, general orders or laws.
 - 3. The involved employee will be notified of the administrative review. He/she will be interviewed by the investigating officer. Participation and truthfulness during the administrative review are required.
 - 4. The investigating officer will complete a brief narrative of the administrative review. After review, the Chief of Police will determine whether the incident requires an internal investigation or can be resolved with no further investigation.
 - 5. Any time an allegation of felonious criminal behavior is made against a member of CPD, it shall be referred to an outside agency for investigation.
 - 6. Allegations of criminal behavior against other Town employees or officials shall be thoroughly and impartially investigated by CPD unless a conflict of interest or unusual circumstances exist, in which case an outside agency will be contacted for assistance.

- H. Whenever an internal investigation is commenced, the affected employee will be notified in writing that he/she is the subject of investigation and what the nature of the allegation(s) is, and shall be afforded any other notice as may be necessary under a relevant collective bargaining agreement.
- I. The Department will comply with legislative mandates as found in Act 56 of 2017 and 20 VSA 2401. (Appendices G, H & I)

II. RIGHTS AND OBLIGATIONS OF THE EMPLOYEE

Internal investigations shall be conducted in an impartial and objective manner. The purpose is to determine all facts relevant to the matter, whether or not such facts may be favorable or unfavorable to the individual concerned or the agency.

All employees are required to be cooperative, impartial and truthful when asked for information concerning the matter under investigation.

The rights and obligations of employees who are under investigation and subject to interrogation for any reason which could reasonably lead to disciplinary action are set forth below:

- A. The employee will be informed in writing prior to the interview that he/she is a subject in the investigation, and will be informed of the nature of the investigation. The employee shall also be informed of his/her rights and responsibilities relative to the investigation (Appendices A & B).
- B. All interrogations shall be limited in scope to activities, circumstances, events, conduct or acts, which pertain to the incident that is the subject of the investigation. An employee may be requested to participate in other investigative processes that are specifically directed and narrowly related to the internal investigation.
- C. Except for submitting to drug or alcohol screenings based on reasonable suspicion, no employee shall be compelled to take a polygraph, participate in a photo or live line-up, or submit to medical or laboratory examinations during the course of an internal investigation initiated pursuant to this policy.
- D. Employees may be asked to provide other records that are reasonably related to the allegations being investigated. Such records may include financial records, phone records, etc.
- E. Internal investigations shall normally be completed within thirty days. The time required may vary from case to case based on the nature of the allegation(s) and the complexity of the investigation. Therefore, if additional time is necessary to complete the investigation, the Chief of Police may authorize an extension of up to sixty days, for a maximum time limit of ninety days.

- F. No information gained during the course of an internal investigation can be used in a criminal prosecution. Information gained during the course of an internal investigation shall be confidential to the extent allowed by law.
- G. At the conclusion of the investigation, the employee has a right to written findings as well as a copy of the investigative report and supporting material.

III. INTERNAL INVESTIGATION PROCESS

A. Organization:

The Chief of Police shall assign a LT to oversee each internal investigation. The LT shall staff the investigation with as many officers as required. In unusual circumstances, the Chief may ask for assistance from an outside agency or consultant to conduct an internal investigation. In all instances involving CPD personnel, CPD policies and procedures shall be followed.

- B. The Chief of Police shall keep the Lieutenants advised of all incoming complaints, unless a LT is the subject of the complaint. The Chief of Police will be notified as soon as feasible by the affected supervisor of any complaint that may result in an internal investigation. Any complaint regarding the conduct of the Chief of Police shall be referred to the Town Manager's Office.

C. Procedure:

1. This policy does not relieve Supervisors of their responsibilities for the prompt investigation of all alleged acts of misconduct or other breaches of discipline by their subordinates. Minor complaints (i.e. rudeness) may be investigated by a line supervisor for the purpose of conducting an administrative review.
2. An administrative review is not considered an internal investigation as defined by this policy.
3. A LT will commence any internal investigation so directed by the Chief of Police. The Department shall investigate any allegation of criminality on the part of an employee or of any conduct that could result in discipline more substantial than a written reprimand.
4. Employees conducting internal investigations shall have freedom of movement and authority to question all personnel regarding infractions of Departmental policy, procedure, or rules and regulations in reference to any ongoing investigation.
5. CPD members participating in an investigation conducted pursuant to this policy and conducted in accordance with proper procedures and policies will not be retaliated against for such participation.

6. During the course of any internal investigation, all relevant police records and police reports shall be made immediately available to the investigators upon their request.
 7. Upon completion of investigations, the investigator will forward a report and all supporting documentation to the supervising LT. The LT shall review all materials and make recommendations on findings and discipline to the Chief of Police.
- D. Record Keeping: The Chief of Police shall maintain a complete record of complaints. These records shall be maintained separate from all other department records and shall be strictly confidential.
- E. The Chief of Police shall be responsible for the following, regarding follow up with the original complainant:
1. The complainant shall be advised when their complaint is received.
 2. When reasonable to do so, as determined by the Chief, the complainant will be periodically informed as to the status of their complaint.
 3. Reasonable efforts will be made to advise the complainant when the complaint has been resolved. No details of discipline shall be released, but the complainant will be advised what findings were made.
- F. The Support Services LT shall annually compile a statistical summary of all complaints investigated. This summary shall include the number of internal investigations and the category of disposition of each. This summary shall be made available to agency employees and the Town Manager upon request. If a trend indicating the need for training is detected, the summary's author shall make appropriate recommendations to the Training Unit and the Chief of Police. The conduct of subsequent training shall be in the sole discretion of the Chief of Police.

IV. AUTHORITY OF THE CHIEF OF POLICE

- A. The Chief of Police shall:
1. Review every case to determine the appropriate disposition.
 2. Make a finding, using the following recommended categories of disposition:

Unfounded - The investigation indicates that the act or acts complained of did not occur or failed to involve police personnel.

Exonerated - Acts reported did occur, but were justified, lawful and proper.

Non-sustained - Investigation fails to disclose sufficient evidence to clearly prove or disprove the allegations made in the complaint.

Sustained - The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.

Non-involved - The investigation establishes that the individual named in the complaint is not involved in the alleged incident.

3. Any employee named in a complaint will be notified in writing as to the findings.
- B. Disciplinary or corrective action, up to and including termination may result from the investigation of a complaint pursuant to this policy. The type of corrective or disciplinary action will be dictated by the facts of the given situation and will be determined consistent with the relevant collective bargaining agreement, Town personnel policy and CPD policies and procedures.
- C. Any discipline as a result of an internal investigation will be documented and a copy kept in the employee's personnel file.
- D. Should an incident occur which is, in the opinion of the Officer in Charge, of such magnitude that immediate action is necessary, the OIC may immediately relieve the employee from duty for the balance of his/her shift. The OIC shall notify the appropriate Bureau LT and prepare a report before the end of shift.

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**COLCHESTER POLICE DEPARTMENT
ADMINISTRATIVE INTERVIEW NOTIFICATION**

Person to be interviewed/questioned:

Location of interview:

Before asking any questions, I am advising you of the Colchester Police Department's Internal Investigation policy and your responsibility as an employee of the Colchester Police Dept.

An Internal Investigation or Admin Review is about a violation of the Police Department's Rules & Regulations, not a criminal matter.

The purpose of the interview is to ask for responses that will help in determining whether disciplinary action is warranted. The answers furnished may be used in disciplinary proceedings that could result in administrative action against you and any other employee of the Colchester Police Department, including reprimand, demotion, suspension or dismissal.

All questions about the performance of official duties must be answered completely and truthfully. Disciplinary action, including dismissal, may be undertaken if the employee refuses to answer completely and truthfully. [Colchester Police Department's Rules - Rule 24, Truthfulness & Rule 17, Conduct Unbecoming.]

No answers given or any information gained by this administrative interview may be admissible against you in any criminal proceeding.

You may have the presence of an attorney or anyone of your choice on a consulting basis. However, there will be no interference with the interview by either party.

Do you understand what I have said? _____

Do you have any questions about what I have said? _____

Do you understand that by not answering my questions you would be violating the Rules & Regulations of the Colchester Police Department - Rule 17: Conduct Unbecoming - the failure to cooperate with an Internal Investigation? _____

Acknowledgement of Administrative Inquiry Procedures:

I have had the above statement of the Administrative Inquiry Procedures read to me. I fully understand my responsibilities as an employee of the Colchester Police Department.

SIGNATURE: _____ **DATE:** _____ **TIME:** _____

INVESTIGATOR'S SIGNATURE: _____ **DATE:** _____ **BADGE #** _____

**COLCHESTER POLICE DEPARTMENT
INTERNAL INVESTIGATION NOTIFICATION**

I.A. # _____

TO: _____

FROM: _____

SUBJECT: Internal Investigation

DATE: _____

You are hereby notified that you are the subject of an internal investigation being conducted by this department.

The nature of the investigation is as follows:

Name, rank and assignment of the officer in charge of the investigation:

Witnesses that have been interviewed thus far are:

Please acknowledge receipt of a copy of this memorandum.

OFFICER: _____

DATE: _____

WITNESS: _____

The officer under investigation has the right to have an attorney or other responsible representative of their choice present during interrogation.

COLCHESTER POLICE DEPARTMENT
INTERNAL INVESTIGATION REPORT (format)

TO _____ **DATE:** _____
FROM: _____
SUBJECT: _____
ACCUSED: **DOE, John J., Officer**
Uniform Services Bureau
(If more than one officer, list all accused officers.)

COMPLAINANT: **JONES, Joe G.**
1234 Neighborhood Street
Your Town, VT 05499
Phone: 555-2234

VICTIM: (Use only if complainant is different from victim.)

ALLEGATION: 1) **CONDUCT UNBECOMING A POLICE OFFICER**
(Give allegation heading corresponding with written directive.)
To wit: JONES alleges that DOE called him a "son of a #\$&*#" during a traffic stop.
2) **LIST ALL OTHER ALLEGATIONS**

INVESTIGATOR: **LT. D. SMITH, Uniform Services Bureau**

SUMMARY OF COMPLAINT: Summarize complaint.

REPORT OF INVESTIGATION: Use this area to explain the investigation and what was found during investigation.

ENCLOSURES SECTION

(This section will list all documented material here, i.e., Police Report, photos, witness statements, etc.)

1. Memorandum dated May 7, 1990, from _____ to _____ directing this investigation.
2. Letter of complaint from JONES, Joe G.
3. Police Report, 00-12345, dated March 3, 1990.
4. Photo of damage to police cruiser #118.
5. Memorandum dated May 7, 1990, to Officer John J. Doe from Lt. D. Smith, advising him of this investigation in accordance with Departmental Procedure.
6. Transcript of recorded statement from Officer John Doe.

**COLCHESTER POLICE DEPARTMENT
CITIZEN'S COMPLAINT ADMINISTRATIVE
COVER SHEET**

Date Received _____ Complainant _____

Intake Supervisor _____ Incident Date & Time _____

Location of Incident _____

Employee(s) Involved _____

Incident Category:

Admin Review? _____ Internal Investigation? _____ IA# _____

Date Initial Letter Sent to Complainant _____

Assigned Investigator _____ Date assigned _____

Reviewing Supervisor _____ Date _____

Date Reviewed by COP _____ Disposition _____

Date Closed with Employee(s) _____

Date Closure Letter Sent to Complainant _____

Notes:



Jennifer Morrison
Chief of Police

COLCHESTER POLICE DEPARTMENT

P.O. Box 37
835 Blakely Road
Colchester, Vermont 05446

Business: 802-264-5556
Fax: 802-264-5561

The Colchester Police Department is dedicated to ensuring a safe and vibrant community for the citizens and visitors of the Town of Colchester. Maintaining order, enforcing the law and providing emergency response services can sometimes place our employees in situations where conflicts or questions arise. Protecting every citizen's civil rights is of paramount importance to us as we go about safeguarding our community.

Maintaining the public's trust is crucial to our success. We take this responsibility very seriously, and have a process in place to address complaints from the public about how we accomplish the mission of community safety. We encourage community members to report improper employee conduct. These complaints will be dealt with in a prompt, open and professional manner.

Our complaint process is established to investigate concerns and complaints regarding the performance of our employees. This process helps us to determine if training or corrective action is needed. It also serves to protect employees from unwarranted criticism while properly performing their duties.

The first step in our process is to meet with an on duty supervisor to address your questions or concerns and to document the events that transpired. If you are unable to come to police headquarters, you can call 264-5555 and ask to speak to a supervisor. We can send a supervisor to meet with you, or in unusual cases, we can accept your complaint via mail, email or phone. Your concerns will be evaluated and forwarded to a Lieutenant for review. Many concerns can be resolved quickly, but some require a lengthy investigation to resolve. At the conclusion of the internal review process, you will be contacted and informed of the disposition.

Please feel free to contact the office of the Chief of Police during normal business hours if you have any questions regarding this procedure.

On behalf of the Colchester Police Department,

A handwritten signature in black ink that reads "Jennifer Morrison". The signature is written in a cursive, flowing style.

Jennifer Morrison
Chief of Police



CITIZEN'S COMPLAINT FORM

NAME: _____ DATE OF REPORT _____

ADDRESS: _____ HOME PHONE: _____

WORK PHONE: _____ INCIDENT DATE: _____ INCIDENT TIME: _____

LOCATION OF INCIDENT: _____

OFFICER(S) INVOLVED (if known): _____

DESCRIPTION OF COMPLAINT (be detailed, use reverse side or additional paper if necessary):

WITNESSES TO INCIDENT:

NAME: _____ ADDRESS: _____ PHONE _____

NAME: _____ ADDRESS: _____ PHONE _____

NAME: _____ ADDRESS: _____ PHONE _____

SIGNATURE: _____ DATE: _____

Return completed form to the Officer in Charge

CPD-066

01/2014

Act 56 Reference guide

July 2018

Appendix G

Act 56 of 2017, relating to the Professional Regulation of Law Enforcement Officers by the Vermont Criminal Justice Training Council, has changed the landscape of law enforcement accountability in Vermont. This document is intended to be a brief reference for agency heads and officers, but in no way is intended to be a comprehensive review of the contents of Act 56; it is the responsibility of agency heads to ensure they're familiar with the law.

The Act becomes effective July 1, 2018.

What constitutes professional misconduct?

Professional misconduct is broken down into three categories:

Category A: Crimes committed both on and off duty. This includes all felonies, all misdemeanors committed on-duty, and a list of misdemeanors committed off-duty.

Category B: Gross professional misconduct "...amounting to actions on duty or under color of authority, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct..." as defined by the agency's or Council's policy. There is a list in the Act, but the list illustrates examples and is not intended to exclude other conduct.

Category C: Misconduct related to Council processes, such as falsifying training records, intentionally exceeding scope of practice for a given certification level, intentional failure to conduct a valid investigation, etc.

Agencies must also report terminations for Category A or B conduct, or resignations, if the officer resigns while under investigation.

What is the agency's responsibility to investigate?

Act 56 requires that all agencies have what has been termed an "effective internal affairs program" and must conduct a "valid investigation". The parameters of each are as follows:

Effective internal affairs program

- Accepts complaints from any source
- Assigns an investigator to determine if a violation took place
- Has language in policy or bargaining agreements that establish a code of conduct and a corresponding range of discipline
- Provides fairness in discipline
- Provides for civilian review

Valid investigation:

- Any investigation conducted pursuant to the agency's procedures, which must include the effective internal affairs program.

An investigation will not be considered valid if any of the following apply:

- The agency did not adopt the effective internal affairs program
- The agency refuses, without legitimate basis, to conduct an investigation
- The agency intentionally failed to make reports to the Council as required
- The agency attempts to cover up the misconduct and/or does anything to discourage a complainant
- The agency's executive officer is the officer accused of misconduct

A model policy is available for agencies to download here:

<http://vcjtc.vermont.gov/content/model-internal-affairs-policy>

If, for whatever reason, an agency will not or cannot conduct a valid investigation, it is still the agency's responsibility to cause the investigation to be made.

If the officer resigns prior to the start of the internal investigation or before it's completed, the agency is still required to conduct as much of the investigation as possible.

In all cases where the agency head is the subject of the allegation, the Council will cause the investigation to be conducted.

Should the Council receive a complaint of Category A or B misconduct instead of the law enforcement agency, the Executive Director will refer the complaint to the agency head and, for complaints of Category A conduct, the state's attorney of jurisdiction, except in those instances where the agency head is the subject of the complaint.

The Council will investigate all allegations of Category C misconduct.

Where do the reports go?

All reports of professional misconduct are made to the Council, specifically, to the Executive Director. In the event the E.D. is not available, the report can be made to either the Director of Administration or the Director of Training. Though the first instance of a Category B offense is handled by the agency and is not subject to action by the Council, the report must still be made

so that the Council and law enforcement agencies will have the ability to identify second and subsequent offenses.

Reports must be made in writing, by the agency head or designee.

What are the time frames for reporting and what needs to be included with the report?

Category A Offenses: The agency is required to report Category A conduct within 10 days of a finding of probable cause by a court. Related documents--any and all relevant documents associated with the report and/or investigation, including the agency's investigative report—must be provided with the report.

Category B Offenses: Must be reported within 10 business days after the agency receives the complaint, if deemed credible by the agency head. Related documents--any and all relevant documents associated with the report and/or investigation, including the agency's investigative report—must be provided when completed.

Category C Offenses: Must be reported within 10 business days after the agency head becomes aware of the misconduct.

What happens to the reports?

The prosecutor for the Council is ultimately responsible for determining whether or not the conduct rises to the level of Professional Misconduct. If the prosecutor decides it does not, the Council takes no further action; if the prosecutor decides it does, then the Council begins the hearing process.

What happens if the prosecutor determines that the conduct rises to the level of Professional Misconduct?

The VT Administrative Procedures Act (APA) requires due process before an officer can be decertified, or be subject to any sort of official sanction by the certification entity, in this case, the Council. Due process consists of notifying the officer of the allegation, the proposed action by the Council, informing the officer of the proposed date/time of any hearing, and affording the officer the opportunity to present a defense. The Council will ensure that agency heads are kept informed as the process moves forward. No action is taken against an officer's certification until the conclusion of the hearing, or unless the officer waives the right to the hearing and accepts the proposed sanction.

Can the Council suspend an officer's certification prior to a hearing?

Under fairly narrow circumstances, the Council can suspend an officer's certification ahead of a hearing if it can be demonstrated that, should the officer retain their certification, it poses an imminent threat to the public.

What sanctions can the Council impose?

Act 56 established a range of sanctions that the Council may impose: written warning, suspension, revocation with the option of recertification at the Council's discretion, and permanent revocation.

Can the officer surrender his/her certification?

After the hearing, if the Council finds that certification revocation is appropriate, and if the officer is also involved in or is going to begin a labor appeal process, the officer may voluntarily surrender the certification pending the outcome of the process. The Council will revisit the revocation at the conclusion of the labor process, but is not bound by that outcome.

How does an officer appeal the Council's decision?

By VT law, any appeal of a Council decision must go to the VT Supreme Court.

Is there a public record kept of reports and Council actions?

Act 56 requires the Executive Director to prepare and maintain a public register of all complaints that contains the following:

For reports received but do not rise to the level of professional misconduct:

- The date and nature of the complaint (but not the officer's identity)
- A summary of the completed investigation

For reports on which the Council will take action, the above information with the additions described below:

- The name and business address of the law enforcement officer
- Formal charges, providing they have been served or a reasonable effort to serve them has been made
- Findings, conclusions, and order of the Council
- Exhibits admitted at the hearing
- Transcript, if made
- Any stipulation filed with the Council
- If applicable, any final disposition by the VSC



ACT-56

Conduct Reporting Form

Agency:		Date:	
Reporting Official Name:			
Date Complaint Received:		Date:	
Category of Offense:	A ☒	B ☒	C ☒
Internal Investigation Policy in Place:	YES ☒	NO ☒	
Internal Investigation Commenced (If Applicable):	YES ☒	NO ☒	
Internal Investigation Completed (If Applicable):	YES ☒	NO ☒	
Probable Cause Determined (If Applicable):	YES ☒	NO ☒	
Date of Determination:	Date:		
Court Where Probable Cause Was Determined (If Applicable):			
Submit all related documentation with this form			

Criminal Justice Training Council

317 Academy Road
Pittsford, VT 05763
Phone: 802 483 6228

The Vermont Statutes Online

Title 20 : Internal Security And Public Safety

Chapter 151 : Vermont Criminal Justice Training Council

Subchapter 002 : Unprofessional Conduct

(Cite as: 20 V.S.A. § 2401)

[Section 2401 effective July 1, 2018.]

§ 2401. Definitions

As used in this subchapter:

(1) "Category A conduct" means:

(A) A felony.

(B) A misdemeanor that is committed while on duty and did not involve the legitimate performance of duty.

(C) Any of the following misdemeanors, if committed off duty:

(i) simple assault, second offense;

(ii) domestic assault;

(iii) false reports and statements;

(iv) driving under the influence, second offense;

(v) violation of a relief from abuse order or of a condition of release;

(vi) stalking;

(vii) false pretenses;

(viii) voyeurism;

(ix) prostitution or soliciting prostitution;

(x) distribution of a regulated substance;

(xi) simple assault on a law enforcement officer; or

(xii) possession of a regulated substance, second offense.

(2) "Category B conduct" means gross professional misconduct amounting to actions on duty or under color of authority, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency's policy or if not defined by the agency's policy, then as defined by Council policy, such as:

(A) sexual harassment involving physical contact or misuse of position;

- (B) misuse of official position for personal or economic gain;
- (C) excessive use of force under color of authority, second offense;
- (D) biased enforcement; or
- (E) use of electronic criminal records database for personal, political, or economic gain.

(3) "Category C conduct" means any allegation of misconduct pertaining to Council processes or operations, including:

- (A) intentionally exceeding the scope of practice for an officer's certification level;
- (B) knowingly making material false statements or reports to the Council;
- (C) falsification of Council documents;
- (D) intentional interference with Council investigations, including intimidation of witnesses or misrepresentations of material facts;
- (E) material false statements about certification status to a law enforcement agency;
- (F) knowing employment of an individual in a position or for duties for which the individual lacks proper certification;
- (G) intentional failure to conduct a valid investigation or file a report as required by this subchapter; or
- (H) failure to complete annual in-service training requirements.

(4) "Effective internal affairs program" means that a law enforcement agency does all of the following:

- (A) Complaints. Accepts complaints against its law enforcement officers from any source.
- (B) Investigators. Assigns an investigator to determine whether an officer violated an agency rule or policy or State or federal law.
- (C) Policies. Has language in its policies or applicable collective bargaining agreement that outlines for its officers expectations of employment or prohibited activity, or both, and provides due process rights for its officers in its policies. These policies shall establish a code of conduct and a corresponding range of discipline.
- (D) Fairness in discipline. Treats its accused officers fairly, and decides officer discipline based on just cause, a set range of discipline for offenses, consideration of mitigating and aggravating circumstances, and its policies' due process rights.
- (E) Civilian review. Provides for review of officer discipline by civilians, which may be a selectboard or other elected or appointed body, at least for the conduct required to be reported to the Council under this subchapter.

(5) "Unprofessional conduct" means Category A, B, or C conduct.

(6)(A) "Valid investigation" means an investigation conducted pursuant to a law enforcement agency's established or accepted procedures.

(B) An investigation shall not be valid if:

- (i) the agency has not adopted an effective internal affairs program;
- (ii) the agency refuses, without any legitimate basis, to conduct an investigation;
- (iii) the agency intentionally did not report allegations to the Council as required;
- (iv) the agency attempts to cover up the misconduct or takes an action intended to discourage or intimidate a complainant; or
- (v) the agency's executive officer is the officer accused of misconduct. (Added 2017, No. 56, § 1, eff. July 1, 2018.)

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Performance Evaluations	
EFFECTIVE DATE: November 30, 2016	NUMBER:	G.O. #3	
SPECIAL INSTRUCTIONS: rescinds G.O. #3 issued 9/1/2014, updates G.O. #3 issued 11/1/2015			
REEVALUATION DATE: as needed	APPROVED: <i>J. Morrison #190</i>	NO. PAGES: 2 plus attachments	

POLICY: The Colchester Police Department will maintain a performance evaluation system for all full-time employees. All aspects of the evaluation process will be job-related and non-discriminatory.

CONTENTS:

- I. Purpose
- II. Frequency
- III. Rater Training & Input from other Supervisors
- IV. Appeal Process

I. PURPOSE

- A. The primary purpose of the performance evaluation system is to provide employees with timely feedback regarding their performance. It is the department's intention to maximize employee development and to ensure that employee behaviors are consistent with organizational goals.
- B. Performance evaluations will be used to identify areas of employee excellence as well as areas of deficiency. Evaluations will be one of several resources to be utilized during awards considerations.
- C. Performance evaluations will be used to identify personnel development needs, training or remedial training issues and/or policy modifications.
- D. Performance evaluations are not to be used as a sole source for disciplinary action.

II. FREQUENCY

- A. Each employee will be evaluated comprehensively once a year. This evaluation will include written narratives, individual goal setting and discussion of the employee's career plan. This annual evaluation will be completed at the end of the calendar year.
- B. Each employee will be evaluated half way through the calendar year (periodic) on core behaviors, knowledge, and performance via a shorter version of the evaluation instrument. This periodic evaluation is designed to give the employee ongoing feedback during the course of the year.

III. RATER TRAINING & INPUT FROM OTHER SUPERVISORS

- A. Each person tasked with completing performance evaluations shall receive orientation training. The purpose of the training will be to ensure rater consistency in both use of forms and process.
- B. If a supervisor is assigned to evaluate a person with whom they do not work regularly, that supervisor shall consult with other supervisors to gather information on the employee's behaviors, knowledge, and performance. It is acceptable for more than one supervisor to collaborate on authoring a performance evaluation so long as one supervisor is responsible for reviewing the evaluation with the employee.
- C. Once the evaluation instrument is completed, the supervisor shall meet with the employee to review the evaluation.
- D. When an employee is transferred to a temporary position or unit for a period of the year (i.e. Marine Unit, temporary assignment to BCI, etc.) a periodic evaluation should be completed by the unit supervisor at the conclusion of the assignment with emphasis on the employee's performance in that particular assignment.

IV. APPEAL PROCESS

- A. The evaluation instrument contains a section for an employee to write his/her comments. This area may be used to rebut any specific ratings contained within the evaluation.
- B. If the employee does not agree with all or portions of the evaluation, he/she should request that the rater reconsider. This request should be supported by specific information. The rater should consider this request and then has the choice of amending the evaluation or letting it stand.
- C. If the employee is aggrieved by the evaluation to the degree that he/she wishes to appeal it, he/she shall submit a request for reconsideration to the rater's direct supervisor within ten business days of the performance review. The request for reconsideration must specifically indicate which portions of the evaluation are in dispute. The appellant should include any supporting documentation or other sources to support his/her request for reconsideration. The supervisor receiving the appeal shall respond within ten business days with either a denial of the appeal or by returning it to the rater for revisions.
- D. The Chief of Police shall be the final avenue for appeal for all employees except Lieutenants. Lieutenants may appeal their evaluation to the Town Manager who shall follow the process described in section IV. C above and shall have the final appeal authority.

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Domestic Violence by Law Enforcement Employees	
EFFECTIVE DATE: February 5, 2018		NUMBER: G.O.# 4	
REFERENCE:		SPECIAL INSTRUCTIONS: none	
REEVALUATION DATE: as needed	APPROVED: <i>J. Monisau #190</i>	NO. PAGES: 7	

POLICY:

This policy recognizes that the profession of law enforcement is not immune from employees committing domestic violence. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by employees, to offer specific guidance for handling domestic violence cases involving employees of any law enforcement agency, and for implementing early recognition and prevention strategies. This policy will provide police managers, officers, and all department employees with guidance in addressing incidents where one (or more) party to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank in the department. This policy offers a comprehensive, pro-active approach to domestic violence by police department employees with an emphasis on victim safety.

Federal law prohibits persons convicted of qualifying misdemeanor domestic violence crimes from possessing firearms.

Employees found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated.

- CONTENTS:**
- I. Definitions
 - II. Prevention & Training
 - III. Hiring Practices, Early Warning & Intervention
 - IV. Incident Response Protocols
 - V. Victim Safety and Protection
 - VI. Post Incident Administrative & Criminal Decisions

I. DEFINITIONS

- A. Domestic Violence — is defined in General Order #43 "Domestic Violence."

- B. Administrative no contact order – written order issued by the Department designed to curtail any further domestic violence or discord. The order shall be issued to an employee by a supervisor.

II. PREVENTION & TRAINING

The Department will adhere to a zero-tolerance policy towards employees who commit acts of domestic violence. The department will provide training to every employee on domestic violence.

- A. Upon implementation of this policy, all officers shall receive instruction on the following topics: Domestic Violence, review of General Order #43 "Domestic Violence", review of this general order. This training will include warning signs of domestic violence by police officers, victim safety, and general characteristics of domestic violence.
- B. The Department shall use a variety of training techniques including in-service training, roll call trainings and training bulletins to regularly reinforce standards of effective response protocol.

III. HIRING PRACTICES, EARLY WARNING & INTERVENTION

NOTE: It should be noted from the outset that while this early warning and intervention initiative is set forth in this directive directly pertaining to Domestic Violence, that all employees should consider it as a meaningful way to identify and prevent other emerging problems that peers may be experiencing. Employees should also be cognizant of behaviors of co-workers that are indications of victimization or perpetration of domestic violence.

A. Pre-Hire Screening

- 1. All candidates shall be asked if they have engaged in or been investigated for domestic violence, asked about any past arrests, suspended sentences, diversion programs, convictions, and protective orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence and screened out as necessary
- 2. Candidates shall be clearly informed of the department's position of zero-tolerance concerning domestic violence by employees.

B. Post-Hire Intervention

- 1. The department shall, either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance, such as the Employee Assistance Program, before an act of domestic violence occurs.
- 2. The department shall inform employees of the procedure for seeking referrals to confidential counseling services.
- 3. A disclosure on the part of any employee, intimate partner or family member to any member of the department that an employee has personally engaged in domestic violence will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.

C. Supervisor Responsibilities

1. Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence, including but not limited to the following:

Aggressiveness:

- a. Excessive and/or increased use of force on the job
- b. Stalking and inappropriate surveillance activities
- c. Unusually high incidences of physical altercations and verbal disputes
- d. Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
- e. Inappropriate treatment of animals
- f. On or off-duty officer injuries

Domestic Violence-Related Issues:

- a. Monitoring and controlling any family member or intimate partner through such means as excessive phone calls or contact by other means
- b. Stalking any intimate partner or family member
- c. Repeatedly or excessively discrediting and/or disparaging an intimate partner

Indicators of Stress:

- a. Tardiness
- b. Excessive absences
- c. Indications of alcohol and drug abuse

2. Merely observing one of these behaviors does not necessarily indicate a pattern of domestic violence behavior. However, if the supervisor notes a pattern of problematic or early warning behavior that causes him/her to reasonably suspect there may be some nexus to domestic violence or discord, the supervisor shall:

- a. Address the behaviors through a review or other contact with the officer and document all contacts.
- b. Report the concerns to the next level in the chain of command immediately.
- c. Forward written reports capturing the behaviors to the Chief through the chain of command in a timely manner.

D. Employee Responsibilities

1. Employees are encouraged to take personal responsibility to prevent a problem from escalating. The employee is expected to make use of all available resources such as Employees Assistance Program, local resources such as Women Helping Battered Women, health providers, clergy, etc. Domestic Abuse Education Program is a recommended tool.
2. Employees who engage in the following actions will be subject to discipline:
 - i. Failure to report knowledge of abuse or violence involving a fellow officer or other department employee.
 - ii. Any conduct that assists the continuation of domestic violence or interferes with the Department's ability to be informed of domestic violence incidents.

- iii. Failure to cooperate with the investigation of employee domestic violence case (except in the case where that employee is the victim).
 - iv. Interference with cases involving themselves or fellow employees.
 - v. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting).
- 3. Employees who learn they are the subject of a criminal investigation or response by a law enforcement agency to a domestic violence related call, regardless of jurisdiction, are required to immediately make a report to their supervisors and, if applicable, provide notice of the court dates, times, appearances, and proceedings. Failure to do so will result in discipline, up to and including termination.
 - 4. Employees who learn they are the subject of any protective order proceeding (domestic violence, stalking or other), whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor and provide a copy of the order, if issued. If subject to a qualifying protective order (under existing law), the officer shall surrender all firearms. Failure to do so will result in discipline.

IV. INCIDENT RESPONSE PROTOCOLS

The contents of this policy apply to incidents that are investigated by this or another law enforcement agency.

1. Department-Wide Response

- a. The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information.
- b. All reports of possible criminal activity implicating police officers or other police employees from any agency in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.

2. Communications Response & Records responsibility

- a. Communications staff shall immediately notify the supervisor on duty of any suspected domestic violence call received that involves, or appears to involve, a police employee of our agency or any other law enforcement agency.
- b. Records staff shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 or other phone recordings, for use in potential administrative or criminal investigations.

3. Patrol Response

- a. Upon arrival on the scene of a domestic violence call or incident involving a police employee from any agency, the primary patrol unit shall immediately notify dispatch and request the on duty officer in charge and a supervisor of higher rank than the involved officer or employee report to the scene, regardless of the involved officer or employee's jurisdiction.

4. On-Scene Supervisor Response

- a. A supervisor shall report to the scene of all police officer domestic violence incidents involving a police employee, regardless of the involved employee's jurisdiction.
- b. The on-scene supervisor shall assume command and ensure that the scene is secured. If the on-scene supervisor is below the rank of Sergeant, the on call OIC will be contacted.
- c. The on call OIC shall determine whether or not to activate outside resources, except as described below:
 - i. If an involved party is the head of another law enforcement agency, the OIC shall immediately notify the Chief of Police.
 - ii. If an involved party is a supervisor of this agency, the OIC shall immediately notify the Chief of Police.
 - iii. If the involved employee is the Chief of this department, the OIC shall request assistance from an outside resource such as the State's Attorney's Office, another law enforcement agency, etc.
- d. If the OIC determines that CPD will conduct the investigation, the OIC shall ensure that all evidence is collected. Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.
 - i. **The OIC shall ensure that G.O. #43 on Domestic Violence is adhered to in every respect.**
- e. Whenever a police officer or employee involved domestic violence call does not result in an arrest, the supervisor shall explain in a written report.
- f. The on-scene supervisor shall notify the chief as soon as possible of the incident. In the event that the officer or employee is from another jurisdiction, the chief or his/her designee shall ensure that the accused officer's agency is notified. All notifications, and attempts to notify, shall be fully documented.

5. Department Follow-Up

- a. In a timely manner, the chief shall ensure that all officers who responded to a police employee domestic violence call are debriefed. The debriefing shall include the following:
 - i. A review of department confidentiality guidelines
 - ii. A direct order prohibiting discussion of the incident outside of the official inquiry and electronically lock access to the contents of the investigation
 - iii. A clear delineation of assignments
- b. Follow-up investigators shall seek out information on existing protective orders and, if found, shall enforce them and any applicable state and federal firearms laws and determine whether the employee violated department policy by failing to report the protective order.
- c. Arrest warrants charging police officers with domestic violence and protective orders issued at a later time shall be served by no fewer than two officers with at least one being a supervisor to the officer being served. In cases where firearms have not previously been seized, department-issued firearms shall be seized in accordance with any

- administrative order issued by the department and other firearms via any other legal means.
- d. In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.
 - e. Following any reported incident for which CPD is the investigating agency, the department shall designate a member to perform the following duties:
 - i. Conduct a risk assessment of the accused employee in an effort to determine the potential for further violence and inform the victim of the possibility of danger regardless of the outcome of the assessment.
 - ii. Act as a principal point of contact to keep the victim apprised of all developments
 - iii. Offer safety planning and risk assessment to the victim
 - iv. Report the findings of the risk assessment to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused employee .
 - v. Refer the victim to the police based and/or community based victim advocates and advocacy groups such as WHBW, WRCC, Safe Space, etc.

V. VICTIM SAFETY & PROTECTION

1. The member designated as principal contact for the victim shall inform the victim of confidentiality policies and their limitations, and attempt to ensure that confidentiality is maintained throughout the case.
2. All employees shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities and provide instructions regarding the need to report any concerning behavior or conduct.
3. If an employee suspects intimidation or coercion of the victim/witness is occurring, the employee shall prepare a written report to be delivered immediately to the investigator in charge of the case through the chain of command.
 - a. In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information.
 - b. Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.
 - c. Victim should be referred to a police-based victim advocate if available, or to the 24-hour community based advocacy groups.

VI. POST INCIDENT ADMINISTRATIVE & CRIMINAL DECISIONS

The department shall conduct separate, parallel administrative and criminal investigations of alleged incidents of police employee domestic violence in a manner that maintains the integrity of both investigations and promotes zero-tolerance. If the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable.

The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.

- a. Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused employee that may include removal of credentials and service weapons, reassignment, discipline, or termination as appropriate.
- b. When an investigation of an incident uncovers employees who had knowledge of violence on the part of another officer or other department employee but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those officers/employees and take disciplinary action as appropriate.
- c. The chief shall determine whether and when the accused employee should be issued an administrative no contact order. Once issued, violation of this department order could be grounds for discipline or termination.
- d. The accused employee will not be assigned enforcement duties while the administrative and/or criminal investigations are under way. The accused employee may be reassigned or placed on administrative leave.
- e. If the department determines through an administrative investigation that the employee violated department policy, regardless of whether the officer plead *nolo contendere* in response to criminal charges, the department may employ the full range of administrative sanctions.
- f. Any employee determined through an administrative investigation to have committed domestic violence shall be subject to discipline up to and including termination.

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COLCHESTER POLICE DEPARTMENT

SUBJECT: Eyewitness Identification	
EFFECTIVE DATE: January 1, 2015	NUMBER: G.O. #5
REFERENCE:	SPECIAL INSTRUCTIONS:
REEVALUATION DATE: as needed	APPROVED: <i>J. Monahan #190</i> NO. PAGES: 10 +appendices

PURPOSE: The identification of a suspect by an eyewitness can be an important component of a criminal investigation, but can be equally significant in clearing an innocent suspect. Many people who have been convicted of serious crimes, only to later be exonerated by scientific evidence, were originally convicted based in large part on mistaken identification by a witness. Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in over 75% of convictions overturned through DNA testing. The Colchester Police Department recognizes that it is as much the responsibility of the police to protect the innocent from conviction as it is to assist in the conviction of the guilty. The identification of criminal offenders must be approached with extreme caution as the court may exclude eyewitness evidence if it determines that police methods were unnecessarily suggestive.

POLICY: It is the policy of the Colchester Police Department (CPD) that eyewitnesses will be given specific instructions prior to being shown a suspect; photo arrays and line-ups will be conducted using sequential rather than simultaneous presentation; and photo arrays, line-ups and voice identifications will be conducted using blind administration.

CONTENTS:

- I. Definitions
- II. Right to Counsel During Identification Procedures
- III. General Considerations
- IV. Witness Instructions
- V. Show-ups
- VI. Preparing a photo array
- VII. Showing a photo array
- VIII. Line-ups
- IX. Voice Identification
- X. Courtroom Identification
- XI. Drawings and Identi-Kit Composites
- XII. Mug Shots
- XIII. Hypnotically Aided Devices

I. DEFINITIONS

Show-up: The presentation of one suspect to an eyewitness shortly after the commission of a crime.

Field View: The exposure of an eyewitness to a group of people in a public place on the theory that the subject may be among the group. A field view differs from a show-up in that it may be conducted well after the commission of the crime, and may be conducted with or without a suspect in the group.

Photo Array: The showing of photographs of several individuals to an eyewitness for the purpose of obtaining an identification.

Sequential Presentation: The showing of photographs one at a time.

Simultaneous Presentation: The showing of a group of photographs at the same time.

Line-up: The live presentation of a number of people to an eyewitness for the purpose of obtaining an identification. A line-up differs from a field view in that it is conducted in a controlled setting, such as a police station, a known suspect is in the mix, and the participants are aware that an identification procedure is being conducted.

Voice Line-up: A procedure whereby a witness is permitted to hear the voices of several people for the purpose of obtaining an identification of a suspect's voice.

II. RIGHT TO COUNSEL DURING IDENTIFICATION PROCEDURE

- A. No right to counsel attaches for non-corporeal identification procedures, such as those involving photographs or composite drawings, whether conducted before or after the initiation of adversarial criminal proceedings.
- B. The right to counsel attaches to in-person identification procedures after the suspect has been arraigned or indicted.

III. GENERAL CONSIDERATIONS

- A. Due process requires that identifications be conducted in a fair, objective, and non-suggestive manner. Due process is violated when identification procedures arranged and/or conducted by the police are unnecessarily suggestive and conducive to irreparable mistaken identification. Prior to conducting an identification procedure, officers should take a full description of the suspect from the witness and document said description.
- B. If practicable, the officer should record the procedure and the witness' statement of certainty. If not, the officer should jot down the witness' exact words and incorporate them into his/her report. The witness should be asked to initial and date the front of the photograph selected.

- C. Police officers should avoid any words or actions that suggest to the witness that a positive identification is expected, who they expect the witness to identify, or congratulating the witness on a 'correct' identification. A report of every show-up, photo array, line-up or voice identification procedure, whether an identification is made or not, shall be submitted. The report shall include a summary of the procedure, the persons who were present for it, instructions given to the witness by the officer (this should be accomplished by submitting the appropriate witness instruction form), any statement or reaction by the witness, and any comments made by the witness regarding the identification procedure.

IV. WITNESS INSTRUCTIONS

Whenever practicable, an officer conducting an identification procedure will read the witness a set of instructions from a departmental form (show-up card, or photo array or line-up instruction form). Those instructions should include the following:

1. The person who committed the crime may or may not be (the person, or in the set of photographs) you are about to view.
2. You should remember that it is just as important to clear innocent persons from suspicion as to identify guilty parties.
3. The individuals you view may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change. (Not for use during show-ups or voice identifications.)
4. Regardless of whether or not you select someone, the police department will continue to investigate the incident.
5. The procedure requires the officer to ask you to state, in your own words and without using a numerical scale, how certain you are of any identification.
6. If you do select someone, please do not ask the officer questions about the person you have selected, as no information can be shared with you at this stage of the investigation.
7. Regardless of whether you select a person, please do not discuss the procedure with any other witnesses in the case.

V. SHOW-UPS

- A. Show-up identification procedures should only be used soon after a crime has been committed, typically within two hours, or under exigent circumstances, such as the near death of the only available witness. Show-ups should be conducted live whenever possible and not photographically. Officers should not attempt to obtain identifications using DMV, or other photos, unless a dire emergency exists.
- B. When a show-up is arranged in an emergency situation, where either a witness or a victim is in imminent danger of death or in critical condition in a hospital, and the circumstances are such that an immediate confrontation is imperative, the

emergency identification procedure shall be conducted in a non-suggestive manner.

- C. Every show-up must be as fair and non-suggestive as possible. Specifically, if the suspect is handcuffed, he/she should be positioned so that the handcuffs are not visible to the witness. Unless necessary for the safety of the officers or others, the suspect should not be viewed when he/she is inside a police vehicle, in a cell, or in jail clothing.
- D. Detaining a person who fits the description of a suspect in order to arrange a show-up is lawful where the officer has reasonable suspicion that the suspect has committed a crime, even if probable cause to arrest has not yet developed.
- E. If the witness fails to make a positive identification and sufficient other evidence has not developed to provide probable cause to make an arrest, the suspect must be permitted to leave. His/her identity should be recorded and included in the officer's report.
- F. If a suspect is stopped within a short time after the commission of the crime, he/she may be taken to a location where he/she can be viewed by a witness for possible identification; or, he/she may be detained at the site of the stop and the witness taken there to view him/her. Unless logistically impossible, transporting the witness to the site of the stop is preferred.
- G. Suspects should not be brought into a crime scene as contamination may result. For the same reason, clothing articles found at the crime scene should not be placed on or in contact with a suspect. A suspect should not be brought back to the home of a victim or witness unless that was the scene of the crime.
- H. Police officers must not do or say anything that might convey to the witnesses that they have evidence of the suspect's guilt. Officers should turn down their radios so that the witness they are transporting does not pick up information about the stop of the suspect.
- I. The suspect should be viewed by one witness at a time and out of the presence or hearing of other witnesses. Witnesses who have viewed the suspect should not be permitted to communicate with those who have not.
- J. Where multiple witnesses are available to identify the subject, officers should permit the subject to be identified by only one or two. Once one or two witnesses have identified the subject during a show-up, further identifications should be attempted by means of a photo array or line-up.
- K. Officers may transport victims or witnesses in police vehicles to cruise the area where a crime has just occurred in order for them to attempt to point out the perpetrator. While checking the area, officers must be careful not to make any statements or comments to the witnesses which could be considered suggestive.
- L. Officers should make written notes of any identification and any statements made by witnesses at the time of confrontation with the suspect. Once a witness has indicated his/her opinion regarding the identity of the subject, the officer should

ask the witness how certain he/she is of the identification. Officers should ask the witness not to use a numerical scale, but rather to indicate certainty in his/her own words. All statements by the witnesses should be incorporated into the officers' report.

VI. PREPARING A PHOTO ARRAY

- A. Photo arrays should be shown to witnesses as soon as possible after the commission of a crime.
- B. Include one suspect and seven fillers (non-suspects) in each array. Mark the back of each photo with numbers one through eight.
- C. Try to use photographs of the same size and basic composition. Do not include more than one photograph of the same person.
- D. Use a photo of the suspect that closely depicts his/her current appearance.
- E. Select fillers who generally fit the witness' description of the offender. Avoid fillers who so closely match the suspect that a person familiar with the suspect would have difficulty distinguishing the filler.
- F. Ensure that photos bear no markings indicating previous arrests.
- G. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature such as facial scars or severe injuries by adding or covering the feature.
- H. Once the array has been assembled, examine it to ensure that nothing about the suspect's photo makes him/her stand out.
- I. Consider changing the order of photos from one witness to the next, or when a witness asks to see the array a second time.
- J. When showing a witness an array containing a new suspect, avoid using fillers from a previous array.

VII. SHOWING A PHOTO ARRAY

- A. The procedure must be conducted in a manner that promotes reliability, fairness and objectivity.
- B. Allow each witness to view the photographs independently, out of the presence and hearing of the other witnesses.
- C. Never make suggestive statements that may influence the judgment or perception of the witness.

- D. A second officer who is unaware of which photograph depicts the suspect should actually show the photographs. This technique, called blind administration, has been recommended by the National Institute for Justice, and is intended to ensure that the witness does not interpret a gesture or facial expression by the officer as an indication as to the identity of the suspect. The technique also allows the prosecution to demonstrate to the judge or jury at trial that it was impossible for the officer showing the photographs to indicate to the witness, intentionally or unintentionally, which photograph he/she should select.
- E. The investigating officer or the second officer (the administrator) should carefully instruct the witness by reading from a departmental Photo Array Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The investigating officer and the administrator should also sign and date the form.
- F. For the reasons above, the officers should explain to the witness that the officer showing the array does not know the identity of the people in the photographs. The investigating officer should leave the room while the array is being shown by the administrator.
- G. The officer should show the photographs to a witness one at a time and ask the witness whether or not he/she recognizes the person.
- H. When the witness signals for the next photograph, the officer should move the first photograph so that it is out of sight and ask the witness whether he/she recognizes the next photograph.
- I. The procedure should be repeated until the witness has viewed each photograph. If the witness identifies a subject before all the photographs have been viewed, the officer should remind the witness that he/she is required to show the rest of the photographs.
- J. If the witness fails to make an identification, but asks to view the array a second time, the officer administering the identification should ask the witness if he/she was able to make an identification from the original viewing. If the witness is unable to make an identification, but feels that it would be helpful to repeat the procedure, then it is permissible to show the entire array a second time. The order of the photographs should be shuffled before the array is shown for the second time. An array should not be shown more than twice.
- K. If the witness identifies the suspect, the officer should ask the witness how certain he/she is of the identification. Officers should ask the witness not to use a numerical scale, but rather his/her own words.
- L. The photo array should be preserved as evidence in the same configuration as when the identification was made.
- M. If more than one witness is to view an array and a witness has already marked one of the photos, a separate unmarked array shall be used for each subsequent witness.

VIII. LINE-UPS

- A. Line-ups shall be conducted under the direction of a detective supervisor, or in his/her absence the Support Services LT and, when feasible, after consultation with the State's Attorney's Office.
- B. A suspect cannot be detained and compelled to participate in a line-up without probable cause to arrest. If a suspect refuses to participate in a line-up, the State's Attorney's Office may be asked to apply for a court order to compel the suspect to cooperate.
- C. Before any suspect who has been arraigned or indicted is shown to eyewitnesses in a line-up or other live identification procedure, he/she must be informed of his/her right to have an attorney present at the line-up and of his/her right to be provided with an attorney without cost if he/she is unable to afford such legal counsel. Unless a valid waiver is voluntarily and knowingly made, in writing if possible, no such identification may proceed without the presence of the suspect's attorney.
- D. Select a group of at least five fillers who fit the description of the subject as provided by the witness(es). Because line-ups will be administered by an officer who does not know the identity of the suspect, the fillers selected should not be known to the officer administering the line-up. In selecting line-up fillers, abide by the guidelines for photo array fillers as described above.
- E. All persons in the line-up should carry cards that identify them only by number and should be referred to only by their number. As with photo arrays, each witness must view the line-up independently, out of the presence and hearing of the other witnesses.
- F. The investigating officer should explain to the witness that a second officer (the line-up administrator) will be conducting the line-up, and that he/she does not know the identity of the people in the line-up.
- G. The investigating officer should carefully instruct the witness by reading from a departmental Line-up Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The officer should also sign and date the form.
- H. The investigating officer should leave the room while the line-up administrator conducts the line-up.
- I. The line-up should be conducted so that the suspect and fillers do not actually line up, but rather so that they are displayed to the witness one at a time. This can be accomplished either by having them stand with their back to the witness and then face the witness one at a time, or by having them enter the room individually and leave before the next one enters.
- J. The procedure for showing the participants to the witness and for obtaining a statement of certainty is the same as for photo arrays. If practicable, the officer should record the procedure.

- K. When an attorney for the suspect is present, the attorney should be permitted to make reasonable suggestions regarding the composition of the line-up and the manner in which it is to be conducted. Any suggestions made by the suspect's attorney should be included as part of the line-up report.
- L. Allow counsel representing the accused sufficient time to confer with his/her client prior to the line-up. Once the line-up is commenced, attorneys should function primarily as observers and he/she should not be permitted to converse with the line-up participants, or with the witnesses, while the line-up is underway. The concept of blind administration requires that no one be present who knows the identity of the suspect. For this reason, the attorney should leave the room before the line-up begins.
- M. The suspect's attorney is not legally entitled to the names or addresses of the witnesses attending a line-up if the suspect has not yet been arraigned or indicted. If an attorney in such a situation insists on having information about line-up witnesses, advise him/her to direct his/her request to the State's Attorney's Office.
- N. During a line-up, each participant may be directed to wear certain clothing, to put on or take off certain clothing, to take certain positions or to walk or move in a certain way. If officers are to ask the participants to wear an article of clothing, they must guard against circumstances where the article only fits the suspect. All line-up participants shall be asked to perform the same actions.
- O. Line-up participants must not speak during the line-up. If identification of the suspect's voice is desired, a separate procedure must be conducted. (See section on voice identification below.)
- P. After a person has been arrested, he/she may be required (if compelled by a court order) to participate in a line-up regarding the crime for which he/she was arrested. After arrest, a suspect may lawfully refuse to participate in a line-up only if he/she has a right to have counsel present (post arraignment/indictment) and the counsel is absent through no fault of the suspect or his/her attorney.

IX. VOICE IDENTIFICATION

- A. Although considerably less common than visual identifications, voice identifications may be helpful to criminal investigations where the victim or other witness was blind, the crime took place in the dark, the subject was masked, the witness' eyes were covered by the perpetrator, or they were never in the same room with the perpetrator but heard his/her voice. If officers wish to conduct a voice identification procedure with a witness who also saw the subject, they must first consult with the detective supervisor, or in his/her absence the Support Services LT and, when feasible, the State's Attorney's Office.
- B. As with any in-person identification or confrontation, if the suspect has been arraigned or indicted, he/she has a right to the presence of counsel at the voice identification procedure.

- C. Where a voice identification is attempted, the following procedures should be employed to the extent possible:
1. As in a line-up, there should be at least six persons whose voices will be listened to by the witness; one-on-one confrontations should be avoided. Because line-ups will be administered by an officer who does not know the identity of the suspect, the fillers should not be known to the officer administering the procedure, and officers should abide by the guidelines for photo array and line-up fillers as described above;
 2. The suspect and other participants shall not be visible to the witness; this can be done by using a partition, or by similar means;
 3. All participants, including the suspect, shall be instructed to speak the same words in the same order;
 4. The words recited by the participants shall not be the ones spoken by the offender during the crime; the line-up participants should speak neutral words in a normal tone of voice;
 5. When both a visual and voice line-up are conducted, the witness should be informed that the line-up participants will be called in a different order and by different numbers;
 6. If there are two or more suspects of a particular crime, present each suspect to witnesses in separate line-ups. Different fillers should be used to compose each line-up.
- D. The investigating officer should carefully instruct the witness by reading from a departmental Voice Identification Line-up Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The officer should also sign and date the form. If practicable, the officer should record the procedure.
- E. Adhere to the principles of blind administration as described above. As is the case with photo arrays and line-ups, the investigating officer should leave the room while the administrator conducts the procedure.

X. COURTROOM IDENTIFICATION

Prior to conducting any courtroom identification procedure, officers should consult the State's Attorney's Office. The same right to an attorney and the same due process considerations that apply to all other identification procedures also applies to station house and courtroom identifications.

1. If the suspect has been arraigned or indicted, he/she has a right to have counsel present at any in-person identification/confrontation.
2. Live confrontations and informal viewings of the suspect by witnesses must be conducted in such a manner as to minimize any undue suggestiveness.
3. Officers shall not state or suggest that the suspect has been arrested or booked or that he/she has made any confession or incriminating statement or that any incriminating evidence has been uncovered. The witness' identification, particularly if it takes place in a police station or courtroom, must be a result of his/her recollection of the appearance of the perpetrator and must not be unduly influenced by information or suggestions originating from the police.

XI. DRAWINGS AND IDENTI-KIT COMPOSITES

- A. An artist's sketch, computerized drawing, composite, or other depiction can sometimes aid an investigation, but are most effective when a witness has a good recollection of the offender's facial features. However, research has shown that a person selected based on resemblance to composite is more likely to be mistakenly identified. Additionally, building a composite has been shown to lower a witness' accuracy for identifying the original face.
- B. Prior to attempting a sketch or composite, officers should take from the witness and document a full description of the offender.
 - i. A sketch prepared by a trained artist is preferred over a composite.
 - ii. If the investigating officer anticipates using a photo array or line up, sketches and composites should not be attempted prior to the showing of a photo array or line-up.
 - iii. Once the sketch or composite has been completed, the witness should be asked to state in his/her own words how accurately the composite reflects how the suspect appeared during the crime and a report should be prepared regarding the sketch or composite procedure.
 - iv. The fact that a suspect resembles a sketch or composite is not, without more, probable cause to believe that the suspect is the offender.

XII. MUG SHOTS

When an investigation has failed to identify a suspect, it may be advisable to have eyewitnesses come to the police station to look through photographic files. However, officers should not resort to this procedure until other investigative avenues have been exhausted.

- 1. Remove or hide any information on the photographs that might in any way influence the witness;
- 2. Ensure that the files contain only one photograph of each individual and that the photographs are reasonably current;
- 3. Do not refer to the photographs as "mug shots";
- 4. If photographs of various formats are used, ensure that several of each format are used;
- 5. Permit the witness to look at a number of photographs before making his/her selection;
- 6. Do not call to the attention of the witness any particular photograph;
- 7. A report shall be filed following the procedure, regardless of whether an identification is made. The report should describe the photographs viewed by the witness(s).
- 8. Officers should be extremely cautious before charging a subject based on this type of identification alone.

XIII. HYPNOTICALLY AIDED IDENTIFICATION

Hypnotically aided testimony is not admissible at trial. Memory recalled prior to hypnosis which was the subject of a hypnotic session may be excluded as hypnotically aided. In light of the serious consequences which could result from asking or permitting a witness to undergo a hypnotic session, such a procedure shall not be undertaken until the entire matter has been reviewed by the Chief of Police, the State's Attorney's Office, and appropriate hypnosis experts.

Colchester Police Department

Instruction Card for Show-up Identification Attempt

1. You are going to be asked to view someone.
2. The person who committed the crime may or may not be the person you are about to view.
3. You should remember that it is just as important to clear innocent persons from suspicion as it is to identify the guilty.
4. Regardless of whether or not you identify the person, we will continue to investigate the incident.
5. When we are done, our procedures require me to ask you to state, in your own words, how certain you are of any identification.
6. If you do select someone, please do not ask us questions about the person you have selected, as no information can be shared with you at this stage of the investigation.
7. Regardless of whether you select a person, please do not discuss the procedure with any other witnesses in the case.
8. Do you have any questions before we begin?

If identification is made, ask "Without using a numeric scale, how certain are you?"

Response:

Name of Witness:

Incident #:

Officer administering show-up identification:

Date/time:

Colchester Police Department
Voice Identification Line-up Instruction Form

1. You are being asked to listen to several people speak.
 - a. You will be hearing them one at a time.
 - b. Please listen to all of them.
 - c. They are in random order.
 - d. Please make a decision about each person before moving on to the next one.
2. The person who committed the crime may or may not be one of the people you are about to hear.
3. You should remember that it is just as important to clear innocent persons from suspicion as to identify the guilty.
4. The officer administering this procedure does not know whether any of the people were involved in the crime.
5. Please pay no attention to the content of the words spoken. They have been chosen at random.
6. Regardless of whether or not you select a person, the police department will continue to investigate the incident.
7. The procedure requires the officer to ask you to state, in your own words, how certain you are of any identification.
8. If you do select someone, please do not ask the officer questions about the person you have selected, as no information can be shared with you at this stage of the investigation.
9. Regardless of whether you select a person, please do not discuss the procedure with any other witnesses in the case.
10. Do you have any questions before we begin?

Witness signature _____ Date/time _____

Officer administering voice line up signature _____

Incident # _____ Investigating officer _____

IF AN IDENTIFICATION IS MADE:

“Without using a numeric scale, tell me how certain you are.”

Response:

Colchester Police Department **Photo Array Instruction Form**

1. You are being asked to view a set of photographs.
 - a. You will be viewing the photographs one at a time.
 - b. Please look at all of them. I am required to show you the entire series.
 - c. They are in random order.
 - d. Please make a decision about each photograph before moving on to the next one.
2. The person who committed the crime may or may not be in the set of photographs you are about to view.
3. You should remember that it is just as important to clear innocent persons from suspicion as to identify the guilty.
4. The officer showing the photographs does not know whether any of the people were involved in the crime.
5. The individuals in the photographs you view may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.
6. Regardless of whether or not you select a photograph, the police department will continue to investigate the incident.
7. The procedure requires the officer to ask you to state, in your own words, how certain you are of any identification.
8. If you do select a photograph(s), please do not ask the officer questions about the person you have selected, as no information can be shared with you at this stage of the investigation.
9. Regardless of whether you select a photograph(s), please do not discuss the procedure with any other witnesses in the case.
10. Do you have any questions before we begin?

Witness signature _____ Date/time _____

Officer administering voice line up signature _____

Incident # _____ Investigating officer _____

IF AN IDENTIFICATION IS MADE:

"Without using a numeric scale, tell me how certain you are."

Response:

Colchester Police Department

Live Line-up

Witness #:

Witness name:

Notes:

Did anyone look familiar?

(If identification is made) "Without using a numerical scale, tell me how certain you are."

Response:

Incident #: _____ Date/time of lineup: _____

Officer's signature: _____

COLCHESTER POLICE DEPARTMENT

SUBJECT: Criminal Investigations	
EFFECTIVE DATE: April 10, 2015	NUMBER: GENERAL ORDER #6
REFERENCE: Rescinds the following: G.O. #32 "Electronic Surveillance", G.O. #39 "Thermal Imager" & G.O. #41 "Digital Voice Recorders"	
REEVALUATION DATE: As needed	APPROVED: <i>h. morin #190</i> NO. PAGES: 15

POLICY: This policy establishes procedures that will ensure the effective and efficient performance of criminal investigations by the Colchester Police Department. It is CPD's policy to thoroughly investigate all reported or detected crimes through prompt response, proper collection and preservation of evidence, identification of witnesses, apprehension of suspected offenders and careful preparation of cases for prosecution. Investigations, searches, seizures, arrests and all uses of law enforcement authority shall be done in compliance with constitutional guidelines, department general orders and the officer's training.

The document known as the "Criminal Law Manual" or "An Introduction to Vermont Criminal Law" is incorporated into this policy by reference. [Appendix A] It is the primary resource for officers regarding criminal procedure, detentions, pat down searches, general search and seizure, arrest law and interview and interrogation techniques. This manual is available on the Valcour Help page under VT Policies and Procedures.

- CONTENTS:**
- I. Initial Response
 - II. Witnesses and Suspects
 - III. Notebook and Reports
 - IV. Solvability Factors
 - V. Follow-up Investigations
 - VI. Case Management
 - VII. Bureau of Criminal Investigations
 - VIII. Polygraph Examinations
 - IX. Criminal Background Investigations
 - X. Searching & Seizing Electronic and Computer Equipment
 - XI. Electronic Surveillance and other Investigative Aids
 - XII. Criminal Procedure Generally

I. INITIAL RESPONSE

- A. One of the most basic and important functions of the police is the investigation of criminal offenses. The preliminary investigation is crucial to the successful resolution of the case. The preliminary investigation may reveal information that is useful in solving other crimes, and it serves as a vital link between the crime and a subsequent in-depth investigation. The

following guidelines pertain to all felonies, serious misdemeanors and crimes against persons.

- B. Officers that approach the scene shall be alert for any signs of suspicious activity, especially evidence of a fleeing criminal. The officer assigned as primary to the incident shall be in command and conduct the preliminary investigation unless relieved of that responsibility by a supervisor. Uniformed/first responding officers are expected to conduct thorough initial investigations using solvability factors as investigative guidelines and to pursue the initial investigation to its logical conclusion within the constraints of time, geography, and expertise.
- C. The investigating officer shall immediately determine the need for medical aid for any injured person(s) at the scene.
 - 1. The aid may be rendered by the officer; or
 - 2. The aid of a bystander may be sought to free the officer for other activities; or
 - 3. If the injury is of a serious nature, the officer shall call for emergency medical assistance (EMS).
- D. The officer shall, as soon as practical, provide dispatch the following information:
 - 1. The nature of the crime.
 - 2. A description of the offender and direction in which he/she fled.
 - 3. A description of the vehicle, if any.
 - 4. Whether or not the offender is, or may be, armed or otherwise poses a danger to him/herself or others.
- E. The officer shall secure the crime scene and preserve evidence.
 - 1. Physical evidence shall not be touched or moved unless it is absolutely necessary to provide emergency aid or to ensure its preservation.
 - 2. The officer shall briefly note and record any evidence that may be related to the crime and shall request the services of specialists, if needed. If specialists are not needed, the officer shall be responsible for collecting, documenting, photographing, and properly storing physical evidence.
 - 3. Ensure that a crime scene log is started and maintained for all untimely death and major crime scenes.
 - 4. Unauthorized persons will not be permitted to enter the scene. Unauthorized persons are any civilians or police personnel not necessary for continuation of the investigation.
- F. The officer shall prepare all appropriate paperwork before the end of his/her shift unless cleared by the Officer In Charge (OIC) to do otherwise. All appropriate paperwork and computer entries, to include reports, shall be completed before the end of his/her shift in instances where the investigation will be transferred to BCI.

- G. The initial officer shall yield the investigation:
1. When ordered to do so by the OIC; or
 2. Upon the arrival of a detective that has been assigned through proper authority to take over the investigation. The mere presence of a detective does not automatically mean he/she will take over the investigation. Whenever possible, the original investigating officer should be involved in the continuing investigation.
 3. When the case has been properly transferred to another agency such as CUSI, a task force or federal agency. The responsible CPD officer shall follow appropriate transfer protocols and may only transfer a case to an outside agency with the approval of a sergeant or above.

II. WITNESSES AND SUSPECTS

- A. The primary officer shall ensure that all potential witnesses and the complainant are identified, located and interviewed.
1. Witnesses shall be separated to insure independent statements.
 2. Witnesses should be questioned as soon as possible and in a quiet area, if available.
- B. The officer shall observe the following minimum standards for interviewing the complainant and witnesses:
1. Questions should be simple and in plain language.
 2. Avoid interruptions.
 3. Ask only one question at a time and allow the witness sufficient time to answer.
 4. Avoid leading questions that imply a certain answer.
 5. Avoid sarcasm, rudeness or antagonism.
 6. Obtain a detailed, sworn statement in either a written format when investigative protocols require such method (i.e. Domestic Assault) or **by the preferred method with the use of a department issued electronic recording device**, interviewing each person involved separately and privately. Ensure that a synopsis of each statement is contained in the officer's report.
 7. If the use of a translator is needed, make arrangements for this. All interviews shall be consistent with department policy on interacting with persons as witnesses.

III. NOTEBOOK AND REPORTS

- A. The investigating officer shall, at a minimum, make notes of the following data:
1. Time of arrival.
 2. Weather conditions, when relevant.
 3. Approximate time of the crime and by whom and when it was discovered.
 4. Identity of the officers present.
 5. Information concerning physical evidence.

6. Name, address, home and work phone numbers of the victim(s) and/or witness(es).
 7. Hour, date and location of the interview.
 8. The description of the suspect, especially unusual characteristics.
 9. Description of the vehicle, if any.
 10. Brief statements as to what the witnesses heard and/or observed. However, if a statement appears highly informative due to its nature and content, a verbatim record should be made.
 11. Important measurements in a crime scene sketch.
 12. Any other pertinent information the officer believes may be useful in apprehending the suspect or documenting evidence.
- B. Upon completion of the preliminary investigation, the officer shall file a report concerning his/her activities.
1. The report shall be thorough, accurate, and complete.
 2. The report, at a minimum, shall contain the information outlined in above (A) and any other relevant facts and observations that may be useful in solving the crime.
- C. It is the Officer's discretion as to whether or not original case notes are maintained. Officers who choose to destroy their notes may do so only after their notes have been fully incorporated into their investigative reports. The practice of destroying notes must be performed consistently. Officers choosing to keep their original notes shall consistently attach their notes to the original case file.

IV. SOLVABILITY FACTORS

- A. Solvability factors, a "lead" or a "clue," are used to assist in the determination of which cases should be assigned for further follow-up investigation.
1. Officers shall use solvability factors to guide all appropriate criminal investigations so as to ensure that these key areas are considered.
 2. In the initial report, the investigating officer will document in detail all efforts to address each factor and specifically address what or what was not learned.
 3. Establishing a list of factors, which are to be considered in the review and assignment of case reports. Assigning for further investigation only those cases that have a sufficient degree of solvability potential as measured by the solvability factors.
 4. The supervisor reviewing officers' reports must not only check for completeness and accuracy, but also must ensure that the report clearly outlines what investigative steps have been taken and what remains to be done.
 5. In using the solvability factors, the supervisor will be able to assist personnel in conducting as complete an investigation as possible. The officer's report must address all solvability factors before it is complete.
- B. The solvability factors include, but are not limited, to:

1. **Can a suspect be named?** The officer conducting the preliminary investigation shall determine from any pertinent party available, whether or not a full or partial name of a suspect is available. When appropriate, officers should conduct a neighborhood canvass to assist in locating and identifying other witnesses who may have information that may lead to the identity of the suspect(s).
2. **Could a suspect be identified by the victim/witness if seen again?**
3. **Is the address or locations suspect frequents known?**
4. **Was a vehicle plate number or partial number obtained by the victim/ witness?**
5. **Can the vehicle be identified by the victim/witness if seen again?** The investigating officer shall determine if the vehicle had any distinguishing characteristics such as: bumper stickers, dents, body work, unusual paint or tires, extra antennas, etc. This inquiry shall not necessarily be limited to the interior of the vehicle.
6. **Was any traceable or identifiable property taken?** Determine if any of the property taken had serial numbers, distinguishing characteristics which would make identification easy, or whatever other considerations are generally made in tracing stolen property.
7. **Is there any significant physical evidence available?** State what evidence was taken by whom, where it was found, and the purpose of taking the evidence and the significance of the material to the investigation. The officer must evaluate the importance of evidence in terms of the goal of solving the crime. If the answer to this solvability question is "yes", the officer must report all the details about the evidence. If the answer is "no", the officer must document what efforts were made to find significant evidence.
8. **Is there an identifiable "modus operandi" present?** Criminals generally commit the same type of crime repeatedly. They also commit the crime in the same or similar fashion as they have in the past. Therefore, the investigating officer shall cite in the report exactly how the crime was committed and determine if the method has any particular significance in relation to other crimes, known criminals, or unique circumstances.
9. **Was there a limited opportunity for the suspect to have committed the crime?** Attempt to determine from the victim if the crime could have been within a specific time frame or if only specific persons could possibly have committed the crime. This factor often has significance with respect to people who know the victim's habits or schedule, people "casing" a place, or when only certain persons have access to a particular restricted area.
10. **Is there reason to believe that the crime would arouse such interest that public assistance will lead to its solution?** Since police rely on people for information, an increased level of interest is often of great assistance. The investigating officer shall use his/her judgment as to the level of interest in a particular offense and answer this question accordingly.
11. **Is there reason to believe that further follow-up investigation will lead to the solution of the crime?** The investigating officer, in a particular case, may feel that just a little more work could wrap the

case up, but for one reason or another, the officer is unable to conduct this work at the time. In some other cases, the officer may feel that there are steps that he/she can take that may lead to the solution of the crime, even though no other solvability factor is present. If the officer answers "yes" to this question, he/she must state the basis upon which he/she rests this conclusion and specify what steps should be taken to bring the case to a successful conclusion.

V. FOLLOW-UP INVESTIGATIONS

- A. Follow-up investigations are the primary responsibility of the officer who initiated the investigation. Circumstances may dictate, however, that follow-up investigations be conducted by an officer assigned to BCI due to the length of the investigation, the necessity to spend extended amounts of time outside of Colchester, or for some other reason deemed necessary by the BCI Supervisor.
- B. Generally, the follow-up will:
 - 1. Initiate inquiries into investigative leads to identify suspects and associates.
 - 2. Research and review internal and external records, reports, and lab examinations related to the incident, similar incidents or suspects.
 - 3. Use all available sources to obtain new information.
 - 4. Disseminate information to the law enforcement community and/or media and public.
 - 5. Use warrants and/or non-testimonial orders for the collection of evidence, if necessary, and plan, organize and execute the warrants.
 - 6. Identify, photograph, collect, preserve and use evidence pertaining to the crime and suspect.
 - 7. Continue the search for additional witnesses, re-interview original witnesses and victim(s), if necessary.
 - 8. Submit appropriate evidence for laboratory analysis.
 - 9. Identify, locate and arrest the suspect(s) using criminal histories, MOs, and other information, and determine any involvement in other crimes.
 - 10. Conduct appropriate surveillance, interrogations, and polygraph testing.
 - 11. Recommend suspension of investigation if all leads are exhausted.
 - 12. Prepare and submit the case for prosecution and confer with the prosecutor to prepare for court. Prior to forwarding the case to the State's Attorney's office, the officer shall obtain and review the suspect's criminal history. When a suspect qualifies as a habitual offender pursuant to Title 13, section 11, the officer shall indicate this to the State's Attorney's office either via telephone or on a note attached to the case. When appropriate, relevant prior offenses shall be included in the charging affidavit.

- C. In cases of felonies, serious misdemeanors or missing persons, a second interview of the victim and witnesses may be conducted during the follow-up investigation. New statements shall be included in the investigative file. Further information and/or evidence may be developed during this re-contact of the principals.
- D. The appropriate supervisor will, when assigning a case for follow-up investigation, consider the probability of case solution based on the solvability factors present and assign resources accordingly.

VI. CASE MANAGEMENT

- A. Officers are required to investigate reported crime to the fullest extent possible and are allowed considerable discretion depending on their ability and expertise. Normally, the officer assigned to the patrol area in which the complaint originated will be assigned the case. Detectives will be assigned cases based on their knowledge, skills, qualifications, and caseload. Once assigned a case for follow-up, the assigned detective is responsible for coordinating any and all investigative efforts relating to that case.
- B. Assigning cases for follow-up will, in part, be determined by assessing the solvability factors present and the seriousness of the crime.
- C. Criminal cases being investigated by department personnel will be considered assigned or "open" cases. The responsible officer or detective shall keep all relevant paperwork organized in a paper case file that shall remain at his/her desk or paperwork cubby. Officers should update the electronic Records Management System in a timely manner with new information, statements, photos, etc. Any open case that is more than 30 days old should be reviewed with the officer's supervisor on a regular basis to determine if it should remain open or not.
- D. Whenever a case has been assigned for follow-up, efforts by the assigned detective shall not be suspended without approval of the BCI Supervisor or his/her designee.
 - 1. Criteria to be considered when suspending investigative efforts will include:
 - a. Absence of further leads or solvability factors.
 - b. Availability of investigative resources.
 - c. The degree of seriousness of the offense(s).
- E. Case file maintenance - Case files consist of copies of all pertinent documents relating to a particular case. Case files are kept electronically in the Department's Records Management System. Cases in progress may have some detail in printed or written form while the investigation is in progress. Once the investigation is completed, the case will be forwarded to a BCI Supervisor for review and approval. The case file will then be forwarded to records for inclusion into the electronic records system. Access to a detective's case file will be on a need to know basis with the permission of said Detective or a BCI Supervisor.

VII. BUREAU OF CRIMINAL INVESTIGATIONS

- A. BCI is managed by a Lieutenant who reports directly to the Chief of Police, and a Sergeant who reports to the Lieutenant. BCI is responsible for, but not limited to, the following activities:
 - a. Receive, store, maintain and dispose of all evidence and property turned in by department personnel.
 - b. Conduct criminal investigations.
 - c. Conduct juvenile investigations as assigned.
 - d. Collect, process, and record criminal intelligence information.
 - e. Conduct undercover investigations and support undercover operatives.
 - f. Develop, maintain contact with, and document information from informants.
 - g. Maintain all specialized criminal investigative equipment owned by the department.
 - h. Maintain liaison with the State's Attorney's Office, the Attorney General's Office, Federal agencies, investigative task forces, and other law enforcement agencies for the purpose of coordinating activities and exchanging information.
 - i. Assist officers with preliminary investigations, when appropriate
 - j. Conduct training for officers in the department in specialized investigative methods, techniques, and equipment.
- B. Detectives are generally expected to concentrate their activities on:
 - 1. The collection of information that will support, verify, and extend the information collected during the initial investigation.
 - 2. Assist the original investigating officer with preliminary and/or follow-up investigation when particular expertise is required.
 - 3. Conduct such other initial and follow-up investigations that cannot be undertaken by Patrol due to need for:
 - a. Specialized or technical equipment.
 - b. Extensive coordination required with outside agencies.
 - c. Monitoring or maintenance of undercover operatives in the field.
 - d. Travel outside the immediate Colchester area to the extent that it would make it impractical to do so, or
 - e. Extensive coordination and staffing or scheduling in conflict with the timely completion of the investigation.
 - f. Immediate follow-up to provide for the safety of the victim(s) or witness(es) and Patrol is unable to do the follow-up in a timely manner.
- C. In unusually serious, sensitive or complex crimes, the Chief of Police or a Lieutenant may arrange to have investigative personnel conduct the investigation from the beginning.

VIII. POLYGRAPH EXAMINATIONS

- A. Polygraph examinations requested by, or conducted for, the Colchester Police Department shall only be performed by an examiner who is a graduate of an institute providing training in the use of the polygraph.
- B. Polygraph examinations requested by, or conducted for, the Colchester Police Department shall be performed by the Vermont Department of Public Safety whenever possible and shall comply with contemporary standards adopted by the Vermont State Police.
- C. All cases considered for a polygraph examination should first be discussed with an immediate supervisor.
- D. No appointment shall be made without it having been discussed with a supervisor. All appointments shall be made through the BCI Supervisor.

IX. CRIMINAL BACKGROUND INVESTIGATIONS

- A. Criminal investigations frequently involve background investigations of persons, particularly as they relate to white-collar crime and vice activities. CPD will conduct background investigations only in correlation with an ongoing criminal investigation. This section does not apply to background investigations in the hiring process.
- B. Various sources of information are available in conducting background investigations. All information obtained in a background investigation will be incorporated into the case file and will be considered confidential. Some potential sources are:
 - 1. Financial institutions and business associates.
 - 2. Former employers.
 - 3. Informants.
 - 4. Utility companies.
 - 5. Public records.
 - 6. Intelligence reports.
 - 7. Criminal history.
 - 8. Other law enforcement agencies.
 - 9. Pawn shops.
- C. Information will be obtained through legally acceptable means. Officers may seek search warrants, subpoenas, or NTOs to obtain the needed information.

X. SEARCHING & SEIZING ELECTRONIC AND COMPUTER EQUIPMENT

Whenever possible, CPD employees shall use computer forensic specialists to assist with seizure or search of computer equipment. The following guidelines are only provided for unusual circumstances where the assistance of a specialist is not practical.

- A. SEIZURE OF COMPUTER EQUIPMENT
 - 1. Data contained on computer systems can be damaged, altered, or destroyed if proper procedures are not followed. Additionally, officers should be aware that the seizure of computer equipment is a process more

complicated than the seizure of typical physical evidence, and specialized knowledge and procedures are required.

2. If during the course of an investigation, officers become aware that evidence of a crime may be contained within a computer or related system, they shall whenever possible, seek the advice of a computer specialist. **In all cases, the officer's actions shall be in compliance with applicable State and Federal laws, as well as Department policies.** In circumstances where time does not allow consultation with a specialist prior to the incident, the following procedure shall be followed during seizure of computer equipment and peripheral devices:
 - a. Initially assess what action is necessary to prevent the destruction or alteration of such evidence.
 - b. Prevent the removal, shut-down, or start-up of computer equipment.
 - c. prevent the computer equipment from being connected or disconnected from such things as power sources, telephone lines, cable modems, networks, or other peripheral devices.
 - d. Prevent the removal, destruction, or alteration of computer programs or files stored on any type of computer storage media.
 - e. Notify the nearest available computer investigation specialist or forensic examiner.

B. SEARCH FOR COMPUTER EQUIPMENT

1. When initially preparing to search for computer equipment, officers should:
 - a. Freeze the scene and not allow anyone to manipulate the computer system in any way.
 - b. Photograph, videotape, or diagram the entire computer system so that connections, screen settings, etc. may be replicated at a later date.
 - c. Disconnect modems and communication devices at their source. (NOTE: in some cases, depending on the nature of the investigation, it may be necessary to allow the computer system to remain attached to networks or communication devices to facilitate the investigation).
 - d. Disconnect power sources from their source (see note in "c" above).
 - e. Label all connections in order to replicate the setup of the system.
 - f. Label and package all items in non-static (no plastic bags) containers for transportation.
 - g. Seize all books, manuals, software, diskettes, and other information or storage devices related to the computer system.
 - h. Seize any and all information relative to possible passwords, indicia of ownership, or other items pertinent to the investigation.
 - i. Transport all computer related items, **ensuring that they are kept away from electromagnetic sources to include radio transmitters** (i.e. the trunk of a marked patrol car with a radio mounted in the trunk).

- j. Secure all computer evidence as provided in the evidence storage directive with special notations on the items that they are not to be handled, turned on, or “booted” unless authorized by computer forensic personnel.

C. SEARCH OF COMPUTER EQUIPMENT

- 1. Computer equipment seized during the course of an investigation should be examined only by personnel with specialized training.
- 2. Such examinations shall be done in accordance with accepted, contemporary computer forensic procedures.

XI. ELECTRONIC SURVEILLANCE & OTHER INVESTIGATIVE AIDS

- A. CPD uses various technologies to aid in criminal investigations. Any investigative aid will be used according to applicable state and federal laws. Officers will be mindful of privacy rights afforded to members of the public and only use relevant investigative aids in a proper and lawful manner.
- B. CPD members are authorized to use only those investigative aids that they have been trained to properly and safely use. These aids include:
 - 1. a body wire
 - 2. thermal imaging device
 - 3. digital voice recorders or other means of recording conversations
- C. Thermal imaging equipment may be used in capacities other than criminal investigations including, but not limited to: search & rescue, fugitive searches, marijuana eradication, marine or ground searches, surveillance, etc.

XII. CRIMINAL PROCEDURE GENERALLY

Details regarding the current operating standards and legal framework for criminal procedure used by the Department are found in the Criminal Law Manual. The following additional guidance is provided as an addendum to that manual:

Searches:

A. SEARCH WARRANTS

Searches and seizures made under the authority of a valid search warrant are always preferred.

- 1. An officer requesting a search warrant should contact the OIC and obtain his/her advice and guidance before proceeding to court. If the court is not in session, the officer should contact the on-call State's Attorney to make the necessary arrangements to secure a search warrant. **Every search warrant issued, and any action taken as a result, must be fully and thoroughly documented in the departments records management system.**

2. **Upon arrival at the scene of a search warrant execution, officers should check to make certain the premises are in fact those described in the warrant.**
 3. An officer responsible for the execution of a search warrant must immediately and directly transport to the Police Station all seized property and ensure that it is properly marked, recorded, and safeguarded in accordance with the Department procedures for the care, handling, and security of evidence.
 4. The officer executing a search warrant will prepare a receipt for all articles seized. The receipt provided may be a signed copy of the inventory, maintained by the searching officers, of all property seized. The receipt will be given to the person from whose premises the property was taken. If property is taken from a suspect, the receipt shall be given to that person. If no person is present at the place searched, a receipt shall be left there. Wherever a receipt is provided, a copy of the warrant authorizing the search and seizure shall also be provided.
 5. An inventory shall be made of all property seized under authority of the warrant. The inventory will consist of:
 - a. a list of **All** property taken and listed on receipt(s).
 - b. the name of the officer making the seizure, and
 - c. the location from where the item was seized.
 6. The officer responsible for preparing the return of the search warrant will sign it. After the return has been completed, the warrant and return shall be submitted to the Court named in the warrant as swiftly as possible.
 7. All officers who are involved in the application and/or execution of a search warrant shall be listed in the case officer's report. If an officer has significant involvement, or at the request of the case officer, he/she shall submit a supplemental report for inclusion with the case.
 8. If at any time during the search an officer discovers evidence of an unrelated crime, he/she shall cease the search, preserve the evidence and forthwith apply for additional warrants as appropriate.
-
- B. WARRANTLESS SEARCHES – refer to the criminal law manual for full details.
 - C. SEARCH INCIDENT TO AN ARREST - refer to the criminal law manual for full details
 - D. CONSENT SEARCHES - refer to the criminal law manual for full details.
 - E. SEARCH IN EXIGENT/EXCEPTIONAL CIRCUMSTANCES - refer to the criminal law manual for full details.
 - F. WARRANTLESS SEARCHES OF MOTOR VEHICLES - refer to the criminal law manual for full details.
 - G. INVENTORY SEARCHES - refer to the criminal law manual for full details.
 - a. The department does not normally conduct inventory searches.
 - H. PLAIN VIEW SEARCHES - refer to the criminal law manual for full details.
 - I. STOP AND FRISK SEARCHES ("PAT DOWNS") - refer to the criminal law manual for full details.

- J. SEARCHES PURSUANT TO ABANDONMENT - refer to the criminal law manual for full details.
- K. INTERVIEW & INTERROGATION - refer to the criminal law manual for full details.

ALL SEARCHES must be thoroughly and accurately documented in the Department's records management system in an officer's report.

Arrests:

B. ARREST & CITATION PROCEDURES

1. ARREST ON WARRANT – Applying for arrest warrant

In this circumstance, the officer provides the factual basis for probable cause to believe a crime has occurred. Once an arrest warrant is authorized by a Judicial Officer, the following procedure should be observed:

- a. The officer need not have the warrant in hand prior to making the arrest.
- b. The officer should inform the arrested person of the nature of the offense charged and the fact that a warrant has been issued.
- c. Upon request, the officer must show the warrant to the defendant as soon as practical, and at that time, must give the defendant a copy of the warrant (VRCP).
- d. The officer must deliver a copy of the arrest warrant, or other process by which a person is detained in a criminal proceeding, to such person within **six (6) hours** of a demand for a copy of the warrant per **Title 13 (VSA) 5502**.
- e. Upon making an arrest pursuant to a warrant, the officer must return the warrant to the judicial officer (VRCP). The officer should complete the return of service on the bottom of the warrant and return the officer's copy to the Records Unit. The original warrant should be left at the Correctional Center if the person is lodged or returned directly to the court if the person is arraigned.

2. ENTRY OF ARREST WARRANTS IN NCIC (Special Circumstances)

- a. The State's Attorney's Office will review cases at the onset of an arrest warrant to determine whether National Crime Information Center (NCIC) entry is appropriate. A copy of the arrest warrant with an indication that the defendant should be placed into NCIC will be forwarded to the investigating agency.
- b. Effective August 1, 2008 in accordance with the Department of Public Safety Vermont Criminal Information Center, Any person for whom a felony or serious misdemeanor warrant has been issued may be entered into NCIC, **irrespective of extradition limitations**.
- c. It is recommended that the subjects of felony and misdemeanor warrants be entered into the NCIC Wanted Person file when it is determined by the investigating agency that the subject of the warrant presents a threat to officer or public safety, and/or the investigating agency believes that there is investigative value in identifying the location of the offender. **All**

entries into NCIC, under these types of circumstances shall be approved by an OIC.

The following types of circumstances suggest cases where entry of the defendant into the NCIC Wanted Person File would be appropriate, whether or not extradition has been authorized:

- i. Any warrant for a subject considered armed and dangerous, regardless of the offense.
 - ii. Any warrant where the subject is being sought for an escape, a violent felony, a sexual felony, a crime of domestic violence, a violation of a protection order, an assault on an officer, or a crime against a child.
 - iii. Any warrant regardless of the nature of the offense where the conditions which prompted the issuance of the warrant, the subject's criminal history, or the circumstances of the crime indicate to the investigating agency that the subject of the warrant poses a threat to officer or public safety.
 - iv. Any felony or serious misdemeanor warrant where knowing the whereabouts of the defendant would provide an important investigative lead for the investigating agency.
- d. Any felony or serious misdemeanor warrant where knowing the whereabouts of the defendant would provide an important investigative lead for the investigating agency. It is important to make sure that the EXL field (Extradition Limitations Field) in NCIC Wanted person Record entry form is correctly completed when there are limits on extradition. When an agency enters a record for a wanted person who will not be extradited, the EXL should contain code "4" (felony) or "D" (misdemeanor) and "NOEX" should be entered as the first four characters of the MIS Field. When an NCIC Wanted Person record is entered where extradition is limited to certain states, the EXL field should contain "2" or "5" (felony) or "B" or "E" (misdemeanor) and the MIS field must contain the location(s) from where extradition is authorized.

3. ARREST WITHOUT WARRANT - refer to the criminal law manual for full details.

4. ALTERNATIVES TO ARREST

Officers may exercise discretion consistent with the philosophy and goals of the Department; pertinent laws and court decisions; direction, supervision and orders from superiors; and the sense of justice and fairness that would be expected by an ordinary, reasonable, and prudent member of the community.

- a. **Verbal/Written Warning** – Officers may use a written warning when, in their judgment, this level of intervention is all that is necessary to curtail and/or prevent a recurrence of the volatile behavior. An example might be a warning for a minor motor vehicle violation or a simple non-violent

misdemeanor. This option may be restricted by the Officer in Charge or a supervisor, in those areas of directed patrol or selective traffic enforcement requiring stricter attention to enforcement, or where community standards require formal charges. Verbal warnings should only be used in unusual circumstances and properly documented in an incident narrative.

- b. **Referral to the Community Justice Center (Reparative Board)** – Officers may refer misdemeanor cases and cases involving municipal tickets to the Essex Community Justice Center for resolution pursuant to current CJC policy.

5. PROCEDURES AFTER ARREST

- a. Whether an arrest is made pursuant to an arrest warrant or without warrant, officers shall conduct a search incidental to the arrest. The search shall be conducted contemporaneous to the arrest, or as soon as is practicable, and shall be consistent with the officer's training.
- b. Events such as the brief detention, or the arrest and continued custody of a subject using only compliant handcuffing may not require completion of a use of force report. However, the incident does require a narrative report detailing the facts and circumstances of the use and type of authority by the officer who applied it.
- c. Once a custodial arrest has been made, regardless of the procedure governing the arrest, the arrested individual shall be transported to the Police Department, or other suitable location, for processing. **The following shall be collected:** Arrest/Custody/bail/biographical data; Mug shot photographs; Fingerprints; inventory of personal property; DMV, VCIC and NCIC criminal checks.
- d. Dispositions of offenders (arraignment, citation, lodging) will be done in accordance with current procedures and general orders.
- e. Transport and detention of detainees/prisoners will be done in accordance with general orders.

6. LODGING ON TEMPORARY AFFIDAVIT

When the behavior or condition of a prisoner is such that it is necessary to immediately transport him/her to a correctional facility, the prisoner may be lodged with a handwritten temporary affidavit. Under such extraordinary circumstances, the arresting officer should complete the customary lodging paperwork and deliver it to the correctional facility without delay.

#

COLCHESTER POLICE DEPARTMENT

SUBJECT: Body Armor	
EFFECTIVE DATE: April 8, 2015	NUMBER: GENERAL ORDER #7
REFERENCE:	
REEVALUATION DATE: As needed	APPROVED: <i>ymorusu #190</i> NO. PAGES: 2

POLICY:

It is the policy of the Colchester Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

CONTENTS:

I.	DEFINITIONS
II.	PROCEDURES

I. DEFINITIONS:

Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

Uniform Personnel: Personnel below the rank of Lieutenant that work in the patrol division or other assigned enforcement officers working as a uniformed patrol officer.

II. PROCEDURES:

A. Issuance of Body Armor

1. All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice (NIJ).
2. All officers shall be issued agency-approved body armor.
3. Body armor that is worn or damaged shall be replaced by the agency. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer. Replacement schedules as recommended by the manufacturer and the NIJ.

B. Use of Body Armor

1. Officers shall wear only agency-approved body armor.
2. Body armor shall be worn by recruit officers as required by the Vermont Criminal Justice Training Council.
3. Officers that are assigned to a uniformed function and non-uniformed sworn officers are required to wear body armor while engaged in field activities both on duty and during off duty employment unless exempt as follows:
 - a. When an agency-approved physician determines that an officer has a medical condition that would preclude wearing body armor;
 - b. When the officer is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor; or
 - c. When the department determines that circumstances make it inappropriate to mandate wearing body armor.
4. All sworn personnel shall wear body armor whenever participating in pre-planned warrant execution or other tactical operations.

C. Inspections of Body Armor

1. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections.
2. Annual inspections of body armor shall be conducted for fit, cleanliness, signs of damage, abuse and wear.

D. Care, Maintenance and Replacement of Body Armor

1. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.
2. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.
3. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.
4. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.
5. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

#

COLCHESTER POLICE DEPARTMENT

SUBJECT: Inspections, Appearance & Wearing the Uniform/Appropriate Attire

EFFECTIVE DATE: May 1, 2015

NUMBER: GENERAL ORDER #8

REFERENCE: Rescinds G.O. #8 "Inspections"

REEVALUATION DATE: As needed

APPROVED:

J. Mousa #190

NO. PAGES: 5 plus appendices

POLICY: It is the policy of the Colchester Police Department that its personnel shall present a professional and uniform appearance, be well groomed and properly equipped. This policy shall establish guidelines relative to inspections, appearance, hygiene, wearing department issued uniforms and appropriate attire.

CONTENTS:

- I. Inspections
- II. Personal Appearance
- III. Wearing the Uniform
- IV. Appropriate Non-Uniform Attire

I. INSPECTIONS

- A. Personnel Inspections – are to be conducted daily at the beginning of each shift. This is an informal check by the Officer in Charge or unit supervisor to ensure that officers/employees reporting for duty are appropriately groomed, equipped and attired. Any deficiencies shall be addressed immediately with the employee and corrective action taken as soon as practical.
 - 1. A written report shall be made to the affected Division LT only if the employee refuses or is unable to correct the deficiency, or if it is one of a serious or ongoing nature.
- B. Equipment & Vehicle Inspections - It shall be the responsibility of each officer reporting for duty to ensure that all equipment within his/her control is in proper working order. Each officer shall insure that the cruiser is clean at the beginning and end of each shift and that all on board equipment is present and functioning. Any problems with equipment shall immediately be brought to a supervisor's attention.
 - 1. A supervisor may request to inspect an officer's vehicle or equipment at any time.
 - 2. At least quarterly, the Administrative Sergeant shall ensure that a thorough inspection of each patrol cruiser is conducted and documented to ensure that all required equipment is present and properly functioning. See Appendix A

- C. Facilities Inspections - It shall be the responsibility of the Officer in Charge of each shift to conduct a daily visual inspection of the interior and exterior of the police facility. This inspection shall be for the purposes of insuring that the building is secure, sanitized and fully operational. Any deficiencies shall be rectified immediately, if possible, or reported to the Support Services LT for follow up. It is the responsibility of the Support Services LT to insure that appropriate follow-up action takes place.

II. PERSONAL APPEARANCE

- A. Policing is a para-military profession and appearance plays a significant role in how the police are perceived by the public. The following guidelines are designed to ensure a professional image through uniformity and attention to detail in grooming and hygiene.
- B. Members shall appear neat and well-groomed while on duty to include, but not be limited to regular duty, court appearances, in-service training, and department functions.
- C. Hair:
 - 1. Hair must be clean, neat and combed. Hair may not be unkempt, ragged or present any type of safety hazard.
 - 2. Hair may not be an unnatural color.
 - 3. Hairstyles shall be worn in a conservative manner that does not affect peripheral or regular vision or interfere with any issued head gear or equipment.
 - 4. Short hairstyles shall not extend more than an inch below the ear lobe on the sides of the head and shall not extend below the bottom seam of the collar at the back of the shirt.
 - 5. Long hair shall be tied or pinned up off the back of the neck and away from the collar of the uniform.
 - 6. Decorative or extravagant hair pins, clips, combs or other adornments shall not be worn.
- D. Facial Hair
 - 1. If a mustache is worn, it will be kept neatly trimmed, except with the expressed permission of the Chief of Police.
 - 2. Sideburns shall be neatly trimmed and shall be no more than one inch wide at the widest point and shall not extend below the lowest part of the earlobe.
 - 3. If a beard or goatee is worn it shall be neatly trimmed at all times and shall not exceed ½" or present a safety hazard. Beards shall have a distinct trim line no lower than the Adam's apple thereby creating a separation from the collar area.
 - 4. Officers must be clean shaven other than the above mentioned exceptions. This policy shall not be construed as an excuse to go unshaven. Officers intending to grow a beard, goatee or mustache shall inform their supervisor of this.

- E. Cosmetics/makeup – shall only be worn in colors and styles that appear natural. Exaggerated makeup or unnatural colors will not be allowed.
- F. Fingernails – shall be kept groomed and clean and may not interfere with the member's duties.
- G. Earrings/jewelry/piercings – the only visible piercings allowed on duty are pierced earlobes. No other piercings shall be allowed during duty hours.
 - 1. Officers may only wear ear studs or small hoops so long as they are in good taste and do not distract from a professional appearance or pose a safety hazard.
 - 2. Non-sworn employees may wear earrings so long as they are not offensive, obscene or otherwise distract from a professional appearance.
- H. Tattoos/brands/body art – Employees may not appear on duty with any visible tattoo, branding, body art or other adornment visible above the shoulders. Visible body art cannot be obscene, offensive, sexist, racist, sexual in nature, or be a distraction from professional appearance.
 - 1. Employees having visible body art below the bicep area of the arm that is considered inappropriate shall be required to wear long sleeve shirts, a flesh colored sleeve or have the tattoo removed.
 - 2. Final determination of inappropriate or unprofessional body art lies with the Chief of Police.
- I. At all times employees shall maintain a high level of personal hygiene appropriate for a business environment.

III. WEARING THE UNIFORM

- A. CPD has three classes of uniforms and special duty uniforms:
 - 1. Dress Uniform – worn for special occasions in the manner prescribed by the Chief of Police. Dress uniform hat is a Campaign-style hat with hat badge and gold cord/acorns.
 - 2. Class "A" Uniform – worn for criminal court appearances, public speaking engagements, instruction and any time an officer wishes to present a more polished appearance or at the direction of the Operations LT. Class A hat is 8-point hat with hat badge or winter cap.
 - 3. Class "B" Uniform – a daily utility uniform used for patrol and everyday policing activities. Class B hat is a baseball style hat or winter cap. If an officer is on shift, the Class B uniform may be worn to traffic court or office type meetings such as a deposition. It is not to be worn for any appearances in a criminal court room.
- B. The following general guidelines apply to sworn employees when wearing the Colchester Police uniform. Specific instructions on the proper wearing of each class of uniform/special duty uniforms can be found in Appendix B.

1. Only equipment, clothing and accessories approved by the Chief of Police shall be carried or worn while on duty. All such equipment, clothing and accessories shall be neat, clean, functional and worn in the manner prescribed by the Operations Division LT.
2. Uniform shirts will be kept completely buttoned with the exception of the top neck button, which is left open when the tie is not worn.
3. The Operations Division LT will issue a memo seasonally indicating when long or short sleeve uniforms are to be worn.
4. Wearing of the various Department-issued jackets shall be at the individual officer's discretion, within reason.
5. The wearing of the uniform hat is encouraged because it quickly identifies a police officer and is traditionally part of the uniform. The hat shall be readily available during duty hours and must be worn in a "straight away" fashion while on foot patrol, directing traffic or during special events.
6. Footwear shall be solid **black** in color, clean and well maintained. Socks exposed to view shall be **black** or **dark blue** in color.
7. The nametag displayed on the right breast pocket of the uniform may contain a single line beneath the officer's name on the same tag, indicating a specialty (i.e. Field Training Officer, EMT, etc.). The size of the nametag, lettering as well as what specialty may be displayed will be at the approval of the Operations LT.
8. No part of the police uniform will be worn off duty when the officer is patronizing an establishment which serves alcoholic beverages.
9. Officers assigned to details requiring them to be in the roadway will wear the issued traffic vest or highly visible and reflective jacket while they are exposed to moving traffic.
10. No Department equipment, clothing or accessories shall be loaned other than to another officer except with permission of a supervisor.
11. Officers in uniform shall at all times wear some form of identification indicating their name and/or badge number, as well as some insignia or name indicating Department identification. The Department shall make available some form of identification for each class of uniform except for marine and bicycle uniforms.

IV. APPROPRIATE ATTIRE

- A. Appropriate attire for communication specialists is described in the SOP manual for the Dispatch Center.
- B. Non-uniform sworn personnel shall dress to present a neat, professional image. Outerwear, shoes, belts, and other accessories shall be clean,

polished (if appropriate) and properly worn. The Division Lt shall determine appropriate attire beyond the above stated guidelines.

- C. All other employees shall dress in a manner appropriate for their assignment and daily duties. Clothing and accessories shall be clean, neat, and properly worn. Support staff shall wear, at a minimum, business casual attire (which normally does not include jeans except on Fridays), unless a more formal attire is required for ceremonies, meetings, etc. Worn or soiled jeans, tank tops, or other garments deemed inappropriate by the Division LT are prohibited during work hours.

#



COLCHESTER POLICE DEPARTMENT
VEHICLE CHECKLIST

DATE: _____

OFFICER _____

EQ # _____

MILEAGE _____

EQUIPMENT

PBT SERIAL # _____

RADAR SERIAL # _____

FIRST AID KIT _____

BLANKET _____

POLICE LINE TAPE _____

SPIT HOOD _____

FLARES _____

FIRE EXT _____ EXP DATE _____

SHOTGUN S/N: _____

LEG RESTRAINTS _____

PATROL RIFLE S/N: _____

SHARPS CONTAINER _____

HAZMAT BOOK _____

FINGERPRINT KIT _____

MEASURING TAPE _____

TIRE SPIKES _____

FLASHLIGHT CONE _____

AED _____ # _____

IN-CAR VIDEO CAMERA _____ Microphone _____

HANDS FREE DEVICE _____

GPS _____ # _____

CELL PHONE _____

DIGITAL CAMERA _____

WATER ROPE _____

MDT & AIR CARD _____

DOG LEASH _____

LED TRAFFIC WAND _____

TRAFFIC CONES (3) _____

VEHICLE

EMERGENCY LIGHTS _____

SIREN _____

RADIO _____

VEHICLE LIGHTS _____

WASHED _____

CLEAN INTERIOR _____

LIST PROBLEMS FOR CORRECTION:

DRESS UNIFORM

The CPD dress uniform is worn for special occasions or at the direction of the Chief of Police. No undergarments should be visible. The only rank insignia is found on the rocker of the gold badge. No other adornments shall be worn on the dress uniform unless specifically authorized by the Chief of Police.

Consists of:

- Campaign style hat with black back strap, hat badge and gold cord/acorns
- Dress blouse
- Dress trousers
- High gloss clarino gun belt with shoulder cross strap
- High gloss clarino handcuff pouch
- High gloss clarino holster
- Gold badge
- Gold shoulder braid
- White gloves
- Gold nametag
- High gloss "cheater" style black shoes in a "chukka" or full boot style, or a black boot capable of holding an exceptional shine

CLASS A

Consists of:

- 8-point navy hat with hat badge
- Long or short sleeve uniform shirt as designated by Chief of Police with full color patch
- Trousers as designated by Chief of Police
- Undershirt shall be white with short sleeve shirt/black for long sleeve
- Silver buttons, nameplate, trim and badge for Officers, Corporals and Sergeants
- Gold buttons, nameplate, trim and badge for Lieutenants and Chief
- Collar brass "CPD"
- Rank insignia on sleeve for Sergeants and below
- Rank insignia on epaulets for Lieutenants and Chief
- Hash marks for every 5 years of service with CPD on the lower left of long sleeve shirt
- Basket weave duty belt (or if authorized by OIC a light weight nylon belt) and authorized equipment
- Black boots or other suitable footwear capable of holding a shine
- Necktie – black clip on with department issued tie bar
- Specialty pins – Only specialty pins authorized by a LT or the Chief may be worn and at no time shall an officer have more than two specialty pins on the uniform

The tie is not worn with a summer shirt; the only clothing to be visible beneath the shirt at the neck shall be a **white** t-shirt in class A uniform. When the Class A winter uniform is worn, a black tie/turtleneck will be worn at all times while on duty, unless justifiably excused by the Officer in Charge. A turtleneck must meet the following specifications to be worn with the winter uniform; a blending of cotton and polyester, black in color, a full pull-over style with a smooth finish, elastic neck and wrists areas and allowing only one turn down at the neck. Under normal conditions, when an officer is required to appear in criminal court during winter months, a tie shall be worn instead of a turtleneck.

CLASS B

Consists of:

- Department issued baseball style cap
- Long or short sleeve uniform shirt as designated by Chief of Police with subdued patch
- Trousers as designated by Chief of Police
- Cloth nametag
- Cloth or metal rank insignia – LT and above on collar, SGT and below on sleeve
- Cloth badge
- Basket weave duty belt and authorized equipment or lightweight nylon belt as approved by the Chief of Police
- Black boots or other suitable footwear capable of holding a shine

Visible undergarments may be a **black** t-shirt or turtleneck with the class B uniform.

SPECIAL DUTY

Marine patrol uniform shall consist of:

- Polo style shirt with department insignia as approved by the Chief of Police
- Navy BDU style shorts or long pants
- Clean sneakers, hiking boots or other sturdy footwear
- Department issued baseball style cap
- Nylon or lightweight duty belt and authorized equipment
- Outerwear as approved by the Chief of Police

Bicycle patrol uniform shall consist of:

- Polo style shirt with department insignia as approved by the Chief of Police
- Navy BDU style shorts or long pants
- Clean sneakers, hiking boots or other sturdy footwear
- Properly fitted bicycle helmet
- Protective eye wear
- Bicycle gloves
- Nylon or lightweight duty belt and authorized equipment
- Outerwear as approved by the Chief of Police – must be reflective for night riding

Motorcycle patrol uniform shall consist of:

- Class A or B uniform in its entirety
- Black leather jacket or other outerwear as approved by the Chief of Police
- Black motorcycle boots capable of holding a high shine
- DOT certified, properly fitted motorcycle helmet
- Protective eyewear as required by law
- Gloves are optional

BODY ARMOR – Body armor shall be either department approved external carriers or under the uniform shirt.



COLCHESTER POLICE DEPARTMENT

		SUBJECT: Social Media	
EFFECTIVE DATE: June 15, 2020		NUMBER: General Order # 9	
REFERENCE Replaces G.O. 9 of 01/09/2017		SPECIAL INSTRUCTIONS: none	
REEVALUATION DATE: as needed		APPROVED: NO. PAGES: 8	

POLICY: The Colchester Police Department (CPD) endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge. Social media provides a potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigations, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

CONTENTS:

- I. Definitions
- II. On-The-Job Use
- III. Personal Use

I. DEFINITIONS

- a. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."
- b. **Page:** The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
- c. **Post:** Content an individual shares on a social media site or the act of publishing content on a site.

- d. **Profile:** Information that a user provides about him/herself on a social networking site.
- e. **Social Media:** A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Tumblr, LinkedIn, etc), microblogging sites (Twitter, Nixle, etc), photo- and video-sharing sites (Flickr, YouTube, Snapchat, etc), wikis (Wikipedia), blogs, and news sites (Digg, Reddit). This includes public facing content of new sites or other forms of public commentary.
- f. **Social Networks:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- g. **Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- h. **Web 2.0:** The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- i. **Wiki:** Web page(s) that can be edited collaboratively.

II. ON-THE JOB USE

- a. **Department-Sanctioned Presence**
 - i. **Determine Strategy**
 - 1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
 - 2. Where possible, the page(s) should link to the department's official website.
 - 3. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.
 - ii. **Procedures**
 - 1. All department social media sites or pages shall be approved by the Chief of Police or his/her designee and shall be administered by members approved by the Chief.

2. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
3. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
4. Content is subject to public records laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
5. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
6. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
7. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

iii. Department Sanctioned Use

1. Department personnel representing the department via social media outlets shall do the following:
 - a. Conduct themselves at all times as representatives of the department and, accordingly, as outlined in General Order # 1, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum including but not limited to the Guidelines in Rule 17 of G.O. # 1, Conduct Unbecoming.
 - b. Identify themselves as a member of the department.
 - c. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
 - d. Not conduct political activities or private business.
 - e. Employees are authorized to access social media for personal use on department computers only briefly in a

manner as to not interfere with the department's mission and goals.

- f. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express permission.
- g. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

iv. Investigative Use

1. Social media may be used by members of this department as an investigative tool for valid law enforcement purposes consistent with this policy. Unless such information is relevant to the individual or organization's suspected criminal activity or if required to identify the individual for a valid law enforcement purpose, the employee will not utilize social media to seek or retain information regarding:
 - a. Individuals or organizations solely on the basis of their religious, political, social views, or non-criminal activities.
 - b. An individual or organization's participation in a particular non-criminal organization or lawful event.
 - c. An individual's race, national origin, citizenship, place of origin, disability, gender, sexual orientation or other legally protected personal characteristic.
 - d. An individual's age other than to determine if someone is a minor.
2. Information developed from social media sites should be corroborated using traditional investigative tools including interviews, verification of address, verification of internet protocol address information, or other lawful means.
3. Sworn officers of this agency may only use an online alias with prior approval to seek information for a valid law enforcement purpose. This includes investigative uses as well as undercover operations.
 - a. Employees seeking approval for an alias account will file a completed Social Media Alias Request Form (Appendix A) to their immediate supervisor.
 - b. Final approval of the request form will rest with a command level officer of this department.

- c. Documentation of any use of an alias account must be made in the corresponding officer's investigative report.

- 4. All information with regards to the alias accounts, to include usernames and password, shall be shared with the employee's supervisor. No substantive changes to the alias account may be made without supervisor knowledge and approval.

b. Potential Uses

- i. Social media is a valuable investigative tool when seeking evidence or information about missing persons; wanted persons; gang participation; crimes perpetrated online (i.e., cyberbullying, cyberstalking); and photos or videos of a crime posted by a participant or observer.
- ii. Social media can be used for community outreach and engagement by providing crime prevention tips; offering online-reporting opportunities; sharing crime maps and data; sharing information about news, events and awards; and soliciting tips about unsolved crimes, and more.
- iii. Social media can be used to make time-sensitive notifications related to road closures, special events, weather emergencies, and missing or endangered persons.
- iv. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

III. PERSONAL USE

- a. Precautions and Prohibitions - barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.
 - i. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, to a degree that impedes the ability to provide law enforcement services or otherwise impair the efficiency of this department..

- ii. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, speech that owes its existence to the employee’s professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
- iii. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the chief or his/her designee.
- iv. Employees shall not use a social networking site or other medium of communications in a different name or anonymously, to comment or engage with individuals, groups or organizations on issues, topics or correspondence that would be considered town affairs, in their personal or employment capacity.
- v. For safety and security reasons, department personnel are urged to give careful consideration prior to disclosing their employment with this department. No member shall post information pertaining to any other member of the department without their permission. As such, department personnel are urged to give thoughtful consideration prior to doing the following:
 - 1. Display department logos, uniforms, or similar identifying items on personal web pages.
 - 2. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
- vi. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department’s code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - 1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that

ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

2. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- vii. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
- viii. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
- ix. Department personnel should be aware that they may be subject to civil litigation for:
 1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation)
 2. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
 3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose.
 4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- x. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- xi. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online

forum may be accessed by the department at any time without prior notice.

- xii. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his/her supervisor immediately for follow-up action.

XX

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Performance Recognition Awards	
EFFECTIVE DATE : July 1, 2015		GENERAL ORDER # 10	
REFERENCE:			
REEVALUATION DATE: As needed	APPROVED: <i>J. Morris #190</i>	NO. PAGES: 7	

POLICY: Recognition of personal excellence and distinguished service is an important aspect of the Colchester Police Department's activities. Presenting departmental awards for meritorious service provides that recognition, thereby enhancing departmental morale, reinforcing the department's commitment to the maintenance of a high standard of performance by its members, and motivating personnel to perform their duties at the highest possible level. Therefore, it is the policy of this department to recognize and reward meritorious service through an awards program to be administered under the procedures set forth herein.

- CONTENTS:**
- I. **AWARDS BOARD**
 - II. **AWARDS**
 - III. **RECOMMENDATIONS**
 - IV. **DETERMINATION OF AWARDS**
 - V. **NOTIFICATION OF AWARDS**
 - VI. **PRESENTATION OF AWARDS**

I. Awards Board

- A. The Chief of Police shall appoint an Awards Board to receive and evaluate recommendations for awards. This Board shall determine whether an award should be presented and, if so, which award would be appropriate. The Board shall consist of one member each representing the following:
- Administration
 - Supervisors (Sergeant)
 - Colchester Police Officers Association (Selected by membership)
 - Civilian Staff
 - Member of the Colchester Community (Civilian)
- B. Each Board member shall serve a two-year term. At the discretion of the Chief of Police, members' terms may overlap so that only a portion of the Board is appointed each year. Members of the Board may, at the discretion of the Chief of Police, be appointed for a second term, but no Board member shall serve

more than two terms consecutively. The member of the Board who is senior in rank shall serve as chair of the Board.

- C. If a member of the Awards Board is under consideration for receipt of any award, that member shall be excused from the Board for the period when this award is under consideration. The Chief of Police may appoint an ad hoc member to the Board of appropriate rank to serve on the Board in place of the officer being considered for the period indicated.
- D. The Awards Board should consider the following factors when deciding on the issuance of an award:
 - The recipient used proper judgment and discretion and did not precipitate the necessity for the act.
 - The act was not careless or foolhardy.
 - The act was in keeping with current policies and reflect favorably on the employee and the department.
 - The recipient made a significant and lasting contribution to the department, the community and/or the law enforcement profession.

II. Awards

A. Medal of Honor

Awarded to departmental members for conspicuous gallantry while acting in the line of duty. Presented to officers for acts of exceptional bravery performed at very high risk to their own lives with full awareness of the danger involved. This award will be presented in the form of a medal, a ribbon bar, and a certificate.

B. Medal of Valor

Awarded to departmental members who distinguish themselves in the line of duty by acts of personal bravery not falling within the guidelines for the Medal of Honor. This award will be presented in the form of a medal, a ribbon bar, and a certificate.

C. Life-Saving Award

To be conferred upon any member of the department whose actions directly contribute to saving or significantly prolonging human life. This award will be presented to officers in the form of a ribbon bar and certificate. A civilian employee or community member can be recognized for life saving efforts that meet the same criteria. The award will be presented in the form of a certificate.

D. Purple Heart Award

The Purple Heart may be awarded to an individual who is injured while serving in an official capacity with this department. The injury sustained must have been a result of a serious or life threatening situation or permanent injury received as a result of the action and not

has been caused by carelessness on the part of the individual. This award will be presented in the form of a ribbon bar and certificate.

E. Distinguished Service Award

Awarded to department members for exceptional accomplishments. This individual has distinguished themselves while performing highly creditable or unusual actions. Factors for consideration:

- The recipient made a significant and major contribution to the development of programs, policies or procedures which had a substantial and positive impact to the department, community, or profession.
- The recipient successfully conducted a long-term investigation or solved a neighborhood problem that had a tremendous impact on the community.
- The recipient took an extraordinary action while assisting the community.

This award is presented in the form of a ribbon bar and certificate.

F. Meritorious Service Award

Awarded to any member of the department for outstanding job accomplishment that has contributed to a more effective and efficient police department. This may involve improved administration, improved operations, substantial cost savings, or other benefits to the department that have materially facilitated the effective performance of the department's mission. This award is presented in the form of a ribbon bar and a certificate.

G. Unit Citation Award

Awarded to a group of employees that distinguished themselves and brings credit to the department, and/or the profession by highly credible act(s) in the performance of law enforcement or community service. This award is presented in the form of a ribbon bar and certificate.

H. Certificate of Commendation

Presented in recognition of a high degree of competence and professionalism in the performance of departmental duties. This includes exemplary conduct during a field incident or operation, outstanding administrative work, the effective handling of a criminal investigation, the organization of a new and beneficial departmental program, designing and conducting a course of training, and commendable participation in any other activity that improves the department's functioning or brings credit upon the department in any way. It may also be presented to any employee who has demonstrated long-term excellence in service to the agency. This award is presented in the form of a certificate.

I. Citizen Commendation

This award may be presented to any person who is not a member of the department but who has materially aided the department or its officers in some way. This includes assistance in the solution of crime or the apprehension of criminals, aiding an officer in the field in a critical situation, and cooperation with or assistance to the department as a whole in any aspect of the department's administration or operations.

III. **Recommendations**

A. Who May Make Recommendations

Any departmental member may recommend another departmental member for any award. More than one person may make recommendations jointly.

B. Form of Recommendations

Award recommendations shall be neatly prepared and shall set forth in detail the circumstances upon which the award is recommended. The recommendation must identify the person or persons making the recommendation and be signed by that person or those persons.

C. Supporting Documentation

The recommendation form may be accompanied by such supporting documentation as is deemed desirable by the person or persons initiating the recommendation. This documentation may include such items as witness statements, photographs, pertinent departmental incident reports, medical reports, reports from other law enforcement agencies, statements from civilians familiar with the incident, newspaper articles, and any other evidence that will assist the Awards Board in determining the merits of the recommendation.

D. Forwarding of Recommendation

The recommendation shall be forwarded to the Awards Board in the manner and through the channels established by the Board.

E. Nomination of Private Citizens for Awards

Any member of the department who is given significant assistance by a citizen, or any member of the department who is aware that such assistance has been given to another employee, may nominate that citizen for a Citizen Commendation. Such nominations shall be prepared and forwarded in the manner prescribed for recommendations of departmental personnel.

F. Letters from Citizens Commending a Departmental Employee

Letters from citizens commending a departmental employee shall be forwarded to the employee's unit commander for review. If the commander concludes that an award to the employee may be justified,

he or she shall prepare and forward to the Awards Board a recommendation for award in accordance with the procedures set forth in this policy.

IV. Determination of Awards

- A. All recommendations for departmental awards are to be kept on file pending the next meeting of the Awards Board. The Awards Board shall meet quarterly or at such other intervals as are directed by the Board Chair. Special meetings may be held at the discretion of the Board Chair to consider recommendations requiring the Board's immediate attention.
- B. Where the recommendation is for an award to be presented posthumously, or for an award to a departmental member who has been seriously injured in the incident that is the subject of the recommendation, the Board shall convene to consider the award as soon as possible following receipt of the recommendation.
- C. The Awards Board shall conduct a fact finding process to examine the circumstances of the recommendation and collect all of the facts pertinent to the case. This process may include the interview of witnesses, the examination of supporting documents submitted with the recommendation, the examination of any other reports prepared in connection with the incident, and, if necessary, field investigation to determine the accuracy of the testimony and documentation submitted.
- D. Upon completion of the fact-finding process, the Board shall consider the case in closed session and vote upon the recommendation. A majority of the votes of the Board members present and voting shall be sufficient to determine the Board's recommendation.
- E. The Board may make any one of the following findings:
 - 1. That the case meets the standards for the award that is the subject of the recommendation, and that the award is therefore approved, or
 - 2. That the circumstances justify recognition, but that it has been determined that the presentation should be for an award other than that specified in the initial recommendation, or
 - 3. That the facts as currently known do not justify an award at this time.
- F. Following the Board's deliberations, a written report shall be forwarded to the Chief of Police setting forth the Board's findings. Upon receipt of the Board's report, the Chief of Police may approve, disapprove, or

modify the Board's findings. The Chief of Police will have final determination of issuance of awards or commendations.

- G. Only one award shall be made to an individual for any one act, achievement, or period of meritorious service. However, there is no limit to the number of medals, certificates, or letters of recognition that may be awarded to an individual for separate acts.
- H. The Awards Board shall maintain an Awards Case File. This file shall contain copies of each report of the Board's deliberations upon each recommendation received. This includes all recommendations for awards to departmental members, together with copies of any supporting documents submitted with the recommendations. The Awards Case File shall be maintained alphabetically by employees' names, and shall be open for inspection to any member of the department. Recommendations for commendation of civilians for assistance to the department shall be maintained in a similar manner.
- I. Prior to January 1 of each year, the Board shall prepare and forward to the Chief of Police an annual report stating the number of award recommendations received during the prior year, the total number of awards presented during that year, and the number of each type of award presented. The Board shall make recommendations for changes or additions to this policy.
- J. The Awards Board shall recommend to the Chief of Police the exact style and make up of each award, ribbon, and certificate and prepare a recommendation on how they are to be worn. The Chief of Police will approve or modify this recommendation.

V. Notification of Award

- A. Personnel for whom departmental awards have been approved shall be notified immediately of the award through the chain of command. In exceptional cases, the notifications may be made directly by the Chief of Police or his/her designee.
- B. Notices of all departmental awards shall be issued as a Special Orders and shall be made a matter of record in the employee's personnel file. A photocopy of the certificate of award shall be included in the file. All awards shall be considered in connection with future personnel decisions, such as promotion or assignment to a particular duty or location.
- C. Where appropriate, press releases regarding departmental awards should be made available to local media representatives.

- D. A copy of citizen's letter of commendation shall be forwarded to the employee, another copy shall be placed in the employee's personnel file, and further copies shall be posted on departmental bulletin boards or otherwise disseminated within the department. Citizens who have received departmental commendations for assistance to the department should be notified in a similar manner.

VI. Presentations of Awards

- A. Presentation of all departmental awards shall be made at a formal ceremony deemed appropriate by the Chief of Police upon recommendation of the Awards Board. During awards ceremonies, presentations of awards shall be made, whenever possible, by the Chief of Police.
- B. All personnel not otherwise engaged in duty assignments shall be encouraged to attend the presentation. The recipient's supervisors should be present, and the ceremony should be scheduled to make this possible. All personnel attending such ceremonies should be properly attired as directed by the Chief of Police.
- C. Members of the recipient's family shall be invited to attend the ceremony and, upon arrival, should be escorted to a position that provides a full view of the proceedings.
- D. Posthumous awards shall be received by the next of kin. "Next of kin" normally is construed to mean one of the following:
 - 1. Widow or widower or life partner.
 - 2. Eldest son or daughter
 - 3. Parent
 - 4. Eldest brother or sisterThis order of preference may be modified as circumstances dictate in individual cases.
- E. Posthumous awards may be presented at the memorial or funeral service for that individual or at such other time as is deemed appropriate by the next of kin.
- F. Letters of recognition not presented at a formal ceremony shall be placed in the employee's personnel file and a copy posted on departmental bulletin boards or otherwise disseminated through the department.
- G. Commendations to civilians may be presented at a formal ceremony at the discretion of the Chief of Police, but only with the prior approval of the citizen concerned.

##

COLCHESTER POLICE DEPARTMENT

SUBJECT: Telephone Usage	
EFFECTIVE DATE: March 20, 2015	NUMBER: G.O. #11
REFERENCE:	SPECIAL INSTRUCTIONS: none
REEVALUATION DATE: as needed	APPROVED: <i>J. Monahan #190</i> NO. PAGES: 2

POLICY: This policy shall outline organization and member responsibilities relative to use of telephones during on duty hours as well as use of telephones/electronic devices for work-related purposes.

CONTENTS: I. General Guidelines
II. Use of personally owned phones or electronic devices

I. General Guidelines:

- A. Each patrol vehicle shall be equipped with a department owned phone. Additionally, certain department personnel shall be provided a cell phone if their duties and responsibilities make it a necessity. The Chief of Police shall determine which department positions require issuance of a cell phone.
- B. Telephone courtesy is a critical part of providing customer service and maintaining the professional image of the police department. Department telephones shall be answered promptly in a calm and courteous manner.
- C. Employees shall not attempt to answer inquiries that are beyond their scope of duties or knowledge. When appropriate, calls shall be transferred to another member or a message taken. The person taking the message is responsible for ensuring that it is delivered to another member who can return the call in a timely manner.
- D. Generally, department owned phones are for official use only. Brief personal phone calls are permitted during duty hours.
- E. Members shall exercise discretion when making personal calls on recorded phone lines.
- F. All use of phones or portable electronic devices shall be in compliance with current laws and/or ordinances.

- G. Members who have an assigned telephone/device are authorized to use it during off duty hours. Members are reminded that the contents of that telephone/device are potentially discoverable in a criminal proceeding.

II. Use of personally owned phones or electronic devices:

- A. Use of personally owned phones or portable electronic devices while on duty is discouraged except for occasional, brief communications. Members shall exercise discretion while using telephones in public. Engaging in phone conversations unrelated to official business in view/earshot of the public is strongly discouraged.
- B. Members who choose to access work email/calendar/contacts via their personally owned device must adhere to the following criteria:
 - 1. The device must remain in the sole possession of the member and not be a shared device. It must be password protected at all times. The device must require re-entry of the password if it remains idle for five minutes or more.
 - 2. Members must report a lost or stolen device to the Support Services LT within 24 hours.
 - 3. The member bears all cost associated with the device.
 - 4. Members are cautioned that use of a personally owned device for work purposes could potentially make the contents of that device discoverable in a criminal proceeding.
 - 5. Members are prohibited from accessing CPD servers or infrastructure on any personally owned device.
- C. Except for the above, personally owned devices shall not be used for official purposes or to transmit any confidential information. Members shall not at any time use department or personally owned devices to disseminate, post, publicize or otherwise share information that they gain in an official capacity in any manner other than for legitimate work purposes.

##

COLCHESTER POLICE DEPARTMENT

SUBJECT: Selection Process	
EFFECTIVE DATE: February 16, 2018	NUMBER: G. O. #12
REFERENCE:	
REEVALUATION DATE: as needed	APPROVED:  NO. PAGES: 5

POLICY: The Colchester Police Department shall observe all applicable federal, state and local laws, as well as applicable collective bargaining agreements during the hiring processes. The process is designed to select the highest caliber candidate possible with the skills, knowledge and abilities to provide outstanding service to the town of Colchester.

The Colchester Town Manager is the appointing authority for all police department employees. The authority and responsibility to administering CPD's selection process lies with the Chief of Police, who may delegate the responsibility to one of the Lieutenants.

CONTENTS:

- I. Selection Process for Sworn Personnel
- II. Selection Process for Non-Sworn Personnel
- III. Re-application & Re-testing
- IV. Storage of Selection Process Information
- V. Criteria for Lateral Entry & Returning CPD Personnel

I. SELECTION PROCESS FOR SWORN PERSONNEL

- A. Any person expressing interest in employment with the Department shall be referred to the Support Services LT who shall accept the application of any person for a sworn position, provided that the following minimum requirements are met:
- 1. Must have legal status to live and work in the United States.
 - 2. Applicant must possess a high school diploma or a General Educational Development Certification (GED) as prescribed by the Vermont Department of Education.
 - 3. Applicant must have attained his/her 18th birthday at the time of application.
 - 4. Applicant must be able to perform all of the essential functions of the job of police officer.
 - 5. Applicant must obtain and maintain a valid driver's license.
 - 6. Applicant must have no felony or serious misdemeanor convictions, nor any habitual or serious traffic offenses.
 - 7. Must have not less than 20/20 corrected vision in each eye and must be free from color or night blindness and possess the ability to determine depth.

- B. The following describes all phases of the selection process for sworn personnel. All phases of the selection process for sworn personnel shall be job-related and non-discriminatory.
1. **APPLICATION PLUS LETTER OF INTENT AND RESUME-** Completion of a CPD application, plus submission of a letter of intent to apply and a resume is the first step in the selection process. Once these are received, the person is considered an “applicant” for employment.
 2. **INITIAL APPLICATION REVIEW AND NOTIFICATION OF TESTING DATE-** All applications shall be screened to ensure that they are complete and that minimum requirements for employment are met (except for criteria #7 which will be verified during medical exam). When a testing date becomes available all applications will be acknowledged via phone or mail. It is the applicant's responsibility to inform the Department of any change in address or phone number.
 3. **VPA REQUIRED ENTRANCE TESTING -** All applicants must pass the Vermont Police Academy required testing before proceeding to the next step in CPD's process.
 - A. **WRITTEN ENTRANCE TEST -** This is a statewide-standardized entrance exam administered by the Vermont Police Academy. A minimum score of 70 is required in order for the applicant to move on to the next phase. In the event an applicant fails the written test, he/she shall be notified on the spot and may retake the test consistent with the rules of the Vermont Police Academy. Any cost for this position of the hiring process shall be borne by the applicant.
 - B. **PHYSICAL STANDARDS TEST –** This statewide–standardized test may be administered at the Vermont Police Academy or by certified Department personnel. Required performance levels are adjusted by gender and age. This is a pass/fail test. In the event of a failure, the applicant will be immediately notified that he/she is disqualified from the process. Any cost for the portion of the hiring process shall be borne by the applicant.
 - C. **PSYCHOLOGICAL PROFILE EXAM –** A standardized psychological evaluation. This is not a pass/fail exam. Results are assessed by a qualified professional psychologist. Any cost for this position of the hiring process shall be borne by the applicant.
 4. **SECOND LEVEL REVIEW –** Upon successful completion of the preceding steps, applicants shall be evaluated on their overall test results and other credentials such as college degree, military or prior law enforcement experience, demonstrated leadership experience, etc. Applicants will be sorted into general categories and the most qualified applicants will be offered an oral interview.
 5. **WRITING EXEMPLAR & ORAL BOARD INTERVIEW –** Applicants may be asked to submit a writing sample on the day of the Oral Board interview. This is not pass/fail. At this time the applicant will be asked to complete a preliminary

questionnaire designed to identify any automatically disqualifying information. Following completion of these steps, applicants will be interviewed by a multi-member panel intended to determine the applicant's suitability for the employment as a Colchester Police Officer. Amongst other things, the interview is intended to evaluate the applicant's poise, appearance, honesty, judgment, motivation, communications skills, attitude and potential for prejudice. Applicants will be scored as either fail, pass or recommended. If the applicant is disqualified at this stage of the process, he/she will be notified in writing within two weeks. If the applicant is scored as recommended, he/she will move on to the next phase. If the applicant is scored as pass, he/she shall move on to the next phase only in the absence of applicants scored as recommended. All applicants who pass this step of the process shall be considered "candidates".

6. **CONDITIONAL OFFER OF EMPLOYMENT & FINGERPRINTS** – Upon successful completion of the oral board, the candidate is given a letter from the Department stating its' intent to place the candidate on a hiring list pending successful completion of the rest of the selection process. It is valid for one year and shall be immediately withdrawn if the candidate fails any of the subsequent phases. Additionally, the candidate shall complete an employment fingerprint card taken for criminal background check.
7. **PERSONAL HISTORY INFORMATION (PHI) & REVIEW** – The PHI is used to provide the Department with information regarding the candidate and is subsequently used as the basis of the background investigation. The PHI must be returned **by the established deadline. If the PHI is not returned by the deadline, the candidate will be disqualified from the current process.** Candidates disqualified at this step will be notified in writing. If the PHI is incomplete, the candidate must be given the opportunity to correct any omissions or deficiencies. The completed PHI will be reviewed to ensure that no disqualifying information is contained therein and that the candidate has provided all documentation needed to establish basic job requirements.
8. **BACKGROUND INVESTIGATION** – Each applicant must successfully undergo a thorough background and character check. Individuals convicted of a felony or any crime involving moral turpitudes will not be considered. The areas investigation include proof of identity, past residences, experience and employment, military history, education, financial history, criminal and motor vehicle histories, verification of at least three personal references, relatives and acquaintances, and specific qualifications and skills for the positions. Personnel used to conduct background investigations will receive training in collecting the required information.
9. **POLYGRAPH** – A test designed to measure deception in response to questions specifically related to the applicant's suitability for the position of Police Officer. The test shall be administered and evaluated by certified polygraphers. Prior to the test, applicants will be given a list of areas from which the questions will be drawn. The polygraph results cannot be the sole reason for the disqualification from the process. Revelations or additional information learned during the polygraph, in conjunction with information

provided or concealed during previous phases, may be the basis for disqualification.

10. **COMMAND STAFF REVIEW** – The Command Staff will review the applicant's entire file to determine whether the individual is qualified appointment.
 11. **MEDICAL EXAMINATION** – The applicant must be certified by the Town's contracted physician as medically qualified to perform the essential functions of the position of Police Officer and must meet the medical standards as established by the Vermont Criminal Justice Training Council for entry to the Vermont Police Academy. The medical examination does require a candidate to submit to a drug test. To ensure statutory compliance the drug test can only occur after the following criteria are met.
 - a. A conditional offer of employment must be on file
 - b. The candidate, not less than 10 days prior to the date of the test, receives written notice identifying the drugs that will be tested for and that therapeutic levels of prescription drugs will not be reported.
 - c. The drug test is given in conjunction with the candidate's medical examination.
 - d. The test is administered in accordance with the statutory requirements provided in 21 V.S.A. 514. Blood tests are prohibited.
 12. **CHIEF'S INTERVIEW** – The Chief of Police shall interview all candidates prior to hiring. This interview may be done with the Town's Human Resources Director. The Chief shall either recommend the candidate to the Town Manager for hire, disqualify the candidate or recommend that the candidate be placed on a list for consideration.
 13. **MEETING WITH TOWN MANAGER** – This is a prerequisite for employment and the Town Manager has final hiring authority for all Town Employees.
 14. **PROBATIONARY PERIOD** – The probationary period for all sworn personnel is twelve months from the date of hire and shall be contingent upon successful completion of the Department's Field Training Program. Probationary status may be extended, at the discretion of the Chief of Police, for an employee who requires remedial services such as specialized training or professional counseling, or for medical reasons or resolution of illness or injury.
- C. All phases of the selection process shall be documented, administered, and scored or evaluated in a uniform manner to ensure equal opportunity to all candidates with details retained in the candidates file.
- D. Candidates who are determined to be ineligible for further consideration based on the results of a single phase of the process shall be notified in writing no later than two weeks from the time of disqualification. Candidates who fail the Written Entrance Exam or Physical Standards test shall be notified immediately if they do not qualify to continue in the selection process.

II. SELECTION PROCESS FOR NON-SWORN PERSONNEL

- A. The selection process for entry level civilian personnel shall follow the same guidelines as described for sworn personnel, except that non job related portions may be omitted. The Chief reserves the right to add components of the selection process as they apply.
- B. All components of the hiring process for non-sworn personnel shall be job-related and non-discriminatory.

III. RE-APPLICATION AND RE-TESTING

- A. An applicant who fails the written test or physical standards test will not be allowed to continue in the process. They may re-take the written test the next time it is given. The written and physical standards tests are administered by the Vermont Police Academy. As such, re-testing policies of the VPA apply.
- B. An applicant who fails any other portion of the CPD hiring process is eligible to re-apply for the next advertised vacancy. Under unusual circumstances, the Chief of Police may deem an applicant ineligible to reapply for a longer period of time, for just cause

IV. STORAGE OF SELECTION PROCESS INFORMATION

Each candidate for employment shall have a separate file maintained in a secure/locked location in the Support Services Lieutenant's office as long as the candidate is in the selection process. These are "active" files. If disqualified, the file shall be designated "inactive" and stored in a locked storage area. Inactive files shall be maintained for five years from the date the entrance exam was taken. When purged, the contents of the file will be shredded. Files for candidates who are appointed to probationary status will become part of the employee's permanent personnel record.

V. CRITERIA FOR LATERAL ENTRY & RETURNING CPD EMPLOYEES

Any candidate that is a Vermont full-time certified police officer must successfully complete the following phases of the hiring process: Step 1, provide proof of step 3, and steps 5-14.

Any candidate that is full-time certified in another state must complete **all phases of the process**. If hired, the Vermont Criminal Justice Training Council may waive the requirement that the officer attended the full-time certification academy if the officer's previous training is comparable and grant full-time certification upon completion of a certification course prescribed by the Council.

Any former Colchester Police Officer who has been separated from the agency for less than five years and wishes to rejoin shall complete the following steps: step 1, steps 8-14. The background investigation and polygraph shall concern his/her activities between the time of separation and the present. The decision to rehire will be at the discretion of the Chief of Police after consultation with the Command Staff. Any former Colchester Police Officer who has been separated from the agency for more than five years shall be required to participate in the entire hiring process.

COLCHESTER POLICE DEPARTMENT

SUBJECT: Promotions & Transfers	
EFFECTIVE DATE: February 6, 2018	NUMBER: G.O. #13
REFERENCE: supersedes G.O. #13 issued 1984	SPECIAL INSTRUCTIONS: none
REEVALUATION DATE: as needed	APPROVED: <i>JMORRISAN #190</i>
NO. PAGES: 3	

POLICY: It is the policy of the Colchester Police Department (CPD) to conduct promotion and transfer processes that are job-related, non-discriminatory and that identify the most qualified member for the vacant position.

CONTENTS:

- I. Eligibility for Promotion
- II. Promotion Processes
- III. Eligibility for Transfer to Special Assignment
- IV. Transfer Process

I. Eligibility for Promotion

Candidates for promotion shall possess the following experience as of the date of the promotion announcement:

- A. Corporal – The current collective bargaining agreement applies.
- B. Sergeant – Five years experience with CPD, or a minimum of three years full-time service at CPD with no less than four years of full-time service at another law enforcement agency or agencies.
- C. Lieutenant – Any member who has served at least one year as a Sergeant with CPD.

Members who are currently the subject of a disciplinary action/suspension or are on disciplinary probation shall not be eligible for promotion.

If no eligible candidates exist within CPD, the Chief of Police shall publish announcement of the vacancy in such publications/websites as he/she sees fit.

II. Promotion Processes

- A. Announcement of vacancy – Whenever there is a promotional opportunity within CPD, the Chief of Police shall issue a memo no less than ten days

prior to the start of the process indicating the deadline to apply and the components of the promotion process. The Chief reserves the right to alter the components used, but all components used in any given process must be explained in writing at the time of the vacancy announcement. The name of the supervisor running the process will be included in the announcement.

- B. Components of process – Some or all of the following components may be used for CPD promotional processes: letter of interest and resume; review of personnel file and evaluations for past three years; panel interview; written test(s); practical exercises; presentation of prepared material to a panel; inbox or other simulated exercises; Chief's interview; review of work product and statistics; review of references; consideration of seniority, education and prior experience.
- C. Development of Promotional List – At the conclusion of each promotion process a list shall be developed ranking candidates who were determined as "eligible" for promotion. The Chief may select any candidate from the list of eligible persons, with consideration given to the candidate's rank on the list. If the Chief chooses to skip an eligible candidate who is higher ranked on the list than the person selected, he/she shall explain this decision in writing to the candidate who was skipped. Promotion lists shall remain in effect for one year from the date that the process was announced.
- D. Probation upon Promotion – Candidates shall serve a one-year probationary term in the new position and may be returned to their previous rank anytime within the first year at the discretion of the Chief of Police. Should this occur, the candidate's salary will be adjusted accordingly.

III. Eligibility for Transfer to Special Assignment

- A. Members who have three years of full-time service at CPD, or two years of full-time service at CPD plus two years of full-time law enforcement service elsewhere, shall be considered eligible to participate in a transfer process.
- B. Members who are currently the subject of a disciplinary action/suspension or are on disciplinary probation shall not be eligible for transfer.
- C. An officer who is currently serving in a special assignment is eligible to apply for another special assignment.

IV. Transfer Process

- A. Announcement of vacancy – Whenever there is a transfer opportunity within CPD, the Chief of Police shall issue a memo no less than ten days prior to the start of the process indicating the deadline to apply and the components of the transfer process. The Chief reserves the right to alter

the components used, but all components used in any given process must be explained in writing at the time of the vacancy announcement. The process shall be for a specific transfer assignment. The name of the supervisor running the process will be included in the announcement.

- B. Components of process – Some or all of the following components may be used for CPD transfer processes: letter of interest and resume; review of personnel file and the past three years evaluations; panel interview; practical exercises; presentation of prepared material to a panel; review of work product and statistics; Chief's interview; review of references; consideration of seniority, education and prior experience.
- C. Development of Transfer List – At the conclusion of each transfer process a list shall be developed ranking candidates who were determined as "eligible" for transfer. The Chief may select any candidate from the list of eligible persons, with consideration given to the candidate's rank on the list. If the Chief chooses to skip an eligible candidate who is higher ranked on the list than the person selected, he/she shall explain this decision in writing to the candidate who was skipped. Transfer lists shall remain in effect for one year from the date that the transfer opportunity was announced.
- D. Probation upon Transfer – Candidates shall serve a one-year probationary term in the new position and may be returned to the patrol division anytime within the first year at the discretion of the Chief of Police. Should this occur, the candidate will be reinstated in their previous rank and their pay adjusted accordingly.
- E. Length of transfer - The following positions are subject to the following guidelines: traffic safety, school based officers, CUSI, BCI or other investigatory assignment. If the member successfully completes the probationary period, he/she shall be granted an initial extension of one or two years, at the discretion of the member's supervisor and with the approval of the Division LT. At the end of the first extension, the member may be granted another extension of one or two years, or returned to the patrol division. The maximum time for a special assignment shall be five years.
- F. In the interest of providing career development opportunities for all, an incumbent in a special position shall only be extended beyond five years if there are no other eligible officers who are interested or if the transfer process determines that there is no other qualified candidate. If extension beyond five years is necessary it shall be on a year to year basis only.
- G. Length of assignment for members of the Harbormaster/Marine program and K-9 positions shall be at the discretion of the Chief of Police.
- H. Special assignments or responsibilities at the rank of Sergeant or above shall be at the discretion of the Chief of Police, with consideration given to rotating opportunities.

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COLCHESTER POLICE DEPARTMENT

SUBJECT: OPERATION OF VEHICLES -
PURSUIT OF VIOLATORS

EFFECTIVE DATE: June 1, 2014

NUMBER: G.O. #14

REFERENCE:

SPECIAL INSTRUCTIONS: issued one week prior to effective date

REEVALUATION DATE: As needed

APPROVED:

J. Morin #190

NO. PAGES: 11

POLICY: All Colchester Police personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to emergency calls for service or engaging in pursuits. Emergency warning devices shall be appropriately used consistent with both legal requirements and the safety of the public and police personnel.

In order to ensure proper operation and maintenance of Colchester Police Department vehicles all members who operate department vehicles shall be governed by the following procedures.

- CONTENTS:**
- I. DEFINITIONS
 - II. OPERATION OF POLICE VEHICLES
 - III. PURSUIT OPERATION
 - IV. CONTROLLED STOPPING TECHNIQUES
 - V. ADMINISTRATIVE REQUIREMENTS

I. DEFINITIONS:

- A. Normal or routine driving: That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs and adherence to safe driving practices.
- B. Pursuit driving: That driving concerned with the pursuit and apprehension of a fleeing violator or violators in a motor vehicle, consistent with the provisions of Title 23 Vermont Statutes Annotated, Sections 1015 and 1133.
- C. Emergency driving: That driving in response to a life threatening or other serious incident (based on available information) wherein the member is employing the vehicle's emergency equipment.

- D. Emergency equipment: Flickering, blinking, or alternating emergency lights and a siren and/or air horn designed to give notice to other roadway users of the police vehicle's request to yield the right of way.

II. OPERATION OF POLICE VEHICLES:

A. Authority/Restrictions:

1. No person shall operate a department vehicle of any kind unless they have a valid license to operate such vehicle and are qualified to do so.
2. Only members of the department shall operate vehicles owned by the department and members shall not permit operation of departmental vehicles by others except in exigent circumstances. Persons involved in maintenance of police vehicles are exempted from this provision.
3. Other than persons in custody or transported in the line of duty, no one shall be transported in departmental vehicles without prior approval by the Chief or his/her designee, and then only when a "Release from Liability" form has been signed by the rider.

B. Maintenance of Police Vehicles:

1. A member or employee of the Department who is assigned to duty as operator of a department vehicle shall be responsible for the condition and readiness of the vehicle assigned to him/her, including the replacement of any supplies or needed equipment.
2. Members shall immediately inspect the vehicle when it is turned over to him/her. He/she shall further complete a Vehicle Maintenance Request Form if any defect, damage or unserviceability of the assigned vehicle is found.
3. The member shall also inspect the interior of the vehicle and insure that it is clean and free from any items left by prior members or person(s) in custody.
4. The employee shall insure that upon completion of his/her tour of duty the fuel tank is full and shall avoid allowing the fuel tank to become less than one-half full.
5. No Department vehicle will be operated when there is evidence of an apparent mechanical defect which could jeopardize safe operation. The vehicle should be taken out of service as soon as practical and a Vehicle Maintenance Form shall be completed.

6. No equipment or articles shall be placed in or attached to any departmental vehicle unless specifically approved by the Operations Lieutenant.

C. Crash involving Department Vehicles:

1. In the event of a motor vehicle crash involving a department vehicle regardless of the severity, the member operator shall:
 - a. As soon as practical, notify or have notified a supervisor (Sergeant or above). Based on the severity of the crash, the supervisor shall, at his/her discretion notify the Operations Lieutenant.
 - b. Upon receiving notification of a department vehicle involved crash, the Supervisor will institute or cause to be instituted an investigation. A member of higher rank shall investigate the crash if it is conducted by this agency. The supervisor may request that an outside agency conduct the investigation based on the severity of the crash.

D. Safety Requirements:

1. The driver of any police vehicle shall operate such vehicle in a reasonable and safe manner exercising due caution and judgment and at no time operate in a manner that could be considered careless, reckless, or in a manner that endangers public safety.
2. All members shall wear available lap and shoulder seatbelts while operating or a passenger in any department owned vehicle. Exceptions shall apply in the following situations:
 - a. The vehicle is only being driven or moved for a short distance (approximately one hundred yards or less).
 - b. The officer is required to make a series of quick stops in succession requiring exiting the vehicle over a short distance.
 - c. If to do so would represent an obvious, immediate and unjustified risk of harm to the officer or another.
3. Members shall ensure that passengers including prisoners are wearing seatbelts to the extent possible.
4. The use of a department cellular telephone while operating will only be done with hands free devices in use. Personal cell phones may not be used while operating a department vehicle. Operators should not be distracted during vehicle operation by Mobile Data Terminals (MDTs) or other technology. Inputting data should only be done with the vehicle in park except in exigent circumstances.

E. Routine Operation:

1. All departmental vehicles will be driven safely and properly in compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. Each police driver must set an example of good driving behavior and habits.
2. Police vehicles shall be parked in an appropriate manner when practical. During emergent parking, care should be taken to park the police vehicle in such a manner as to offer maximum protection.
3. No member will modify, remove, de-activate, or otherwise tamper with any of a department vehicle's essential equipment.
4. During periods of inclement weather when police vehicles cannot be washed regularly, the driver must assure that headlight and taillight lenses and windshield are kept clean, insofar as circumstances permit.
5. The driver should exercise careful observation of the surrounding conditions before turning or backing any vehicles.
6. A police vehicle will not be left unattended with its engine in operation unless all doors are locked.
7. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of the vehicle in accordance with these factors.

F. Emergency Driving Procedures:

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. An officer may respond to an incident utilizing emergency driving when her/his presence is urgently needed. Examples of justified emergency driving include but are not limited to:
 - a. Another officer needs urgent help.
 - b. Burglary in progress.
 - c. Robbery in progress or just occurred.
 - d. Person with deadly weapon or threatened violence toward themselves or others.
 - e. Motor vehicle crash with injuries or other serious hazards.

- f. Active fires, fire alarms, or other circumstances posing a threat to life and property.
- g. Disturbance, fights, or assaults that involve ongoing or continued violence.
- h. Response to hold up or panic alarms.

2. Member Response:

- a. Safe emergency operation is incumbent on gaining as much information of the reported emergency as possible. This information will not only provide the officer and supervisors with sufficient cause to initiate and/or approve an emergency driving situation, but will also help guide responders to safely approach a given incident. Colchester Police Communications Specialists should gain as much information as possible and relay that to responders as efficiently as possible. That information should contain but is not limited to:
 - i. Nature of emergency
 - ii. Number and nature of injuries
 - iii. Any use or threatened use of weapons
 - iv. Description of suspects
 - v. Direction and method of travel of any fleeing suspects
 - vi. Any other hazards
- b. Upon approaching a controlled intersection or other location where there is a higher possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of her/his vehicle and use appropriate care to avoid a collision with another vehicle or pedestrian or another responding emergency vehicle.
- c. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right-of-way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor should they protect the driver from the consequences of an arbitrary exercise of such right-of-way.
- d. Upon arrival at the scene of a call, the first arriving officer(s) should rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding in an emergency mode can downgrade their response.
- e. Certain emergencies require a silent approach to the scene. An officer may choose to discontinue the use of a siren or other audible device while using appropriate caution.

- f. Under no circumstance shall a department member operate a vehicle past a stopped school bus displaying red flashing lights (23 VSA 1015 (a) (3)).

III. PURSUIT OPERATION:

- A. Colchester Police Department recognizes its responsibility to apprehend criminals and violators, but it also recognizes a higher responsibility to protect and foster the safety of the community during pursuit conditions. Officers operating under pursuit conditions shall be constantly aware that no assignment is too important and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public.
- B. Initiating Pursuit - In initiating any pursuit, the officer shall carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, the possible consequences, and the safety of all persons. The factors that should be considered include, but are not limited to:
 - ii. Time of day and day of the week
 - iii. Lighting conditions
 - iv. Vehicular and pedestrian traffic
 - v. Type of roadway
 - vi. Condition of roadway surface (dry, wet, snow covered, etc.)
 - vii. Weather conditions
 - viii. Condition of the police vehicle and the condition and type of the fleeing vehicle
 - ix. Passengers in the fleeing vehicle
 - x. Ability of the officer
 - xi. Speeds of the police vehicle and the fleeing vehicle
 - xii. Available alternate means of identifying and apprehending the operator
- C. If at all possible, especially when the situation involves traffic violators or other misdemeanors, the officer should take every preventative measure in an attempt to avoid pursuit by immediately obtaining the attention of the occupants of the vehicle so that they may choose to stop.
 - i. The officer shall utilize and activate the emergency blue lights and siren as appropriate.
 - ii. The emergency lights and/or other lights and siren shall remain activated after the pursuit is undertaken by both the primary and secondary units.
- D. A continuing high speed pursuit (over a greater distance and for a longer period of time) of a motor vehicle is authorized when the officer has reasonable grounds to believe that the operator of the motor vehicle:

- i. Is wanted for a felony or misdemeanor involving the use or threatened use of force or violence.
 - ii. Has just committed or is about to commit a serious felony.
 - iii. Is operating a motor vehicle in such a manner that the public's safety is endangered independent of the pursuit itself.
- E. Continuing high-speed pursuit of a motorcycle shall only be authorized when:
 - i. The operator is wanted for a felony involving the use or threatened use of force or violence.
 - ii. No pursuit of a motorcycle is authorized when there is a passenger other than the operator on the motorcycle
- F. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
 - i. Parallel the vehicle in the correct lane of traffic.
 - ii. Notify dispatch of a wrong way driver.
 - iii. Request assistance from other officers to shut down vehicular traffic on the highway coming in the fleeing subject's direction.
- G. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.
- H. Vehicles
 - i. Only plainly marked police cruisers shall be used for continuous pursuit at high speed. If the initial pursuit must be undertaken by another vehicle, such vehicle shall immediately abandon the pursuit when a marked cruiser has intercepted and undertaken the pursuit.
 - ii. Specialty patrol vehicles such as a motorcycle or four wheel drive trucks should not maintain a pursuit and should yield to a marked unit as provided in 4 a. above.
 - iii. Normally no more than two units (primary & secondary) will be involved simultaneously in a pursuit. However, based on the circumstances and of the pursuit, the shift supervisor may add additional units.

- iv. The purpose of the secondary unit is to be available to assist the primary vehicle in the apprehension of the suspect at the termination of the pursuit. It preferable that the secondary unit become the primary contact officer when the pursuit terminates.
- I. Radio Information - Upon commencing a pursuit, the officer shall immediately make radio contact with the dispatcher and communicate the following information:
 - i. Identify the officer's unit;
 - ii. Advise that he/she is in pursuit;
 - iii. The exact location and direction of travel;
 - iv. The description of the vehicle and/or occupants;
 - v. The offense for which the vehicle/occupants are being pursued.
 - vi. The officer's speed.
- J. Command - Primary command responsibility shall rest with the shift supervisor. The shift supervisor shall monitor the progress and status of the pursuit continuously. If not already on duty, a Sergeant or above should be contacted as soon as possible and made aware of the pursuit.
- K. Termination - Short of apprehension of the suspect, a high speed pursuit shall terminate under the following conditions:
 - i. If the officer receives communication from the dispatcher, under the direction of a supervisor, or directly from supervisor that the pursuit shall be terminated, he/she shall do so immediately, reporting to the dispatcher the final location and direction of the pursued vehicle at the time of termination.
 - ii. The pursuing officer shall terminate the pursuit when he/she determines that the safety of the public, conditions of the road, weather, traffic or other factors necessitates. He/she shall notify the dispatcher of the decision and relay the final location and direction of travel of the pursued vehicle.
- L. Multi-jurisdictional Pursuit - When pursuing into another jurisdiction:
 - i. A request shall be made for the police department in that jurisdiction to take over the pursuit.
 - ii. If and when the requested police department is able to comply with this request, the Colchester unit(s) will discontinue actual pursuit.
 - iii. If necessary and authorized by the Shift Supervisor, the primary Colchester unit may become the secondary unit.
- M. Pursuit by another police department entering this jurisdiction:

- i. Colchester Police units may act as secondary units in accordance with this policy.
- ii. Colchester Police units shall not enter into actual pursuit of the vehicle unless the pursuing department makes a request, and then only if authorized by the Shift Supervisor and actual pursuit by the requesting and/or other involved police department is discontinued.
- iii. If information is received that the cause of the pursuit undertaken by another agency is in violation of this policy, Colchester Police units are not to become involved in the pursuit.

IV. CONTROLLED STOPPING TECHNIQUES:

- A. The Tire Deflating Device is an effective tool that is designed to end high-speed pursuits. It is designed to stop a fleeing vehicle by slowly deflating its tires and immobilizing the vehicle to a relatively safe and effective stop. The use of the Tire Deflating Device is construed as a seizure of an individual and therefore will be viewed under Fourth Amendment requirements.
 - a. Officers shall be trained in the use of the Tire Deflating Device prior to deploying them.
 - b. The type of vehicle being pursued must be considered prior to deployment of the Tire Deflating Device. **Due to the increased risk of injury or death, the deployment of the Tire Deflating Device on two wheeled, three wheeled, or all-terrain vehicles should not be used unless the use of deadly force is justified.**
 - c. When deploying the Tire Deflation Device on a vehicle that may contain other uninvolved passengers such as a bus, consideration must be given to the possibility of a hostage situation.
 - d. When deploying the Tire Deflation Device the officer(s) deploying it shall do so from a position of relative safety. Officers should seek out and identify locations that afford the highest level of concealment and provide an element of surprise. The selection of a location should be made with the following in mind:
 - i. Adequate sight distance in all directions to enable the officer deploying the Tire Deflating Device to observe the suspect vehicle and other traffic as it approaches.
 - ii. Traffic conditions, weather conditions, road conditions and population density should be considered.
 - iii. Barriers such as bridge abutments, guardrails, and trees offer some degree of protection and concealment for deploying officer(s).

- iv. Darkness provides a degree of concealment, but can make it difficult to judge distances and identify the suspect vehicle. The use of emergency lights can defeat the element of surprise unless the police vehicle is in a strategic location.
- v. Certain roadway configurations, such as steep embankments, curves and hills should be avoided.
- vi. In areas that do not offer any barriers, patrol vehicles may offer some protection while deploying the Tire Deflation Device.
- vii. **If the tire deflation device cannot be deployed without complete safety for the officers and the public, do not attempt to deploy it.**
- viii. All Tire Deflation Devices shall be deployed and maintained in accordance with training and manufacturer's recommendations.

B. Use of Roadblocks

- a. The use of police vehicles as a roadblock is not recommended. The use of a roadblock shall only be authorized by a Shift Supervisor. Roadblocks may be set up on an emergency basis when the occupants of the pursued vehicle are known to have committed a violent felony and that their immediate apprehension is necessary for public safety, and there are no other means to prevent escape and secure their arrest. The decision to use a stationary or moving roadblock shall consider:
 - i. The safety of the officers.
 - ii. The risk of physical injury to the occupants of the pursued vehicle.
 - iii. The protection of citizens and their property.
 - iv. That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.

- C. Intentional Vehicular Contact - Intentional contact between a police vehicle and the vehicle being pursued is not recommended. Contact should only be used as a last resort after all reasonable means of stopping the fleeing vehicle have failed, and where the member believes the occupant(s) have committed, or is attempting to commit, a felony which involves the use or the threatened use of deadly force, and **may only be used consistent with the use of lethal force as defined in General Order #015 – Use of Force.**

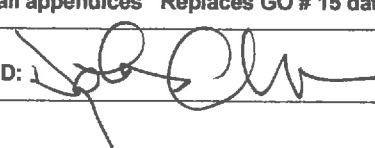
V. ADMINISTRATIVE REQUIREMENTS:

- a. Any member participating in a pursuit and/or who deploys a Tire Deflation Device shall complete a thorough report detailing the circumstances of the pursuit including any decision making information regarding the initiation or termination of the pursuit or deployment of the Tire Deflation Device. The shift supervisor shall also prepare a report detailing the above information from their perspective. All reports shall be completed prior to the end of the member's shift.
- b. The Chief of Police or her/his designee shall review the information regarding the pursuit as a means of evaluating current practices, policies, capabilities, and training needs within this agency.

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COLCHESTER POLICE DEPARTMENT

		SUBJECT: Use of Force	
EFFECTIVE DATE:	01/17/2020	NUMBER:	General Order # 15
SPECIAL INSTRUCTIONS: includes G.O. #15 A, B & C and all appendices Replaces GO # 15 dated 03/01/2017			
REEVALUATION DATE:	as needed	APPROVED:	 NO. PAGES: 9
ATTACHMENTS: G.O. #15A, B & C and appendices			

POLICY: It is the policy of this department to value and preserve human life. Officers shall use objectively reasonable force in response to resistance offered while accomplishing a legal purpose and the use of force will cease once that purpose is accomplished. These purposes include effectively bringing a situation under control, effecting an arrest or detention, and protecting the officer or others.

This policy is not to be construed to require officers to assume unreasonable risks. In assessing the need to use force, the paramount consideration should always be the safety of the officer and the public. The reasonableness of an officer's decision to use force under this policy must be viewed from the perspective of a reasonable officer faced with the circumstances of the officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, uncertain, rapidly evolving and without the advantage of 20/20 hindsight.

- CONTENTS:**
- I. Definitions
 - II. De-escalation/Continuum of Force/Response to Resistance
 - III. Authorized Equipment
 - IV. Reporting
 - V. Training
 - VI. Protocol Following all Uses of Force & Excited Delirium

I. DEFINITIONS:

- A. Active Resistance - A subject using physical activity to resist or takes an affirmative action to defeat an officer's ability to take him/her into custody or to seize him/her, but the subject's actions would not lead a reasonable officer to perceive a risk of physical injury to him/herself, the subject, or a third person. Examples of active resistance include pulling away, escaping or fleeing, struggling, and not complying on physical contact, or other energy enhanced physical or mechanical defiance. Refusing to move upon verbal direction or chaining oneself to an object does not constitute active resistance.

- B. Active Aggression - Behavior that creates an imminent risk of physical injury to the subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include an attack on an officer, strikes, wrestling, undirected strikes with injury potential, kicking, shoving, punching, and other words or behavior indicating that such actions are imminent.
- C. Control/restraint - Techniques, with or without tools, which redirect movement or cause compliance to direction.
- D. De-escalation - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- E. Exigent Circumstances - Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- F. Firearms - Refers to Department-issued and/or approved handguns, shotguns, or rifles.
- G. Force - Conduct on the part of a Police Officer in response to resistance that is designed to assist the Officer in controlling a situation, actions or behavior of a person/s.
- H. Imminent - for the purpose of this policy means impending or about to happen.
- I. Impact techniques - Techniques used to strike or jab with the intent to immobilize and gain control of a person; or in the use of SIMs, to control a crowd.
- J. Lethal Force - Force that creates a substantial likelihood of causing death or serious bodily injury.
- K. Less Lethal Force - Levels of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.
- L. Objectively Reasonable – This term means that in determining the necessity for force and the appropriate level of force to be used, officers shall evaluate each situation in light of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar circumstances. This evaluation may include, but is not limited

to the seriousness of the crime, prior experience with the subject, the level of threat or resistance presented by the subject and the potential danger to the community.

- M. Reasonable Belief – Facts or circumstances which would cause a reasonable officer to act or think in a similar way under similar circumstances.
- N. Serious Bodily Injury -Injury which creates a substantial risk of death or which causes substantial loss or impairment of the function of any bodily member or organ; substantial impairment of health or substantial disfigurement.
- O. Specialty Impact Munitions (SIMs) – Ammunition or projectile that is fired from 12 gauge shotguns or specialty launchers as an extended range impact weapon. SIMs are intended to temporarily immobilize a suspect without intending to cause serious bodily injury or death. SIMs may also be used to deliver lethal force in certain situations, to control crowds, and or to deter and discourage wild or domestic animals when appropriate. Specialty impact munitions will only be deployed and used by officers trained and certified in their use (grenadiers) and used in accordance with that training.
- P. Use of Force Committee – Colchester Police Department members who are certified as instructors by the Vermont Criminal Justice Training Council or other qualified source in the techniques and/or use of specific devices as outlined in this order and approved by the Chief of Police. A member of the Command Staff (Lieutenant or Deputy Chief) will also be a member of this committee. This committee shall include instructors in both lethal and non-lethal force. Subcommittees may be formed with instructors in their respective disciplines. The committee shall:
 - i. Meet at least semi-annually. Select a chair from the members,
 - ii. Select any subcommittees that may be desired.
 - iii. Choose a Lead Firearm Instructor (See Q. below)
 - iv. When requested by command staff, review Use of Force reports and provide input.
 - v. Assist the Chief of Police with any force related issues.
- Q. Lead Firearms Instructor – A member of the Colchester Police Department that is qualified through the Vermont Criminal Justice Training Council as a Firearms Instructor. The Lead Firearms Instructor will be approved by the Chief of Police from a recommendation of the Use of Force Committee. The Lead Firearms Instructor will:
 - i. Plan and approve the course of fire for a minimum of four firearm training sessions (1 day, 1 night mandatory attendance).
 - ii. Submit to the Deputy Chief of Police records of all firearm trainings.
 - iii. Maintain an inventory of all department firearms.
 - iv. Make recommendations to the Chief of Police on the choice of duty ammunition for the department.

- v. Make recommendations to the Chief of Police on requests from members for back up firearms and the use of personally owned rifles while on-duty.

II. DE-ESCALATION/CONTINUUM OF FORCE/RESPONSE TO RESISTANCE

The dynamics of all encounters are different, and it would be impossible to attempt to categorize and define the levels of force appropriate in any given situation. It is, however, reasonable to categorize the levels of force that may be used, to various degrees, in any situation. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.

When an officer determines that the use of force is objectively reasonable, he/she shall, to the extent possible, utilize an escalating or de-escalating level of force as determined by the particular needs of the situation. This policy shall not prohibit an officer from reacting to a perceived threat at any stage when the situation dictates. The use of force does not have to be progressive and an officer may escalate and de-escalate as is reasonable.

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

Members Perception of the Subject and Appropriate Response.

- (1) **Compliant** – represents the vast majority of officer/subject confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via cultural acceptance, verbalizations skills etc.

Response: Cooperative controls – include contemporary controls developed to preserve officer safety and security including: officer presence, escorts, communication skills, restraint applications, etc.

- (2) **Passive Resistance** – the preliminary level of non-compliance. The subject although non-compliant, offers no physical or mechanical energy enhancement toward resistance.

Response: Contact Controls – includes resistant countermeasures designed to guide or direct the non-compliant subject. These “hands-on” tactics could include a compliant escort hold, non-compliant escorts, other appropriate level physical contact, key verbal skills, or equipment display.

- (3) **Active Resistance** – the subject’s non-compliance is increased in scope and/or intensity. The subject’s non-compliance now includes energy enhanced physical or mechanical defiance such as pulling away from the officer.

Response: Compliance Techniques – includes resistant countermeasures designed to counter the subject’s enhanced degree of resistance. These tactics could include joint locks, arm bars, takedown maneuvers, empty hand strikes, distraction techniques, conducted electrical weapon, aerosol spray and baton used for the purpose of gaining anatomical compliance. The ground handcuffing position should be the primary method of handcuffing at this level and above.

- (4) **Assaultive/Actively Aggressive** – the officer’s attempt to gain lawful compliance has culminated or is met with a perceived or actual attack on the officer or others or there is potential for such an attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would not likely result in the officer’s or other’s death or serious bodily harm.

Response: Defensive Tactics – includes assaultive countermeasures designed to cease the subject’s non-lethal assault on the member or others, regain control, and assure continued compliance. These tactics could include impact weapon strikes, kicking or hand techniques, etc.

- (5) **Assaultive – Risk of Serious Bodily Harm or Death** - the officer’s attempt to gain lawful compliance has culminated or is met with a perceived or actual attack on the officer or others or there is potential for such an attack on the member or others. The officer makes the reasonable assessment that such actions by the subject have the potential to result in serious bodily harm or death to the officer or others.

Response: Lethal Force – includes assaultive countermeasures designed to cease an assault which is lethal or could cause serious bodily harm on the officer or others. These tactics could include the use of a firearm, vehicle, neck restraints, lethal strikes, or other means.

Deadly force should not be used against persons whose actions are a threat only to themselves or property.

III. AUTHORIZED EQUIPMENT

- A. Officers trained or certified with devices and tools should carry them in approved holders when performing uniform patrol functions unless otherwise authorized by the OIC. They should be removed only when their use is anticipated and shall be secured safely when not in use. Officers assigned to patrol functions shall have all issued equipment available to them for which they are currently certified.

- B. It is not expected that “proficiency”, training or certification will apply to any improvised tool or technique used during exigent circumstances (i.e. flashlights, etc).
- C. Guidelines for use of less-lethal force are contained in General Orders #15A & B. Currently authorized less-lethal force equipment includes:
 - 1. Aerosol spray: Oleoresin capsicum spray 5%
 - 2. Conducted Electrical Weapon: Taser Model X2
 - 3. Restraint devices: handcuffs, leg restraints and flex cuffs
 - 4. Control/Restraint/Impact tools: Officers use a variety of techniques in accordance with their training to gain compliance of passively or actively resistant subjects including but not limited to techniques using their hands, elbows, knees, arms, legs and bodies as well as tools such as straight batons or PR-24 or PR-21 side handle batons (fixed or expandable).
 - 5. Specialty Impact Munitions (SIMs): 12 guage shotgun dedicated and appropriately marked as SIMs delivery system weapon and less lethal ammunition (rubber balls, bean bag, etc) as recommended by the Use of Force Committee and approved by the Chief of Police; and Pepperball Technologies OC delivery system with authorized projectiles.
- D. Guidelines for the use of lethal force are contained in General Order #15C. Currently authorized lethal force equipment is listed in General Order # 15C.
- E. Aside from a utility knife with blade not to exceed 6”, officers may not carry any equipment, weapon or instrument that is not specifically authorized by the Chief of Police.

IV. REPORTING USES OF FORCE

- A. Each officer who uses force beyond compliance shall submit a written use of force report, separate from any other incident narrative. All use of force reports shall specify the actions of the suspect/individual that necessitated the use of force, the type(s) of force used by the officer in response to those actions and any other information such as the suspect’s allegation of injury, medical treatment received or refused, etc.
- B. Examples of when a use of force report is required include, but are not limited to:
 - 1. Whenever an officer takes action that results in or is alleged to have resulted in injury or death to another person;
 - 2. Whenever an officer applies force through control and restraint techniques including the use of aerosol sprays, CEWs, (including brandishing the CEW), and/or non-compliant use of wrist/leg restraints;
 - 3. Whenever an officer applies force through the use of Less-lethal intermediate weapons (including SIMs);
 - 4. Whenever an officer discharges authorized firearms except during lawful practice, training, or humane destruction;

5. Whenever an officer brandishes or points a firearm or CEW at another person. Merely drawing a firearm or CEW is not a reportable event.
 6. **If an application of force results in serious bodily injury or death to any person, or results in discharge of a firearm, or a K9 is deployed resulting in a bite, or a neck restraint is applied, or the subject receives any other injury that requires medical attention or medical screening the involved officer(s) will notify the OIC to respond to the scene.** The OIC will complete a preliminary review of the incident including a brief narrative documenting the scene, witnesses present, and their statements; obtain a medical release from the subject if possible, photograph or video record the scene and the involved persons documenting injuries or lack thereof. The OIC responding to the scene involving any of the above scenarios will notify the Operations LT as soon as practical.
- C. Except under unusual circumstances every use of force report shall be completed prior to the conclusion of the officer's shift. In the event of a critical incident involving serious injury or death, the officer will be asked to provide a preliminary account and walk through of the incident to assist with the on scene investigation prior to the end of his/her shift. It is understood that the memory/recall of a person involved in a critical incident may be incomplete immediately following the critical incident. The officer shall complete his/her written report of the incident as expeditiously as possible but no sooner than two complete sleep cycles following the critical incident.
- D. The sergeant on duty at the time of the use of force shall review the report upon completion. If there is not a sergeant on duty, the next available sergeant shall review the use of force report.
- E. The reviewing sergeant shall check the form for completeness and thorough articulation of the necessity for use of force, returning it to the officer for more detail if needed. The reviewing sergeant's signature will signify that the use of force was appropriate and consistent with department training. If the reviewing sergeant has any concerns about the appropriateness of the use of force, he/she shall forward the **unsigned** use of force report to the Operations LT along with a written explanation of the sergeant's concerns.
- F. All approved use of force reports shall be forwarded to the Operations LT who shall review all uses of force to ensure compliance with policy and training.
- G. All use of force reports shall be kept in a separate file by the Chief of Police or his/her designee. Officers are authorized to review their own use of force forms in the presence of the Chief of Police or his/her designee. Department Use of Force instructors and supervisors may periodically review use of force reports for the purpose of creating relevant and appropriate training lessons and scenarios.

V. TRAINING

- A. Officers will receive a copy of this General Order and a Firearms or Use of Force Instructor will review it with officers at least annually. All officers shall be issued copies of and instructed in this policy prior to being authorized to carry any weapon or tool.
- B. Officers shall receive training annually and demonstrate proficiency in the use of less lethal force equipment and techniques and firearms authorized by this order. Training shall be conducted by certified instructors recognized by the Vermont Criminal Justice Training Council and/or the manufacturer of the weapon system.
- C. Officers are prohibited from carrying or using any less lethal force equipment when they have not received training.
- D. Officers are prohibited from carrying or using any authorized firearms that they have not demonstrated proficiency in its use.
- E. Officers shall qualify at least twice each year with all firearms they are authorized to carry.
- F. Officers who fail to pass a mandatory firearms qualification shall receive additional training from the department firearms instructor(s). A second qualification shall be held as soon as is reasonably possible at the direction of a department firearms instructor. Failure to pass or maintain proficiency will result in a remedial training plan being developed to ensure that qualification is achieved. If the officer fails to qualify before his/her shift following the expiration of his/her last qualification, the officer shall be assigned to administrative duty until he/she demonstrates proficiency by qualifying.
- G. The Support Services LT or his/her designee shall maintain records of firearms training for all sworn personnel which shall include: Range dates, locations, curriculum and exercises; all official documentation of firearms training including individual officers' training sheets.

VI. PROTOCOL FOLLOWING ALL USES OF FORCE & EXCITED DELIRIUM

- A. Whenever an officer uses force and a subject sustains an injury, becomes unconscious, displays a further altered mental status, or states that they are injured, officers should render aid commensurate with their training and experience and summon emergency medical assistance as quickly as possible under the circumstances. Once restrained, the subject should be placed on his/her side in a recovery position.
- B. If the officer recognizes indicators that the subject is suffering from Excited Delirium (also known as an Agitated Chaotic Event) the officer should,

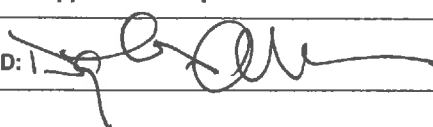
whenever possible, have emergency medical assistance staged prior to physical or tooled intervention to control the subject. Indicators that a subject is suffering from Excited Delirium include but are not limited to: intense paranoia, extreme agitation, severe emotional swings, disorientation about time, place, and purpose, hallucinations, incoherent speech or screaming, pressured speech, grunting guttural sounds or agonal breathing, violent behavior, bizarre behavior, “eight ball” eyes and breaking glass.

- C. If an officer notes symptoms of Excited Delirium, he/she should attempt to control and restrain the subject as soon as possible and **shall** seek medical attention for the subject immediately. The officer should document that he / she informed medical personnel that the officer believes the subject is suffering from Excited Delirium. In addition, officers should, to the extent possible, obtain photographs or video of a subject suffering from Excited Delirium to **document any trauma or lack thereof**.
- D. At the hospital the officer should ask staff to record any medical information related to: toxicology, stimulant, drug presence, core body temperature, blood pressure, heart rate, pH level and potassium levels. This information should be requested as part of the incident follow up.

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COLCHESTER POLICE DEPARTMENT

SUBJECT: Use of Conducted Electrical Weapons	
EFFECTIVE DATE: 01/17/2020	NUMBER: General Order #15 A
SPECIAL INSTRUCTIONS: includes G.O. #15,15 B &15C and all appendices Replaces GO 15A dated 03/01/2017	
REEVALUATION DATE: as needed	APPROVED:  NO. PAGES: 7
ATTACHMENTS:	

POLICY: This policy sets forth recommended minimum standards for training officers on using Conducted Electrical Weapons (CEWs), the circumstances under which officers should use CEWs, and the procedures officers should follow after using CEWs. Although this policy contains provisions and principles that may apply to several different types of force, it focuses on CEWs and does not specifically address all other lawful types of force law enforcement officers may use in a given situation. This CEW policy is designed to supplement rather than replace any existing use of force policies.

CONTENTS:

- I. Definitions
- II. CEW Use & Deployment Procedures
- III. Post Deployment Procedures
- IV. Training
- V. Measurement & Calibration

I. DEFINITIONS:

- A. Conducted Electrical Weapon (“CEW”): A less-lethal law enforcement device that delivers an electrical pulse to the body of a subject in either a “drive stun” or “probe” mode. When used in “probe mode” the device discharges two probes that remain connected to the CEW via wire and which upon impact, deliver an electrical pulse designed to temporarily incapacitate that subject. When used in “drive stun” mode, the device makes direct contact with and delivers an electrical pulse to the body of a subject, but does not result in the same temporary incapacitation of a subject as when used in “probe” mode. CEWs include “Electronic control devices” which are defined at 20 V.S.A. § 2367(a)(1) as “device[s] primarily designed to disrupt an individual’s central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses.
- B. Special populations: Members of special populations include persons an officer has reason to believe are:

1. Cognitively impaired such that they are unable to comply with an officer's instructions.
 2. Experiencing an emotional crisis that may interfere with the ability to understand the consequences of their actions or follow directions.
 3. Persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer's directions.
 4. Under 18 years of age.
 5. Pregnant.
 6. Over 65 years of age.
 7. Physically infirm, subject to or diagnosed with a heart condition, or epilepsy or a seizure disorder.
- C. Special circumstances: include situations where an officer has reason to believe the subject is:
1. Operating a motor vehicle.
 2. Standing in an elevated area, near water, or near flammable materials (including but not limited to alcohol-based chemical sprays).
 3. Restrained.
- D. Special consideration: A consideration of: (i) the potential additional risk of harm posed by deploying a CEW against a member of a special population or a subject in special circumstances; and (ii) whether other types of force are reasonably available to effectuate custody of or facilitate control over a member of a special population or a subject in special circumstances while still preserving the safety of that person, third parties, and the responding officer(s).
- E. Critical Incident: A deployment of a CEW that results in serious bodily injury or death of the subject.

II. CEW USE & DEPLOYMENT PROCEDURES

- A. Only officers who complete training on the use of CEWs containing the minimum elements set forth in Section 4 of this policy, as approved by the Vermont Criminal Justice Training Council, shall be authorized to carry CEWs.
- B. Prior to the start of each shift, an officer authorized to carry a CEW shall conduct a spark test of the CEW to ensure that it is properly functioning. Only properly functioning CEWs shall be carried for use. CEWs that are not properly functioning shall be taken out of service and sent for repair.
- C. When it is safe to do so, law enforcement should display and provide a warning prior to deploying a CEW.
- D. Officers may only deploy CEWs in response to the following circumstances:
1. A subject exhibiting active aggression as defined in G.O. #15.

2. A subject actively resisting in a manner that, in the officer's judgment, is likely to result in injury to the subject, the officer, or third persons.
 3. If, without further action or intervention by the officer, injuries to the subject, the officer, or others will likely occur.
 4. To deter vicious or aggressive animals that threaten the safety of the officer or others.
- E. Neither an officer, a subject, nor a third party has to actually suffer an injury before use of a CEW may be justified.
- F. An officer should attempt to avoid deployment to a suspect's head, neck, chest, genitals, female breast, and stomach of a pregnant woman.
1. When targeting a subject from the front, the preferred target area is a horizontal line approximately 2 inches lower than the sternum and below. An ideal probe deployment from the front will "split the hemispheres" having one probe strike a subject above the belt line and the other probe striking the subject in the thigh or leg thereby activating the hip flexor.
 2. When targeting a subject from the back, the preferred target area is below a horizontal line drawn even with the shoulders across the neck and below.
- G. Officers should use the minimum number of cycles necessary to take a suspect into custody or mitigate their assaultive behavior.
- H. CEWs shall not be used in a punitive or coercive manner and shall not be used to awaken, escort, or gain compliance from passively resistant subjects. The act of fleeing or destroying evidence, in and of itself, does not justify the use of a CEW.
- I. When it is safe to do so, officers should attempt to deescalate situations. However, officers are not required to use alternatives to a CEW that increases the danger to the officer, another person or the public.
- J. Officers should avoid deploying more than one CEW on a single subject at the same time unless circumstances exist such as an ineffective probe spread on the first CEW or the first CEW fails to achieve immobilization of the subject and a second deployment is independently justified. Before deploying a second CEW, officers should consider the feasibility and safety of attempting to control the subject with a lesser type of force.
- K. Officers having reason to believe they are dealing with a member of a special population or are dealing with special circumstances shall give special consideration to deploying a CEW. Officers having reason to believe they are dealing with an individual with a psychiatric disability shall consider consulting with the area designated mental health agency.

III. POST DEPLOYMENT PROCEDURES

- A. Following CEW use, officers should only use restraint techniques designed to minimize the risk of impairing a suspect's respiration. Once restrained, the subject should be moved into a recovery position that facilitates breathing.
- B. As soon as practicable after CEW deployment, the CEW probes shall be removed from the subject. The probes shall be treated as a biohazard. In the following cases, officers should wait for medical personnel to remove the probes:
 - 1. The probes embedded in a sensitive area such as the face, neck, throat, groin, female breast, or stomach of a pregnant woman.
 - 2. The officer encounters problems when attempting to remove the probe.
- C. Medical attention at a medical facility shall be **offered** to all individuals subjected to a CEW deployment. Further, Emergency medical services **shall be contacted** if:
 - 1. A subject suffers an obvious injury
 - 2. Does not appear to recover properly and promptly after deployment
 - 3. If the person is a member of a special population
 - 4. Has been subjected to three or more CEW deployments or a continuous deployment exceeding 15 seconds
 - 5. Has been subjected to a deployment to his or her chest
 - 6. Exhibits signs of extreme uncontrolled agitation or hyperactivity prior to the CEW exposure or the subject was involved in a lengthy struggle or fight prior to the CEW exposure.
- D. If a subject refuses additional medical attention, that refusal should be documented.
- E. When an officer has reason to believe (s)he is responding to a situation that may necessitate emergency medical services, (s)he shall make reasonable efforts to summon such services in advance.
- F. With the exception of the required spark test, training and accidental discharges that do not connect with any living being, each time a CEW is deployed and/or displayed it shall be documented in a use of force report prior to the end of the officer's shift unless otherwise authorized by a supervisor. This use of force report shall contain the following, at a minimum:
 - 1. The date, time, and location of the incident
 - 2. The officer(s) involved in the incident, identifying which officer(s) used CEWs.
 - 3. The type of CEW deployment, i.e., display, drive stun, or probe mode.
 - 4. Identifying and descriptive information for the subject, including any information indicating if the person is a member of a special population or was encountered during an incident involving special circumstances. If law enforcement consulted with any mental health agencies that fact should be noted.
 - 5. A list of other known witnesses.

6. The number of CEW cycles used, the duration of each cycle, and the duration between cycles.
 7. The level and description of resistance encountered.
 8. Whether CEW use was effective.
 9. The type of crime/incident the suspect was involved in.
 10. The approximate range at which the CEW was used.
 11. The point of impact.
 12. Whether law enforcement used or attempted to use any other types of force.
 13. The medical care provided to the subject, including any refusal of additional medical attention after initial screening by EMS.
 14. The type of injuries, if any, sustained by any of the involved persons including the officer(s).
 15. When possible, photographs of the CEW probe entry sites.
- G. The department shall also collect the download data, cartridges, AFIDs, probes, and wires from the CEW that was deployed and shall maintain them pursuant to its evidence policies. The download shall occur as soon as reasonably practical after the CEW is deployed. When possible, in instances in which more than one CEW has been deployed, a sampling of the AFID tags should also be collected and maintained pursuant to the department's evidence policies.
- H. Accidental discharges that do not connect with any living thing shall be documented in a departmental memorandum explaining in detail how the discharge occurred within 48 hours of the alleged accidental discharge unless otherwise authorized by a supervisor.
- I. All use of force reports and departmental memorandum required under this policy shall be reviewed by the officer's supervisor. The department shall conduct an administrative review of the use of force in the following situations:
1. The department receives a complaint of excessive use of force.
 2. The supervisor recommends conducting an admin review.
 3. The encounter resulted in death or serious bodily injury.
 4. The individual exposed to the CEW is a member of a special population.
 5. An individual was exposed to three or more CEW cycles or a cycle that lasted longer than 15 seconds.
- J. Upon request, a suspect subjected to a CEW deployment, or his/her next of kin, shall be kept informed of the procedural status and final result of the review.
- K. Annually each law enforcement agency shall report to the Vermont Criminal Justice Training Council all incidents involving the use of a CEW in a form to be determined by the Council. The Council shall make this information available on its website.

IV. TRAINING REQUIREMENTS

- A. Training for officers authorized to carry CEWs shall be conducted annually. Training shall not be restricted solely to training conducted by the manufacturer of the CEW. However, training shall include the recommendation by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.
- B. Training shall emphasize that CEWs may be less-lethal, but are not non or less-than lethal.
- C. Training shall also incorporate, at a minimum:
 - 1. Instruction on the use of force continuum.
 - 2. Techniques to avoid or deescalate confrontations.
 - 3. The underlying technology and operation of CEWs and the physiological effects upon an individual against whom such a CEW is deployed.
 - 4. The proper use of the weapon, including both the proper mechanical use of the weapon and the circumstances under which it is appropriate to use the weapon.
 - 5. Scenario-based training.
 - 6. Proper removal of CEW probes.
 - 7. The potential medical needs of a subject who has been subjected to a CEW deployment.
 - 8. The post-deployment reporting requirements.
 - 9. Instruction on interacting with individuals experiencing a mental health crisis, emotional crisis or other type of crisis, as recommended by the Vermont Criminal Justice Training Council.
 - 10. Departments should also evaluate the value of requiring or allowing officers to feel the effects of a CEW as part of training. If an officer decides to feel these effects, the training shall include an explanation of the potential differences between that officer's experience and the experience of a subject in the field. Departments requiring or allowing its officers to undergo a CEW deployment shall, beforehand, provide a thorough explanation of the potential injuries an officer could incur as a result of the deployment even within a controlled training environment.

V. MEASUREMENT & CALIBRATION

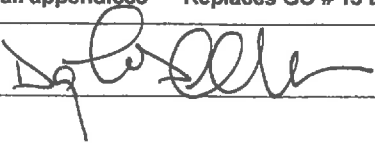
- A. CEWs shall be calibrated at the factory prior to shipping to ensure the electrical output of the device is within manufacturer's specifications. They should also be calibrated under the following circumstances:
 - 1. Upon receipt by a law enforcement agency and prior to use in the field, only if measurement and calibration equipment is available in the state;
 - 2. Annually, only if measurement and calibration equipment is available in the state; and,

3. After a critical incident, regardless of whether there is measurement and calibration equipment available in the state or the unit needs to be sent back to the manufacturer for testing.
- B. Exception – CEWs that are self-calibrating are not subject to these provisions unless a law enforcement agency requires calibration pursuant to its own policies and procedures or there are reasonable grounds to believe that the self-calibration is not functional.
 - C. If a CEW's electrical output is determined to be outside of manufacturer's specifications it shall not be used in the field until it has been found to have output within manufacturer's specifications.

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COLCHESTER POLICE DEPARTMENT



SUBJECT: Use of Less Lethal Force	
EFFECTIVE DATE: 01/17/2020	NUMBER: General Order #15 B
SPECIAL INSTRUCTIONS: includes G.O. #15,15 A &15 C and all appendices Replaces GO # 15 B dated 03/01/2017	
REEVALUATION DATE: as needed	APPROVED:  NO. PAGES: 3
ATTACHMENTS: G.O. #15,15 A &15 C and all appendices	

POLICY: The policy of this agency is defined in G.O. #15.

CONTENTS:

- I. Guidelines for use of less lethal force options

I. GUIDELINES FOR USE OF LESS LETHAL FORCE OPTIONS

- A. The following guidelines are designed to provide officers with further details regarding each authorized less lethal force option.
- B. De-escalation/verbal commands - Officers should use verbal de-escalation techniques when appropriate. Persuasion may occur by a show of authority of an officer either by a uniform presence or obvious identification as a police officer. Verbal and non-verbal commands should be given to direct and let a subject know what is expected of him/her. The subject should be informed by what authority he/she is being detained, arrested or taken into custody and what he/she must do to comply. Officers should inform subjects that if they are not compliant what result will occur. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used. Officers should document their verbal orders in regard to arrest, investigative detention or protective custody and verbal warnings in regard to non-compliance and the result.

The option of de-escalation and verbal commands should not be construed to suggest that an officer should risk the loss of control of a situation, thus endangering the safety of himself/herself or others, through the application of persuasion in situations where the use of escalated force is the proper choice.

- C. Control/Restraint - Officers use a variety of techniques in accordance with their training to gain compliance of passively or actively resistant subjects including but not limited to techniques using their hands, elbows, arms and bodies as well as tools such as straight batons, PR-24 batons, and other tools. **Any restraint or**

technique that involves the neck of an individual shall be used only under circumstances that warrant the use of lethal force.

- D. OC - Oleoresin Capsicum (OC), 5% solution is the defensive agent used by the Department. It may be issued in one of several delivery systems including individual “fog” spray, individual “stream” spray, and a crowd control “fog” system (used in special circumstances only as authorized by the Officer in Charge).

Aerosol Agents are designed to provide a device to respond to various threat levels and may be utilized to address subjects who are actively resisting or actively aggressive. When Oleoresin Capsicum (OC) has been used the Officer shall, as soon as practical, provide the subject with the Administrative Warning form in preparation for providing care for the individual contaminated by the product. [Appendix C]

- E. Police Batons – The Monadnock PR-24 or PR-21 or straight baton (standard or expandable) are the tools used by the Department. The baton is designed to respond to various threat levels. Since the levels of force used in response to threats differ, the Officer must evaluate the level of the threat to determine the appropriate techniques to be employed. Batons can be used in accordance with approved techniques and target areas as a tool for control and restraint techniques, impact techniques and as an instrument to assist in the movement individuals or groups of individuals.

There are circumstances that are exigent in nature, by the level and immediacy of a threat, that a baton may not be able to be utilized even though an impact device would be appropriate. In such circumstances, an officer may utilize alternate techniques or devices, as good judgment would deem appropriate. An example of such techniques or devices would include the use of arms and legs, flashlight, clipboard or other such method. Additionally, under circumstances that present an *imminent risk of serious bodily injury or death*, improvised weapons such as pens, knives carried by officers to cut ligatures and seat belts and other such tools or instruments could be used.

- F. CEWs – use is thoroughly described in G.O. #15A.
- G. Specialty Impact Munitions (SIMs) - SIMs are designed to function as extended range impact weapons and their use is justified whenever use of an impact technique is appropriate. The intended role of SIMs is to immobilize resistant persons at safe distances to prevent injury to officers or the public. They may be used to prevent the escape of suspects under appropriate circumstances. In these cases, the severity of the threat posed by the continued freedom of the suspect must be carefully weighed. SIMs are also effective in crowd control and riot situations. When their use is anticipated in this capacity, the grenadier will obtain clearance from the Officer in Charge prior to deploying one or more SIMs.

The decision to use SIMs for the sake of the suspect should never be done at the risk of officers’ safety or that of the public. Officers are not required to assume unreasonable risks in deploying SIMs against a suspect threatening to

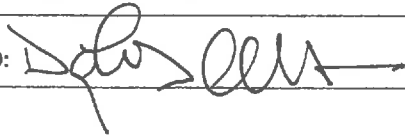
use deadly force. SIMs may be used against wild and domestic animals, to drive them away or to deter an attack. Where an animal poses a threat of bodily injury or must be euthanized conventional firearms should be used.

SIMs will only be deployed and used by officers trained and certified in their use. These officers will be referred to as “grenadiers,” an expedient term to differentiate them from non-authorized officers who may be present at the scene or on duty. Prior to actually firing one or more SIMs, the grenadier will first receive authorization from the Officer in Charge unless the situation evolves so quickly that prior authorization is not practical. When lethal force is justified, or when a situation escalates to that point, no authorization is necessary.

If SIMS are deployed, an effort should be made to the extent it can be done safely; to recover any deployed canisters or containers post-deployment so that they may be tagged into evidence.

#

COLCHESTER POLICE DEPARTMENT

SUBJECT: Use of Lethal Force	
EFFECTIVE DATE: 01/17/2020	NUMBER: General Order # 15 C
SPECIAL INSTRUCTIONS: includes G.O. #15,15 A &15B and all appendices Replaces GO 15 C dated 03/01/2017	
REEVALUATION DATE: as needed	APPROVED:  NO. PAGES: 9
ATTACHMENTS: G.O. #15,15 A &15B and all appendices	

POLICY: This policy further defines the use of lethal force by members of the Colchester Police Department.

CONTENTS:

- I. Guidelines for use of lethal force
- II. Display of weapons/arming
- III. Discharge of firearms
- IV. Post-incident protocol
- V. Firearms/Cruiser ready Department weapons
- VI. Off duty carry

I. GUIDELINES FOR USE OF LETHAL FORCE

- a. Officers are authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
 - i. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily injury; or
 - ii. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose an imminent risk of death or serious bodily injury to the officer or others.
- b. Where practical, prior to the application of deadly force, officers should identify themselves as law enforcement officers and state their intention to shoot/use deadly force.
- c. When the decision is made to use lethal force, officers may continue its application until the subject no longer poses an imminent danger. Even when lethal force is permissible, officers should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use. For example, background or peripheral environments should be considered.

- d. Imminent danger – imminent does not mean instantaneous, but rather impending or about to happen. Thus, a subject may pose an imminent danger even if he/she is not, at that very instant, pointing a weapon at the officer or other person.
- e. An officer will apply the principles of ability, opportunity and jeopardy as a guide to establish a reasonable basis for the use of lethal force. The three factors which, when co-exist, create the threat of serious bodily injury or death are as follows:
 - i. Ability – A potential adversary must be physically capable of presenting the threat of serious bodily injury or death. This ability must be present at the time the member makes the decision to respond with lethal force.
 - ii. Opportunity – Circumstances of time, distance, and awareness of the victim's presence must coincide to provide the opportunity to create a risk of serious bodily injury or death to the officer or third party
 - iii. Jeopardy – Given the ability and the opportunity, an adversary must commit an overt act which would cause a reasonable person to believe it would result in serious bodily injury or death to the officer or a third party.

II. DISPLAY OF WEAPONS/ARMING

- a. The drawing or display of an officer's firearm represents a clear escalation toward the use of deadly force, greatly increases the possibility of accidental or unintended discharge and may contribute to aggression, fear or panic.
- b. The justification for the display and availability of a firearm does not of itself justify the firing of the firearm. Officers shall not draw, display or brandish a firearm without justifiable cause.
- c. There are legitimate circumstances where the drawing and availability of a firearm is tactically prudent. High risk situations may require an officer's weapon to be immediately available for the safety of him/ her or others. Officers shall immediately holster or secure their firearms as soon as a high risk situation is under control. The following guidelines may be considered in arming oneself:
 - i. Approaching suspects engaged in high risk or suspicious activity.
 - ii. Approach of suspects believed to be armed and dangerous.
 - iii. Building searches.
 - iv. High risk motor vehicle stops.
 - v. As a visible deterrent or show of force.
 - vi. To provide immediate availability in high risk situations such as: hold up/hold up alarm response, burglary response, drug related felony arrests/raids, shots fired or man with a gun call, unknown problem calls for help.

III. DISCHARGE OF FIREARMS

- a. Warning shots shall not be used.
- b. An officer threatened by an oncoming vehicle shall move out of its path, if feasible. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is imminently threatening the officer or another person with deadly force by means other than the vehicle. If a vehicle is being operated in a manner to deliberately strike an officer or other person and no escape is possible, officers may shoot at the moving vehicle if innocent persons would not be unduly jeopardized by this action.
- c. Firearms shall not be discharged from a moving vehicle, except as a last resort, and then only with consideration given to the potential injury to bystanders.
- d. Officers are authorized to discharge firearms during lawful practice or regulated training. Any discharge of authorized firearms during lawful practice, which is not under the direct supervision of a Colchester Police Department firearms instructor, shall be reported on a firearms discharge report and submitted to the officer's supervisor.
- e. Officers are authorized to discharge authorized firearms to destroy any animal which the officer reasonably believes is likely to attack any person, displays signs of severe illness, or any seriously injured or dangerous animal which poses a threat to public safety which cannot be removed, cared for or restrained humanely by its owner. All humane destruction incidents shall be thoroughly documented and the on duty supervisor notified.
- f. Officers will not use any department approved or issued firearm while under the influence of alcohol or regulated drugs.

IV. POST INCIDENT PROTOCOL

- a. In the event any officer accidentally or unintentionally discharges any firearm, or in the event any person accidentally or unintentionally discharges a firearm which is the property or under the control of the Colchester Police Department, a supervisor shall be notified immediately. The incident shall be reported in writing whether on duty or off duty. The incident shall be investigated as directed by the Chief of Police or his/her designee.
- b. In the event any officer uses lethal force or takes an action that results in (or is alleged to have resulted in) serious injury or death, if able, he/she shall immediately call for an ambulance and render appropriate first aid until the arrival of rescue personnel.
- c. The OIC should take control of the incident scene. The incident scene should be secured for purposes of investigation. A member of Command Staff shall be notified immediately. Command Staff shall request the assistance of an outside law enforcement agency.

- d. The involved officer(s) shall be removed from the scene to headquarters or a treatment facility if necessary. An officer shall be assigned to stay with the involved officer. Whenever possible, a department member or other law enforcement personnel with training in critical incident stress debriefing, or a counselor, will be made available.
- e. Whatever weapon or tool(s) were involved in the incident will be surrendered by the officer to investigating officers. As soon as practical, and only with the permission of a Command Staff member, a replacement weapon(s) will be issued to the officer.
- f. Prior to the end of his/her shift, the officer will be asked to provide a preliminary account and walk through of the incident to assist with the on scene investigation. It is understood that the memory/recall of a person involved in a critical incident may be incomplete immediately following the critical incident.
- g. The officer shall complete his/her written report of the incident as expeditiously as possible but generally, no sooner than two complete sleep cycles following the critical incident. Each incident will be evaluated by the Chief of Police, in consultation with a qualified mental health professional, to balance the need for prompt reporting with the need for post traumatic incident care of the involved officer(s). Officers may review any audio/video recordings of the incident that may exist prior to making a detailed statement to investigators or completing a written report.
- h. Officers involved in a lethal force incident shall cooperate fully with the administrative investigation.
- i. Following a lethal force incident the officer(s) shall be placed on administrative assignment and/or leave. He/she shall be "on duty" for the purposes of completing required reports or participating in required investigative processes or mandated counseling. Beyond that, it shall be at the discretion of the Chief of Police to place the officer on administrative leave or to have the officer work in an administrative capacity with no expectation of invoking law enforcement authority.

V. FIREARMS/CRUISER READY DEPARTMENT WEAPONS

a. DUTY WEAPONS

- i. While on duty, all Officers of the Department will carry only those firearms and ammunition that are issued or approved by the Department.
 - 1. Duty weapons will be a .45 caliber Glock. All duty weapons will be "factory" approved. No modifications or repairs may be made to Department owned weapons unless the modification/repair is approved and made by a Firearms Instructor.
 - 2. Only Department approved ammunition may be used in any weapon carried on duty, and the ammunition must be factory fresh (new).

3. Prior to being authorized to carry a weapon on duty, Officers must qualify with the weapon under Department standards and as required by the Vermont Criminal Justice Training Council Rules & Regulations. Before being qualified to carry a weapon, the Officer must demonstrate knowledge of the weapon as to parts, fieldstripping, cleaning and safe handling techniques. They must also be able to demonstrate level 1 and 2 malfunction clearing.
4. All weapons should be inspected by the Department Armorer or Firearms Instructor prior to use on duty and will be kept serviceable by the carrying Officer as follows:
 - a. The firearm will be cleaned after training use, as directed by the Firearms Instructor Sub-committee.
 - b. The firearm will be kept clean from dust, lint and other particles that tend to collect on the weapon through daily carrying.
 - c. The firearm will be kept properly lubricated.
 - d. When on duty the firearm will be fully loaded with a round in the chamber.
 - e. Uniformed Officers are required to carry a double magazine pouch with two extra magazines. Plain-clothes Officers are required to carry at least one extra magazine.
 - f. Officers in plain clothes who are carrying a firearm that is visible should display a badge and/or identification simultaneously to the extent possible.
5. At least annually the Firearms Sub-committee shall inspect all firearms owned or approved by the Department. In the case of shotguns and rifles, a Firearms Instructor shall fire each at least annually to ensure proper functioning.

b. SHOTGUNS

- i. Shotguns are an integral part of the field officer's equipment and may be deployed at the officer's discretion utilizing the standards as set forth in this General Order.
 1. A loaded Department shotgun carried in a police vehicle shall contain four rounds of .00 buckshot in the magazine, action closed and the safety shall be in the "ON" position. A shotgun shall not routinely be carried in a police vehicle with a round of ammunition in the chamber.
 2. Shotgun slugs shall also be available for duty use.
 3. Shotguns while being carried by an officer in a non-tactical situation shall be carried with the muzzle pointing up or slung with the muzzle pointing toward the ground.
 4. The loading and unloading of Department shotguns shall be done outside of Police Headquarters. Shotguns stored in reserve shall be maintained in the equipment vault unloaded, action open and the safety shall be in the "ON" position.
- ii. Prior to the start of each shift the officer shall:
 1. Ensure the shotgun is present and in cruiser carry mode, perform a safety check and securely lock it in the police vehicle.

2. Notify the Firearms Instructor Group of damage or malfunction and take out of service.

c. PATROL RIFLES

- i. The AR-15 patrol rifle or a .223 caliber rifle, in configurations approved by the Firearms Committee, is the patrol rifle available for use in the field. Only ammunition approved by the Chief of Police will be used.
- ii. Department owned rifles will be issued to a specific police cruiser. The only time a rifle should be removed from a cruiser (other than when its use is anticipated) is if an officer has a personally owned department approved rifle. At the end of the officer's shift, he/she must replace the Department owned rifle in the cruiser.
- iii. Issued rifles will be provided to individual detectives and administrators for long term use and are not transferable unless authorized. Issued rifles may be subject to approved modifications only as specified below.
- iv. Officers carrying rifles are required to qualify annually as specified by the Lead Firearm Instructor.
- v. At the start of each shift, officers shall inspect and perform a safety check on the rifle in their assigned vehicle.
 1. Any malfunction of a department patrol rifle or personally owned patrol rifle used in the performance of duty shall report same to the Firearms Sub-committee.
 2. Secure the rifle in a locked rack within the police vehicle or in a hard or soft sided case in the trunk of the vehicle. The vehicle must be locked at all times.
 3. Cruiser-carrying of the patrol rifle:
 - a. A loaded department rifle carried in a police vehicle shall contain two coupled magazines loaded to capacity. The bolt will be forward, the chamber empty and the dust cover closed. The safety selector will be set in the ON position. A rifle shall not routinely be carried in a police vehicle with a chambered round. Officers shall charge the weapon when they deploy it from the vehicle for possible use. Following deployment, as soon as it is prudent, they will download any chambered rounds before returning the weapon to the rack and/or case in the vehicle. When clearing the rifle of a chambered round the rifle will be pointed in a direction that ensures minimal risk of damage or injury in the event of an accidental firing.
 - b. Rifles will be transported by officers in non-tactical situations with the muzzle up or slung with the muzzle down.
- vi. A member may gain approval to carry and use a personally owned rifle through the following method:
 1. Submit a request to the Lead Firearms Instructor.

2. The rifle must be from a brand name manufacturer (Ex. Ruger, Sig Sauer, etc); a barrel length between 14 and 20 inches; barrel twist of 1:7 and capable of firing both 5.56 NATO and .223 Remington ammunition.
3. Individually purchased patrol rifles should only use department issued ammunition for training and duty carry. This ammunition needs to be stored in separate magazines and left at the PD while not on duty, unless you have a take home patrol car. This is to ensure that other non-departmental ammunition does not get mixed into the magazines.
4. Sighting systems: At minimum, rifle must have iron sights. Officers should be allowed to use an electronic red dot such as EOTech, Aimpoint, Trijicon, or Vortex. Under no circumstances should the use of magnification or magnifying optics be utilized.
5. Custom work/features: Individually owned rifles should come from a single manufacturer as a stock item to be approved. This excludes a rifle made from parts purchased in catalogs and gun shows etc. for duty use.
6. Personally owned weapons shall be made available for inspection by the Department's armorer, and will be inspected on a regular basis with PD owned rifles. Any cost of repair will be the burden of the rifle's owner, and repair will be made by a certified armorer.
7. A complete record of personally owned rifles and accessories shall be kept by the Lead Firearms Instructor.
8. Officers who use personally owned rifles must attend required training and qualifications and meet standards with that rifle.

VI. BACK-UP FIREARM

- a. Officers may elect to carry a back-up firearm while on duty. This weapon must meet the following conditions:
 - i. Semi-automatic striker fired handgun. Accepted calibers are .380, 9mm, .40, .45 ACP. The weapon and ammunition must be approved by the Lead Firearms Instructor and the Chief of Police before being allowed to be carried.
 - ii. The weapon must be carried in a concealed location by the officer (uniform or plain clothes) in a holster that is approved by the Lead Firearms Instructor and the Chief of Police.
 - iii. The officer must qualify with the back-up weapon at least on an annual basis. The qualification will require the officer to use the weapon from the point of carry.
 - iv. The cost of the weapon, holster, and all ammunition, (training and carry) must be borne by the officer. Shoe and boot allowance may be used with approval of the Chief of Police or his/her designee.
 - v. Ammunition for back-up weapons will only be as specified by the Lead Firearms Instructor and approved by the Chief of Police.

VII. .22 CALIBER RIFLE

- a. The Department maintains a .22 caliber rifle for the humane destruction of animals. This rifle is stored unloaded at headquarters in a locked vault. It is available for use as needed and should be returned to the vault as soon as practical after its use.

VIII. FIREARMS SAFETY

- a. Except for general maintenance, storage or authorized training, officers will not draw or exhibit any firearm in public unless circumstances create a reasonable belief that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- b. Officers will not point or direct their firearm at a person unless circumstances create reasonable belief that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- c. An unintentional discharge barrel will be available for loading and unloading of weapons. The muzzle of the weapon will be pointed into the unintentional discharge barrel when chambering or ejecting a live round.
- d. The Department encourages storing Department approved or owned weapons securely at Headquarters when off duty. Wherever an officer chooses to store her/his weapon it must be secured in such a way as to reasonably insure that no unauthorized person will have access to or gain control of the weapon. The Department encourages officers to store their weapon unloaded.
- e. Officers will exercise all customary safety precautions and obey all appropriate rules or directives while practicing on the range.
- f. Officers shall keep their firearms clean, in working condition with special care taken to clean and lubricate (as appropriate) the weapon after firing.
- g. No alterations in the mechanical action or functions of any weapon carried on duty shall be made unless by the Department Armorer for that weapon.

IX. OFF-DUTY CARRY

- a. The Department does not require or encourage the carrying of a firearm while off-duty. It is the member's choice to carry off duty. The Department strongly encourages officers who carry a weapon off duty (other than their department issued weapon) to qualify with this weapon no less than annually. The Department shall not bear any expense for this qualification. The latter should not be construed in any way as an endorsement of off-duty carry.
- b. Officers are authorized to carry their department issued sidearm and ammunition while off duty when using a safe, secure holster in good condition, which has

been approved by the Chief of Police and the department firearm instructor(s), and carried in such a manner as to prevent loss, accidental discharge, or theft.

- c. Officers shall carry with them their issued department identification wherever carrying their issued side arm off duty.
- d. Officers shall not carry off duty any authorized firearm while consuming alcoholic beverages or while under the influence of intoxicants or drugs.



COLCHESTER POLICE DEPARTMENT

USE OF FORCE REPORT

INCIDENT #:

DATE OF INCIDENT:

OFFICER'S NAME:

☐ UNIFORMED ☐ PLAIN CLOTHES

TIME OF INCIDENT:

☐ DAYLIGHT ☐ DARKNESS ☐ ARTIFICIAL LIGHT WEATHER:

LOCATION OF INCIDENT:

SURFACE TYPE/CONDITIONS:

☐ INDOOR ☐ OUTDOOR

DETAINEE NAME:

DOB:

RACE:

SEX:

DETAINEE ADDRESS:

DETAINEE TELEPHONE:

REASON FOR USE OF FORCE

☐ NECESSARY TO EFFECT ARREST

☐ NECESSARY TO DEFEND SELF

☐ NECESSARY FOR PROTECTIVE CUSTODY

☐ NECESSARY TO DEFEND OTHER

OTHER:

TYPE OF FORCE USED

VERBAL COMMANDS USED: Y ☐ N ☐

MULTIPLE OFFICERS: Y ☐ N ☐

PHYSICAL CONTROL TECHNIQUE: ☐ TECHNIQUE USED:

HANDCUFFS: ☐ DOUBLE LOCKED AND CHECKED FOR PROPER FIT: Yes: ☐ No: ☐

O.C. SPRAY: ☐ PEPPERBALL: ☐ Type of round used: PAVA ☐ Glass breaker: ☐

SPECIALTY IMPACT MUNITIONS: ☐ Type of round used:

BATON: ☐ used for: CONTROL TECHNIQUE ☐ IMPACT TECHNIQUE ☐ FIREARM ☐ Brandish only ☐

CEW: UNIT # PROBES DEPLOYED: Yes: ☐ No: ☐

DRIVE STUN: Yes: ☐ No: ☐

Number of CEW energy cycles:

CEW Brandish only ☐

OTHER:

RESULT OF FORCE USED

WAS DETAINEE INJURED? Y ☐ N ☐

MEDICAL ATTENTION? Y ☐ N ☐

WAS OFFICER INJURED? Y ☐ N ☐

MEDICAL ATTENTION? Y ☐ N ☐

WAS A THIRD PARTY INJURED? Y ☐ N ☐

MEDICAL ATTENTION? Y ☐ N ☐

DETAINEE RESPONSE

COOPERATIVE ☐ COMPLIANT ☐ ARGUMENTATIVE ☐ THREATENING ☐ RESISTANT ☐

COMBATIVE ☐ ASSAULTIVE ☐ INCAPACITATED ☐ EDP ☐

OTHER:

WITNESSES

Use additional pages for more witnesses

NAME:

TELEPHONE:

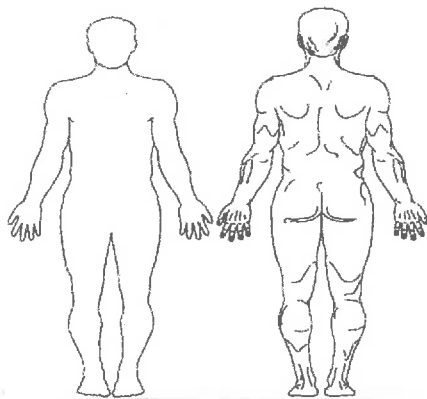
ADDRESS:

NAME:

TELEPHONE:

ADDRESS:

EFFECTED AREAS ON DETAINEE (Including ECW probe location)



DESCRIBE DETAINEE INJURIES:

PHOTOS: Y ☐ N ☐

Summary of Events:

REPORTING OFFICER SIGNATURE _____ **DATE** _____

REVIEW SUPERVISOR SIGNATURE _____ **DATE** _____

SUPERVISOR'S REVIEW: ☐ JUSTIFIED ☐ JUSTIFIED WITH CONCERN ☐ UNJUSTIFIED

OPERATIONS LT REVIEW _____ **DATE** _____



CEW Incident Reporting Form

To be completed by any Vermont Law Enforcement Officer after the display or deployment of a Conducted Electrical Weapon

1. Case number: _____

2. Use of CEW (check all that apply):

☐ display ☐ probes shot ☐ drive stun mode

Where did probes hit subject? _____

How many cycles: _____ Where was CEW held against subject's body _____

3. Date and time of display or deployment: _____ at _____ hours.

4. Location of display or deployment (city, town or village): _____

5. Was the subject **human** or **animal**? (circle one) *If animal, complete only questions 14 – 20.*

6. Sex of subject: **male** **female** (circle one) 7. Age of subject (if unknown, give an approximate guess): _____

8. Perceived race of subject: **White / Hispanic or Latino / Black or African-American / Am. Indian or Alaska Native / Asian**

9. Before deployment, did you have reason to believe the subject was a member of a special population? If so, check all that apply. **If none apply, complete only questions 12-20:**

☐ pregnant ☐ elderly (over 55) ☐ child (under 16) ☐ low body-mass index (thin) ☐ disability

☐ mental health condition ☐ developmental/intellectual disability ☐ traumatic brain injury

☐ emotional crisis to extent subject may have had difficulty understanding requests or orders

☐ epilepsy/seizure disorder ☐ heart condition ☐ deaf/hard of hearing ☐ low vision/blind

10. If any box was checked in question 9, how did you obtain information leading to your belief the subject was a member of a special population? Check all that apply:

☐ subject notified officer ☐ civilian witness notified officer ☐ professional witness notified officer

☐ dispatch notified officer ☐ personal perception of subject

11. Were mental health care or developmental disabilities professionals contacted for assistance with the subject? (If no, go to question 12) ☐ **No** ☐ **Yes**, contacted by ☐ Officer or ☐ someone else (list whom): _____

If yes, when?

☐ Prior to the display or deployment

☐ During the display or deployment

☐ After the display or deployment

Other comments: _____

If you answered "yes" to question 11, what was the outcome of that attempt to contact mental health care or developmental disability professionals? Check all that apply:

☐ Professional assisted to resolve situation more promptly or with less coercion than without contact;

☐ Professional did not result in any positive or helpful impact on the situation;

☐ Professional provided limited positive or helpful impact on the situation;

☐ Contact was attempted but no one could be reached;

☐ Professional helped reduce the time officers had to be at the scene;

☐ Intervention helped avoid involuntary placement in detention or emergency department;

☐ Intervention helped provide appropriate follow-up and service provision;

☐ Intervention was ineffective.

12. Was the training "Interacting with People Experiencing a Mental Health Crisis" (also known as Act 80 training) useful in dealing with this incident? ☐ Yes ☐ No ☐ N/A

13. To the best of your knowledge, was the person under the influence of alcohol or other drugs at the time of the event? ☐ Yes ☐ No ☐ N/A

14. Decision to use CEW was based on:

- ☐ active aggression of subject;
- ☐ active resistance of subject, with injuries to others or subject likely to occur;
- ☐ anticipated injuries to subject, officer, or others at scene.

15. What was the subject's response to the use of the CEW?

- ☐ Subject was compliant directly after use of CEW;
- ☐ Subject was not compliant directly after use of CEW, requiring additional force;
- ☐ CEW failed; subject had to be handled through other means. State reason for failure if known: _____

16. Was any other force used in addition to the CEW? Check all that apply:

- ☐ OC or other chemical ☐ firearm ☐ physical force ☐ baton
- ☐ other (describe): _____

Was this additional use of force before or after use of the CEW? ☐ Before ☐ After

17. Was medical assistance provided to the subject following the use of the CEW? ☐ Yes ☐ No

If yes, by whom? ☐ Officer ☐ Paramedic

18. Check any box below relating to noteworthy details not already described:

- ☐ Incident occurred on an elevated location such as a roof, stairs, or bridge;
- ☐ Subject was near or in water at time of incident;
- ☐ Subject was wearing heavy clothes;
- ☐ Subject was more than 25 feet away when CEW probe shot;
- ☐ Subject was fleeing when CEW probe shot.

19. Was a recording device running at the time of the incident? ☐ Yes ☐ No

If yes, was it a ☐ body cam ☐ dashboard cam ☐ other (describe): _____

20. CEW model and serial number: _____

21. Was the subject charged? ☐ Yes ☐ No

If yes, what charge(s)? _____

Return this completed form to Gail Williams at gail.williams@state.vt.us

Vermont Criminal Justice Training Council

Vermont Police Academy

317 Academy Road, Pittsford, VT 05763

Tel: (802) 483-6228 Fax: (802) 483-2343 www.vcjc.vermont.gov

**COLCHESTER POLICE DEPARTMENT
OC ADMINISTRATIVE WARNING**



Detainee Name _____

Incident #: _____

Instructions:

Read the following form to the detainee that has been exposed to O/C (Oleoresin Capsicum). If the detainee shows excessive discomfort, difficulty breathing, or prolonged symptoms of exposure, seek medical attention regardless of the answers obtained below. Use the responses you obtain as additional information to decide on medical attention for the detainee.

- 1) You have been contaminated with Oleoresin Capsicum (OC), a natural product derived from Cayenne Peppers. I am going to treat you to reduce the discomfort you are feeling, as long as you cooperate.
- 2) OC is non-toxic and the effects will dissipate in a short time. The effects of OC may however, mask or cover other medical conditions including overdoses or toxic levels of drugs or alcohol.
- 3) I am going to ask you 5 questions for your own safety. Not answering my questions, withholding information or giving false or misleading answers could delay medical treatment and may seriously jeopardize your health and safety.
- 4) DO YOU UNDERSTAND EVERYTHING I HAVE TOLD YOU?

_____ YES _____ NO

QUESTION 1 – Are you currently under the influence of cocaine, amphetamines, barbiturates, PCP, Opiates, heroin or alcohol?

_____ No _____ Yes Which one(s)? _____ Refused _____

QUESTION 2 - Have you taken cocaine, amphetamines, barbiturates, PCP, opiates, heroin, or alcohol in the LAST 8 HOURS?

_____ No _____ Yes Which one(s)? _____ Refused _____

Question 3 – Do you normally take any illegal or prescription drugs?

_____ No _____ Yes Which one(s)? _____ Refused _____

Question 4 – Do you have heart problems, lung problems, diabetes, high blood pressure, or any other serious medical condition?

_____ No _____ Yes Which one(s)? _____ Refused _____

Question 5 – Do you have any allergies?

_____ No _____ Yes Which one(s)? _____ Refused _____

I, _____ the undersigned officer have completed the above interview with
_____ on this _____ day of _____, _____.

Officer Signature

Date

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Media Relations & Release of Info	
EFFECTIVE DATE: February 11, 2014		NUMBER: G.O.# 16	
REFERENCE: supersedes G.O. #16 issued 1981		SPECIAL INSTRUCTIONS: none	
REEVALUATION DATE: as needed	APPROVED: <i>JMORUM #190</i>	NO. PAGES: 6	

POLICY: It is the policy of the Colchester Police Department to serve the public by cooperating with the news media and maintaining an atmosphere of open communication. A positive working relationship with the media is mutually beneficial. To this end, information will be released to the news media in an impartial, accurate and timely fashion. It is the responsibility of each employee to abide by this philosophy of cooperation. No employee shall release any information that would jeopardize an active investigation, prejudice an accused's right to a fair trial, or violate any law. Additionally, CPD will abide by all state and federal laws governing the release of public records.

CONTENTS:

- I. Responsibilities in Releasing Information
- II. Procedures for Release of Information
- III. Information Release Guidelines
- IV. Media Credentials & Ride Alongs
- V. Alternative Methods of Information Release to the Public

I. Responsibilities in Releasing Information

It is the responsibility of the agency head to release information to the public. That responsibility may be delegated to the following personnel:

- A. Public Information Function – Normally, the Chief and LTs shall serve as the primary contacts for the news media. In major incidents, Command Staff will designate a PIO to be the primary contact with the media.
- B. Supervisors – In the absence of Command Staff, Supervisors shall be the point of contact for the news media.
- C. Other Employees – Any supervisor may direct other employees to respond to media inquiries. Additionally, other employees may be granted permission to release information on an ongoing basis via social media or other means.

II. Procedures for release of information

- A. Media Inquiries – The agency will respond to all media inquiries in a timely and professional manner. During normal business hours, media inquiries shall be directed to a member of the Command Staff [a LT or the Chief]. After hours requests shall be directed to the on duty officer in charge.
- B. Interviews – All supervisors are responsible for assisting the news media by conducting interviews or coordinating interviews with other agency personnel. Employees contacted directly by the media shall notify their LT of any interview requests. All conversations with members of the news media should be considered “on the record” and subject to being quoted.
- C. News Releases – News releases shall be written and disseminated to the media and within the agency on major incidents and events of community interest or concern. News releases on agency awards or accomplishments shall be disseminated as appropriate. Any agency member can prepare a news release. All news releases should be reviewed by a supervisor prior to release, unless exigent circumstances make the immediate release of information necessary.
- D. News Conferences – News conferences will be held only in connection with major events of concern to the community. The Chief and Town Manager will be informed of all news conferences prior to the event.
- E. Access to Crime Scenes and Critical Incidents – Agency personnel should be courteous to news media representatives at crime and critical incident scenes.
 - 1. At such scenes, agency personnel shall ensure that the media respect the established perimeter. Members of the media have no greater or lesser access to an incident scene than members of the general public.
 - 2. With approval of the scene commander, a supervisor may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
 - 3. No member of this agency shall prohibit the media from news gathering practices, including photography and interviews, outside the established perimeter.
 - 4. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the media representative should be advised of the danger and allowed to make the decision to enter on his/her volition.

5. Information at crime/critical incident scenes will be released by the designated P.I.O. or scene commander.
 6. At critical incident scenes, the P.I.O. or scene commander will establish a media briefing area as close to the scene as safety and operational requirements allow.
 7. At critical incident scenes, members of the agency will work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.
- F. Public Records – This agency and its members will abide by all local, state and federal laws governing the release of public records. Requests from the general public for release of records shall be handled by the Records Unit. Prior to release of the requested information, a member of the Command Staff should review the request and the material to be released.
- G. Access to Suspects – Suspects or accused persons in custody shall not be posed or made available for media interviews by any member of this agency.
- H. Joint Investigations/Other Agency Involvement – In a multi-jurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information.

III. **Information release guidelines**

The release of information is subject to restrictions placed by applicable local, state and federal laws. Further, any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons will not be released. Generally, any information that can be released to the media is also able to be released to members of the public upon request. Requests for written documents or other police records shall be directed to the Records Unit.

- A. Information that **can** be released – Upon inquiry, or when an employee determines a press release is appropriate, the following may be released:
1. The name, age and hometown of a person charged with a crime, the charge and the date of arraignment;
 2. Any information necessary to aid in the apprehension of a person formally charged or to warn the public of any danger posed by a suspect;
 3. The facts and circumstances of an arrest, including the date, time, and location of the arrest, general statements about any pursuit, resistance or weapons used, to include those

issued a citation to appear in court as an adult, or who has been jailed;

4. A brief description of evidence seized, without any further comment;
5. The identity of the investigating officer(s) and/or arresting officer(s) and the anticipated length of the investigation;
6. Whether the suspect was arrested with or without a warrant and a brief description of the offense charged along with the name of the court issuing the warrant, and the expected date and location of arraignment;
7. Bail information, if known;
8. Booking photographs of persons arrested by CPD;
9. Descriptions of suspects or persons that law enforcement is trying to locate as part of an investigation;
10. Name, age, hometown of operators involved in crashes; [except in the case of serious injury or death, release will only be made after notification of next of kin].
11. Basic information about victims of crimes (except as noted below) such as the age and gender of a victim, general statements about injuries, etc. Generally speaking, crime victims' names will not be released publicly until after arraignment and then only if identified in the affidavit of probable cause.

B. Information that **cannot** be released, unless it is contained in a public file:

1. Names, addresses or any information that would identify the victim of a sex offense, child abuse or neglect, domestic violence or any other crime where the privacy of the individual is protected by law. This includes persons who are taken into protective custody due to mental illness or incapacitation.
2. The identity of any critically injured or deceased person prior to notification of next of kin.
3. Names, addresses and basic information about juvenile arrestees as governed by state law.
4. Active criminal investigative information, active criminal intelligence information and surveillance techniques.

5. Names of informants and information provided by them.
6. Names of complainants unless an individual has specifically authorized release of their name to the media/public.
7. The identity, testimony or credibility of any witness or prospective witness;
8. Any opinion as to the guilt or innocence of the accused or to the possibility that a plea of guilty may be entered; or, any opinion as to the merits of the case or of the evidence in the case; the prior criminal record of the accused, or any commentary on the character or reputation of the accused.
9. The existence of or the contents of any confession, admission or statement made by the accused or the failure or refusal of the accused to make any statements (except that it may be stated that the accused denies the charges);
10. Personnel matters including the existence of internal affairs investigations.
11. Home address, telephone numbers and familial information of law enforcement personnel.
12. Names or any identifying information of undercover personnel.
13. Information concerning the planning of raids or other specialized enforcement efforts without the express permission of the Chief of Police.
14. Any other information that could jeopardize the successful conclusion of an investigation and prosecution, or that could compromise the safety of any agency member.
15. Any other information prohibited by state law from being publicly disclosed.
16. The results of any examination or tests made, or the refusal or failure of the accused to submit to any test or examination, unless the refusal is the basis of charge (DUI – refusal).

IV. Media Credentials & Media Ride Alongs

This agency acknowledges representatives from recognized media organizations who carry and/or display photographic identification issued by their employer. Anyone else is considered a member of the general public.

Members of the media have the same ability to conduct a ride along as any other member of the public. Ride along requests must be made to the Operations LT and scheduled accordingly. Members of the media may not film or record any portion of the ride along without the expressed permission of a Command Staff member prior to the ride along.

V. Alternative Methods of Information release to the Public

It is the policy of this agency to pursue alternative methods of disseminating information directly to the public. These may include community newsletters, government access cable television shows, web sites, social media, public appearances by agency members, public area bulletin boards and others.

##

COLCHESTER POLICE DEPARTMENT

SUBJECT: EXPOSURE CONTROL PLAN	
EFFECTIVE DATE: April 3, 2015	NUMBER: GENERAL ORDER 17
REFERENCE:	
REEVALUATION DATE: Annually	APPROVED: <i>JMow</i> #190
NO. PAGES: 9	

POLICY: The Colchester Police Department is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 CFR 1910.1030, "Occupational Exposure to Bloodborne Pathogens".

- CONTENTS:**
- I. Exposure Control Plan Document
 - II. Program Administration
 - III. Employee Exposure Determination
 - IV. Methods of Implementation & Control
 - V. Hepatitis B Vaccination
 - VI. Post-Exposure Evaluation & Follow-up
 - VII. Employee Training
 - VIII. Record Keeping

I. EXPOSURE CONTROL PLAN DOCUMENT:

The ECP is a key document to assist our organization in implementing and ensuring compliance with the standard, thereby protecting our employees. This ECP includes:

- Determination of employee exposure
- Implementation of various methods of exposure control, including:
 - Universal precautions
 - Engineering and work practice controls
 - Personal protective equipment
 - Housekeeping
- Hepatitis B vaccination
- Post-exposure evaluation and follow-up
- Communication of hazards to employees and training
- Record keeping
- Procedures for evaluating circumstances surrounding exposure incidents

Implementation methods for these elements of the standard are discussed in the subsequent pages of this ECP.

II. PROGRAM ADMINISTRATION

- The Operations Lieutenant is responsible for implementation of the ECP and will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures.
- Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.
- The Operations Lieutenant will provide and maintain all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bags as required by the standard and will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes.
- The Town of Colchester Human Resource Manager will be responsible for ensuring that all medical actions required by the standard are performed and that appropriate employee health and OSHA records are maintained.
- The Support Lieutenant will be responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and NIOSH representatives.

III. EMPLOYEE EXPOSURE DETERMINATION

All sworn enforcement personnel and seasonal community service officers are subject to tasks that may involve occupational exposure to bloodborne pathogens and are subject to this policy.

Records and Communications personnel do not routinely have tasks that involve exposure to bloodborne pathogens and are subject to applicable aspects of this policy.

IV. METHODS OF IMPLEMENTATION AND CONTROL

A. Universal Precautions:

All employees will utilize universal precautions. Universal precautions is an approach to infection control to treat all human blood and certain human bodily fluids as if they were known to be infectious for HIV, HBV, or other bloodborne pathogens.

B. Exposure Control Plan:

Employees covered by the bloodborne pathogens standard shall receive an explanation of this ECP during their initial training session. It will also be reviewed in their annual refresher training. All employees can review this plan at any time during their work shifts by accessing the electronic documents file. The Operations Lieutenant is responsible for reviewing and updating the ECP annually or more frequently if necessary to reflect any new or modified tasks and procedures that affect occupational exposure and to reflect new or revised

employee positions with occupational exposure. Documentation of the annual review will be maintained with the Operations Lieutenant.

C. Engineering Controls and Work Practices:

Engineering controls and work practice controls will be used to prevent or minimize exposure to bloodborne pathogens.

Sharps disposal containers are inspected and maintained or replaced by the shift supervisor whenever necessary to prevent overfilling. This department identifies the need for changes in engineering controls and work practices through safety committee meetings and annual review of this policy and VLCT recommended best practices.

D. Personal Protective Equipment (PPE):

PPE is provided to our employees at no cost to them. Training in the use of the appropriate PPE for specific tasks or procedures is provided by the Support Lieutenant or his/her designee.

The types of PPE available to employees are as follows:

Latex free examination gloves, CPR Mask, PPE kit including gown, face mask, eye protection.

PPE is issued to each sworn officer. Additional PPE may be obtained through the Operations Lieutenant. Appropriate selection and use of PPE is reviewed in annual training.

All employees using PPE must observe the following precautions:

- Wash hands immediately or as soon as feasible after removing gloves or other PPE.
- Remove PPE after it becomes contaminated and before leaving the work area.
- Used PPE may be disposed of in the biohazard waste bin located in the sally port.
- Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured, or contaminated, or if their ability to function as a barrier is compromised.
- Utility gloves may be decontaminated for reuse if their integrity is not compromised; discard utility gloves if they show signs of cracking, peeling, tearing, puncturing, or deterioration.
- Never wash or decontaminate disposable gloves for reuse.
- Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
- Remove immediately or as soon as feasible any garment contaminated by blood or OPIM, in such a way as to avoid contact with the outer surface.

E. Housekeeping:

Regulated waste is placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded (see the following section “Labels”), and closed prior to removal to prevent spillage or protrusion of contents during handling.

Sharps disposal containers will be located in each marked police vehicle and secured so they will not tip over during normal operation of the vehicle. Additionally, sharps disposal containers will be located in the police squad room, evidence processing area, and prisoner holding area. When full or approaching full, the tabs on the closable lids will be inserted in the corresponding receptacle on the lid thus sealing the container. The sealed container will then be placed in the biohazard waste bin located in the sally port.

The procedure for handling other regulated waste is to place the item in a red biohazard bag and place it in the biohazard waste bin located in the sally port or if too large, in the secure drying area off of the sally port. Notification to the Operations Lieutenant shall be made for large contaminated waste or if the biohazard waste bin is approaching full limits. Colchester Police contracts for removal of biohazardous waste by a licensed removal firm.

The headquarters of Colchester Police Department including work areas is to be cleaned by a vendor at least three times a week. Areas that need cleaning attention outside of this schedule should be brought to the attention of the Support Lieutenant who will ensure the area is cleaned.

F. Laundry:

Any contaminated uniform or other clothing articles will be laundered by the department's uniform cleaner.

The following laundering requirements must be met:

- Handle contaminated laundry as little as possible, with minimal agitation.
- Place wet contaminated laundry in leak-proof, labeled or color coded containers before transport. Use red biohazard bags for this purpose.
- Wear gloves and eye protection when handling contaminated laundry.

G. Vehicles:

Any department owned vehicle that becomes contaminated with potential bloodborne pathogens will be cleaned with appropriate solutions. Any employee involved in the cleaning shall utilize PPE as outlined above. If the vehicle cannot for any reason be cleaned, it shall be placed out of service and appropriately labeled as a biohazard.

H. Labels:

The following labeling methods are used in this facility:

Any contaminated or potentially contaminated item to be held or brought into this department as evidence or otherwise handled by this department shall be appropriately red-bagged and/or labeled with a red biohazard label on the

exterior most portion of the container. Employees are to notify the Operations Lieutenant if they discover regulated waste containers, refrigerators containing blood or OPIM, contaminated equipment, etc., without proper labels.

The exposure control officer for the Colchester Police Department is the Operations Lieutenant and all inquiries regarding the Exposure Control Plan shall be directed to her/him.

V. HEPATITIS B VACCINATION

The Town of Colchester Human Resource Manager will provide training to employees on hepatitis B vaccinations, addressing safety, benefits, efficacy, methods of administration, and availability.

The hepatitis B vaccination series is available at no cost after initial employee training and within 10 days of initial assignment to all employees identified in the exposure determination section of this plan. Vaccination is encouraged unless: 1) documentation exists that the employee has previously received the series; 2) antibody testing reveals that the employee is immune; or 3) medical evaluation shows that vaccination is contraindicated. However, if an employee declines the vaccination, the employee must sign a declination form. Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of refusal of the vaccination is kept at Town of Colchester Human Resources. (See Appendix A)

Vaccination will be provided by the Town of Colchester occupational health care provider or other qualified health professional. Following the medical evaluation, a copy of the health care professional's written opinion will be obtained and provided to the employee within 15 days of the completion of the evaluation. It will be limited to whether the employee requires the hepatitis vaccine and whether the vaccine was administered.

VI. POST-EXPOSURE EVALUATION AND FOLLOW-UP

- A. Should an exposure incident occur, contact the shift supervisor. An immediately available confidential medical evaluation and follow-up will be conducted by the Town of Colchester occupational health provider or, if after-hours, at the Emergency Department of the University of Vermont Medical Center.

Following initial first aid (clean the wound, flush eyes or other mucous membrane, etc.), the following activities will be performed:

- Document the routes of exposure and how the exposure occurred.
- Identify and document the source individual (unless the employer can establish that identification is infeasible or prohibited by state or local law).
- Obtain consent and make arrangements to have the source individual tested as soon as possible to determine HIV, HCV, and HBV infectivity; document that

the source individual's test results were conveyed to the employee's health care provider.

- If the source individual is already known to be HIV, HCV and/or HBV positive, new testing need not be performed.
- Assure that the exposed employee is provided with the source individual's test results and with information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g., laws protecting confidentiality).
- After obtaining consent, collect exposed employee's blood as soon as feasible after exposure incident, and test blood for HBV and HIV serological status.
- If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days; if the exposed employee elects to have the baseline sample tested during this waiting period, perform testing as soon as feasible.

B. Administration of post-exposure evaluation and follow-up:

The Town of Colchester Human Resource Manager ensures that health care professional(s) responsible for employee's hepatitis B vaccination and post-exposure evaluation and follow-up are given a copy of OSHA's bloodborne pathogens standard. The Human Resource manager will ensure that the health care professional evaluating an employee after an exposure incident receives the following:

- a description of the employee's job duties relevant to the exposure incident
- route(s) of exposure
- circumstances of exposure
- if possible, results of the source individual's blood test
- relevant employee medical records, including vaccination status

The Town of Colchester Human Resource Manager provides the employee with a copy of the evaluating health care professional's written opinion within 15 days after completion of the evaluation.

C. Procedures for evaluating the circumstances surrounding an exposure incident:

The Operations Lieutenant and the Human Resource Manager will review the circumstances of all exposure incidents to determine:

- engineering controls in use at the time
- work practices followed
- a description of the device being used (including type and brand)
- protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.)
- location of the incident (in the field, at HQ, at the E.R., patient room, etc.)
- procedure being performed when the incident occurred
- employee's training

The Town of Colchester Human Resource Manager will record all percutaneous injuries from contaminated sharps in a Sharps Injury Log.

If revisions to this ECP are necessary, the Operations Lieutenant will ensure that appropriate changes are made.

VII. EMPLOYEE TRAINING

All employees who have occupational exposure to bloodborne pathogens receive initial and annual training provided by the Support Lieutenant or her/his designee. Training is through an on-line program requiring testing that is provided through the Vermont Criminal Justice Training Council.

All employees who have occupational exposure to bloodborne pathogens receive training on the epidemiology, symptoms, and transmission of bloodborne pathogen diseases. In addition, the training program covers, at a minimum, the following elements:

- a copy and explanation of the OSHA bloodborne pathogen standard
- an explanation of our ECP and how to obtain a copy
- an explanation of methods to recognize tasks and other activities that may involve exposure to blood and OPIM, including what constitutes an exposure incident
- an explanation of the use and limitations of engineering controls, work practices, and PPE
- an explanation of the types, uses, location, removal, handling, decontamination, and disposal of PPE
- an explanation of the basis for PPE selection
- information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge
- information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM
- an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available
- information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident
- an explanation of the signs and labels and/or color coding required by the standard and used at this facility
- an opportunity for interactive questions and answers with the person conducting the training session.

Training materials are available from the Support Lieutenant.

VIII. RECORD KEEPING

A. Training Records

Training records are completed for each employee upon completion of training. These documents will be kept for at least three years with the Support Lieutenant.

The training records include:

- the dates of the training sessions
- the contents or a summary of the training sessions
- the names and qualifications of persons conducting the training
- the names and job titles of all persons attending the training sessions

Employee training records are to be provided upon request to the employee or the employee's authorized representative within 15 working days. Such requests should be addressed to the Support Lieutenant.

B. Medical Records

Medical records are maintained for each employee with occupational exposure in accordance with 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records."

The Town of Colchester Human Resource Manager is responsible for maintenance of the required medical records. These confidential records are maintained by Human Resource Manager for at least the duration of employment plus 30 years.

Employee medical records are provided upon request of the employee or to anyone having written consent of the employee within 15 working days. Such requests should be sent to the Town of Colchester Human Resource Manager.

C. OSHA Recordkeeping

An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 CFR 1904). This determination and the recording activities are done by the Operations Lieutenant and the Town of Colchester Human Resource Manager.

D. Sharps Injury Log

In addition to the 1904 Recordkeeping Requirements, all percutaneous injuries from contaminated sharps are also recorded in a Sharps Injury Log. All incidences must include at least:

- date of the injury
- type and brand of the device involved (syringe, suture needle)
- department or work area where the incident occurred
- explanation of how the incident occurred.

This log is reviewed as part of the annual program evaluation and maintained for at least five years following the end of the calendar year covered. If a copy is requested by anyone, it must have any personal identifiers removed from the report.

Appendix A

Colchester Police Department
Hepatitis B Vaccine Declination (mandatory)

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease.

If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee name (printed)

Signature of employee _____ Date: _____

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Reports Policy	
EFFECTIVE DATE: February 8, 2016		NUMBER: GENERAL ORDER # 18	
REFERENCE:		SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: ANNUAL	APPROVED: <i>J Monahan #190</i>	NO. PAGES: 2	

PURPOSE: The proper documentation and preparation of reports is vital to the effective and efficient operation of this department. Preparing complete, accurate, and uniform reports are essential for the day to day operations of the Colchester Police Department. Reports, whether hand written or electronically submitted, serve as the official memory of the agency and ensure that all information regarding an investigation is available to all necessary personnel. A comprehensive system of reporting allows the department to successfully investigate and prosecute criminal offenses, document actions taken, as well as to protect the town from liability.

All reports shall include thorough, appropriate and accurate information and be completed in a timely manner in accordance with prescribed time frames.

I. PROCEDURE

Members of the Colchester Police Department will adhere to the following procedures pertaining to the reporting of police activity to ensure standardization and compliance with legal reporting requirements.

Incident Reports: It is the responsibility of each officer to ensure that all police activity is documented within the department's records management system. Prior to the end of each shift, a detailed narrative will be completed for each incident. If an incident requires further investigation and/or follow-up, sufficient information will be documented within the narrative prior the end of the shift to properly inform other officers of the incident. A full and accurate report shall be **submitted for approval no later than two weeks** from the date of the occurrence. Should an incident require additional investigation, the officer shall notify his/her supervisor for approval on a case by case basis.

Communications personnel shall enter all pertinent information into the incident when the case is created. [See the dispatch SOP manual for more detail.]

While it may be incumbent upon other department personnel to provide data entry, it is the responsibility of the investigating officer to ensure that all information is accurate and complete prior to submitting the incident for approval. This includes verifying the appropriate call type.

Specialized incidents, such as untimely death investigations, may require additional State or Colchester Police Department forms. All approved forms are located on the Home Drive of the Colchester Police Department Computer System, under "1CPD", Forms". Forms will only be added to this location with command staff approval.

Criminal Court Cases: All court cases shall be completed and approved three (3) weeks prior to the citation date. In cases involving the issuance of a juvenile citation, proper case work needs to be completed and approved ten (10) days prior to citation date.

DUI Court Cases: The department shall comply with current guideline set forth by the State's attorney's office with regards to the timeline for case submittal in all DUI cases.

Accident Reports: Accident report preparation and timeliness shall be guided by Colchester Police Department General Order #30.

Supervisor Approval: It shall be the responsibility of each supervisor to approve all incidents in a timely manner. It is also the responsibility of the supervisor to ensure that the above mentioned time lines are adhered to by assigned personnel.

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COLCHESTER POLICE DEPARTMENT

		SUBJECT: TRANSPORTATION AND HOLDING OF PERSONS IN CUSTODY	
EFFECTIVE DATE: February 8, 2016		NUMBER: General Order # 19	
REFERENCE:		SPECIAL INSTRUCTIONS:	
REEVALUATION: AS NEEDED	APPROVED: <i>Monisan #190</i>	NO. PAGES: 5	

POLICY: It is the policy of this agency to treat all detainees in a humane manner and with due regard for their physical safety and protection consistent with sound principles of prisoner security. Officers shall take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody. It further is the policy of the Colchester Police Department to provide a secure **temporary** holding facility for detainees held for interrogation, arrest processing, transfer to another facility/agency, or release, and to maintain these facilities in a clean and safe manner.

CONTENTS:

- I. Definitions
- II. Procedures

I. DEFINITIONS:

Detainee: Any person in the custody of this department, regardless of adjudication status.

Juvenile Detainee: Any detainee under the age of 18.

Holding Facility: A short-term confinement area for persons in the custody of this department or awaiting a decision to release or transfer to another secure facility.

II. PROCEDURES:

A. Transportation

1. Vehicle Inspection

- a. At the beginning and end of each tour of duty, an officer assigned to a vehicle that may be used for prisoner transport shall inspect that vehicle for readiness as follows:
- b. The vehicle safety barrier shall be securely in place and undamaged.
- c. All windows shall be intact and outer door latches in proper working order.

- d. Rear-seat door handles and window controls shall be deactivated.
 - e. The interior shall be thoroughly searched to ensure that no weapons or contraband have been left behind or hidden.
2. Prior to placing a prisoner in the vehicle for transport, the transporting officer shall inspect the interior for weapons or contraband. The vehicle shall be searched again after the prisoner has been delivered to the detention facility or other destination.
3. Juveniles shall not be transported in the same vehicle with adult prisoners.
4. Except in exigent circumstances, female and male detainees shall not be transported together.
5. It is preferred that all detainees be transported separately.
6. Prior to initiating the transport, the officer shall provide communications with the following information when possible:
 - a. Arrest location;
 - b. Number of prisoners;
 - c. Destination of transport; and
 - d. Time and mileage readings before and after transport.
7. The officer should use care when assisting a prisoner into and out of the vehicle.
8. Prisoners shall be transported in a manner that allows for constant visual observation. Where available, rear-facing in-car video systems should be activated and remain in use at all times until the prisoner is removed from the vehicle.
9. Except in exigent circumstances, detainees should not be transported in a vehicle without protective barriers.
10. Any wheelchairs, crutches, and medication should be transported with, but not in the possession of, the detainee. Prosthetic devices should be searched prior to transportation, but should remain with the detainee.
11. Except in emergency situations, detainees shall not be left alone during transport.

B. Restraints

1. All restraint equipment will be inspected at the beginning of each tour of duty to ensure it is operational and free from defects.
2. Officers shall handcuff (double-locked) detainees in keeping with department training.
3. The officer may handcuff the detainees with his or her hands in front, or use other appropriate and approved restraining device(s) where the prisoner:
 - a. is in an obvious state of pregnancy,
 - b. has a physical handicap,
 - c. displays behaviors consistent with mental illness or an intellectual/developmental disability, or
 - d. has injuries that could be aggravated by standard handcuffing procedures.

4. Except in exigent circumstances and then only with permission of the OIC, detainees should not be handcuffed to any part of the vehicle during transport.
5. Additional approved restraint devices, such as leg restraints, may be used to secure a prisoner who violently resists arrest or who acts in a manner that indicates he or she poses a threat to him/herself, any officer, or to the public.
6. Special precautions shall be employed when transporting high-risk prisoners. In particular, waist chains should be used in addition to handcuffs.
7. All detainees shall be secured in the vehicle by proper use of a seat belt.
8. Officers are prohibited from transporting prisoners who are restrained in a prone position.

C. Searches

1. Prior to transport, all detainees arrested pursuant to Rule 3 of the Vermont Rules of Criminal Procedure shall be thoroughly searched incident to that arrest for any weapons or contraband. Persons detained or taken into custody for reasons other than an arrest as defined above should have a pat down search for weapons or hard objects completed by an officer.
2. A protective search should be conducted by an officer of the same sex as the prisoner. Where this is not practical, officers shall strictly adhere to their training regarding such searches.
3. The transporting officer should search the prisoner regardless of searches that may or may not have been conducted by arresting officers.

D. Holding Facility

1. Administration
 - a. The officer in charge of the shift shall be responsible for the holding facility to ensure that security, sanitation, maintenance, and safety of staff, detainees and property are maintained at all times. All problems with the holding facility shall be reported to the Support Lieutenant.
 - b. Inspections - The holding facility shall be maintained at all times in a clean and sanitary condition. The Support Lieutenant or his or her designee shall conduct periodic and unscheduled inspections of the holding facility sufficient to ensure continued adherence to agency operating policy and procedures.
2. Booking Procedures
 - a. Upon arrival with a detainee, the transporting officer will enter the secure sally port with the police vehicle and the detainee will remain secured in the vehicle until the overhead door is in the down position.
 - b. Officer(s) shall secure their sidearm, CEW, chemical agent (OC) and any edged weapon they may carry into the secure weapon lockers outside the holding area entrance. A baton may remain with the officer.

- c. The detainee may then be brought out of the vehicle and into the holding area. The door from the sally port should be secure prior to the detainee being released from handcuffs.
 - d. If necessary, a more thorough search of the detainee may now take place prior to entry into a cell. Shoe laces (or shoes with the laces), belts and any items that may be remaining with the detainee after leaving the CPD holding area is to be placed in the appropriate holding bin located outside the cell. If more than one detainee is secured in a single cell, property segregation should occur.
 - e. Communication personnel should monitor the video feed from the holding area and ensure the volume of the audio feed is in a position to allow a disturbance or other need to be noticed. Fifteen minute checks should be made to the monitor and noted in the dispatch log.
 - f. Except in exigent circumstances, no weapons other than batons should be brought into the secure holding area from any direction.
 - g. Officers wishing to enter the holding area should be cognizant of detainees being unrestrained in the holding area.
 - h. Juvenile detainees shall be held separately by sight and sound from any adult detainee. The Juvenile Data Sheet is to be completed in compliance with General Order # 33.
 - i. Male and female detainees shall not be held in the same detention cell.
3. The holding facility is not equipped to treat detainees requiring medical attention. Therefore:
- a. No detainee shall be booked into the holding facility or otherwise held by this department who has injuries or illnesses that require immediate medical attention. This includes obvious injuries or illness, as well as situations in which detainees:
 - 1. suffer from extreme alcohol incapacitation or possible drug overdose;
 - 2. exhibit symptoms consistent with severe mental disorder;
 - 3. have indicated intentions of committing suicide or shown signs of being a suicide risk, or;
 - 4. exhibit symptoms or report conditions of possible contagious disease.
 - b. Minor injuries that do not require transport to a medical care facility may be treated by trained EMS personnel at the holding facility.
 - c. If the severity of medical conditions is unclear or if a detainee requests medical attention, he or she shall be transported as soon as possible to this agency's designated emergency care provider. Security of

- detainees shall be provided during transport and while at a medical care facility.
- d. Continued detention of a detainee at a medical care facility is permitted only with the approval of a physician or qualified medical care professional. Once the detainee has been discharged, he or she will be transported back to the holding facility.
 - e. Officers shall communicate any and all information relating to detainee injuries or illnesses not requiring immediate medical attention to the lodging facility (Vermont Department of Corrections) and shall note this information in a report.
4. Generally, persons in custody should not be fed, except when a medical situation or humane treatment dictates otherwise. Anytime a person in custody is allowed to eat or drink anything, the responsible officer shall first inquire whether the detainee has any known allergies or health conditions. The detainee's response and any items of food or beverage provided should be documented in the incident.
5. Detainee Escape
- a. Detainee escapes shall be reported immediately to the officer in charge and the department's communications center. This includes instances in which a detainee is mistakenly released. If the on-duty OIC is not a Sergeant or higher in rank, the on-call OIC shall be immediately notified.
 - b. The identity, description, and suspected offenses of any escapee shall be relayed to all duty personnel and to adjoining departments as quickly as possible.
 - c. The officer in charge shall coordinate intelligence gathering, public notification and search procedures among agency personnel, other law enforcement authorities, and the media, as deemed appropriate, based on the escapee's prior criminal record, access to weapons, etc.
 - d. A complete review of the circumstances surrounding the escape shall be conducted in accordance with G.O # 2 and a full report shall be provided to the Support Services Lieutenant and the Chief of Police.

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COLCHESTER POLICE DEPARTMENT

SUBJECT: K9 Unit	
EFFECTIVE DATE: March 13, 2014, updated June 28, 2016	NUMBER: General Order #20
REFERENCE: Supersedes G.O. #20 dated June 1, 2002 & rescinds G.O. #24 issued September 2, 2009	
REEVALUATION DATE: as needed	APPROVED: <i>J Monism</i> #190
NO. PAGES: 11	

POLICY: To maximize police resources, the Colchester Police Department shall attempt to maintain at least one K-9 team that will operate as a component of the Patrol Unit to assist in relevant aspects of police work.

- CONTENTS:**
- I. Qualifications of K-9 and Handler
 - II. Ownership of K-9
 - III. Supervision
 - IV. Guidelines for General Interactions with Police K-9s
 - V. Deployment of the K-9 Team
 - VI. General Tracking Guidelines
 - VII. High Risk Tracking
 - VIII. Building Searches
 - IX. Use of Force
 - X. Responsibilities of K-9 Handler
 - XI. Personnel Authorized to Operate the K-9 Vehicle
 - XII. Personnel Authorized to Control the K-9
 - XIII. Injury to the K-9
 - XIV. K-9 Bites
 - XV. Prisoner Transports
 - XVI. Equipment to be Maintained in K-9 Units
 - XVII. Maintenance of Training/Use Records
 - XVIII. Use of Drugs for Training Purposes

I. QUALIFICATIONS OF K-9 AND HANDLER:

- A. The Colchester Police Department will utilize Vermont Criminal Justice Training Council (VCJTC) certified K-9's. Once the K-9 has been initially certified it will maintain certification as specified by the VCJTC. K-9 teams shall only perform duties for which they are certified. Attendance at training will be coordinated through the Department's Training Officer and/or the team's supervisor.
- B. The handler will also be certified through the VCJTC and he/she will be required to maintain this certification through in-service training as directed by the VCJTC.

- C. Selection of K-9 handlers is subject to the decision of the Chief of Police in conjunction with the other supervisors.

II. OWNERSHIP OF K-9:

- A. It is understood that the animal is owned by the officer and shall remain the property of the officer. The town reserves the right to relieve the handler of his/her responsibilities for just cause. Just cause is to be determined by the Chief of Police.
 - 1. When the K-9 is retired, the K-9 is decertified by the VCJTC, or in the event that the handler is no longer employed by the town, the town is no longer responsible for the K-9 in any way.
 - 2. During the handler's tenure as such, he/she shall register the animal in the municipality in which it resides, listing the owner as the handler. The cost of the registration is to be borne by the town.
- B. Terms and conditions for compensation of the handler and maintenance of the K-9 shall be established by the Chief of Police through agreement with the handler.

III. SUPERVISION:

For the day to day operations, the K-9 team shall be under the direct supervision of the on duty shift supervisor. For all other issues related to the K-9 teams, the handler(s) shall be accountable to the Chief of Police and/or his/her designee.

IV. GUIDELINES FOR GENERAL INTERACTIONS WITH POLICE K-9'S:

The following guidelines provide all personnel with information to enhance the safety and efficiency of all interactions with K-9's.

- 1. If the K-9 handler is incapacitated, do not under any circumstances approach the K-9 or attempt to render first aid unless failure to do so is likely to result in a serious or life threatening injury. If necessary, control the K-9 by attempting to have the injured officer control his/her K-9, or get an officer who has trained with the K-9, or a family member to control the K-9. Other alternatives for controlling the K-9 are the use of O.C. or mechanical devices such as a snare.
- 2. Never feed the K-9 without the express approval of the handler.
- 3. Do not touch or pet the K-9 in any way without permission from the handler.

4. Always remember that the K-9 is trained to protect the handler. Anyone making a threatening move or gesture toward the handler risks the possibility of injury. The K-9 will react without command in such situations as an aggressive pat on the back or a boisterous greeting. Do not approach the handler in an aggressive manner and do not walk up behind the K-9 and handler or otherwise startle them.
5. Do not under any circumstances agitate the K-9. If the K-9 is alone or in a vehicle, it is normal for it to act in an aggressive manner when approached by a stranger. Police personnel are no exception.
6. If you see the K-9 acting in an unusual manner due to injury or illness, do not try to correct the problem. Locate the handler and advise him/her of your observations.

V. DEPLOYMENT OF THE K-9 TEAM:

A. Appropriate calls for the Patrol K-9 Team include:

1. Burglary in progress, and intrusion and/or robbery alarms where there is an indication the event just occurred or is in progress.
2. Felony or misdemeanor crimes wherein a suspect has fled on foot affording a **reasonable** tracking opportunity.
3. Burglary alarm, open window, and open door calls for buildings and businesses wherein the Patrol K-9 can reasonably conduct an initial building search.
4. Crowd control situations, when deemed necessary to prevent death or injury to persons or to prevent assaults upon police personnel.
5. Search for lost or missing persons.
6. Search and recovery of crime scene evidence.
7. Search for drugs.
8. Other calls for service or assistance deemed appropriate by the Handler and supervisor requesting or approving activation.
9. While on duty the K-9 unit may be deployed to any other jurisdiction upon request for mutual aid. Deployment to another community shall be with the approval of a supervisor, if on duty, or in the best judgement of the K-9 handler if a supervisor is not on duty.

B. Activation of K-9 Team when not scheduled for duty:

1. Any on-duty supervisor is authorized to request the K-9 respond to any incident deemed appropriate. In the event there is no on-duty supervisor any member may request the K-9 unit be contacted to respond. It shall be the K-9 handler's responsibility to make the final decision to respond or not based on the information available.
2. In the event the K-9 is off duty and a mutual aid call is received a supervisor shall make the final decision to respond or not, except in unusual circumstances where delaying the response could jeopardize human life or officer safety and immediate access to a supervisor is not possible. In such an exigent situation, the K-9 handler may make the final decision to respond or not based on the information available.

C. Summoning to a Scene:

When an officer has established reasonable suspicion concerning the presence of a controlled drug, the following deployment criteria will be considered when summoning the K-9 Team:

1. Duty Status: It is unreasonable to summon the Team into an "on-duty" status every time an officer formulates reasonable suspicion. Good judgment must balance the need for the K-9 Team in a situation with those of personal inconvenience and budgetary constraints.
2. Time and Distance:
 - a) Court rulings dictate that response time must be reasonable. The Department interprets this as meaning a matter of minutes.
 - b) Individuals may not be detained for unreasonable amounts of time based solely upon an officer's suspicion of possession of illegal substance.

D. The Decision to Search:

1. Basic rule of search procedure for the K-9 is that the K-9 may go anywhere a police officer can go. The K-9 cannot go anywhere that a police officer cannot.
2. Probable cause to search can be established through the following sequence of events:
 - a) An officer establishes reasonable suspicion.
 - b) K-9 Team comes to the officer's position.

- c) If the K-9 reacts positively (alerts), indicating the presence of a controlled drug, probable cause is established to apply for a search warrant and seize the vehicle.

E. Searching Vehicles and Buildings:

It is imperative that these guidelines be followed to ensure proper functioning and to limit distractions and interference's.

1. When a warrant or consent to search a vehicle or building has been issued and the K-9 Team is activated, the investigating officer shall inform the occupants of the area to be searched and shall **remove, have removed, or take into custody all occupants.**
2. The scene should be cleared of all animals (dogs, cats, etc.).

VI. GENERAL TRACKING GUIDELINES:

- A. During any tracking assignment, good scene security and perimeter control is essential.
 1. Patrol officers shall avoid congregating at any given point and shall make every effort to properly seal off any area where a track is being conducted.
 2. Officers assigned perimeter posts must be cognizant of roadways leaving the area. Perimeter posts must be maintained unless relieved by the handler or a supervisor.
 3. In a low-risk track, e.g., missing children, the Handler may request additional personnel to assist. Personnel may include other police agencies, Rescue Squads, Fire Department personnel, and civilians.
- B. If initially responding officers have entered an area in an attempt to locate someone prior to the K-9's arrival, it is imperative that the officers be prepared to clearly explain and define those areas in which he or she was physically present.

VII. HIGH-RISK TRACKING:

- A. High risk tracks are those undertaken to locate and apprehend any person who has demonstrated and/or threatened the use of violence, or has committed a felony.

- B. Such tracks create a substantial risk to the Patrol K-9 Team and, hence, are subject to these additional guidelines and criteria, at the discretion of the Patrol K-9 Handler.

1. Request additional personnel to accompany and assist with the track.
2. Instruct personnel, with the permission of the Shift Supervisor, to maintain certain perimeter posts to ensure security of the tracking area.
3. The Handler shall wear a protective vest on all such tracks.

VIII. BUILDING SEARCHES:

- A. Building searches are always potentially dangerous. If circumstances indicate that unlawful entry has been gained (open door and alarm, sign of forced entry, etc) K-9 unit may be requested even if off duty.

- B. General Guidelines:

1. Officers having performed initial **searches prior to the arrival of the K-9 Unit** shall meet with the K-9 Handler as soon as possible upon the Team's arrival. Officers will explain where and how long they were in the building and provide any other information that is helpful to the handler.
2. No one shall enter the building once the K-9 has been deployed, unless directed to do so by the K-9 Handler.
3. During the building search, the perimeter shall be sealed and controlled by the police officers.
4. If possible, the owner of the building shall be contacted to ascertain if there is any possible legitimate use of the building authorized for the current date and time and to obtain a description of the building's interior and contents.

- C. Patrol Handler Guidelines:

1. Handler shall issue a loud and clear verbal announcement into the building informing any occupant that the Police K-9 will be deployed, giving them an opportunity to exit and/or surrender. An example of this announcement is: **"This is the Colchester Police Department's K-9 Unit. Exit the building now or you will be bit!"**
2. Such warning shall be given whenever the Patrol K-9 Team enters a new floor or portion of the building where it would not have been possible for a person to have heard the initial announcement.

3. The K-9 Handler will make every effort to maintain contact with the scene supervisor during the building search.

IX. USE OF FORCE:

The Colchester Police Department recognizes that use of a specially trained K-9 constitutes a real or implied use of force. As such, officers may only use that degree of force that is reasonably necessary to achieve a lawful objective.

1. The use of the K-9 to affect a suspect's apprehension is not considered deadly force.
2. The K-9 is trained to use only the amount of force needed to affect the apprehension. Since the use of force of any kind is subject to State and Federal Laws, the Handler must be especially aware of the nature and scope of the applicable laws.
3. Under normal circumstances, the Handler will not use the K-9 in a forceful apprehension of a suspect charged or accused of any non-aggravated or non-violent crimes.
4. The Handler will not encourage the K-9 to take any unjustified action toward another person.

X. RESPONSIBILITIES OF K-9 HANDLER:

Police K-9 handlers, in addition to their regular patrol duties, shall be responsible for the following:

1. Assist outside law enforcement agencies when authorized according to Section V B 2.
2. Determine the proper tactical deployment of the K-9 in situations where use of the K-9 is requested.
3. Determine proper use of uniformed officers at the scene as it pertains to the K-9 team objective.
4. Care for the animal and any equipment assigned to the animal or handler.
 - a) The K-9 vehicle may be driven to and from work, but shall remain parked at the Handler's residence when off duty. The K-9 vehicle can be parked at the Police Department when the handler is expected to be unavailable for extended periods of time, i.e., vacations.

- b) The K-9 vehicle will be a modified, adequately equipped police vehicle designed for special duty and clearly marked as such.
- 5. Seek prior authorization when reasonably possible for any veterinary services, supplies, or equipment.
- 6. Promptly report to the Shift Supervisor and the Chief of Police any sickness, injury, or accident involving the K-9.
- 7. Promptly report, in writing, all details concerning any bite inflicted by the K-9.
- 8. Assure the K-9 is not left unattended while on duty, except in an emergency situation, or as otherwise authorized.
- 9. Handlers shall not permit anyone to pet or hug their K-9 without their immediate supervision. This includes on and off duty time. The only exceptions to this are veterinary visits, family members, and other handlers or those who have trained with the dog.

XI. PERSONNEL AUTHORIZED TO OPERATE K-9 VEHICLE:

When the K-9 is not in the vehicle, any town employee authorized to operate a fully marked police unit may operate the K-9 vehicle. If the K-9 is in the vehicle, only the handler or another officer directed by the handler may operate the K-9 vehicle.

XII. PERSONNEL AUTHORIZED TO CONTROL THE K-9:

Under normal circumstances, the K-9 handler is the only person authorized to control the K-9. In an emergency situation, another handler or officer who has trained with the K-9, or a member of the handler's family, may control the K-9.

XIII. INJURY TO THE K-9:

In any instance where the K-9 sustains an injury or becomes ill as a result of line of duty work, the handler shall determine the ability of the animal to continue with the mission. The handler shall be responsible for the health, security, and safety of the animal at all times. The handler shall be familiar with basic care for an injured dog, and will maintain a first aid kit for such emergencies.

XIV. K-9 BITES:

- A. When a K-9 bites any person, other than in training exercises, the incident shall be immediately reported to the Shift Supervisor or on call duty officer.
- B. When a K-9 bite occurs, whether or not in the line of duty:
 - 1. Medical attention shall be provided to the victim. Medical personnel should inspect the affected area irrespective of the perceived seriousness or injury.
 - 2. Photographs of the bite and the surrounding area shall be taken.
 - 3. The handler shall forward a detailed copy of the incident to the Chief of Police.
 - 4. A report shall be made to the lead K-9 instructor at the Vermont Police Academy. A K-9 Use of Force Report should also be completed.
- C. If the bite is on or off duty, the K9 handler's immediate supervisor shall conduct an administrative review to gather further information. An administrative review is a cursory investigation into the actions resulting in the bite to determine if there are potential violations of departmental rules, general rules, or laws. The handler will be notified of the administrative review, and will be interviewed by the investigating officer. Participation and truthfulness during the administrative review are required. The investigating officer will complete a brief narrative of the administrative review. After review, the Chief of Police shall determine whether the incident requires an internal investigation or can be resolved with no further investigation.

XV. PRISONER TRANSPORTS:

The K-9 Team may transport subjects only in the secure back seat transport area of the K-9 vehicle.

XVI. EQUIPMENT TO BE MAINTAINED IN K-9 UNITS:

In addition to all the equipment normally maintained in fully marked police vehicles, the following items shall be kept in K-9 vehicles at all times:

- 1. Tracking lead
- 2. Tracking harness
- 3. Patrol leash

4. Bite sleeve

XVII. MAINTENANCE OF TRAINING/USE RECORDS:

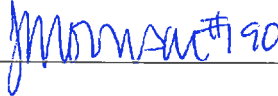
- A. The K-9 handler shall be responsible for maintaining a records management system for the K-9 which shall include the following sections:
 1. Copies of relevant medical documents, if any
 2. Copies of current certifications/training documents
 3. Copies of all incident reports
 4. All training records
- B. Originals of all the above shall be maintained by the handler. Annually, a summary of K-9 activity shall be forwarded to the Chief of Police or his/her designee.
- C. Each time the K-9 is used, the handler shall document the deployment in the K-9 records management system as well as in the incident.
- D. A K-9 Training Report shall be completed at the conclusion of each training session. A copy of this report shall be forwarded to the K-9 handler's supervisor.

XVIII. USE OF DRUGS FOR TRAINING PURPOSES:

- A. The use of controlled drugs and other contraband may be authorized to assist in the drug detection training of K-9's. All requests for controlled drugs and/or contraband shall be made through the Chief of Police.
 1. All drugs shall be weighed upon sign-out to the handler. No more than four ounces of each type of drug may be signed out to the handler at once. All drugs shall be dispensed in a sealed container and shall be returned with the seal intact. If the seal is broken, the handler and any other witnesses to the incident must write a supplemental report explaining the circumstances. A copy of this report shall be forwarded to the Chief of Police.
- B. All controlled substances and other contraband utilized for training shall be stored in a secure location, and it shall be the responsibility of the handler to properly care for the contraband.

- C. The Drug Enforcement Administration (DEA) Registration unit shall license the department as a training facility to handle Controlled Substances in Schedules 1-5.
- D. Training will include detection of marijuana, hashish, cocaine, crack, methamphetamine, heroin, and MDMA (ecstasy). These are commonly abused drugs within the State of Vermont. Training will consist of initial and in-service training, and will be attended continuously. Drug detection teams will attend training as specified by the Vermont Criminal Justice Training Council, with certification on a yearly basis.
- E. All substances will be weighed upon acquisition by the K-9 Unit. Each substance will be double packaged (or alternate appropriate method) to assure zero spillage. All controlled substance packages will be kept in a secure container (safe or similar container), and will meet all requirements of the DEA.
- F. A log (see attached) will be maintained by the K-9 handler. Log entries will be made and verified each time entry to the secured container is made. This log will show the amount of any substance removed (weighed upon removal), who removed it with a witnessing signature, the purpose for the removal, the participating K-9 team/trainer, the time, date and location of the said training. The log will also include the amount of the substance returned (weighed upon return). Any discrepancies will be noted. Discrepancies will be reported by an incident report with a copy of said report and investigation forwarded to the Chief of Police. Upon completion of such training, the controlled substance will be immediately returned to the storage area. Responsibility for auditing the inventory of the controlled substances shall lie with the Colchester Police Department evidence custodian.
- G. Any discrepancies unresolved after 24 hours will be reported to the DEA on DEA form 106 within 72 hours of the discovery of the discrepancy. Any evidence of criminal activity will be reported to the DEA and the Chief of Police.
- H. The combination of the safe will be possessed by the handler, the Bureau of Criminal Investigation evidence custodian, and the supervisor of BCI. All required records will be maintained and readily available for inspection for a minimum of three years. All logs and records will be maintained by the handler with copies forwarded to the BCI evidence custodian on an annual basis.

COLCHESTER POLICE DEPARTMENT

SUBJECT: Harassment Prohibited		
EFFECTIVE DATE: January 31, 2018	NUMBER: G.O. #21	
REFERENCE: none	SPECIAL INSTRUCTIONS: none	
REEVALUATION DATE: as needed	APPROVED:  #90	NO. PAGES: 1

POLICY: It is the policy of the Colchester Police Department (CPD) to maintain a professional work environment free of any type of harassment or discrimination. CPD members shall abide by the Town's policy prohibiting unlawful harassment and discrimination as found in section 10 of the Employee Handbook. This shall include the sections outlining the employee's responsibilities as well as complaint procedures and employer responsibilities.

Employees may be asked to periodically sign an acknowledgement that they have received, read and understand the contents of this general order and the Town policy. The purpose of such acknowledgment is to ensure that all personnel understand their rights and responsibilities relative to harassment and reporting of same.

Any allegations of unlawful harassment or discrimination shall promptly be investigated consistent with General Order #2 (Citizen Complaints & Internal Investigations).

COLCHESTER POLICE DEPARTMENT

SUBJECT: Bicycle Patrol Unit	
EFFECTIVE DATE: February 3, 2015	NUMBER: G.O. #22
REFERENCE:	
REEVALUATION DATE: as needed	APPROVED: <i>monson #190</i> NO. PAGES: 3

POLICY: It is the policy of the Colchester Police Department (CPD) to maintain a Bicycle Patrol Unit (BPU) to enhance and supplement the department's patrol operations and to effectively help meet departmental goals to include community outreach, service and public safety.

CONTENTS:

- I. Scope & Purpose
- II. Personnel Qualifications and Training
- III. Operation
- IV. Maintenance and Equipment

I. SCOPE & PURPOSE

To provide basic guidelines for the operation of the BPU that will operate as a component of the Patrol Division. This policy is intended to provide general guidance for the training and deployment of the BPU.

The BPU's purpose is to increase the department's effectiveness by placing officers closer to the community by increasing visibility and approachability thus promoting effective interaction with the community that we serve. The inherent agility, efficiency and stealth of a bicycle give the department increased and unique access to patrol areas for service, crime prevention, and enforcement activities.

II. PERSONNEL QUALIFICATIONS & TRAINING

Personnel desiring to become a member of the BPU must submit a memo of interest through their direct supervisor. This request will then be passed through the chain of command for consideration.

All active members of the BPU will be in good physical condition and without any illness or injury that would impair the Officer's ability to perform their duties. BPU officers who have been out of service due to a long term illness or injury may return to active duty with medical clearance.

All members of the BPU will have satisfactorily completed Bike Patrol Training, such as LEBA, IPMBA or equivalent as approved by the Operations Lieutenant.

At least once a year BPU Officers shall attend a regularly scheduled firearms range and qualify with their issued BPU duty belt and gloves.

The Operations Lieutenant shall recommend to the Chief of Police a BPU Coordinator. The coordinator shall have at least three years of experience on the BPU and be responsible for coordinating equipment needs and special events scheduling.

III. OPERATION

Only members of the BPU and the Community Service Officers (CSO) may use the Police Bicycles. Patrol Bicycles may only be used for police activities and special events. Any other use of the bicycles or other person(s) utilizing the bicycles would require permission of the Operations Lieutenant.

The BPU Coordinator shall monitor BPU activity and shall report to the Operations LT. Officers utilizing bicycles during patrol will report to the shift supervisor.

A helmet and eye protection shall be worn when utilizing the bicycles.

Prior to operation, each officer shall inspect their equipment to ensure that it's working properly. Any issues will be noted and forwarded the BPU coordinator if it can't be fixed by the officer immediately.

The BPU can operate weather permitting when there are at least three patrol officers on shift with the approval of the shift supervisor. It is understood that there may be occasion when deploying a bicycle may be necessary with only two officers are on duty with shift supervisor approval.

When operating in darkness, BPU members shall utilize a rear flashing light, headlight and reflective clothing unless assignment or circumstances dictate otherwise, and then only for brief intervals.

During patrol operations, BPU members should be cognizant of their role as models of safe bicycle operation. Operation of the department's bicycles should be done in accordance with the training of the officer. BPU Officers shall maintain contact with communications and keep them informed of their general location and activity.

BPU Officers will be responsible for all normal police duties during their patrol functions with obvious limitations of transportation.

BPU Officers should not normally be dispatched or initiate response to incidents in which their reduced emergency equipment capabilities (such as emergency lights and siren) may present service problems or dangers. These include but are not limited to:

- a. Traffic accidents in which vehicles are unmovable or there is a road hazard.
- b. High-risk felony stops.
- c. Situations in which the lack of cover or equipment typically afforded by a motor vehicle would be deleterious. Response to such situations may be permitted where exigent circumstances exist and motorized units are not readily available, or as backup where patrol vehicles are already on the scene.

IV. MAINTENANCE & EQUIPMENT

BPU Officers are responsible for the proper care of the bicycles and other related equipment. Any deficiencies shall be reported to the BPU coordinator. The BPU coordinator shall be responsible for coordinating shop maintenance and repairs of the bicycles and recommend equipment and replacement of parts and equipment as needed.

Each BPU bicycle shall be equipped with the following:

1. "Police" marked either on the frame or bag
2. Rear-mounted red flashing safety light
3. Front mounted white safety headlight (at night)
4. Rear mounted storage bag
5. Minimum one spare tube and tool to change a tube
6. Compact air pump
7. Large mini-tool for minor repairs
8. First Aid Kit to include a pocket mask and rubber gloves

Recommended equipment for BPU officers includes:

1. BPU uniform shirt, shorts and pants
2. Bicycle gloves
3. Properly fitted Bicycle Helmet
4. Protective eye wear
5. Nylon duty belt with holster compatible to one issued for Patrol
6. Reflective Bicycle jacket

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Missing Persons/Search & Rescue	
EFFECTIVE DATE: December 22, 2015		NUMBER: G.O. #23	
REFERENCE		SPECIAL INSTRUCTIONS: none	
REEVALUATION DATE: as needed	APPROVED: <i>J Monism #190</i>	NO. PAGES: 8	

POLICY: The Colchester Police Department will investigate reports of missing persons when it has been reported that the person's last known whereabouts were within Colchester, or of a Colchester resident whose whereabouts were unknown for a significant period of time. Missing person's reports range from juveniles that are late in arriving home to reports of abductions or persons missing under suspicious circumstances. CPD shall gather reports of missing persons and determine if there is a need for immediate police action. CPD shall also make appropriate reports to relevant organizations or databases (NCIC/VCIC/VIC, etc).

CONTENTS:

- I. Preliminary Procedures
- II. Emergency Situations
- III. Juvenile Runaway/Missing Person
- IV. Follow up Investigation
- V. FBI Analysis of Fingerprints of Missing Persons
- VI. Medical and Dental Records
- VII. Media Assistance
- VIII. Re contact with Reporting Person
- IX. Location of Missing Persons
- X. Search & Rescue

I. PRELIMINARY PROCEDURES:

- A. There is no minimum amount of time which must elapse before a missing person complaint can be initiated.
- B. Any situation where the complainant knows the person's location shall not be considered a missing person complaint for the purposes of this procedure. However, reasonable assistance should be given to the complainant.
- C. Upon receipt of a report of a missing person, the officer shall record all the required information which shall serve as the dispatch record of the missing person. Additionally, the following information shall be recorded on the Missing Person Broadcast (using the current NLETS/VLETS broadcast message and format):
 - 1. Date and time of call.

2. Location from which the missing person was reported missing or lost and time he/she was last seen.
 3. Physical description of the missing person and other identifying information as available.
 4. Incident number and officer number assigned to call. Officer shall then notify OIC as to the nature and status of the report.
- D. The dispatcher shall ensure that BOLs, GBCs (General Broadcasts) and VCIC broadcasts shall be made as appropriate to the case. A copy of the entry shall be attached to the "hot sheet" and copied/pasted to the original incident.
- E. Immediate entry into NCIC by a dispatcher will be made for all missing juveniles and for missing adults who fit any of the following criteria:
1. A person of any age who is missing and under physical/mental disability.
 2. A person of any age who is in the company of another person under circumstances indicating that his/her physical safety may be in danger.
 3. If the disappearance may have been involuntary, (i.e. abduction) see Section II Emergency Situations.
 4. Any person who is missing after a catastrophe (Refer to NCIC Operations Manual for criteria for entry in missing person file.).
 5. All missing juveniles (anyone under the age of 21) MUST be entered into NCIC within two (2) hours after the required minimum data for NCIC entry is obtained.
- F. A missing adult, who is declared emancipated by the laws of his/her state of residence, may only be entered into NCIC as missing if the entering agency has signed documentation supporting the stated conditions under which the person is declared missing. The documentation must be from a parent, legal guardian, next of kin, physician, or in unusual circumstances a friend or neighbor. In the absence of such documentation, or when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice.
- G. The dispatcher shall follow the procedures relative to the prioritization of calls and shall dispatch an officer to conduct an investigation relative to the missing person. The investigating officer shall make reasonable attempts to obtain a photo of the missing person.
- H. The Officer-in-Charge (OIC) will immediately review the circumstances of each missing person complaint based on the preliminary investigation and determine if referrals are appropriate (i.e., canine call in, Bureau of Criminal Investigations call in, State Attorney notification, etc.).

II. EMERGENCY SITUATIONS

- A. In cases where the dispatcher or investigating officer identifies the situation as being of an emergency nature, the following additional information shall be recorded at the time of the call for service:
 - 1. The extent of any search already performed by the caller or other parties.
 - 2. Time and place when the missing person was last seen.
 - 3. Other information that may be useful in assisting investigating officers in locating the person (for example, particular habits or personal interests, places frequented, location of out of town relatives or friends, etc.).
 - 4. Relationship of the caller to the person reported missing.
- B. If warranted, such as a child abduction case, the Vermont Amber Child Abduction Alert will be activated. Once responding officers and the OIC have determined that an Amber Alert is appropriate, the paperwork packet must be completed by dispatch. This is in addition to our standard procedures for BOLs and GBCs. Responding officers and the OIC shall also determine if other resources should be used, based on the circumstances, such as Fire Department assistance, Border Patrol air support, A Child Is Missing program, or others.
- C. CPD will contact the Vermont Intelligence Center for assistance with posters and other information dissemination assistance, as appropriate.
- D. See section IX. of this policy for information on Search & Rescue efforts.

III. JUVENILE RUNAWAY/MISSING PERSON

- A. If a missing person is determined to be a juvenile runaway, a parent or reporting agency must accept the responsibility that they will pick up the juvenile or make suitable arrangements for the return of the juvenile when located. The dispatcher shall then initiate BOL, GBCs, etc.
- B. When a missing juvenile is found, the receiving officer will notify the complainant and make arrangements for the parents/guardians to pick up the child.
 - 1. In cases of juveniles who are persistent runaways, their parents or guardians shall be notified by the responding officer to come to the station for the child. If the parents or guardians refuse to take responsibility for the juvenile, the officer shall make other suitable arrangements, with approval of the parents, such as placement with a relative or at a First Call Shelter. If the parents will not consent to an intermediate option, or one is not available, the State's Attorney's Office and the Department of Children & Families ("DCF") shall be contacted for completing the **Children in Need of Supervision (CHINS) process**.

2. If the parents reside out of the area, or the parents/guardians reside in Colchester and the child is located out of the area, and the parents/guardians state they cannot provide transportation for the child to return home, the Greyhound Bus Corporation, under the provisions of its "HOME FREE PROGRAM," will provide transportation at no charge provided the child is willing to return home unescorted and the child is between 12-18 years of age and officially listed as a runaway. **The Greyhound Bus Corporation is located at the Vermont Transit Company at 345 Pine Street, 802-864-6811. The Home Free Program's telephone number is 800-621-4000.**

C. In order to utilize the "HOME FREE PROGRAM," officers shall comply with the following procedures:

1. The officer shall contact the local law enforcement agency of the jurisdiction where the juvenile's parent/guardian resides.
2. The officer will request that the Department of destination;
 - a. Verify the exact location of the parent/guardian.
 - b. Make reasonable determinations:
 - that the alleged parent/guardian is in fact the parent/guardian of the juvenile in custody.
 - as to the financial capability of the parent/guardian to provide transportation for the juvenile.
 - as to the relative stability of the parent/guardian – juvenile relationship.
 - make certain that a missing person report is on file, and that a copy is forwarded to the Department of origin.
 - make arrangements for the Department of destination to accompany the parent/guardian to meet the juvenile/runaway at the bus station or other agreed upon pick up point.
 - have the parent/guardian sign the juvenile custody form and forward the original to the agency holding the juvenile.
3. Obtaining bus tickets:
 - a. The officer shall obtain supervisory approval to proceed with obtaining bus transportation for the juvenile runaway and shall complete the ticket purchase form at the bus station. (One copy of the form shall be retained by the officer and submitted with the incident paperwork).
 - b. The officer shall complete the driver/agent receipt of the juvenile passenger. The bus driver/agent shall sign the form and the officer/custodian shall retain the original of such form and give two copies to the driver/agent.

4. Notification from department of destination:

Upon arrival of the juvenile/runaway at the final destination, the Department of destination should notify the Department of origin of the

time of arrival and condition of the juvenile. When notified that the missing person has been turned over to a guardian, the originating agency shall cancel any NCIC or local GBC. The initiating officer shall be notified of the cancellation of NCIC.

5. Pursuant to agreement among Chittenden County Law Enforcement Executives in November of 2013, within Chittenden County, the mutually agreed protocol when handling found runaway juveniles is as follows:

- a. If any agency locates a missing/runaway juvenile or person, they are responsible for handling the situation, which may include releasing to custodians, parents, court, or following through with a CHINS. It is recommended that the originating agency be contacted when the juvenile is found to ensure the safe release or to obtain more information surrounding the reasons for a CHINS.

- b. The investigating agency may come into a jurisdiction that may not be their own to follow up on leads. The investigating agency should make notice to the agency where they are working.

- c. The original agency making the runaway report is not responsible to retrieve the juvenile from the locating agency unless there were some extenuating circumstances that dictate the involvement of another agency, i.e. locating agency handling a fatal crash or homicide and resources are limited.

IV. FOLLOW-UP INVESTIGATION

- A. It shall generally be the responsibility of the officer taking the initial complaint to conduct subsequent investigations for the first ten (10) days that a subject is reported as missing. If the officer will be away from work for the majority of that time, or if other circumstances dictate, the incident will be transferred to BCI. Also, if the case remains open for longer than ten days, it will be transferred to a BCI investigator.

All updates to an open missing person incident must be made during the shift in which new information is received. It is essential that records and dispatch personnel always have access to the most recent status of these incidents. **The State automatically removes a missing person from NCIC if the proper follow up paper work is not submitted by the Department.**

- B. Regardless of who takes the lead on an investigation, the initial investigating officer must notify BCI of the incident (email is okay) by the end of the shift in which the report was received. If appropriate, notification to the entire agency may be made.
- C. The investigating officer must obtain signed documentation in accordance with Section I. F. of this directive prior to entering an emancipated adult into NCIC.

- D. If the missing person is a young child, a mentally ill person, or if any other circumstances indicate that the case is of an urgent nature, the case shall be assigned for immediate follow-up with an investigator, and the follow up investigator shall re-interview the person who initiated the original missing person report. If there is an indication of suspicious circumstances or potential harm involving a reported missing person under age 16, the investigator will make contact with and coordinate investigative efforts with outside resources (i.e. DCF, State's Attorney's Office, etc.).
1. A photograph of the missing person should be obtained, if available, for dissemination.
 2. The investigating officer shall inquire if, for any purpose, inked fingerprint impressions are available.
 3. The officer assigned shall conduct an immediate investigation in an attempt to locate the individual. Resources may include canine search teams and media assistance.

V. FBI ANALYSIS OF FINGERPRINTS OF MISSING PERSONS

- A. Based upon the availability of inked or electronically scanned fingerprint impressions of the missing individual (FBI fingerprint card Form #1-391), the officer may request to submit the inked impressions to the Federal Bureau of Investigations under the provisions of the Missing Children's Act of 1982. The FBI will accept fingerprint cards relating to missing persons provided that one of the following criteria can be met.
1. A person of any age who is missing and under a proven physical/mental disability or is senile, thereby subjecting himself/herself or others to danger.
 2. A person of any age who is missing and in the company of another person under circumstances indicating that his/her physical safety is in danger.
 3. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary (i.e. abduction or kidnapping).
 4. A person who is missing and declared unemancipated as defined by the laws of his/her state of residence (i.e. a person who is under 18 years of age in the State of Vermont) and does not meet any of the entry criteria set forth in 1, 2, or 3 of the above.
- B. The Support Services Lieutenant shall ensure that the appropriate entry has been made into the NCIC Missing Persons File by records or dispatch personnel **PRIOR** to the submission of the fingerprint card to the FBI, Identification Division. The fingerprint card shall be clearly marked with the following information:
1. Agency name and originating agency identifier, i.e. Colchester, Vermont Police Department, VT0040500.

2. Words "Missing Person" followed by the applicable NCIC entry criteria number as set forth previously.
 3. NCIC record number received by this Department in response to its entry into the NCIC Missing Person file.
- C. Once properly filled out, the card shall be forwarded to the below address accompanied by a cover letter which sets forth a summary of the incident and a current description of the missing person/child;

Assistant Director, Federal Bureau of Investigations
U. S. Department of Justice
Washington, DC 20535
ATTN: Identification Division

VI. MEDICAL AND DENTAL RECORDS

After 10 days have elapsed from the time any person was last seen (or was reported missing to the Department), and the person has not been located, the Support Services Lieutenant will assure that written consent is requested from the next of kin, in the case of an adult or from the legal parent or guardian in the case of a missing juvenile, for the release of the missing person's known medical and dental records to the Colchester Police Department.

VII. MEDIA ASSISTANCE

Notification of the general public through any of the news media can be valuable in locating a missing person. A decision to use such venues shall be made with authorization by the Chief of Police or his/her designee, and after consultation with the family of the missing person.

VIII. RE-CONTACT WITH REPORTING PERSON

Officers assigned to missing person investigations shall ensure frequent contact with reporting persons. In cases where missing persons are located, the investigating officer shall notify the reporting person as soon as possible. All missing persons cases shall remain open indefinitely, unless approved by the Chief of Police. The investigator, for the purposes of NCIC auditing and investigation, shall have regular contact with the complainant and/or reporting party to determine if there is any new information about the case or any new leads.

IX. LOCATION OF MISSING PERSONS

- A. Officers locating a missing person should interview that person and ascertain the circumstances as to why they were missing, along with any other pertinent information regarding the missing person's location during this period.

It shall be the responsibility of the OIC to ensure that the officer locating a missing person files a report detailing the aforementioned information along with the circumstances surrounding the finding of the person. Particular difficulties encountered, for example, reluctance or refusal to return home, should be noted.

- B. An officer who locates a missing person shall notify the dispatcher who shall **immediately remove** the copy of the missing person's card from the file in Communications (if we are the originating agency) or notify the originating agency.

A dispatcher receiving a cancellation call on a missing person shall dispatch an officer, if possible, to meet with the missing person to verify the information. When a missing person or juvenile is located, the dispatcher shall make notations in the report field of the original case to document the circumstances. When a person reported by another agency is located in Colchester, an incident will be initiated to document CPD's involvement.

Communications personnel shall ensure that any/all BOL/NCIC/GBC/"HOT SHEET" entries are noted in the original incident and verified by another dispatcher or Records employee.

- C. It is the responsibility of the Support Services Lieutenant to ensure integrity of all records associated with the Colchester Police Department. To assure compliance with VCIC/ NCIC reporting requirements, and the coordination of the agencies reporting process the records division shall:
1. On a monthly basis, complete an audit of all missing persons to assure our records match existing VCIC/NCIC records.
 2. To assure compliance with the above, records personnel must make contact with the investigating officer or the complainant.
 3. If it is ascertained that the subject is still reported as missing, records personnel will assure that the investigating officer is supplied with the **NCIC Missing Person File, Data Collection Entry Guide** for completion and submission to NCIC.
 4. When notified that a missing person status is no longer valid (i.e., subject located), dispatch personnel will clear the missing person from NCIC via PS Portals. Additionally, they will assure that all GBCs are cancelled, and officers involved in the process are notified of case status.

X. SEARCH & RESCUE

- A. CPD shall comply with all applicable State laws relative to reporting missing persons and subsequent search and rescue operations. 20 VSA 1820-1828 and 1841-1845 provide clear direction for notification to the Department of Public Safety in missing person cases. [See Appendix A]
- B. Whenever a report of a missing person is received that will require a search of the back country, waterways, remote areas, or under conditions of inclement weather or large land mass, CPD will call in one of its Search Coordinators and notify the Department of Public Safety. The Search Coordinator will work with the OIC to determine the need for additional resources such as Technical Rescue, K-9s or State resources. Whether requested by CPD or self-dispatched, CPD will cooperate fully with State resources during any search for a missing person.

VERMONT GENERAL ASSEMBLY

The Vermont Statutes Online**Title 20: Internal Security And Public Safety****Chapter 112: Missing Persons And Search And Rescue*****Subchapter 1: Missing Persons*****§ 1820. Definitions**

As used in this chapter:

(1) "Missing person" means an individual:

(A) whose whereabouts is unknown; and

(B)(i) with either a physical disability, a mental disability, or a developmental disability; or

(ii) who is an unemancipated minor.

(2) "Unemancipated minor" means an individual under the age of majority who has not married and who resides with a parent or legal guardian. (Added 1985, No. 254 (Adj. Sess.), § 1, eff. June 4, 1986; amended 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1821. Missing person complaint

(a) A person filing a missing person complaint with a law enforcement agency shall provide at a minimum the following information:

(1) the name, age, address, and identifying characteristics of the missing person;

(2) the length of time the person has been missing;

(3) the name of the complainant and the relationship of the complainant to the missing person; and

(4) any other relevant information provided by the complainant or requested by the law enforcement agency.

(b) All law enforcement personnel on active duty shall be notified forthwith that the person is missing. (Added 1985, No. 254 (Adj. Sess.), § 1, eff. June 4, 1986.)

§ 1822. Missing person report

Upon receiving a complaint, the law enforcement agency shall forthwith prepare a missing person report. The report shall include all information contained in the missing person complaint and any information or evidence gathered by a preliminary investigation, if one was made. (Added 1985, No. 254 (Adj. Sess.), § 1, eff. June 4, 1986.)

§ 1823. Dissemination of missing person report

(a) Upon completion of the report, a copy shall forthwith be forwarded to the Commissioner of Public Safety, all law enforcement agencies within the jurisdiction where the missing person lives or was last seen, and other law enforcement agencies that can reasonably be expected to be involved in any investigation.

(b) A copy of the report shall also be forwarded to:

(1) all law enforcement agencies to which the complainant reasonably requests the report be sent;

(2) any law enforcement agency requesting a copy of the missing person report; and

(3) all media in the region in which the missing person lives, or was last seen, unless such disclosure would impede an ongoing investigation or unless otherwise requested by the complainant. (Added 1985, No. 254 (Adj. Sess.), § 1, eff. June 4, 1986; amended 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1824. Searches for missing persons

(a) A law enforcement agency shall commence a search for a missing person as soon as a report is received.

(b) Any rule specifying an automatic time limitation before commencing a missing person investigation shall be invalid.

(c) Notwithstanding any provision of law to the contrary, the search for a missing person whose whereabouts is unknown within the backcountry, remote areas, or waters of the State shall be conducted as provided in subchapter 2 of this chapter. (Added 1985, No. 254 (Adj. Sess.), § 1, eff. June 4, 1986; amended 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1825. Missing person complaints regarding unemancipated minors

If a missing person complaint involves an unemancipated minor, including a runaway child as defined in 13 V.S.A. § 1311, the law enforcement agency shall transmit the report, as soon as it is complete, to the Department of Public Safety for inclusion in the National Crime Information Center database. (Added 1985, No. 254 (Adj. Sess.), § 1, eff. June 4, 1986; amended 2001, No. 41, § 3; 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1826. False information on missing person

A person who knowingly makes a false report of a missing person or knowingly makes a false statement in the report shall be fined not more than \$1,000.00. (Added 1985, No. 254 (Adj. Sess.), § 1, eff. June 4, 1986.)

§ 1827. Commissioner of Public Safety; cooperation

The Commissioner of Public Safety shall cooperate with and support all law enforcement agencies in this State in matters relating to missing persons. When necessary to protect a missing person from harm, the Commissioner shall coordinate local and State efforts to search for and rescue the missing person. (Added 1985, No. 254 (Adj. Sess.), § 1, eff. June 4, 1986; amended 2003, No. 66, § 95b; 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1828. Vermont Amber Alert Program

The Department of Public Safety shall establish the Vermont Amber Alert Program to aid in the identification and location of abducted children. The Department shall administer the program pursuant to the following:

- (1) A law enforcement agency which verifies the abduction of a child shall notify the Department of Public Safety.
- (2) The Department shall establish a procedure for verifying the need to issue an Amber Alert.
- (3) The Department of Public Safety shall issue an alert over the Vermont Emergency Alert System if:
 - (A) a law enforcement agency notifies the Department of the abduction of

a child;

(B) there is sufficient information about the child or the person suspected of abducting the child that an immediate broadcast might help locate the child; and

(C) the child is in danger of imminent death or serious bodily harm.

(4) An Alert issued under this section shall be sent to the Federal Communications Commission's designated state Emergency Alert System broadcaster in Vermont. Participating radio and television stations shall broadcast the Alert at intervals established by the Department. The Alert shall include all information which the Department determines may assist in the safe recovery of the abducted child and instructions explaining how a person with information related to the abduction may contact a law enforcement agency.

(5) A law enforcement agency which locates a child who is the subject of an Alert issued under this section shall immediately notify the law enforcement agency which requested the Amber Alert.

(6) An Alert issued under this section shall be canceled:

(A) if the Department notifies the Federal Communications Commission's designated state Emergency Alert System broadcaster in Vermont that the child has been located; or

(B) at the expiration of a notification period specified by the Department.

(7) A radio or television station that accurately broadcasts information pursuant to this section shall not be liable for civil damages as a result of the broadcast of such information. (Added 2003, No. 33, § 1, eff. May 22, 2003; amended 2013, No. 26, § 1, eff. May 13, 2013.)

Subchapter 2: Search And Rescue

§ 1841. Definitions

As used in this chapter:

(1) "Public safety agency" means any municipal, county, or State agency or organization within the State that specializes in protecting the safety of the public and includes municipal police and fire departments, volunteer fire departments, county sheriffs, and constables who exercise law enforcement authority.

(2) "Search and rescue" means the deployment, coordination, and utilization of available resources and personnel in locating, relieving the distress, and preserving the lives of and removing persons who are missing or lost in the backcountry, remote areas, or waters of the State. (Added 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1842. Commissioner of Public Safety; jurisdiction over search and rescue operations; coordination

(a) The Commissioner of Public Safety shall have jurisdiction over all search and rescue operations.

(b)(1) The Commissioner shall cooperate with and support all public safety agencies and any nonpublic entities that specialize in protecting the safety of the public in this State in matters relating to search and rescue operations. When necessary to protect a person missing in the backcountry, remote areas, or waters of the State from harm, the Commissioner shall coordinate local, county, State, and any nonpublic efforts to search for and rescue that person.

(2) The Commissioner shall specifically coordinate with game wardens in the Department of Fish and Wildlife as needed to search for and rescue a person missing or lost in the backcountry, remote areas, or waters of the State. (Added 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1843. Incident command system; training

(a) The Commissioner shall ensure that all search and rescue operations are conducted using the incident command system in order to provide the seamless integration of all responding search and rescue agencies and organizations. Incident command is a standardized, on-scene approach to incident management that allows all responders to adopt a collaborative, integrated organizational structure while respecting agency and jurisdictional authorities.

(b) All Search and Rescue Team members within the Department of Public Safety shall maintain equipment standards and high-level search and rescue training and training on the incident command system as established by the Search and Rescue Council set forth in section 1847 of this subchapter. The Search and Rescue Team shall regularly conduct search and rescue training with collaborating agencies and organizations with the goal of continually refining search and rescue operations. (Added 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1844. Search and Rescue Coordinator

(a) The Search and Rescue Coordinator shall be responsible for the general support of search and rescue operations conducted in the State. The Search and Rescue Coordinator shall be a permanent classified position within the Department of Public Safety and shall not be a law enforcement officer.

(b) The duties of the Coordinator shall include:

(1) assessing and populating with resources the database set forth in section 1846 of this subchapter as provided in that section;

(2) maintaining records of all search and rescue operations reported to the Department, including the date of the operation, the resources that assisted in the operation, and the result of the operation;

(3) maintaining records of all training completed by the Search and Rescue Team; and

(4) communicating with public safety agencies and any nonpublic entities that specialize in protecting the safety of the public regarding search and rescue training and equipment standards. (Added 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1845. Search and rescue report; response

(a) Report of a person missing; response.

(1) A law enforcement agency taking a report of any person missing in the backcountry, remote areas, or waters of the State shall immediately:

(A) respond and take immediate action to locate the person reported missing; and

(B) notify the Department of Public Safety to advise of the situation.

(2) Any other public safety agency or a nonpublic entity that specializes in protecting the safety of the public and is included in the search and rescue database set forth in section 1846 of this subchapter which takes a report of any person missing in the backcountry, remote areas, or waters of the State:

(A) shall immediately notify the Department of Public Safety to advise of the situation; and

(B) may respond and take immediate action to locate the person reported missing.

(b) Department of Public Safety response.

(1) When provided with a report of a person missing in the backcountry, remote areas, or waters of the State, the Department shall ensure that notification is made to its Search and Rescue Team and the Team, in consultation with the entity providing the report, shall determine the appropriate level of response needed based on best practices in search and rescue operations. The Department shall also ensure that notification is made to any municipal police and fire departments of the town in which the person is missing, any volunteer fire departments of that town, and any emergency medical service providers of that town which are in the search and rescue database.

(2) The Department shall ensure that an immediate response to any report of a person missing in the backcountry, remote areas, or waters of the State is made, including immediate action to locate the person reported missing. (Added 2013, No. 26, § 1, eff. May 13, 2013.)

§ 1846. Search and rescue database

The Department of Public Safety shall populate and use a search and rescue database as set forth in this section.

(1) The Search and Rescue Coordinator, on a geographic basis, shall identify all agencies and organizations having specific search and rescue response capability. The points of contact for each agency and organization having specific search and rescue capability shall be compiled and entered into the search and rescue database. The database shall be updated on a regular basis by the Search and Rescue Coordinator.

(2) When the Search and Rescue Team determines that additional resources are necessary to respond to a search and rescue operation, the Team shall use this database in order to deploy properly those additional resources. (Added 2013, No. 26, § 1, eff. May 28, 2013.)

[Section 1847 effective until June 30, 2017; see also section 1847 effective June 30, 2017 set out below.]

§ 1847. Search and Rescue Council

(a) Creation of Council. There is created a Search and Rescue Council which shall be responsible for analyzing the performance of search and rescue operations conducted in the State.

(b)(1) Membership. The Council shall be composed of eight members who shall serve two-year terms commencing on July 1 of each odd-numbered year. Members of the Council shall be as follows:

(A) the Search and Rescue Coordinator;

(B) the Vermont State Police Search and Rescue Team Leader;

(C) one member of the Department of Fish and Wildlife, appointed by the Commissioner of the Department;

(D) one member of the public with experience in search and rescue operations, appointed by the Governor;

(E) one member of the National Ski Patrol or the Green Mountain Club with extensive experience in search and rescue operations, appointed by the Governor;

(F) one member of a professional or volunteer search and rescue organization, appointed by the Governor; and

(G) one volunteer firefighter and one career firefighter, each of whom has obtained National Association of Search and Rescue "SARTECH 3" or equivalent training and either Incident Command System (ICS) 200 or National Incident Management System (NIMS) 300 training, appointed by the Governor.

(2) The appointed members shall be appointed to reflect the different geographic regions of the State.

(c) Powers and duties. The Council shall:

(1) meet quarterly and upon the call of the Chair;

(2) establish the search and rescue training and equipment standards that shall be required of members of the Search and Rescue Team;

(3) review completed search and rescue operations and make recommendations to search and rescue resources on how those operations may be improved; and

(4) at its discretion and subject to the provisions of 32 V.S.A. § 5, apply for and accept contributions, capital grants, gifts, services, and funds from any source.

(d) Structure; decision-making. The Council shall elect a Chair from its membership. The provisions of 1 V.S.A. § 172 (joint authority of three or more) shall apply to the meetings and decision-making of the Council.

(e) Report. The Council shall report annually by November 15 to the House and Senate Committees on Government Operations its findings and any recommendations for legislative action.

(f) Reimbursement. Members of the Council who are not employees of the State of Vermont shall be entitled to compensation as provided in 32 V.S.A. § 1010. (Added 2013, No. 26, § 1, eff. May 13, 2013.)

[Section 1847 effective June 30, 2017; see also section 1847 effective until June 30, 2017 set out above.]

[Section 1847 effective June 30, 2017; see also section 1847 effective until June 30, 2017 set out above.]

§ 1847. Repealed. 2013, No. 26, § 4a, eff. June 30, 2017.

§ 1848. False report or statement

A person who knowingly makes a false report of a person missing in the backcountry, remote areas, or waters of the State or knowingly makes a false statement in the report shall be fined not more than \$1,000.00.
(Added 2013, No. 26, § 1, eff. May 13, 2013.)

HOT FILES – MISSING PERSONS

Date of Report: _____ Date Missing: _____

Case #: _____ Officer: _____ NIC#: **M** _____

NAME: _____ DOB: _____

Missing From: _____ Date/Time Last Contact: _____

Sex/Race: _____ Aliases and/or Nicknames: _____

POB: _____ SMT: _____

Hair: _____ Eyes: _____ Hgt: _____ Wgt: _____ SSN: _____

PID#: _____ Plate #: _____ State: _____ Year: _____ Type: _____

VIN: _____ Make: _____ Model: _____

Misc. Info: _____

Contact: _____ Relationship: _____

Address: _____ Tel: _____

Record Entered By: _____

Record Checked By: _____

VALIDATIONS

NAME	Date	Retain: Y/N	Reason	Officer

CRITERIA FOR ENTRY:

1. A missing person record may be entered using one of the following categories:
 - a. **Disability** (MKE/EMD): A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting him/herself or others to personal and immediate danger.
 - b. **Endangered** (MKE/EME): A person of any age who is missing under circumstances indicating that his/her physical safety may be in danger.
 - c. **Involuntary** (MKE/EMI): A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnapping.
 - d. **Juvenile** (MKE/EMJ): A person under the age of 18 who is missing and does not meet any of the entry criteria set forth in 1, 2, 3, or 5.
 - e. **Catastrophe Victim** (MKE/EMV): A person of any age who is missing after a catastrophe.
 - f. **Other** (MKE/EMO): A person over the age of 18 not meeting the criteria for entry in any other category who is missing and for whom there is reasonable concern for his/her safety

ENTRY OF A MISSING EMANCIPATED PERSON(ADULT) RECORD:

A record for a missing person who is over the age of 18 may be entered in the Missing Person File provided the entering agency has signed documentation in its possession supporting the stated conditions under which the person is declared missing. This written documentation will aid in the protection of the individual's right to privacy.

In the absence of documentation from a parent, legal guardian, next of kin, physician, or other authoritative source, including friend or neighbor in unusual circumstances, or when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice.

ENTRY OF A MISSING UNEMANCIPATED PERSON (CHILD) RECORD:

A record for a missing person who is under the age of 18 should be immediately entered into NCIC 2000 using one of the appropriate categories (Disability, Endangered, Involuntary, Juvenile, or Catastrophe Victim). A missing person report filed with an agency is sufficient documentation for entering a juvenile in the NCIC 200 Missing Person File.

ENTRY OF CATASTROPHE VICTIM RECORD:

Catastrophe victim (MKE/EMV) records may be entered by any agency involved in identifying victims of a disaster, e.g., an airplane crash. No written documentation is required for entry into this category.

RECORD RETENTION PERIOD:

A missing person is retained indefinitely until action is taken by the originating agency to cancel or clear the record or until a locate is placed against the record.

An exception to record retention will occur in the event a serious error is detected in the record on file. Additional information concerning the serious error program can be found in the Introduction chapter of this manual.

COLCHESTER POLICE DEPARTMENT

SUBJECT: Marine Unit	
EFFECTIVE DATE: January 17, 2017	NUMBER: G.O. #24
REFERENCE: none	SPECIAL INSTRUCTIONS: none
REEVALUATION DATE: as needed	APPROVED: <i>J. Morin #190</i> NO. PAGES: 7

POLICY: It is the policy of the Colchester Police Department (CPD) to maintain a Marine Unit to provide timely response and assistance to all marine incidents and to provide enforcement services to ensure safety for persons, property and the environment.

CONTENTS:

- I. Scope & Purpose
- II. Definitions
- III. Approved Uses of Marine Unit & Call Outs
- IV. Marine Unit Procedures
- V. Responsibility
- VI. Personnel authorized to operate Marine assets
- VII. Transportation of Prisoners

I. Scope & Purpose:

To provide basic guidelines for the safe and efficient operation of the Police Department Marine Unit that will operate as a component of the Patrol Unit to assist in relevant aspects of police work. These guidelines are intended to give general guidance for conducting operations safely and effectively both during patrol and emergency incidents requiring a marine response. It is recognized that the marine environment is unique and may require different approaches or strategies than normal patrol operations in order to ensure a successful outcome.

The Marine Unit's purpose is to reduce crime by enforcement of state laws and municipal ordinances through on water enforcement and boating safety efforts. The unit shall work closely with other local, state and federal agencies through selective enforcement and the sharing of criminal information. Members shall seek to enhance the image of the police department with public relations and interaction with the boating community. The unit will contribute to stronger public safety by maintaining an operational program with Colchester Technical Rescue Dive Team and provide educational programs in Recreational Boating Safety.

II. Definitions:

- A. Marine Patrol is defined as any patrol that requires the use of a waterborne vessel and/or related equipment to safely patrol and respond to incidents requiring law enforcement or search and rescue. This includes all waters of Lake Champlain and the Winooski and Lamoille Rivers and Colchester Pond.
- B. Marine Patrol is divided into two general categories; General Law Enforcement activities and Search and Rescue.
 - 1. *Law Enforcement* are those that involve education, patrol, enforcement, response and investigation to theft, noise, lost, found and stolen vessels, careless and negligent operation as well as boating while intoxicated and other miscellaneous responses.
 - 2. *Search and Rescue* are those that involve response, generally emergent, to search for those reported missing, lost or overdue as well as persons reported as injured, sick or in need of rescue from a water or non-land based environment.
- C. Marine Patrol Personal Protective Equipment will include:
 - Personal Flotation Device
 - Anti-exposure suits
 - Pyrotechnics and Safety Vest
- D. Marine Unit approved uniform shall include a polo shirt with department insignia approved by the Chief of Police, navy BDU style shorts or long pants, clean sneakers, hiking boots or other sturdy footwear, a baseball style cap and a nylon duty belt. Outerwear approved by the Chief of Police may be worn as needed.
- E. Marine Unit season shall generally be from May through the end of September. One officer will typically be assigned full-time for the season. It is understood that there may be occasions when additional officers may be assigned to the Marine Unit such as special events, crimes, emergencies or other special circumstances. A supervisor's approval shall be sought in these instances and in their absence, the Marine Unit officer may approve such assignment.
- F. Harbormaster – a historical term used to describe the full time Marine Unit officer, as designated by the Chief of Police. Shall be responsible for the overall performance of the Marine Unit, proper paperwork documentation, care of marine assets and other duties as assigned.
- G. Assistant Harbormaster – an officer designated by the Chief of Police to assist the Harbormaster with his/her duties. The Assistant Harbormaster shall be responsible for maintaining a minimum of eight hours a month of “on water” patrol hours.

III. Approved Uses of Marine Unit & Call Outs

- A. The Marine Unit shall patrol at peak boating hours and shall include patrols of inner and outer Mallets Bay and both rivers. Patrols should also include special attention to areas with increased boater usage such as the public boat accesses, Rossetti, Bayside, Niquette Bay State Park Beaches and Causeway Park. General patrol functions shall also include:
 - 1. Patrol all navigable waters in the Town of Colchester including the broad lake, Malletts Bay, Malletts Creek, Winooski River and the Lamoille River to enforce state laws and municipal ordinances and to provide for protection of persons, property and the environment.
 - 2. Provide emergency services for law enforcement, evidence recovery, body recovery and search and rescue in areas otherwise inaccessible.
 - 3. Enhance the public awareness and the department's image through high visibility and interaction with the boating community.
 - 4. Provide education and safety initiatives to the public and boating community.
- B. A variety of requests for services are received through Colchester Police Dispatch and the United States Coast Guard. Many requests may be emergent in nature and require an immediate response by the Marine Unit. Other request may be less serious in nature and require a calculated normal response by the Marine Unit or other appropriate resources. Other appropriate resources are defined as private marina contractors, private tow companies or commercial salvage.
- C. Emergency situations that may require an immediate response from Colchester Police Marine Unit include but are not limited to:
 - 1. Vessel crash with injuries
 - 2. Mayday distress calls
 - 3. Pan Pan distress calls
 - 4. Drowning
 - 5. Persons missing in the water
 - 6. Vessel fire
 - 7. Vessel disabled in storm conditions
 - 8. Vessel sinking or taking on water
 - 9. Vessel aground taking on water
 - 10. Overturned or capsized vessel
 - 11. Careless and negligent operation (extreme)
 - 12. Occupied vessel disabled adrift in high winds >25 knots
 - 13. Medical emergency on a vessel
 - 14. Law enforcement agencies requesting immediate backup
 - 15. Any other life threatening condition
- D. Non-Emergency situations, that may require a response from the Marine Unit or other appropriate resources, include but are not limited to:
 - 1. Disabled vessel in good weather (no lake wind advisory)
 - 2. Vessel out of gas in good weather

3. Vessel with dead battery
4. Vessel aground
5. Distance requirement violations
6. Noise complaints
7. Loose or found vessels
8. Theft complaints
9. Mooring violations
10. Wake violations
11. Water ski complaints
12. Vessels moored in swim areas

IV. Marine unit procedures:

- A. The marine environment offers complex and sometimes risky work conditions. These conditions can be monitored but cannot always be controlled. Weather and sea conditions and the urgency to minimize loss of life are some of the few factors that dictate safe procedures by the Marine Unit officer. The officer shall take all necessary actions necessary to minimize exposure to their vessel and maintain as safe a working environment as possible while rendering aid and preserving life.
- B. All vessels assigned to the Colchester Police Department should be operated in a safe and efficient manner. No vessel shall be driven recklessly or without regard for the general boating public. Waterborne operations require the Marine Unit operator to always maintain a sharp lookout and be cognizant of the surroundings including, vessel traffic, swimmers, kayaks, canoes, paddleboards, diver down flags and any other object that may be floating or stationary. Waterways are a dynamic environment and continually changing with depth, water flow, debris, storm related items as well as water aircraft and items introduced from shoreline.
- C. Marine Unit officers shall sign on-duty with dispatch when reporting for daily assignment. Officers shall also initiate contact with the United States Coast Guard Station Burlington by phone or VHF Marine radio channel 23 and advise them of the patrol area, marine unit number and number of persons on-board the assigned marine unit.
- D. Prior to operating a department Marine Unit, the operator shall:
 1. Check the overall condition of the vessel at its berth
 2. Disconnect the shoreline power cord
 3. Check the oil and gas reserves (fill if necessary)
 4. Check for oil or water in the bilges
 5. Check fire extinguisher, first aid and defibrillator equipment
 6. Run the bilge pump
 7. Wash vessel as needed
 8. Start the outboard engines
 9. Activate navigation electronics
 10. Activate VHF and UHF receivers
 11. Activate 800 trunked radio for Clinton County

12. Secure or stow loose items
13. Untie and secure dock lines

E. When securing a department Marine Unit and at end of shift, the operator shall:

1. Fill fuel tank and oil reserves
2. Securely tie the vessel to multiple cleats
3. Turn off outboard motors
4. Turn off all two way radios
5. Connect shoreline power
6. Turn off navigation equipment
7. Secure pfd's, binoculars etc.
8. Lock all compartments
9. Secure department laptop
10. Wash vessel as needed
11. Sign off duty with USCG

F. When operating a department vessel all Marine Unit officers shall wear a personal flotation device (PFD) while underway. Underway shall be defined as when not securely tied to a dock, mooring ball or other structure. Some special events or assignments may allow the officer to deviate from a standard personal flotation device or may not allow the wearing of the device at all. These instances are very rare and the safety of the officer shall be paramount over need for comfort or ease of movement.

G. While state law allows for law enforcement and public safety vessels to disregard the "no wake" 200 foot distance requirements, all Marine Unit vessels shall be operated at or below no wake speed during normal patrol functions. Knowing that the patrol area includes the Winooski and Lamoille Rivers, no wake speed shall be utilized unless circumstances dictate an emergency operation or during enforcement activities. River operation is inherently dangerous with hidden objects and rapidly changing geography and operating speeds should be reasonable, prudent and safe.

H. When operating a department vessel during inclement weather, reduced visibility or at times when conditions exist that limits the operating capability of the vessel and operator, all available navigational means shall be utilized. This includes but is not limited to compass, radar, infrared camera systems, gps or any other available means. It is the boat operator's responsibility to keep a sharp lookout at all times, reduce speed and post a lookout forward.

I. Boarding of Vessels - Vermont law gives authority to law enforcement officers to stop, board and inspect boats for documents, licenses, permits of the operator and to conduct safety inspection for required equipment.

- a. When boarding or approaching vessels for inspection or other reasons, officers shall take care and caution to avoid a casualty to their vessel or the vessel in question. On-water safety inspections or boarding shall be avoided during rough seas or if conditions are not favorable to allow safe mooring. During safety inspections all attempts shall be made to keep the inspection of permits, documents and required equipment to short

duration unless the inspections or examination leads to criminal or civil violations. A standard Colchester Police Marine Inspection form shall be completed when boarding vessels and a copy delivered to the inspected vessel as well as a current year inspection decal.

- b. All approaches to vessels for boarding or mooring shall be on the downwind side of the vessel in which the boarding officer intends to board. When this is not applicable, the marine officer shall make all attempts to board or moor in a safe and cautious manner.
- c. The Marine Unit officer should conduct marina inspections of vessels at the docks of local marinas when weather or time allows. This procedure provides a positive way to contact the public without having to take enforcement action. Contacts at marinas promote a cordial relationship with the boating public and increases boating education. Officers may also visit the local access ramps and conduct inspections without hindering the ability of the public to utilize the ramp and surrounding area when activity is high.

V. Responsibility:

Marine Unit boat operators shall be responsible for the safe operation of all vessels assigned to the unit as well as the following:

- 1. All persons on-board any department vessel
- 2. All town owned equipment assigned to the Marine Unit
- 3. Maintenance of all vessels/vehicles assigned to the Marine Unit
- 4. Promptly report in writing any damage, injury or defects of any vessel or vehicle assigned to the Marine Unit.
- 5. Assure that no Marine Unit is parked, berth or left unattended without securing the vessel and all equipment for safe keeping.
- 6. Assuring that unit vessels are operated in a manner consistent with proper boating etiquette unless emergency conditions make this impossible.

VI. Personnel Authorized to Operate Marine Unit Assets:

Only persons authorized by the Chief of Police or her/his designee shall be permitted to operate any marine unit assets. This shall include watercraft, trailers or other specialized equipment. All vessel operators shall have a valid VT Boater Safety Certificate (or equivalent safety training) and have demonstrated proficiency prior to operating in a solo capacity. No alterations shall be made to marine unit assets without the approval of the Chief of Police or designee.

VII. Transportation of Prisoners:

At all times the safety of persons aboard any Marine Unit vessel shall be of utmost importance. Realizing that the marine environment is a dynamic operation and normal police tactical considerations may not apply, the Marine Unit officer can deviate from standard control and restraint procedures. The risk of drowning,

injury or falls overboard is great when dealing with suspects and victims. The simple nature of small vessels, limited work platform space, sea conditions and single officer patrol vessels, limits the Marine Unit officers available decisions. Whenever possible, two officers shall be onboard when transporting a prisoner or suspect. If practical, a PFD shall be placed on a detained, arrested or secured prisoner prior to handcuffing the prisoner. If the Marine Unit officer perceives a threat, the suspect or prisoner shall be restrained prior to movement between vessels. Nothing in this section shall prohibit the Marine Unit officer from taking reasonable efforts to safe guard themselves, the vessel and its crew.

##

COLCHESTER POLICE DEPARTMENT

SUBJECT: Computer Policy	
EFFECTIVE DATE: March 1, 2016	NUMBER: GENERAL ORDER # 25
REFERENCE:	SPECIAL INSTRUCTIONS: Includes Appendices A - J
REEVALUATION DATE: ANNUAL	APPROVED: <i>[Signature]</i> #190
NO. PAGES: 4	

POLICY: The Colchester Police Department recognizes the fact that computerization is providing a significant and essential impact on law enforcement. It also recognizes that sound policy and guidelines need to be established and adhered to in order to ensure the highest levels of security for the information under its jurisdiction. It is the policy of this department that all steps, consistent with the following procedures, will be taken to ensure system security and data integrity.

The Colchester Police Department embraces and adheres to the concepts and policies outlined in the Vermont Criminal Justice Information Systems Security Policy and Guidelines, as well as the FBI CJIS Security Policy.

CONTENTS:

- I. Overview**
- II. Definitions**
- III. Procedures**

- I. OVERVIEW:** The Colchester Police Department strives to be a forerunner in the era of high technology and the accepted practice of computerized names, records, and other sensitive data. The age of multi-agency electronic information sharing, external database accessibility and mobile computing makes the formulation of sound internal policy governing the uses and access of such information a necessity.

Proper policy is critical to ensure accurately maintained and properly disseminated information and to ensure the integrity of the information and the department remains intact. An efficiently administered computer system can provide increased efficiency, with significant time savings, product quality enhancement, and more rapid access to critical information.

II. DEFINITIONS:

Colchester Police Department Computer System: Includes all hardware and software, both networked and non-networks, possessed and/or owned by the police department for its use in day to day activities. This

includes all redundant back-up systems located both on and off site of the department.

Network: refers to a computer system that is interconnected via hardware and software.

System Administrator: The individual designated to establish, operate, and maintain the computer system

Users: All members who have been granted some degree of access to the network and possess a valid login name and password.

VIBRS System: Refers to the Vermont Incident Based Reporting System as established and maintained by the Vermont Criminal Justice Services.

CAD/RMS; Refers to the current computer aided dispatch/records management system currently utilized by the Colchester Police Department.

Mobile Data System: Refers to the use of department computers, phones, tablets, and any other digital device that is allowed access to any of the following outside the physical wall of the police department:

1. Colchester Police Department Network
2. State of Vermont VIBRS Network
3. Valcour, Spillman or other CAD/RMS system utilized by the Colchester Police Department.

III. PROCEDURES:

- A. Users: All sworn and civilian personnel of the department, who are active members may be granted access to the Colchester Police Department computer system, henceforth referred to as "Network". Prior to access, the individual must successfully complete approved training in the use and responsibilities for the network. Specific access and program rights will be set based upon the individual's position and requirements.
- B. Login: Refer to Appendix A, "Unique Identifier" for user login requirements.
- C. Passwords: Refer to Appendix B, "Password Compliance" for password requirements
- D. Advanced Authentication: Colchester Police Department Policy, as well as the State of Vermont CJIS Policy, and that of the FBI require that only authorized individuals gain access to the CJIS system. This requires advanced authentication methods, which are laid out in Appendix C, "Advanced Authentication".
- E. Home Directories: Each user will be assigned a general home directory. Limits may be established for the amount of material retained in an

individual's directory at the system administrator's discretion, based on system capabilities. It is the user's responsibility to ensure the directory does not exceed the specific limit. The system administrator will periodically monitor material quantity in user directories to insure limits are maintained.

- F. Electronic Mail (E-Mail): The Colchester Police Department E-Mail system is for the free use of system users pursuant to the following guidelines and restrictions:

1. Material of an offensive nature is not allowed. This includes but is not limited to vulgar language and comments critical of department policy or personnel.
2. Users should be aware that the contents of E-Mail can be used as evidence in civil, criminal, and internal investigations and therefore should not contain any material which can be construed to indicate bias, prejudice, or other litigation liability which may be damaging to the department.
3. Users should be aware that system backups of E-Mail have not been deleted.

- G. Mobile Data System: The mobile data system is an extension of the Colchester Police Department Network, and therefore falls under all restrictions of the network. As it exists outside the physical walls of the police facility, further requirements exist for its' safe use and to ensure data security. Refer to Appendix J, "Mobile Data System" for all additional restrictions.

- H. Security: Data integrity and security is of utmost concern to the Colchester Police Department. Strict requirements have been put in place to help deter security breaches and attacks from outside the network. Refer to Appendix D, "Acceptable Computer Use" for detailed information on security.

- I. Security Training: Every individual that has physical or constructive access to the network shall be subject to Data Security training on an annual basis. This rule applies to any individual that has completed a fingerprint supported background check and is allowed unescorted access to the police facility. Training will be completed on line and in the following manner:

Colchester Police Department Users: Training shall be completed as part of annual NCIC user training.

Town of Colchester Employees: Training may be completed on line at the following location: WWW.NEXTTest.Com

Town of Colchester Vendors: Training may be completed on line at the following location: WWW.NEXTTest.Com

- J. VIBRS System: The Colchester Police Department Network allows connection to the State VIBRS system via the internet. Access to the system is regulated by the Vermont Department of Public Safety. All Colchester Police Department members are governed by the VIBRS System User Policy

when attached to that system. Only users who have signed a VIBRS User Agreement will be allowed access to the VIBRS network.

- K. CAD/RMS: The Colchester Police Department currently utilizes three CAD/RMS Systems, with VALCOUR being the primary system in use. Spillman and Novell are utilized as archival systems to store historical information. Only users that have a signed VALCOUR agreement and have received approved training will be allowed access to the system.
- L. Internet Use: The network allows access to the internet for all users. This access is strictly for law enforcement purposes. Use of the internet by department personnel is governed by the following:
 - 1. No files of any type are to be directly downloaded to the Colchester Police Department computers without authorization from the system administrator.
 - 2. Use of the internet opens the network up to possible virus infection (data loss, file corruption and system damage) and for this reason, all network computers have virus protection software. In the event a virus warning is received, the procedures outlined in Appendix E, "Computer Incident Response Policy" shall be followed.
 - 3. Internet Access is further defined in Appendix F, "Protection of CJIS Data".
- M. Network Firewall: The Colchester Police Department adheres to all policies issued by the Vermont Department of Public Safety, Criminal Information Technology Section, pertaining to the use of firewalls. Refer to Appendix H, "Network Firewall", for full statement.
- N. Dial-In Access: Security concerns demand strict requirements with regards to network access from outside the physical walls of the police department. Refer to Appendix G, "Dial-In Access".
- O. Disposal of Media: Media (Hard Drives, CD's, DVD's, and any other device capable of saving electronic data) shall be disposed of properly. Refer to Appendix I, "Disposal of Media" for proper procedures.
- P. Revocation: In order to ensure the integrity of the system, any user who does not adhere to this policy may have their network privileges revoked. Furthermore, rights to the network as well as rights to the VIBRS network and the CAD/RMS systems may be suspended as well.

The system administrator reserves the right to immediately disable any user who is, or appears to be, compromising the integrity of the system.

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COLCHESTER POLICE DEPARTMENT

SUBJECT: Unique Identifier

EFFECTIVE DATE: March 1, 2016

REFERENCE: GENERAL ORDER # 25, Appendix "A"

SPECIAL INSTRUCTIONS:

REEVALUATION DATE: ANNUAL

APPROVED:

Monahan #190

NO. PAGES: 1

I. POLICY: This policy shall ensure accountability of all users that access the Colchester Police Department Network and network devices by defining the creation of a unique identifier to allow access to the network, network devices, and NCIC information.

A. General

The Colchester Police Department requires each employee that has access to the Colchester Police Network, applications, and/or NCIC for the purposes of storing, processing, and/or transmitting information shall be uniquely identified by use of a unique identifier. A unique identifier shall also be required for all persons who administer and maintain the system(s) that access agency and NCIC information and/or network. The Colchester Police requires users to identify themselves uniquely before the user is allowed to perform any action on the network and/or applications. All users IDs shall belong to currently authorized users. Identification data shall be kept current by adding new users and disabling former users. Employees shall not share their IDs with other employees, supervisors, management, or family members at any time.

B. Guidelines

The unique identification can take the form of one of the following examples:

- User's full name (JohnWDoe)
- Form of full name (SASmith)
- Badge Number (CPD180)
- Combination of name and badge number (jdoe180)
- Serial Number (1234567890)
- Other unique alphanumeric identifier.

C. Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

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COLCHESTER POLICE DEPARTMENT**SUBJECT: Password Compliance****EFFECTIVE DATE:** March 1, 2016**REFERENCE:** Appendix "B"**SPECIAL INSTRUCTIONS:****REEVALUATION DATE:** ANNUAL**APPROVED:***J. Monahan #190***NO. PAGES:** 5

POLICY: It is the policy of the Colchester Police Department to provide secure network and user accounts to facilitate law enforcement access to CJIS information. Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in a compromise of the Colchester Police Department's entire computer network. As such, all Colchester Police employees (including contractors and vendors with access to the Colchester Police systems) are responsible for taking the appropriate steps, as outline below, to select and secure their password.

CONTENTS:

- I. Scope**
- II. General**
- III. Password Construction Guidelines**
- IV. Password and Logon Deletion**
- V. Password Protection Standards**
- VI. Application Development Standards**
- VII. Remote Access Users**

I. SCOPE: The scope of this policy includes all personnel who have or are responsible for an account (or any form of access that supports or requires a password) on any system that resides at the Colchester Police facility, has access to the Colchester Police Computer network, and /or NCIC network, or stores and non public Colchester Police information.

II. GENERAL:

1. All system-level passwords (e.g., root, enable, network administrator, application administration accounts, etc.) must be changed at least every 90 days.
2. On all systems (procured after 09/30/2005) password reuses of the last ten (10) passwords shall be prevented if the password is used for authentication.
3. All production system-level passwords must be part of the Information Security administrated global password management database.
4. All user-level passwords (e.g., email, web, desktop computer, etc.) must be changed at least every 90 days.

5. User accounts with access to NCIC privileges must have a unique password from all other accounts held by that user.
6. Passwords must not be inserted into email messages or other forms of electronic communication.
7. Where simple network management protocol (SNMP) is used, the community strings must be defined as something other than the standard defaults of "public," "private," and "system" and must be different from passwords used to log in interactively. A keyed hash must be used where available (e.g., SNMPv2)
8. All user level, system level, and NCIC access level passwords must conform to the guidelines described below.

III. PASSWORD CONSTRUCTION GUIDELINES:

1. Passwords are used for various purposes at the Colchester Police Department. Some of the more common uses include: user level accounts, web accounts, email accounts, screen saver protection, voicemail password, and lock router logins. Since very few systems have support for one time tokens (i.e., Dynamic passwords which are used once), everyone should be aware of how to select strong passwords.
 - a. Poor, weak passwords have the following characteristics:
 - The password contains less than eight characters
 - The password is a word found in a dictionary (English or Foreign)
 - The password is a common usage word such as:
 - Name of family, pets, friends, co-workers, fantasy characters, etc.
 - Computer terms and names, commands, sites, companies, hardware, software.
 - The words "Colchester Police", "CPD", "COLPD" or any derivation.
 - Birthdays and other personal information such as addresses and phone numbers.
 - Word or number patterns like aaabbb, 111222, zyxwvts, 456321, etc.
 - Any of the above described names, words, spelled backwards.
 - Any of the above preceded or followed by a digit (e.g., secret1, 1secret).

2. Strong passwords have the following characteristics:

- Contain both upper and lower case characters (e.g., a-z, A-Z)
- Have digits and punctuation characters as well as letters (e.g., 0-9,!@#%&*()_+{}|:~";<>?)
- Are at least eight alphanumeric characters long.
- Are not words within any language, slang, dialect, jargon, etc.
- Are not based on personal information, names of family, etc.
- Passwords based on a song title, affirmation, or other phrase. For example, the phrase might be, "This May Be One Way to Remember", and the password could be, "TmB1w2R" or "Tmb1W>r~" or some other variation. NOTE: Do not use either of these examples.

IV. PASSWORD AND LOGON DELETION:

1. All passwords and/or logons that are no longer needed must be deleted or disabled immediately. This includes, but is not limited to, the following:
 - When a user retires, quits, is terminated, released, dismissed, etc.
 - Default passwords shall be changed immediately on all equipment
 - Contractor accounts, when no longer needed to perform their duties.
2. When a password is no longer needed, the following procedures should be followed:
 - Employee/Contractor will notify the Colchester Police Department IT Team.
 - A member of the department IT Team will then delete the user's password and delete or suspend the users account.
 - A password deletion form will be complete and filed in a secure filing system.

V. PASSWORD PROTECTION STANDARDS:

1. Do not use your user id as your password. If you do not authenticate against DPS active directory, do not use the same password for the Colchester Police Computer Network Accounts as for NCIC accounts. For example, select one password for your Windows account login and a different one for your NCIC account login. Do not share Colchester Police Department Network passwords with anyone, including administrative assistances or secretaries. All passwords are to be treated as sensitive,

confidential Colchester Police Information.

Here is a list of "do not's"

- Don't reveal a password over the phone to anyone
 - Don't reveal a password in an email message
 - Don't reveal a password to the boss
 - Don't talk about a password in front of others
 - Don't hint at the format of a password (e.g., "my family name")
 - Don't reveal a password on questionnaires or security forms
 - Don't share a password with family members
 - Don't reveal a password to a co-worker
 - Don't use the "Remember Password" feature of applications
 - Don't write passwords down and store them anywhere in your office
 - Don't store passwords in a file on any computer system without the ability to encrypt the data.
 - Don't reveal password to anyone for any reason!!!!
2. If someone demands a password, refer them to this document or have them contact the Operations Lieutenant for clarification of the policy.
 3. If an account or password is suspected to have been compromised, report the incident to the IT Team.
 4. Password cracking or guessing may be performed on a periodic or random basis by the FBI or this agency. If a password is guessed or cracked during one of these scans, the user will be required to change it.

VI. APPLICATION DEVELOPMENT STANDARDS:

Application developers must ensure their programs contain the following security Precautions:

- Should support authentication of individual users, not groups
- Should not store passwords in clear text or in any easily reversible form
- Should provide some sort of file management, such that one user can

take over the function of another without having to know that other's password

- Should support Terminal Access Controller Access Control System+ (TACACS+) Remote Authentication Dial-In User Service (RADIUS), and/or X.509 with Lightweight Directory Access Protocol (LDAP) security retrieval, whenever possible.

VII. REMOTE ACCESS USERS:

Access to the Colchester Police Department Networks via remote access is to be controlled by using either a virtual Private Network (in which a password and user id are required) or a form of advanced authentication (i.e., Biometrics, Tokens, Public Key Infrastructure (PKI), Certificates, etc.)

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COLCHESTER POLICE DEPARTMENT

SUBJECT: Advanced Authentication

EFFECTIVE DATE: March 1, 2016

REFERENCE: G.O. #25 APPENDIX "C"

SPECIAL INSTRUCTIONS:

REEVALUATION DATE: ANNUAL

APPROVED: *Monism#190*

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POLICY: This policy will establish guidelines to help ensure that only authorized individuals gain access to CJIS systems via a variety of authentication methods, in an effort to preserve the confidentiality, integrity, and availability of CJIS information as it is processed.

- A. General Uses and Ownership: Advanced authentication is achieved when a user presents, verified across the network, any combination of at least two of the following credentials:
- Something the user knows (e.g., password/pin)
 - Something the user has (e.g., token, smart card or challenge card)
 - Something the user is (e.g., a biometric such as a fingerprint or iris scan.)
- B. Procedures: Procurement and upgrades to systems, after 9/30/2005, that are part of or access CJIS from any internets, wireless, or dial-in connection that is not physically secured shall used advanced authentication.

All mobile devices such as PDA's cell phones transmitting CJIS data, and mobile data computers which have been removed from a police vehicle shall, at a minimum also incorporate the use of a unique password or other personal identifier (PIN) as well as meet the advanced authentication requirement.

- C. Acceptable Authentication: Currently the only advanced authentication supported by the CSA is through the uses of RSA Secure ID cards. This authentication utilizes a password to access the authentication system which then queries the user for a numeric identifier generated from an electronic token in the possession of the user. If this dual authentication is met, then the user is granted access to the network. This authentication takes place across the network.

In order to receive access through secure ID, the individual must have the Colchester Police Department's authorization on file and the paperwork as required by the CSA, who will then make a determination as to the granting of access.

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Acceptable Computer Use	
EFFECTIVE DATE: February 8, 2016			
REFERENCE: G.O. #25 Appendix "D"		SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: ANNUAL	APPROVED: <i>J. Morrison #190</i>	NO. PAGES: 3	

POLICY: The purpose of this policy is to outline the acceptable use of computer equipment at the Colchester Police Department. These rules are in place to protect the employee and the Colchester Police Department. Inappropriate use exposes this agency to risk, including virus attacks, compromises of the network systems and services, and legal issues.

CONTENTS:

- I. SCOPE
- II. GENERAL USES AND OWNERSHIP
- III. SECURITY AND PROPRIETARY INFORMATION
- IV. UNACCEPTABLE USE
- V. ENFORCEMENT

I. SCOPE: This policy applies to employees, contractors, consultants, temporary staff, and other workers at the Colchester Police Department, including all personnel affiliated with NCIC and third parties. This policy applies to all equipment that is owned or leased by the Colchester Police Department.

II. GENERAL USES AND OWNERSHIP:

1. While the Colchester Police Department's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of the Colchester Police Department. Because of the need to protect this agency's network, management cannot guarantee the confidentiality of information stored on any network device belonging to the Colchester Police Department.
2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use.
3. The Colchester Police Department recommends that any information that a user considers sensitive or vulnerable (etc. residual NCIC information on a computer terminal that has access to the internet and CJIS information) be encrypted. For guidance on information classification, see the Colchester Police Department Information Classification Policy.
4. For security and network maintenance purposes, authorized individuals within

the Colchester Police Department may monitor equipment, systems, and network traffic at any time per the Colchester Police Department Audit Policy.

5. The Colchester Police Department reserves the right to audit the network and systems on a periodic basis to ensure compliance with this policy.

III. SECURITY AND PROPRIETARY INFORMATION:

1. The user interface for information contained on the Internet/Intranet/Extranet-related systems should be classified as either confidential or non-confidential, as defined by department policy on the release of information. Examples of confidential information include, but are not limited to: NCIC information, state criminal history information, agency personnel data, etc. Employees should take all necessary steps to prevent unauthorized access to this information.
2. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. Please review the Colchester Police Departments Password Policy for guidance.
3. All personal computers, laptops, and workstations should be secured with password-protected screen savers with an automatic activation feature, set at ten minutes or less, or by logging off when the computer is unattended.
4. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the "Mobile Data Security Policy"
5. All devices used by employees that are connected by the Colchester Police Department Internet/Intranet/Extranet, whether owned by the employee or this agency, shall be continually executing approved virus scanning software with a current database.
6. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

IV. UNACCEPTABLE USE: The following activities are, in general, prohibited. Under no circumstances is an employee of the Colchester Police Department authorized to engage in any activity that is illegal under local, state, federal or international law utilizing Colchester Police Department owned resources. The list below is by no means exhaustive, but attempts to provide a framework for activities which fall into the category of unacceptable use. The following activities are strictly prohibited, with no exceptions:

1. Unauthorized access, copying, or dissemination of classified or sensitive information (e.g., NCIC information, state criminal information, etc.)
2. Installation of any copyrighted software for which the Colchester Police Department or end user does not have an active license.
3. Installation of any software without pre-approval and virus scan.

4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, logic bombs, etc.).
 5. Revealing your account password to others or allowing use of your account by others.
 6. Effecting security breaching or disruptions of network communications. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server that the employee is not expressly authorized to access, unless these duties are within the scope of their regular duties. For the purpose of this policy, "disruption" includes, but is not limited to, network sniffing, packet floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
 7. Port scanning or security scanning is expressly prohibited unless prior notification has been given to and permission received from the IT Team.
 8. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is part of the employee's normal job/duties.
 9. Circumventing user authentication or security of any host, network, or account.
 10. Interfering with or denying service to any user other than the employee's host.
 11. Using any program/script/command or sending messages of any kind, with the intent to interfere with or disable a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
 12. Providing information about NCIC or list of the Colchester Police Department employees to parties outside this agency.
- V. ENFORCEMENT:** Violations of this policy include, but are not limited to: accessing data to which the individual has no legitimate right; enabling unauthorized individuals to access data; disclosing data in a way that violates applicable policy, procedures, or relevant regulations or law; inappropriately modifying or destroying data; inadequately protecting restricted data. Any violation of this policy may result in network removal, access revocation, corrective or disciplinary action, civil or criminal prosecution, and termination of employment.

#

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Computer Incident Response	
EFFECTIVE DATE: March 1, 2016			
REFERENCE: G.O. #25 Appendix "E"		SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: ANNUAL	APPROVED: <i>J. Moran #190</i>	NO. PAGES: 3	

POLICY: This policy will establish guidelines to assist the Colchester Police Department in the reporting of computer related incidents. There has been an increase in the number of computer attacks into government and private organizations, regardless of whether the systems are high or low profile and it is important that this information is shared with other agencies as soon as possible. The consequences of such attacks can jeopardize human life and people's safety, expose classified and sensitive data, damage systems and disrupt computer services.

CONTENTS:

- I. General
- II. Incident Response
- III. Incident Analysis and Investigation
- IV. Incident Reporting Form
- V. Contingency Plan

I. GENERAL:

- A. Members need to be aware of the need to identify potential problems, and listed below are some indicators that an incident might be occurring (note: these do not mean an incident is occurring as the cause could be simple computer malfunction):
- Systems crash unexpectedly and without clear reason
 - New files with novel or strange names appear
 - Unexpected changes in file length or modification dates on files
 - Unexpected data modification or deletion
 - Denial of service
 - Unexplained poor system performance
 - Anomalies

- Suspicious probes
- Suspicious browsing
- Attempts to write to system files

II. INCIDENT RESPONSE: All members should be familiar with the proper procedures for dealing with an actual or a perceived incident.

- A. The Colchester Police Department contact person is the System Administrator, who should be contacted as soon as possible following the detection of an incident.
- B. DO NOT POWER DOWN THE SYSTEM!**
- C. The suspected system(s) should be removed from network connectivity as soon as possible by unplugging the network cable from the computer.
- D. Fill out the required incident report form (see attached Computer Incident Reporting Form)
- E. The CJIS system agency's ISO needs to be contact as soon as possible after an incident has been detected.

III. INCIDENT ANALYSIS AND INVESTIGATION: The Colchester Police Department understands the need to properly document and investigate any computer incident for the purpose of determining the scope of the incident. The current contacted computer support company will be contacted to review local systems, in the event of an incident, to:

- Look for modifications to system software and configurations files.
- Look for tools installed by the intruder.
- Check out other component systems for modifications.
- Check remote component systems for modifications.
- Or any other steps that may be required to determine the scope of the issue. Investigation will be conducted in such a way as to ensure the preservation and documentation of any evidence associated with the incident.

IV. INCIDENT REPORTING FORM: The Colchester Police will utilize a standard Computer Incident Reporting Form (see attached) to ensure the incident is appropriately documented. At a minimum this report will include the following information:

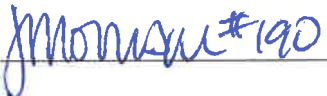
- a. Description of the Incident

- b. What happened?
- c. How was the incident discovered?
- d. Who does the incident affect?
- e. When did the incident occur?
- f. Why did the incident happen?
- g. Where did the incident occur?
- h. Resolutions identified?
- i. What are the vulnerabilities and impact on other systems?
- j. What is being done or should be done to correct the problem and ensure this type of incident does not recur?
- k. What procedures are in place or are needed to prevent future occurrences?

V. CONTINGENCY PLAN: In the event of a security breach, the affected units shall immediately be taken off the network and secured until the incident has been appropriately investigated and documented. The affected units shall not be reattached to the network until threats have been neutralized, and the units cleaned and approved for reconnection.

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COLCHESTER POLICE DEPARTMENT

		SUBJECT: Protection of CJIS Data
EFFECTIVE DATE: March 1, 2016		
REFERENCE: G.O. #25 Appendix "F"	SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: ANNUAL	APPROVED:  #190	NO. PAGES: 1

POLICY: This policy shall ensure that necessary protocols and infrastructures are in place to provide necessary security of the CJIS systems from unauthorized Internet Access and to preserve the confidentiality, integrity, and availability of CJIS information as it is processed. This policy will define the minimum requirements that need to be implemented to ensure protection of CJIS data.

PROCEDURES: The Colchester Police Department is authorized to grant Internet Access, to include dial-up access in accordance with this policy.

- A. Authentication - Advanced authentication is required in accordance with CJIS Security Policy guidelines.
- B. Firewalls - Firewall type devices shall protect networks in which some terminals or access devices had CJIS access and/or Internet access (e.g., peer to peer relationships, large mainframes and servers that house websites). These devices shall implement a minimum firewall profile to provide, both from inside and outside the CJIS network, to ensure:
 - a point of defense
 - controlled and audited access to servers
- C. Additional Protections - Additional protections shall include the following:
 1. Data which is at risk on access devices and workstations shall have residual CHIS Data removed by methods of removal, encryption, or erasure.
 2. CJIS data transmitted through any Internet connection shall immediately be protected with a minimum of 128 bit encryption,
 3. Internet contracts after 9/30/2005 shall support a minimum of 128 bit encryption
 - Must be NIST certified to ensure cryptographic modules meet FIPS Publications 140-2 requirements.

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Remote Access	
EFFECTIVE DATE: March 1, 2016			
REFERENCE: G.O. #25, Appendix "G"		SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: ANNUAL	APPROVED: <i>Monique #190</i>	NO. PAGES: 2	

POLICY: The Colchester Police Department adopts this policy to maintain compliance with the Federal Bureau of Investigation CJIS Standards. It is further adopted to protect the Colchester Police Department's electronic information from being inadvertently compromised by authorized personnel using a dial-in/remote connection.

PROCEDURES: Authorized Colchester Police Department employees and third parties (contactors, vendors, etc.) can use dial-in or remote connections to gain access to the agency's network. Remote access should be strictly controlled, using the following criteria:

1. Users shall be authenticated by at least one of the following: strong passwords (as defined in the Password Policy), biometric, token device, certificates, smart cards, etc.
2. Dial-in users shall use a Virtual Private Network connection to gain access to the Colchester Police Department network.
3. Each authorized dial-in user shall be issued a unique identifier (as defined in Unique Identifier Policy)
4. The system shall employ log-in capabilities which include session initiation and termination messages, failed access attempts, and all forms of access violations such as attempts to access data beyond the level of authorized access.
5. Data transmitted over the dial-in segment shall be protected by 128 bit encryption.
6. Personal equipment which is used to connect to the Colchester Police Department internal network shall meet the requirements set forth in this policy.
7. All remote access hosts shall ensure the computers have the most up-to-date anti-virus software.

Any employee or third party that accesses the network through a bank of modems shall:

1. First, call the agency to have the modem turned on.
2. Second, inform agency personnel on how long they need a connection to the network.
3. Third, identify and authenticate themselves to the network and application.
4. Fourth, call agency personnel when more time is needed or the connection is no longer needed.

If the dial-in user does not call back in the given time stating that the connection is needed, the agency personnel shall terminate the connection in the stated time requested.

It is the responsibility of employees with dial-in access privileges to ensure a dial-in connection to the Colchester Police Department is not used by non-employees to gain access to the agency's information system resources. An employee who is granted dial-in access privileges must remain constantly aware that dial-in connections between their locations and the Colchester Police Department are literal extensions of the Colchester Police Department network, and that they provide a potential path to the agency's most sensitive information. The employee and/or third party individual must take every reasonable measure to protect the Colchester Police Department's assets and information.

NOTE: Dial-in accounts are considered "as needed" accounts. Account activity is monitored, and if a dial-in account is not used for four months, the account will expire and no longer functions. If dial-in access is subsequently required, the individual must request a new account as described above.

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COLCHESTER POLICE DEPARTMENT

		SUBJECT: Network Firewall Statement
EFFECTIVE DATE: March 1, 2016		
REFERENCE: G.O. #25, Appendix "H"		SPECIAL INSTRUCTIONS:
REEVALUATION DATE: ANNUAL	APPROVED: <i>J. Monahan #190</i>	NO. PAGES: 1

POLICY: The Colchester Police Department will adhere to all policies issued by the Department of Public Safety, CJIS Information Technology Section, pertaining to the use of firewalls. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment pursuant to the Colchester Police Department's rules and regulations. CSA agency retains the right to terminate service in the event of a serious violation or failure to comply.

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COLCHESTER POLICE DEPARTMENT

		SUBJECT: Disposal of Media	
EFFECTIVE DATE: March 1, 2016			
REFERENCE: G.O. # 25, Appendix "I"		SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: ANNUAL	APPROVED: <i>J. Morrison #190</i>	NO. PAGES: 2	

POLICY: This policy will outline the proper disposal of media at the Colchester Police Department. These rules are in place to protect sensitive and classified information, employees and the Colchester Police Department. Inappropriate disposal of Colchester Police and FBI information and media may put employees, this agency and the FBI at risk.

SCOPE: This policy applies to employees, contractors, temporary staff, and other workers at the Colchester Police Department, including all personnel with access to sensitive and classified data and media. This policy applies to all equipment that process classified and sensitive data that is owned or leased by this agency.

PROCEDURES: When no longer usable, computers, hard drives, diskettes, tape cartridges, ribbons, hard copies, printouts, and other similar media and items used to process or store classified and/or sensitive data shall be properly disposed of in accordance with measures established the Colchester Police Department . The following procedures will be followed:

1. When no longer usable, hard copies and printouts shall be shredded.
2. Diskettes and tape cartridges shall be taken apart and shredded (ribbons, floppy disk) Any reference to material contained within the media (i.e., labels) shall be destroyed along with the containers as well.
3. The shredded remains shall be disposed of properly.

IT systems that have processed, stored, or transmitted sensitive and/or classified information shall not be released from The Colchester Police Department's control until the equipment is sanitized and all stored information has been cleared. For sensitive, but unclassified information, the sanitization method shall be approved by the IT Team. For classified systems, National Security Association approved measures shall be used. The following procedures will be followed:

1. Employees will send all hardware that processes and/or stores classified and/or sensitive data to the IT Team to be properly disposed of. The IT Team dispose of hardware by one of the following methods:
 - a. Overwriting – an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s,

0s, or a combination of both) onto the location of the media where the file to be sanitized is located. A minimum of three (3) overwrites are recommended.

- b. Degaussing – a method to magnetically erase data from a magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
- c. Destruction – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc.

Also, computers that are used to transmit classified and/or sensitive information must protect residual data. This can be accomplished with the use of integrated encryption technology. This technology uses a device or software which encrypts all data as it is written to the disk. When the user retrieves a file, the data is automatically decrypted for the owner to use. The encryption/decryption process is typically transparent to the user. Should the hard drive be removed, no useable data can be retrieved.

ENFORCEMENT: Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment pursuant to the Colchester Police Department's rules and regulations. CSA agency retains the right to terminate service in the event of a serious violation or failure to comply.

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COLCHESTER POLICE DEPARTMENT

		SUBJECT: Mobile Data	
EFFECTIVE DATE: March 1, 2016			
REFERENCE: G.O. #25, Appendix "J"		SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: ANNUAL	APPROVED: <i>J. Monahan #190</i>	NO. PAGES: 6	

POLICY: The Colchester Police Department adopts this policy to provide guidelines and procedures for the use of Mobile Data Computers (MDC). It shall also ensure that a high degree of security exists for network associated data as it is remotely connected.

CONTENTS:

- I. OVERVIEW
- II. DEFINITIONS
- III. SCOPE
- IV. PROCEDURES
- V. ENFORCEMENT

I. OVERVIEW:

Mobile Data Computers are used for communication between NLETS/VLETS, Vermont Department of Motor Vehicles records, VIBRS and Mobile Data Computer equipped cruisers as well as those computers utilizing compatible messaging services

The Colchester Police Department Mobile Data Computer System utilizes software that allows members in the field direct access to NLETS, VLETS, and NCIC information. Members could also have access to all RMS related tables, the department e-mail system, and State Police Intelligence Network (SPIN) as well as several other applications deemed appropriate to meeting the needs of the department. The system has been designed to give the members in the field timely access to essential information using wireless computer network and application software. This information will be made available to the member without the need for voice interaction with the Colchester Police communication specialist.

II. DEFINITIONS:

- A. Cellular Digital Packet Data (CDPD) – a method of data transmission used by VWIN which uses standard Internet Protocol.
- B. Vermont Wireless Information Network:
 - 1. VWIN is a wireless mobile data network for interested state and local Vermont government agencies which provide access to:
 - VIBRS (Vermont Incident Based Reporting System)
 - NCIC (National Crime Information Center)

- NLETS (National Law Enforcement Telecommunications System)
 - SPIN (State Police Intelligence Network)
2. VWIN uses mobile data computers to send and receive encrypted and compress data.
 3. VWIN is managed and supported by the Vermont Department of Public Safety.
 4. VWIN cellular modems – CDPD modems which can be inserted into PCMCIA slots or imbedded in commercial laptops and MDC's

The scope of this policy is to define the minimum requirements that need to be implemented to ensure protection of CJIS data.

C. Mobile Data Computer (MDC) – A laptop or fixed mount version of a personal computer capable of running on battery power alone, including a car battery.

1. Mobile Data Computer (Includes integrated CDPD modem, external keyboard, external monitor and in most cases external speakers.

D. MDC System – The following equipment compromises a complete MDC system:

- in-car printer
- external antenna
- docking and mounting hardware
- software

III. SCOPE: This policy applies to employees, contractors, consultants, temporary staff, and other workers at the Colchester Police Department, including all personnel affiliated with NCIC and third parties. This policy applies to all equipment that is owned or leased by this agency.

IV. PROCEDURES:

A. Security

1. The security of the system will be the concern of all users. All NLETS/VLETS/NCIC/VIBRS/SPIN rules and regulations regarding use and disclosure of information are in full effect when operating Mobile Data Computers. The computers have been designed with both a Windows log on and password prompt as well as a log-on identification/password system (VPN services) The VPS services authentication system will be managed by the Criminal Justice Services. The connecting system will use

a minimum of 128 bit encryption as required by CJIS policy. The connection system that the Colchester Police Department currently uses uses 128 bit encryption.

2. The person who is using the computer is responsible for insuring the security of the computer against unauthorized use. The MDC computers will not be access by anyone other than sworn agency members or authorized department representative/Criminal Justice Service Employees.
3. Each MDC is configured with a screen saver, which activates after ten minutes of inactivity. This will prevent unauthorized viewing of information on the MDC monitor.
4. Each cruiser that is equipped with a laptop will have a docking station which is lockable. When the computer is docked in the vehicle, the lock will be utilized. The keys to the lock will not be left in the lock when the computer is docked.
5. All information obtained via the MDC computers will be treated as CONFIDENTIAL and used for authorized law enforcement or criminal justice purposes only.
6. Should any of the following occur, or it is believed that it might have occurred, the member shall immediately contact the Operations Lieutenant:
 - An unauthorized access was attempted or occurred;
 - A security breach has occurred (i.e. sensitive or confidential data has been compromised)
 - The computer has been lost or stolen

The officer shall comply with all other Colchester Police Department Rules and Regulations regarding the loss of/or damage to equipment.

7. No confidential material will be stored on the mobile computers. All personnel will ensure that prior to the end of their shift that all sensitive or confidential data received during the shift is deleted and/or destroyed. Any paper copy of any e-mail, instant message or message received from VLETS/NLETS will be shredded as per the NCIC policy.
8. Anti-virus is in place on all Mobile Data Computers. The software must be managed in compliance with CJIS antivirus guidelines. Updates to the

B. Messaging

1. MDC messaging is defined as any message sent or received from one computer to another, such as car to car, car to VLETS, VLETS to car, office pc to car or interface with CAD/RMS law enforcement records.
2. MDC messaging, CAD (Computer Aided Dispatch) messages, CAD calls

and CAD access via the Verizon Air Cards are subject to the following restrictions:

- The message shall have a reasonable communicative purpose.
 - Messages must be authored in a professional business-like manner, which would be considered acceptable as public record.
 - Messages used for personal communication to Dispatch or car to car are allowed as long as the needs of the citizens, members and co-workers are attended to first and the content is in keeping with the professionalism dictated by this policy. Personal or chat type messages between dispatch and field units or car to car, are not permitted unless directly job related.
 - The communication shall not be used to harass, annoy or alarm any recipient or third party.
 - The communication shall not contain language, acronyms or symbols representing language that would be considered offensive or obscene to a reasonable member of the public.
 - The content shall not bring discredit to any public safety employee (including co-workers) or public safety agency.
 - The content shall not bring unwarranted discredit to a member of the public.
 - The communication shall not contain any home address or telephone number of law enforcement personnel unless that employee has given express permission to transmit the information.
 - The communication shall not contain any slanderous statements toward any group, organization or individual.
 - Field units should clearly understand that information viewed and obtained is similar to other VLETS/NCIC information and any information received via the MDC shall be kept confidential.
3. MDC messages, CAD messages and CAD calls may be public record. They are logged by the Vermont Department of Public Safety system, including sender and receiver information, are archived as public record and available to the public. Any request for information that could be considered a public record should be referred to the department's records section. This does not preclude a field user from using information provided by the MDC to satisfy legitimate law enforcement purposes.

C. Maintenance / Repairs

The system design is integrated between VWIN and VLETS. System failures shall be the responsibility of the department representative. This

unit will provide assistance and guidance in maintaining the function of the vehicle mounted computers. System failures shall be reported through the proper chain of command. Members will utilize the radio system as apposed to the cellular telephone when the MDC computer and/or system are down.

1. Members are required to notify the Support Services Lieutenant when the MDC computer is not functioning properly. The computer will then be taken out of service until replaced/repaired.
 - The Support Services Lieutenant will be responsible for handling hardware and replacement of MDC computers.
 - Criminal Justice Services will be responsible for handling VLETS software related problems.
 - The Colchester Police will be responsible for handling Records Management Software related problems with the appropriate provider or vendor.

D. Care and Use

1. The cruiser will remained locked at all times when not in use.
2. Nothing should be placed on top of the MDC or its components, especially any foods or drinks.
3. No software or material will be loaded into the MDC without prior approval from the Operations Lieutenant.
4. Recommendations dealing with changes or improvement should be brought to the Operations Lieutenant.
5. The MDC will not be used while the car is in motion unless the vehicle is in operation with two members. In either case, members are to call in to dispatch when leaving your assigned EQ (i.e., motor vehicle stops) Members, while utilizing the vehicle mounted MDC computers, shall be mindful of their safety at all times. Members shall position themselves to observe the stopped motorist and/or occupants at all times while entering data into the MDC. Members will take proper precaution to insure that person(s) who are unauthorized to do so do not view any confidential or sensitive material.
6. Members whose vehicles are not being used for an extended period of time will notify the IT team to remove the laptop and store it in the office.
7. Temperature Considerations
 - A. When temperatures exceed 80 degrees, the rear window of the cruiser should be lowered ½ inch.

- B. During the winter months and when the temperature is below 40 degrees, the cruiser should be warmed up to a temperature above 40 degrees prior to turning on the MDC.

V. ENFORCEMENT:

1. Agencies and users of Mobile Data Computers shall adhere to this policy and any other mandatory rule, policy or procedure or could be sanctions by this agency or the VIBRS IT staff of the Division of Criminal Justice Services.
2. Sanctions could result in a loss of privileges (disconnection) by the user. Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment pursuant to the Colchester Police Department's rules and regulations.
3. The Colchester Police Department or designee may impose emergency sanctions, including disconnection, if they believe there is a security threat sufficient to warrant such action.

#

Colchester Police Department

Subject: Field Training Policy	
Effective Date: May 28, 2014	Number: General Order # 026
Reference: Supercedes G.O. #26 issued May 18, 1999	Special Instructions: none
Reevaluation Date: As Appropriate	Approved: <i>J. Monison #190</i> No. Pages 3

POLICY: The Colchester Police Department must always strive to maintain the highest standards of professionalism. To this end, the attainment of highly trained officers shall remain a fundamental goal of the department. The Field Training and Evaluation Program has been developed and implemented to meet this responsibility. All newly hired officers shall participate in the Department's Field Training and Evaluation Program (F.T.E.P.) as outlined in the Colchester Police Department Field Training Manual [Appendix A].

Upon completion of the Vermont Police Academy Basic Training for Full Time Police Officers new officers must successfully complete the Field Training Program. A portion of the Field Training Program may include a Pre-Basic orientation period.

I. ROLES AND RESPONSIBILITIES

Operations Lieutenant: The Operations Lieutenant shall:

1. Provide full support and resources to the Field Training and Evaluation Program (hereafter referred to as F.T.E.P.)
2. Periodically meet with the F.T.E.P program manager to assess the progress of the F.T.E.P. and/or any trainee within the program.
3. Act on the recommendations provided by the F.T.E.P program manager pertinent to the trainee's employment within a timely manner.

F.T.E.P Manager: The program manager shall:

1. Have the responsibility for the implementation and supervision of the F.T.E.P.
2. Maintain, oversee, and update the program, subject to departmental approval, as need arises.
3. Oversee the selection and assignment of the Field Training Officers (hereafter referred to as F.T.O.s) for trainees within the Colchester Police Department. This selection shall be made after careful thought and informed consideration. As previously stated, the trainee will be molded by the F.T.O. and for this reason; the best overall role model within your agency should be selected.

2. Applicants will be required to participate in an oral interview with the FTO unit. The interviewing board will consist of the F.T.E.P. Manager (who will be the Chair for the board) and two other active or inactive FTOs.
3. The oral interview shall be designed to examine the applicant's job knowledge, skills, appearance, instructional abilities, and inter-personal communication skills. The interviewers shall establish the candidate's ability to train in a one on one situation.
 - a. To augment the interview process each of the candidate's supervisors will be contacted by the F.T.E.P. Manager regarding the applicant's suitability for FTO assignment. In addition the F.T.E.P. Manager will review each candidate's personnel file, recent performance evaluations, and random samples of incident and case paperwork.
 - b. The F.T.E.P. Manager will submit a written letter of recommendation to the Operations Lieutenant for his/her approval.

#

4. Ensure that the Field Training Manual is kept up to date and reflects current best practices.

Field Training Officer: F.T.O.s shall:

1. Be proficient and knowledgeable in all skills necessary to perform their duties and instruct their trainees in the proper performance of those duties.
2. Complete required paperwork (D.O.R.s or other) in a timely and thorough manner.
3. Be given consideration over other officers of less than supervisory rank in the attendance of schools that will develop and sharpen their skills as F.T.O.'s. These schools should be instructor or supervisory in nature. Prior to functioning as an F.T.O. the F.T.O. must have successfully graduated from a certified F.T.O. training curriculum based upon the San Jose Model, and be certified by the Vermont Criminal Justice Training Council as an F.T.O.
4. Be supervised by the F.T.E.P Manager while performing F.T.O duties. However on a day to day basis, Field Training Officers are under the general supervision of the on duty OIC.
5. Will insure that all Colchester Police Department General Orders and Policies are a continuing part of the on the job training.
6. Should, whenever possible, be used as one member of the entry level oral board examinations for recruit police officer.
7. Should develop and maintain a positive working relationship with Academy staff in order to remain current on the training curriculum at the academy.

II. Field Training Officer Selection Process

The quality of the F.T.O. is critical to the success of the F.T.E.P. The F.T.O. is a person who will be required to train and evaluate recruit officers on a daily basis. The F.T.O. is essentially responsible for producing fully trained Police Officers who will deliver police services to the community. As a result the following selection process shall be adhered to:

1. Vacancies for the position of F.T.O. shall be emailed to all personnel to allow candidates to submit a letter of interest for consideration in the F.T.O. selection process. Members who have three years full- time service at CPD, or two years of full-time service at CPD plus two years full-time Law Enforcement service elsewhere, shall be considered eligible to apply to become a Field Training Officer.

Colchester Police Department Field Training Manual

I. FIELD TRAINING PROGRAM OUTLINE

Evaluation Duration: A trainee with/without prior experience shall have a MINIMUM of fifty (50) shifts with an F.T.O. These will be broken down into four (4) phases as follows:

Phase #1: During this phase a trainee will accompany and observe the F.T.O. only. After the limbo shifts have been completed the trainee will be evaluated throughout the rest of the Phase #1 period. This phase will last for ten (10) shifts, to include the rotation of limbo (two (2) to three (3) shifts).

Phase #2: This phase will consist of a total of sixteen (16) shifts. During this phase a trainee will work side by side with their F.T.O. The trainee will participate in the daily activities that will occur. The trainee will be evaluated during this phase.

Phase #3: This phase will consist of a total of sixteen (16) shifts. During this phase a trainee will work side by side with their F.T.O. The F.T.O. will allow the trainee to handle any and all calls that may arise. The trainee will be evaluated during this phase.

Phase #4: This phase will last eight (8) shifts. This phase will only take place once the trainee has completed Phases #1 through #3 of the Colchester Police Department's Field Training and Evaluation Program, Trainee Officer Manual, In-Service Training Guide and is consistently satisfactory (level 4 or above) in all areas of the D.O.R.

Extension Time: Up to a total of twenty (20) shifts of Extension Time may be granted to a trainee after Phase #3 if needed before entering Phase #4. The extension time will be approved by the F.T.E.P. manager, and the Operations Lieutenant will be notified. If no improvement is shown during these supplemental twenty (20) shifts, a trainee will be recommended for termination. Extension Time may be used for a variety of reasons and may, time permitting be granted at the end of Phase #4 dependant upon the number of available Extension Time shifts and prior to the completion of the Final Evaluation and Recommendation Report. All reasonable efforts will be made to remediate deficiencies, and allow the trainee to successfully complete the Field Training Program.

Testing: All materials or subject matter given to the trainee or covered during the program is to be considered possible testing material. Tests will occur in one of three (3) forms: 1) written, 2) verbal, and 3) scenario. All written tests must be passed by a score of 70% or higher. All verbal and scenario tests will be graded as per the Standardized Evaluation Guidelines. All tests will be documented on the D.O.R. No test

will be given on materials not yet given or covered. Test are to be approved by the F.T.E.P. manager.

Chain of Command: A trainee will report directly to their currently assigned F.T.O. or an F.T.O. of this department if the currently assigned F.T.O. is unavailable. The F.T.O. reports to the F.T.E.P. manager, who reports to the Operations Lieutenant. If a trainee has a problem with a particular F.T.O., he/she may report directly to the F.T.E.P. Manager. The trainee, if not satisfied with the results from the F.T.E.P. Manager, may report to the Operations Lieutenant.

If an F.T.O. cannot be present on a trainee's scheduled shift, it will be up to the Officer In Charge to dictate the trainee's duties for the day. These duties will be documented but not evaluated on the D.O.R. unless the Officer In Charge is a certified F.T.O.

F.T.O. Selection: Each trainee will rotate with a minimum of two (2) and a maximum of three (3) certified F.T.O.s. The first F.T.O., the primary, will also complete the training process. The primary F.T.O. will have the best opportunity to evaluate a trainee's progress throughout the training program by completing the process.

II. DAILY OBSERVATION REPORT

The Daily Observation Report (D.O.R.) is completed each shift by the F.T.O.. This report is a permanent record of the trainee's progress as well as problem areas and remedial efforts to resolve them. The D.O.R. is normally completed and discussed with the trainee just before, or at, the end of the shift. Feedback on any shift shall be reviewed with the trainee prior to commencing the their next shift.

The D.O.R. reflects five (5) major areas which are divided into thirty-one (31) categories. These categories cover the range of skills necessary to become a proficient police officer. By the end of the program, the trainee is expected to master these skills to a minimum acceptable level (4) per the S.E.G.s. A trainee's performance may be evaluated through actual performance of a particular skill or by verbal, written or simulated testing.

III. STANDARDIZED EVALUATION GUIDELINES

The task of evaluating and rating a trainee's performance must be based on a specified numerical scale value with definitions. As guidelines, these definitions serve as a means of program standardization and continuity. The scale values (1), (4) and (7), used in conjunction with their specific definitions, are to be utilized when rating a trainee's behavior in each of the performance categories. It is through the use of these guidelines that program standardization and rating consistency is achieved.

IV. COLCHESTER POLICE DEPARTMENT'S FIELD TRAINING AND EVALUATION PROGRAM, TRAINEE OFFICER MANUAL/IN-SERVICE TRAINING GUIDE

This In-Service Training Guide is a listing of basic responsibilities, tasks, and procedures that each trainee should be familiar with and have demonstrated an adequate level of proficiency in performing before being permitted to function on his/her own. Remember that the F.T.E.P. is a time to build on the basic information that the trainee receives during his/her training at the Vermont Police Academy.

The F.T.O. should allow sufficient time for explaining each of the tasks listed. The F.T.O. should demonstrate (if appropriate) the task(s) before requiring the trainee to perform or practice the task, if performance is necessary to gain knowledge or skill.

The Colchester Police Department's Field Training and Evaluation Program, Trainee Officer Manual / In-Service Training Guide should be brought up to date at the end of each shift with the form initialed by the F.T.O. and the trainee in all applicable categories.

V. FINAL EVALUATION AND RECOMMENDATION REPORT

This report is to be completed by each F.T.O. at the end of the F.T.E.P. The report must then be reviewed and endorsed by the F.T.O. Program manager and Operations Lieutenant. This report summarizes the trainee's training, and progress, as well as their suitability for continued employment as a law enforcement officer within the Colchester Police Department.

This report is primarily in narrative format to provide the F.T.O. and the F.T.O. Program Manager the opportunity to clearly describe their overall views and observations of the trainee's performance. The report requires that the F.T.O. and the F.T.O. Program Manager indicate whether the trainee is or is not suitable for employment as a law enforcement officer within the Colchester Police Department with an opportunity to justify their recommendation.

VI. TRAINEE'S EVALUATION FORM

The trainee is required to complete an evaluation of the F.T.E.P. to include all of its phases. This evaluation must be objective. The trainee's honesty and fair comments are needed to ensure the integrity and validity of the entire program. This report requires no endorsement by either the F.T.O. or the F.T.O. Program Manager. The Operations Lieutenant is responsible for reviewing the trainee's evaluation of the training program and forwarding recommendations to the F.T.O. Program Manager.

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Protective Custody of Incapacitated Persons	
EFFECTIVE DATE: July 1, 2015		NUMBER: G.O.# 27	
REFERENCE: 33 VSA Chapter 7		SPECIAL INSTRUCTIONS: none	
REEVALUATION DATE: as needed	APPROVED: <i>J. Monahan #190</i>	NO. PAGES: 3	

POLICY: This policy will establish guidelines to assist officers dealing with persons who are suspected of being intoxicated or incapacitated as a result of alcohol consumption. It is the position of this department that alcoholism and alcohol abuse are health and social problems, rather than criminal offenses, as defined in Title 18 V.S.A. 4801.

CONTENTS:

- I. Definitions
- II. Judgment
- III. Procedure

I. DEFINITIONS

- A. Incapacitated – means that a person, as a result of using alcohol (regardless of Blood Alcohol Content [BAC]), or other drugs, is in a state of intoxication, or of mental confusion resulting from withdrawal such that:
 - 1. The person appears to need medical care or supervision by approved treatment personnel to assure his/her safety; or
 - 2. The person appears to present an active or passive threat to him/herself or 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 their system.
- C. Protective Custody – a civil status in which an incapacitated person is detained by a law enforcement officer for the purpose of assuring the safety of the individual and/or the public and assisting the person to return to a functional condition.
- D. Qualified Medical Personnel – any person charged with the screening, evaluating, or treating of persons under the influence of alcohol, incapacitated persons or persons otherwise impaired (e.g. ACT-1, Crisis, Emergency Room personnel, etc).

II. JUDGMENT

- A. Regardless of the BAC of an individual, the following things should be considered in determining the need for further evaluation and disposition of an intoxicated person:
 - 1. physical and mental functioning;
 - 2. orientation to time/place/etc., judgment & behavior;
 - 3. impulse control;
 - 4. suicidal and/or violent behavior;
 - 5. recommendation of medical or crisis personnel.
- B. More specifically, a person may be incapacitated if some or all of the following conditions, **plus** evidence of drug or alcohol consumption, are noted by the officer:
 - 1. inability to be oriented to time, place, person;
 - 2. significant impairment of speech or ability to communicate;
 - 3. significant impairment in basic decision-making or judgment;
 - 4. loss of motor functions or inability to walk or stand without assistance.
- C. An individual may also be deemed incapacitated if there is evidence of drug or alcohol consumption and he/she is a danger to him/herself by being exposed to dangerous situations such as staggering into a roadway, lying on the ground on a cold winter night, etc.
- D. An individual may also be deemed incapacitated if there is evidence of drug or alcohol consumption and he/she is a danger to others by threatening either verbally or by gestures/behaviors to do harm to another person.
- E. An officer may rely upon the opinion of qualified medical personnel who have evaluated a person to determine if a person has severely impaired judgment or impulse control as a result of drug or alcohol intake. This impaired judgement may include being incapable of recognizing or reacting to hazards or increasing the propensity to act on violent or suicidal thoughts.

III. PROCEDURES

- A. Criminal behavior – If a person has violated a law and is intoxicated, that person should be cited for the appropriate criminal charge or lodged if criteria under the Rules of Criminal Procedure apply. **A person may not be taken into custody for incapacitation in lieu of criminal charges.** A person cited for an offense who is incapacitated may be issued the citation and then taken to detox if appropriate.
- B. Intoxicated person – When an officer encounters a person who they believe is intoxicated, the officer may assist this person if he/she consents. Assistance may take the form of transportation home, transportation to an alcohol treatment center or hospital, or some other

mutually agreeable location. The officer may not compel an intoxicated person to do any of these.

- C. Incapacitated person – When an officer encounters a person who in his/her judgment is incapacitated the officer shall take the person into protective custody and transport the person to ACT-1 or the hospital if an exigent medical need exists.
- D. Incapacitation screening at the request of another agency – if the ER or Crisis or other agency requests that a person be placed or continued in protective custody, the officer must obtain a signed evaluation from the requesting agency. A signed “detox form” will meet this requirement. If qualified medical personnel declare the person incapacitated, protective custody shall continue. If the officer does not feel the person is incapacitated, he/she should inquire of medical personnel the reason for continued custody. In the absence of a declaration of incapacitation by medical personnel, the officer shall use his/her judgment to determine if continued protective custody is necessary.
- E. Protective custody of incapacitated persons shall not be considered an arrest for any purpose. Persons in custody should be properly restrained (handcuffed) and patted down for weapons or hard objects prior to transportation. This search does not extend to closed containers. The officer should not search or open a wallet or other closed container, but rather remove it from the person during transport and custody.
- F. Intoxicated or incapacitated minors – are entitled to the same level of service, however parents/guardians must be involved. Reasonable efforts must be made to transfer custody of the minor to a parent or guardian and to inform them of the police contact with the minor child. When this is not possible, care occurs under Title 33 V.S.A. 5510. See G.O. # 33 “Juvenile Operations” for more detail. Under no circumstances shall an intoxicated or incapacitated minor be held at a correctional facility.
- G. Intoxicated or incapacitated persons under the age of 21 should be referred to the Chittenden County Teen Alcohol Safety Program (TASP). These individuals should be issued a “Notice of Violation” by the officer and all copies of the Vermont Civil Violation Complaint (VCVC) should be forwarded to the Records unit.
- H. Individuals addressed in section G who have prior convictions under 7 VSA 656/657 (16A/B/C) should be issued a citation for 7 VSA 657 in lieu of a TASP notice of violation.

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COLCHESTER POLICE DEPARTMENT

SUBJECT: Purchase of Evidence/Payment to Informants Policy

EFFECTIVE DATE: September 4, 2014

NUMBER: GENERAL ORDER # 28

REFERENCE:

SPECIAL INSTRUCTIONS: updates G.O. #28 issued 7/21/2008

REEVALUATION DATE: As needed

APPROVED:

Monica #190

NO. PAGES: 3

POLICY: CPD shall establish control and accountability procedures for the Purchase of Evidence/Payment to Informants Policy (Henceforth referred to as PE/PI Policy) and to identify legitimate uses of the monies. The primary purpose of these funds is to facilitate criminal investigations when the routine billing procedure may expose undercover members or covert operations to unauthorized personnel.

CONTENTS:

- I. Use of PE/PI funds
- II. Procedures for disbursement
- III. Accounting & Audit
- IV. Enforcement

I. USE OF PE/PI FUNDS

A. PE/PI funds will be disseminated only for the following purposes:

- (1) Investigative funds for the purchase of illegal drugs, contraband, and other criminal evidence.
- (2) Flash and front money.
- (3) Informant payments:
 - (a) must be documented and expenditures cross referenced with the informant's file(s).
 - (b) witnessed by two officers
 - (c) any necessary expenditure which will keep the informant motivated to work towards the investigative goal.
- (4) Vehicle rental.
- (5) Motel room rental.
- (6) Miscellaneous expenditures necessary to facilitate undercover operations.

- (7) Undercover telephone bills.
- (8) Undercover office space and associated expenses.
- (9) Funds to purchase and maintain undercover equipment when such funds are necessary to maintain covert operations or the identity of undercover investigators.
- (10) Other expenditures as deemed necessary by the Support Services Lieutenant.

NOTE: Expenditures not listed above are authorized only with the prior approval of the Chief of Police.

- B. Expenditures from the fund should be utilized on a need basis only and when it is not feasible to utilize other available funds or means (*credit cards, direct billing, expense accounts, etc.*) for authorized expenditures. Expenditures for food, etc., for the members are not considered authorized expenditures unless the member is in an undercover capacity.
- C. PE/PI documents shall remain confidential. Disclosure of such information may lead to the identification of a confidential informant.

II. PROCEDURES FOR DISBURSEMENTS

A. Account Maintenance

- (1) The PE/PI cash fund account will be controlled by the Chief of Police or his/her designee. Typically, the Detective Sergeant will be the Fund custodian. The fund custodian shall not be permitted to make disbursements to him/herself and will disperse funds only to authorized personnel.
- (2) The fund custodian shall have the following responsibilities:
 - (a) Maintenance of the fund in accordance with all the appropriate laws and procedures.
 - (b) Proper disbursements and deposits.
 - (c) Bookkeeping and banking procedures.

(3) Account Withdrawals

- (a) PE/PI funds may be withdrawn only by personnel as designated by the Chief of Police. All PE/PI withdrawals must be authorized by the Chief of Police or his/her designee.
- (b) It shall be the responsibility of the Support Services Lieutenant to ensure proper compliance with expenditure policy and other procedures.

- (c) Prior to the issuance of any funds from the PE/PI account, the member receiving the funds shall provide to the fund custodian a request for funds that includes case number, intended purpose of funds and any other relevant details.
- (d) The fund custodian shall photocopy all monies disbursed. Both the custodian and the recipient shall sign and date the photocopy.

(4) Account Deposits

- (a) Monies returned to this agency as part of plea agreements and/or other court orders in drug related cases will be deposited into this account. This refers to state courts only.
- (b) All deposits will be properly documented and a quarterly report will be generated by the fund custodian.

(5) Expenditure Accountability

- (a) The member receiving the funds is responsible to insure fund expenditures are in compliance with this policy. The receiving member is also accountable for proper return to the account of unexpended funds and for proper documentation of all expenditures.

III. ACCOUNTING & AUDIT

- A. The fund custodian is required to furnish, within ten (10) days of the end of the quarter (ending, September 30, December 31, March 31, and June 30) to the Chief of Police all PE/PI cash expenditures for the previous quarter. The PE/PI cash forms will detail all expenditures with a running account and balance of cash on hand at the end of the quarter.
- B. Cash on hand at the end of the quarter will be witnessed and verified by a second officer. The Detective Sergeant or other recipient of PE/PI funds will maintain custody of the cash on hand and will not dispense funds to any member until the individual account has been reconciled.
- C. Prior to the conclusion of the last quarter of the state fiscal year ending in June, the Detective Sergeant or recipient of PE/PI funds will turn in all cash on hand, receipts and outstanding PE/PI cash forms to the Chief of Police or designee for complete auditing purposes.

IV. ENFORCEMENT

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment pursuant to the Colchester Police Department's rules and regulations.

COLCHESTER POLICE DEPARTMENT

SUBJECT: Crisis Negotiations	
EFFECTIVE DATE: August 10, 2015	NUMBER: GENERAL ORDER # 29
REFERENCE:	
REEVALUATION DATE: As needed	APPROVED: <i>Jmonusau #190</i> NO. PAGES: 5

POLICY: It is the purpose of this policy to provide general guidelines for handling crisis/barricaded subject/hostage situations in order to enhance the prospects of peacefully resolving such incidents through communication with the suspect and to develop alternative approaches to resolve the incident should negotiations fail. In crisis/hostage and barricaded subject situations the safety of all persons involved shall be of the utmost importance.

CONTENTS:

- I. Definitions
- II. Procedures
- III. Post Incident Procedures
- IV. Selection and Training of Negotiators

I. DEFINITIONS

- A. **BARRICADED PERSON** – any person who presents a threat to the safety of him/herself or others, or to the property of others or after the commission of a crime attempts to avoid apprehension by taking refuge in a fortified location. This shall include suicidal subject(s) who pose a credible threat to themselves (i.e. person in crisis).
- B. **HOSTAGE/VICTIM** – A person(s) held against their will by force or threat of force; or a person held as security for the fulfillment of substantive demands on a third party.
- C. **INNER PERIMETER** – The distance at which police actively involved in the incident will remain away from the situation. This is the shortest possible distance necessary for the safety of officers and security of the scene. No one shall be permitted to cross the inner perimeter except under the direction of the Incident Commander or his/her designee.
- D. **OUTER PERIMETER** – The distance at which other police personnel not actively involved in the incident shall remain away from the situation. Media personnel and the public are prohibited from crossing the outer perimeter, unless specific permission has been granted by the Incident Commander and then only if accompanied by a police officer. A staging area shall be

designated on the outer perimeter where personnel and additional resources will report for assignments.

- E. **CRISIS** – Any situation perceived by an individual as an emergency for which there is no perceived adequate solution.
- F. **NEGOTIATOR** – A department member who has successfully completed formalized training in crisis/hostage negotiation through a recognized Law Enforcement Agency or other appropriate source. The duties may include the following functions:
 - 1. Conduct primary negotiations with the subject(s) involved in an incident. This is generally referred to as the lead negotiator.
 - 2. Assist and/or coach the lead negotiator during an incident through the utilization of active listening skills.
 - 3. Gather intelligence from witnesses, victims, bystanders and others who have information regarding an ongoing incident which is relevant to successful negotiations.
 - 4. Scribe details of positive and negative interaction during the negotiation process.
 - 5. Act as liaison between the negotiation unit and the incident command unit.

II. PROCEDURES

- A. Immediately upon recognizing a crisis/hostage or barricaded subject situation, the responding officer(s) shall notify the Officer In Charge (OIC).
- B. Unless immediate action is necessary to protect life, less than lethal methods shall be used to resolve hostage or barricade situations. Responding officers shall attempt to avoid confrontation and control the situation until trained crisis/hostage negotiators and/or tactical personnel arrive.
 - 1. The first officer(s) on the scene shall consider the safety of themselves, victims, witnesses, and bystanders as paramount.
 - 2. The first officer(s) on the scene should attempt to limit escape routes and identify vehicles that may be accessible to the subject.
 - 3. Identification and containment of witnesses is important.
- C. The OIC shall respond to the scene and designate personnel to establish the inner and outer perimeters. If necessary, the OIC shall invoke the Mutual Assistance Agreement to garner adequate personnel for these purposes.
- D. In all incidents requiring the need for negotiations, the OIC shall request Communications to notify a crisis/hostage negotiator of the event. If there are no trained negotiators on duty, two trained crisis/hostage negotiators (chosen from the on-call list) will be called in. Once crisis negotiators are on scene, only trained personnel shall negotiate with suspect(s) unless the lead negotiator determines that another person is more effective in this role.

A list of trained crisis/hostage negotiators shall be maintained in the Communication Center.

- E. The OIC shall serve as Incident Commander until relieved of this responsibility according to National Incident Management System (NIMS) protocol.
- F. The Incident Commander shall determine the necessity of summoning additional resources, such as K-9 assistance, Rescue, or Fire personnel or the Vermont State Police Tactical Support Unit (TSU).
 - 1. If TSU responds, they shall work under the direction of the Colchester Police Incident Commander, or in a unified command manner.
 - 2. If TSU or officers from other agencies are on scene, all communications should be on a common frequency.
- G. The Incident Commander shall direct the following, as appropriate:
 - 1. Evacuation of injured persons - all reasonable attempts shall be made to evacuate injured persons from the area;
 - 2. Evacuation of bystanders or persons in adjacent structures;
 - 3. Establish a Command Post;
 - 4. Control media access and authorize information release. Media access shall be restricted to the outer perimeter and all information disseminated through a spokesperson designated by the Incident Commander;
 - 5. Authorization for use of force or chemical agents;
 - 6. Notification of the Chief of Police or his/her designee;
 - 7. The Incident Commander shall be responsible for continually re-evaluating the circumstances and making operational changes as warranted. This shall include the option of scaling up or down the agency's response or standing down.
- H. **Use of Negotiators** - a minimum of two crisis/hostage negotiators shall be summoned to any situation in which immediate resolution is not foreseen. Additional crisis/hostage negotiators shall be requested, as appropriate, for relief during protracted negotiations or if the magnitude of the incident calls for it. The crisis/hostage negotiators shall provide information to the Incident Commander and/or tactical personnel regarding the status of the negotiations.
 - 1. Crisis/hostage negotiators shall attempt to maintain communication with the suspect(s). It is desirable for the negotiator to resolve the situation peacefully. In the event a non-peaceful resolution becomes necessary, **negotiators shall not be responsible for deciding the course of action required for resolving the incident.**
 - 2. Decisions relative to non-peaceful resolution shall be made by the Incident Commander, after consulting with negotiators and tactical personnel (if on scene).
 - 3. Responding crisis/hostage negotiators shall only be utilized for negotiation related issues, unless exigent circumstances arise that

require their services elsewhere as deemed appropriate by the Incident Commander.

4. Once communication has been established between the suspect and the crisis/hostage negotiator, no other member of the department will attempt to become involved in the communication with the suspect unless directed by a member of the negotiation team or the Incident Commander.
5. The crisis/hostage negotiator has no authority to agree to any demands or enter into any agreements or promises without the permission of the Incident Commander.

- I. If the situation becomes mobile, the Incident Commander will direct available resources so that the suspect is under continual surveillance. The Department shall attempt to control travel to a route that is advantageous to the police and conducive to a successful resolution of the incident. If a pursuit ensues, Department policy shall be adhered to.
- J. Negotiations by police negotiators from other agencies assisting the Colchester Police with a crisis/hostage incident shall be at the direction of the Colchester Police Incident Commander.

III. POST-INCIDENT PROCEDURES

- A. After action reports shall be required of all personnel who participated in the incident, except those whose only responsibility was maintenance of the **outer** perimeter. All reports shall be submitted to the Incident Commander.
- B. Post incident debriefing shall be conducted by the Incident Commander to evaluate the response and solicit feedback from involved parties.
- C. Officers involved in traumatic incidents will be provided professional support and/or counseling at the officer's request.
- D. Appropriate notifications and information regarding the incident will be made to neighbors and nearby residents in an effort to provide accurate data concerning the resolution of the matter and to offer support resources within the community.

IV. SELECTION & TRAINING OF NEGOTIATORS

- A. When negotiator training becomes available and if the department determines a need to add to the pool of current negotiators, interested officers shall submit a training request to the Administrative Sergeant.

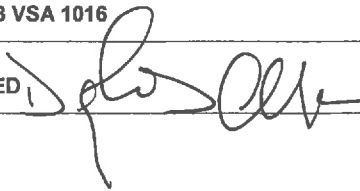
Colchester Police Department
General Order 6 – Criminal Investigations

- B. Selection of negotiators will be at the discretion of the Chief of Police and in consideration of the following attributes: good listening skills, excellent interpersonal communication skills, emotional stability, ability to remain calm under stress and patience.
- C. The Department will provide periodic refresher training to negotiators. This training may be scenario based, literature review, online training or other delivery method.

##



COLCHESTER POLICE DEPARTMENT

		SUBJECT: MOTOR VEHICLE CRASH INVESTIGATION POLICY	
EFFECTIVE DATE: 01/17/2020		NUMBER: GENERAL ORDER #30	
REFERENCE: SUPERCEDES GO # 30 of 01/29/2014		23 VSA 1016	
REEVALUATION DATE: As needed		APPROVED  NO. PAGES: 10	

POLICY: The Colchester Police Department will serve the public by reporting on motor vehicle crashes that occur in our community. The level of response, investigation and reporting are dictated by the circumstances of each crash and are outlined below.

CONTENTS:

- I. Definitions
- II. Procedures
- III. Procedures for Injuries and Hazards
- IV. Property Belonging to Crash Victims
- V. Private Property
- VI. Continued Investigations
- VII. Use of Expert and Technical Assistance
- VIII. Enforcement Action
- IX. Records

I. DEFINITIONS

- A. Motor Vehicle Crash (Accident): An unintentional event causing property damage, and/or personal injury or death involving a motor vehicle on a public highway while in transit.
- B. State of Vermont Uniform Crash Report (UCR): Form supplied and approved by the Vermont Department of Motor Vehicles for reporting of motor vehicle crashes in accordance with 23 VSA 1016.
- C. Commercial Vehicle: Any truck having a gross vehicle weight rating (GVWR) of more than 10,000 pounds or a gross combination weight rating (GCWR) of over 10,00 pounds used on a public highway; or, any motor vehicle designed to transport more than eight people, including the driver; or, any vehicle displaying a hazardous materials placard (regardless of weight).
- D. Non-investigated Crash
 - a. Minor crash: An officer responds to a crash and finds that the combined damage appears to be less than \$6,000 and there are no obvious injuries.

- b. Late-reported crash: A citizen wishes to make a late report of a crash. Generally, this is for insurance purposes only.
- c. A hit and run type crash if:
 - i. The damage appears less than \$6,000; and
 - ii. There is no information indicating who the perpetrator was; or
 - iii. There is an immediate closure to the incident and there is no indication of intent to leave the scene on the part of the accused operator.
- d. Motor vehicle fires resulting from a mechanical defect, i.e., wiring, fuel leaks, flat tire, etc., and not involving a collision. Suspicious motor vehicle fires shall be investigated as a potential arson.

E. Investigated Crash

- a. A motor vehicle crash where the officer responds to the scene and there is obvious personal injury to a person involved.
- b. Any late reported motor vehicle crash resulting in incapacitating injury or a fatality. An incapacitating injury is defined as any injury that prevents a person from being able to work or function in the usual way. A fatal injury is one that is resultant from the crash and occurs within thirty (30) days of the crash.
- c. Total property damages of \$6,000 or more including property damaged other than the vehicles involved.
- d. Any hit and run type crash that:
 - i. Results in \$6,000 or more in damage, injury, or fatality, and/or
 - ii. Must be fully investigated to establish who the perpetrator was, or
 - iii. Results in a criminal charge of Leaving the Scene of an Accident (23 VSA 1128)
- e. Generally, crashes involving town owned vehicles, or property or vehicles from other municipalities will be investigated.
- f. Any crash that a supervisor directs an investigation to be completed.
- g. A crash involving a commercial vehicle as defined in this order that results in any of the following [DMV shall be notified in these circumstances as well]:
- h. One or more fatalities.

- i. One or more persons injured and transported from the scene for immediate medical attention.
- j. One or more of the vehicles were disabled from the crash and transported away from the scene by a tow truck or other vehicle.
- k. A crash involving a school bus transporting passengers.

II. PROCEDURES

a. Communications (Dispatch)

- i. Upon receiving a report of a motor vehicle crash that has just occurred, the dispatcher shall inquire whether there are injuries, fire hazard, or hazardous materials involved in the crash. In the event there are, the dispatcher will follow procedures to notify the appropriate emergency services.
- ii. After determining the location, identity and phone number of the caller, the dispatcher will have an officer respond to the scene of the crash and provide the officer with necessary information so the officer may respond in an appropriate manner.
- iii. The dispatcher will enter the call into the department's record management system.
- iv. Non-Investigated Crash Reports:
 - 1. If the dispatcher determines the crash is late reported, the citizen will be instructed to come to HQ and complete the Non-Investigated Crash Report. If the citizen cannot reasonably come to HQ, an officer shall be dispatched if complainant lives locally. At OIC discretion a non-investigated report can be completed over the phone if the caller is outside the local area.
 - 2. Citizen generated: Once the form is completed, dispatch will initiate an "Accident – Non-Investigated" call type incident, assign it to "Reports Officer" and return two copies of the form to the reporting party, with the incident number noted at the bottom.
 - 3. Officer generated: Dispatch will initiate an "Accident – Non-Investigated" call type incident and assign the responding officer.

b. Officer Response

- i. The first officer to arrive will perform the following functions, the order of which may be altered as necessary.
 - 1. Park the police vehicle in such a manner as to protect the scene and others from danger.

2. Check for injured persons and administer emergency medical care or basic life support.
 3. Check for involvement of hazardous/flammable material.
 4. Summon necessary assistance.
 5. Protect the crash scene.
 6. Preserve or retrieve evidence.
 7. Establish traffic control.
 8. Remove vehicles and debris from the roadway.
 9. Locate witnesses.
 10. Record pertinent information on appropriate forms.
 11. The above steps should allow officers to properly complete the Uniform Crash Report including the investigative narrative as outlined at www.vermontcrashmanualonline.com
- ii. Additional officers dispatched to the crash scene will assist the responsible officer with traffic control or other duties as directed by the responsible officer.
 - iii. If it is determined that an operator is going to be processed for Driving While Intoxicated or other criminal violation as a result of the crash, the responsible officer will generally handle the criminal processing and the assisting officer handles the crash scene unless otherwise directed by a supervisor.
 - iv. If the crash involves hazardous materials or results in the death or serious bodily injury which may result in the death of any person, the first officer to arrive will notify the shift supervisor or the duty officer if a supervisor is not on duty, of the crash.
 - v. In the event of a motor vehicle crash involving death or the potential death of any person, the on scene supervisor shall request assistance from any member who has received at least the At Scene Traffic Crash/Homicide Investigation training. If a qualified Colchester Police Department member is not available, the on scene supervisor shall request such assistance from another agency.
 1. The on scene supervisor will notify the on call OIC if none is on duty as well as the Operations Lieutenant or the on call Command OIC.
 2. The on scene supervisor will be responsible for overseeing the investigation and approval of the report.
 - vi. All crashes involving a department motor vehicle will be immediately reported to a supervisor the rank of Sergeant or above.
 1. The supervisor may respond to the scene and conduct an investigation.

2. If another party involved in the crash requests or the supervisor decides it is necessary, an outside agency will be requested to investigate the crash.

c. Responsible Officer

- i. Usually the officer who is assigned the patrol area where the crash occurred will be the responsible officer. The responsible officer will be in charge of the crash scene unless relieved of that responsibility by a supervisor.
- ii. Once assigned to a crash, the responsible officer will perform the tasks in Section IV B. of this Order.
- iii. Non-Investigated Crash Reports
 1. Generally, officers will not investigate a crash unless they are called to the scene. Minor and late-reported crashes as defined in this Order will generally not be investigated. Any non-investigated crashes will be documented by filling out the face sheet of the State of Vermont Uniform Crash Report and completing the boxes. The contributing circumstances will be unknown (20). A copy of the face sheet will be provided to the operators involved.
 2. The officer will check that the license, registration, inspection, and insurance are valid and current before allowing the involved parties to leave. Tickets of a regulatory nature that are issued to operators will not automatically require an investigative report.
 3. If the responsible officer determines a criminal or other law violation related to the cause of the crash occurred it may be necessary to investigate the crash as outlined below.
 4. Nothing shall preclude an officer from completing a more thorough investigation if the officer or a supervisor deems it appropriate given the circumstances.
- iv. Investigated Crash Reports
 1. If the responsible officer determines that the crash is going to be investigated, the officer will do the following but not necessarily in the order listed.
 2. Complete the State of Vermont Uniform Crash Report as supplied by the commissioner of motor vehicles and give the operators a copy of page 1.
 3. Check that the licenses, registrations, inspections, and insurance are valid and current.
 4. Obtain statements from operators and witnesses.
 5. Record vehicles damage, property damage, and personal injury.
 6. Notify the owner, business, or public service department of property damage they have an interest in or that is under their control.

7. Examine and record evidence from the crash to include tire marks, marks on the roadway, obstructions, etc.
8. Take photographs and record measurements as appropriate.
9. Collect and process any evidence as appropriate.
10. Make arrests, issue citations or Vermont Civil Violations Complaint as appropriate.
11. Have the road cleared of debris and fluids from the crash that may create a hazard to other traffic.

v. Road Closure

1. If a road is going to be closed to traffic for a period of more than an hour, the responsible officer will ensure notifications to a Supervisor (Sergeant or above) the supervisor will notify a department administrator (Lieutenant or Chief). Notification will be made as soon as practicable after the road is closed and again when the road is reopened. Dispatch will notify any emergency service upon dispatch of any applicable road closure.
2. For state roads closure of any length of time, notification will be made to VTrans via Vermont State Police.

III. PROCEDURES FOR INJURIES AND HAZARDS

- a. Injuries - Officers arriving on the scene of a crash involving personal injury or suspected injury that require medical attention will immediately request an ambulance be dispatched to the scene. Injuries or the imminent threat of injury shall take precedent over investigative or reporting functions at the scene. Until appropriate medical assistance arrives, officers will:
 - i. Check the injured and identify those most seriously injured. Officers should update dispatch with the number and type of injuries if possible.
 - ii. Administer emergency medical aid to injured persons consistent with their training.
 - iii. Assist with removal of injured persons if requested by medical personnel.
- b. Fire Hazards and Hazardous Materials - If officers determine there is a potential of fire or hazardous materials spill, officers will stabilize conditions by protecting the scene, isolate the area, and remove persons from the vicinity of the hazard if possible. Officers will request the fire department and other resources as needed.
 - i. Officers will attempt to eliminate sources of ignition to the extent possible.

- ii. If a fire exists, officers will remove persons in the vicinity of the fire (if possible) and/or extinguish the fire (if possible).
- iii. Officers should evacuate surrounding areas and detour traffic as necessary.
- iv. If a cargo vehicle is involved, officers will attempt to make a preliminary identification of the cargo on the basis of placards from a safe distance.
- v. Officers will follow the procedures specified in the Department of Transportation Emergency Response Guidebook to complete the identification of hazardous materials, take appropriate emergency action, and notify the Vermont Emergency Management Duty Officer at 1-800-641-5005.

IV. PROPERTY BELONGING TO CRASH VICTIMS

- a. Officers responding to a crash scene have a responsibility to help safeguard victim's personal belongings, consistent with the priorities of other duties. This responsibility is heightened when the victim is deceased or incapacitated by injury.
- b. Officers shall be alert to pilferage and theft, which may occur at a crash scene. If property is to be taken for safekeeping, it should be tagged as found property and stored consistent with department procedures until claimed by the owner. When it is necessary to release a victim's property to another person or agency, officers will properly document the transfer of property.

V. PRIVATE PROPERTY

- a. Crashes occurring on private property will be handled in the following manner:
 - i. On private property not open to the general public (i.e. private residence)
 - 1. No crash report will be required for a crash occurring on private property provided that no injury has occurred. The responsible officer will classify the incident as damaged property and may initiate an incident as such.
 - 2. An investigated crash report is required if the crash involves injury or death.
- b. Crashes occurring on private property normally open to the general public will be processed the same as if they occurred on a public street and necessary forms completed.

VI. CONTINUED INVESTIGATIONS

- a. The responsible officer shall collect any off scene data or evidence as necessary. The responsible officer may ask for assistance to complete tasks by making a request through the chain of command.
 - i. The investigation may include but is not limited to:
 - 1. Physician's reports and/or medical records.
 - 2. Blood/Breath tests.
 - 3. Mechanical Inspections of vehicles.
 - 4. Laboratory Reports.
 - 5. Obtaining and documenting statements from operators or witnesses. In the event of a fatality or possible fatality, the activities of all operators involved should be documented for at least 24 hours leading up to the crash.
 - 6. Reconstruction of the crash.
 - 7. Preparation of court cases to support any criminal charges that arise from the crash.

VII. USE OF EXPERT AND TECHNICAL ASSISTANCE

- a. Crashes involving serious bodily injury and fatalities require a detailed investigation. The responsible officer may seek expert and technical assistance to ascertain the events leading up to and the factors involved in the crash. The responsible officer may request assistance from one or more of the following:
 - i. An officer from Colchester or another agency trained in Advanced Crash Investigation or Crash Reconstruction.
 - ii. Physicians and/or other medical personnel.
 - iii. Mechanics.
 - iv. State's Attorney.
 - v. Other experts or specialists whose services are necessary to complete the investigation.

VIII. ENFORCEMENT ACTION

- a. The Department remains fully committed to enforcing the law, including vehicular and traffic related statutes and ordinances. Special requirements arise when officers detect certain violations not committed in their presence such as vehicular and traffic violations uncovered during the course of crash investigation and reporting.

- b. Officers are encouraged to take enforcement action whenever their traffic crash investigation or reporting activities reveal facts and circumstances that would likely support a conviction.
- c. Officers may issue Vermont Civil Violation Complaint for any violations as a result of a crash investigation or report. When taking any enforcement action, the officer must establish all elements of the violation. Elements that the officer did not personally witness must be established by other methods. These include but are not limited to:
 - i. Statements or admissions made by the alleged violator or other operators.
 - ii. Statements of witnesses.
 - iii. Crash scene measurements.
 - iv. Physical evidence.

IX. RECORDS

- a. Forms
 - i. Late reported non-investigated crashes where no officer is sent to the scene will be reported by the person(s) involved in the crash on a Colchester Police Department Non-Investigated Crash Report Form. (Appendix A)
 - ii. In all other crashes, page 1 (face sheet) of the State of Vermont Uniform Crash Report (UCR)(TA- VA 01 {d}) shall be completed as described in this order at a minimum. Investigated crashes will require full completion of the UCR.
- b. Prior to the end of their shift, officers will provide Communications with the information necessary for their data entry requirements. Once Communications has completed their information, Page 1 of the UCR will be forwarded to Records for entry in Web Crash.
- c. Upon receipt of a completed Colchester Police Department Non-Investigated Crash Report Form, Communications staff will create an incident report and assign it to the "Reports Officer". Information on crashes reported on this form is not verified information and thus is not reported to Web Crash. These reports will be reviewed by the Records Staff to confirm data entry was made and then approve the incident.
- d. When completing the State of Vermont Uniform Crash Report forms, officers will adhere to the Investigators Guide to Completing the Vermont Uniform Crash Report. (www.vermontcrashmanualonline.com) Narratives will be consistent with the outline in attached appendix of this policy.
- e. An investigated crash requires a detailed narrative. Crashes with incapacitating injury or fatality will also include a diagram. Diagrams may also be utilized to better describe a crash detail or show a violation of law.

- f. Nothing shall preclude an officer from completing a detailed narrative, diagram, etc. if the officer or a supervisor deems it appropriate given the circumstances.
- g. Officers will complete and submit for review all investigated crashes within 21 days of when the crash is reported.

COLCHESTER POLICE DEPARTMENT

835 Blakely Road
Colchester, Vermont 05446Business: 802-264-5556
Fax: 802-264-5561

GO # 30

APPENDIX A

NON-INVESTIGATED CRASH REPORT

This form is being provided for your convenience to report damage to your vehicle either through a non-investigated or a late reported crash. It is the policy of the Colchester Police Department to not investigate crashes unless we are called to the scene and the combined damage exceeds \$4,000. **We will not investigate this incident and are providing you with an incident number for insurance purpose only.** Use of this form does not relieve the reporting party from complying with DMV rules which require the operator of a motor vehicle involved in certain crashes to submit a REPORT OF MOTOR VEHICLE CRASH. ****Please note that insurance fraud and false reports to law enforcement are illegal.**

DATE OF INCIDENT: _____ DATE OF REPORT: _____

NAME OF PERSON COMPLETING FORM: _____

LOCATION OF INCIDENT: _____

VEHICLE #1

OPERATOR NAME: _____ DOB: _____

ADDRESS: _____

PHONE: _____ DL#/STATE: _____

VEHICLE STATE/REG: _____ YEAR: _____ MAKE/MODEL: _____

INSURANCE INFO: _____

VEHICLE #2

OPERATOR NAME: _____ DOB: _____

ADDRESS: _____

PHONE: _____ DL#/STATE: _____

VEHICLE STATE/REG: _____ YEAR: _____ MAKE/MODEL: _____

INSURANCE INFO: _____

*****TO BE COMPLETED BY CPD EMPLOYEE ONLY*****

INCIDENT #: _____

OFFICER: REPORTS OFFICER

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Unusual Occurrences	
EFFECTIVE DATE: December 21, 2015		NUMBER: G.O. #31	
REFERENCE		SPECIAL INSTRUCTIONS: none	
REEVALUATION DATE: as needed	APPROVED: <i>John Smith #190</i>	NO. PAGES: 9	

POLICY: The Colchester Police Department shall adhere to the tenants of the National Incident Management System (NIMS) and Incident Command (IC) in response to all unusual and large scale events. This policy is intended to provide basic direction and procedures for a wide variety of unusual occurrences. Because of the rapid pace of development and multi-factorial nature of such incidents, there is no cookie-cutter approach to unusual occurrences. CPD will rely on these guidelines, current training and best practices to inform our response to such incidents.

CONTENTS:

- I. NIMS & Incident Command
- II. Response to Disasters & Terrorist Acts
- III. Civil Disturbances/Crowd Control
- IV. Mass Arrest
- V. Dignitaries/VIPs
- VI. Special Events
- VII. Response to Active Violence

I. NIMS & INCIDENT COMMAND:

- A. The Department has adopted the National Incident Management System (NIMS) to manage events in which more than four (4) officers or other resources are deployed simultaneously. All requisite department personnel shall be trained in accordance with Federal and State NIMS policies and guidelines. Incident Command and associated duties should be set up using the procedures set forth with the National Incident Management System. Command assumption for law enforcement activities associated with large scale events shall be done in accordance with Department policy.
- B. For events during which extended response or multiple resources are utilized, a Public Information Officer (PIO) should be designated as soon as possible after critical operational personnel notifications are made. The PIO will respond and implement a Public Information System in accordance with NIMS standards.
- C. Emergency Operations Plans (EOP's) for the Town of Colchester are maintained by CPD and shall be available to all personnel in dispatch and electronically.

II. RESPONSE TO DISASTERS & TERRORIST ACTS:

All responses to natural or man-made disasters or terrorist acts should be consistent with the Town's EOP and the Anti-Terrorism plan for Vermont. The following procedures are part of the EOP and re-iterated here as they are most relevant to law enforcement.

- A. **Communications** - In addition to the portable and cruiser radios in daily use at CPD, the EOP contains provisions for additional mobile units, mobile command posts and relay stations in the event of an emergency.
- B. **Situation Maps** - The map of the Town of Colchester, identical to the one located on the wall of the Communications Center shall be used as a situation map when necessary. Additionally, available digital maps may be used as well.
- C. **Field Command Posts** - Mobile command posts shall be established and maintained at the discretion of the Chief of Police in conjunction with the Office of Emergency Management.
- D. **Chain of Command** - All employees of the Department shall adhere to the chain of command, except when an assignment under NIMs dictates otherwise. The Chief of Police, or his/her designee, is directly responsible to the Director of Emergency Management during emergency operations.
- E. **Casualty Information** - Information regarding the number, identification, age, sex and address of casualties shall be made available to the public as soon as possible. Information shall be released only after all reasonable attempts to notify next of kin have been made.
- F. **Community Relations/Public Information** - The Director of Emergency Management shall appoint a Public Information Officer (PIO) when necessary.

The Public Information Officer shall be responsible for collecting information from all agencies involved in the situation and for promptly disseminating this information to the media. The media shall be granted access to incident scenes consistent with safe and efficient operation. All information regarding the emergency situation shall be disseminated through the PIO. No member of CPD shall disseminate information regarding official business via digital or social media without the express permission of the PIO or Incident Commander.
- G. **Rumor control** - Rumors from many sources of information are an integral part of any incident of this nature. It is very important to ensure that sound accurate information is provided to all. When rumors are encountered they will be assessed for accuracy and addressed through the PIO.
- H. **Additional Department Resources** - In the event of a large scale event or disaster within the Town, off-duty personnel shall be contacted to respond for duty. All personnel shall assemble at headquarters unless an alternate site is designated.
- I. **Other Agency Support** - CPD shall be responsible for coordinating all law enforcement activities within the town. Any request for mutual aid from other agencies shall be consistent with applicable agreements for mutual aid.

Personnel from responding agencies shall work under the direction and control of the supervisor of the requesting agency.

- J. **Military Support** - The Chief of Police, through the Town Manager's Office may request the Governor's Office to activate the National Guard.
- K. **Martial Law** – The Governor has the authority to declare Martial Law in Title 20 VSA 9. T 20 VSA 8 and T 20 VSA 9 describe the powers and authority of the Governor to plan, mobilize, delegate and implement a statewide response to local jurisdictions for the purpose of mitigating and controlling a large scale emergency.
- L. **Public Facility Security** - CPD shall be responsible for providing or arranging for security for key public facilities during an emergency. This may be accomplished by either posting personnel on-site or by increasing police patrols of the area.
- M. **Traffic Control** - The Police Department, with assistance from the Public Works Department, shall be responsible for traffic control.
- N. **Equipment Requirements** - Equipment requirements for the Police Department during an emergency shall be determined by the Chief of Police or his/her designee. In the event a warning is received of an impending disaster, the Chief shall ensure that all relevant department equipment is checked and prepared for use.
- O. **Transportation** – The following resources may be contacted when transportation arrangements need to be made: Chittenden County Transportation Authority, trucking or rental companies and/or the Vermont National Guard, bus companies or other appropriate resources.
- P. **De-escalation Procedures** - The Incident Commander shall continually reassess personnel and equipment needs and order the reduction of same as the situation de-escalates.
- Q. **Court and prosecutorial liaison** – CPD regularly interacts with the Chittenden County State's Attorney, the Vermont Attorney General, the United States Attorney for the District of Vermont, and their designees, for the purposes of prosecuting individuals for violations of City, State and Federal Laws. Vermont's District Courts and the Federal Court System are regular venues in which the Department is involved. These resources will continue to be available to the agency during an emergency.
- R. **Post-occurrence Duties** - The Chief of Police, or his/her designee, shall determine the extent of the department's involvement in the aftermath of an incident. All reasonable requests from the State Office of Emergency Management shall be granted.
- S. **After-action reports** - A post incident report shall be prepared by the Chief of Police or his/her designee detailing this agency's involvement and activities relative to the emergency. A copy of this report shall be forwarded to the Office of Emergency Management.

III. CIVIL DISTURBANCES/CROWD CONTROL:

Whenever a large number of people gather for a purpose, there is always potential for police involvement. No matter how innocent its origin or purpose, any crowd can become an unlawful assembly or even a riot. The Department will attempt to serve as facilitators of peaceful demonstrations and gatherings. The police have the responsibility to protect the rights of all persons to assemble peacefully and at the same time preserve the basic peace and unhindered passage of the entire community.

The right of lawful assembly and freedom of speech are fundamental rights guaranteed under the First Amendment of the United States Constitution. There are, however, limitations on the exercise of these rights and the police must enforce these limitations firmly, fairly and impartially. No matter how worthy the purpose for which any crowd has gathered, there is never any legal or moral justification for lawlessness, vandalism, looting or violence.

The primary mission of CPD in any civil disturbance is to: protect life, restore order, ensure accountability of offenders, protect property and critical locations and ensure free flow of pedestrian and vehicular traffic.

The following procedures shall provide guidance in response to any peaceful demonstration or protest.

- A. Whenever CPD becomes aware of a planned demonstration an officer will be assigned to attempt to contact the leader of the group and work collaboratively to ensure a peaceful and safe event.
- B. The assigned officer will ensure that intelligence on the group and prior events is gathered and that all relevant information is passed through the chain of command to facilitate event planning.
- C. When time permits, a written action plan will be prepared for the event, approved by the Incident Commander and reviewed with responding officers.

The following procedures shall provide guidance in response to any civil disturbance.

- A. Any member of the Department who becomes aware of a demonstration, event or gathering that may be construed as an act of civil disobedience shall notify the OIC immediately. If the OIC is a corporal or police officer, the on call sergeant shall be notified. Civil disobedience is defined as "Refusal to obey government demands or commands and nonresistance to consequent arrest and punishment." In all instances of civil disobedience, it is the Department's preference to reach a peaceful, negotiated outcome with protestors.
- B. First responding officers to the scene of a civil disturbance will observe the situation from a safe distance and notify dispatch and the OIC of the details of the situation to include size of gathering, actions or stated intentions of the group, whether any weapons are evident, direction of travel and any

indication of who the group leader is. Unless immediate action is required to prevent serious injury/death or major property damage, decisions regarding intervention should be left to the OIC.

- C. The OIC shall assume command of the incident unless relieved by a higher ranking officer. If practical, the OIC shall make contact with the leader of the demonstration in an attempt to determine the intentions of the group, duration of event, planned route of travel, etc. Whenever feasible, maintaining dialogue with the group and eliciting cooperation with respect to the actions of the group is preferred.

- D. The OIC shall:

1. Determine the need to establish a Command Post;
2. Determine if the rights of others (private property owners or freedom of movement by others) are being impacted by the actions of the group;
3. Determine equipment & resource needs;
4. Request that dispatch notify the Operations LT and the Chief of Police;
5. Arrange for documentation of the event and the Department's response using photography and videography as soon as practical;
6. Make reasonable efforts to prevent vehicular traffic from entering the affected area;
7. Make reasonable efforts to prevent uninvolved pedestrians from entering the area;
8. Assign an operations section chief;
9. Determine the need to deploy a mobile field force.

- E. A mobile field force (MFF) is defined as a group of police officers led by a supervisor to provide a rapid, organized, and disciplined response to civil disorder, crowd control, or other tactical situations. A MFF usually consists of squads of officers supplemented by specialized units such as Canine or others as appropriate. A mobile field force will be led by a supervisor and is normally deployed for the following assignments:

1. To rescue members of the public or police officers under hazardous conditions.
2. To apprehend multiple offenders, (i.e. those engaged in active resistance, looters and others committing crimes or posing hazards to the community).
3. To isolate areas of civil disorder or disaster by the use of large, organized perimeters.
4. To control or disperse unruly crowds.
5. Other assignments as required.

- F. Officers assigned to a MFF may be uniformed in a variety of ways depending on their role/assignment. Some "front line" officers may be attired in a "soft" uniform or regular duty uniform. Other officers may be attired in uniforms including protective gear such as helmets, shields, and other personal protective padding or equipment. Generally, officers attired in protective gear

should be staged out of sight of the group until the Incident Commander determines their presence is necessary.

G. Officers assigned to a MFF shall:

1. Maintain a professional and impartial demeanor at all times;
2. Be courteous but firm;
3. Not engage in debate or argument with protestors;
4. Act together as a coordinated unit under the direction of their assigned supervisor;
5. Follow all applicable General Orders;
6. Wear insignia indicating their Department affiliation;
7. Provide their name or radio ID number (badge #) upon request.

H. When reasonable evaluation indicates that a group or gathering could become confrontational or violent, Specialty Impact Munitions (SIMs) may be deployed in accordance with G.O. #15 "Use of Force" with the following modifications:

1. Use of aerosol agents or munitions with multiple projectiles designed to affect multiple persons – such as fogging canisters or multi-projectile launchers – should generally be deployed only with the approval of the Incident Commander. In the event that a life threatening or serious injury emergency exists, they may be used at the discretion of the grenadier.
2. Use of aerosol agents designed to affect one individual or single projectile munitions may be used at the discretion of the officer in accordance with current policy and training.

I. After order has been restored, every effort shall be made to return to normal functioning as soon as possible.

J. All officers involved will be required to submit a written report of their actions during the course of the incident.

IV. MASS ARREST:

A. Mass arrest shall generally be defined as taking into custody more than three persons during the same protest or civil disobedience incident.

B. One CPD officer will be designated as the "arrest officer." This officer shall notify individuals that they are under arrest. The arrest officer will affix a tag or other identifier on the arrestee as a temporary identifier until formal identification can be done during arrest processing.

C. Pre-designated arrest teams will remove the individual(s) from the scene. Arrestees will be searched by arrest teams prior to transport. Individuals will be transported to headquarters or other designated processing area as soon as practical. If vehicles beyond department resources are needed, appropriate resources (e.g. Department of Corrections/Sheriff's Department) will be contacted for assistance.

- D. The processing of prisoners shall be consistent with established procedures for searching arrestees, completing booking, arrest reports, fingerprinting and photographs. Booking may be delayed temporarily until additional officers are available.
- E. The OIC shall designate a "processing officer" to oversee the detention and processing of all arrestees. This officer shall be responsible to ensure the safety and security of detainees and enforcement personnel and for thorough completion of all arrest related identification processes. Whenever possible, arrestee processing shall be audio and video recorded. As soon as practical, persons arrested will be transported to the Correctional Center, court or released as appropriate.
- F. Officers must be conscious of the need to collect, seize and secure evidence of any applicable crimes consistent with established procedures. All officers must document any testimonial evidence necessary to support a given charge. This documentation must be attached with all other arrest information related to the arrestee.
- G. Generally, one officer will be assigned as the affiant to generate reports in support of probable cause for arrest. All involved officers are responsible for providing the affiant officer with supporting information and details as relevant in writing in a timely manner.
- H. All policies contained in General Orders regarding custody and sight/sound separation of juveniles and males/females shall be followed unless exigent circumstances exist.
- I. All reasonable requests for medical treatment will be granted by summoning medical personnel to evaluate the sick or injured person at the processing facility.
- J. Attorney visits are not allowed while in temporary police custody. All arrangements for attorney visits shall be arranged through the Chittenden County Community Correctional facility.

V. DIGNITARIES/VIPs:

Whenever CPD is required to provide security for a VIP, the Chief of Police shall designate a single person as supervisor and coordinator of the detail. The detail supervisor shall coordinate all activities within the department. If the detail is in conjunction with the United States Secret Service or other agency with primary responsibility for dignitary protection, the detail supervisor shall be the department's liaison and shall provide necessary assistance to the lead agency. If the detail is led by CPD, the detail supervisor shall be responsible for the following activities:

- A. Prior to the visit, determine personnel and equipment requirements such as vehicles, protective equipment, weapons and traffic control devices;

- B. Plan travel routes and alternate travel routes, considering traffic flow, volume, roadway hazards, accessibility to medical assistance and other pertinent information;
- C. Prior to the event, inspect all event sites and gather all available intelligence information;
- D. Determine the need for identification of non-uniformed officers by designation, such as lapel pins;
- E. Identify and communicate to all detail participants the location(s) of available first aid stations, ambulance services, and medical facilities;
- F. Serve as coordinator for the event both within the department and with outside agencies or contacts;
- G. Create a communications plan for use of radios and other communications equipment during the detail.

VI. SPECIAL EVENTS:

Colchester is the site of numerous recurring special events such as the 4th of July Parade and Fireworks, the Triathlon and Winter Carnival. Other events could be considered a special event when it is anticipated that it will draw an unusually high number of people to Town, create more than temporary traffic congestion problems, or will have a significant impact on the community. Whenever a special event is scheduled to occur within the Town, the Chief of Police shall designate a person to supervise and coordinate the coverage of the event. The detail supervisor shall be responsible for the following:

- A. Provide a written estimate of traffic, crowd control and crime problems expected for any given event;
- B. Prepare a contingency plan for traffic control and direction;
- C. Determine the need, if any, for use of special personnel assignments;
- D. Determine all logistical requirements and procure needed assistance;
- E. Serve as coordinator for the event both within the agency and with outside agencies;
- F. Prepare and submit to the Chief of Police an after action report detailing the event and providing appropriate suggestions for future similar events.

VII. RESPONSE TO ACTIVE VIOLENCE

There are many types of incidents that involve active violence including active shooters, workplace violence and more. These incidents are dynamic and often

unpredictable. The term active shooter applies to all situations where there is an active, ongoing deadly threat, to include those from firearms, explosives, knives, and so forth. We will respond to such incidents consistent with current training and best practices.

CPD will make reasonable efforts to ensure all sworn personnel are trained in response to active shooters and that the training is refreshed/updated periodically.

In all instances the primary objective of responders shall be to neutralize the threat and minimize casualties. Rapid intervention by individual officers or teams is normally the best option. Only after the threat has been stopped will responders render aid to the wounded.

##

COLCHESTER POLICE DEPARTMENT

SUBJECT: Response to Alarms	
EFFECTIVE DATE: December 1, 2015	GENERAL ORDER # 32
REFERENCE:	
REEVALUATION DATE: As needed	APPROVED: <i>Morris #190</i> NO. PAGES: 3

POLICY: The Colchester Police Department will respond to alarms at banks, commercial properties and residences, in accordance with the following procedures. These procedures are designed to enhance arrest possibilities of suspects and enhance safety for responding officers, employees, residents or bystanders.

CONTENTS:

- I. Alarms Generally
- II. Bank Alarms or Panic/Hold Up Alarms
- III. Residential and Commercial Burglar Alarms
- IV. Alarm Registration & False Alarms

I. Alarms Generally

All alarms shall be monitored by a Central Station. CPD dispatch will not monitor bank, commercial or residential alarms directly.

II. Bank Alarms or Panic/Hold Up Alarms

- A. Upon receipt of a panic/hold up or financial institution alarm, a minimum of two patrol units shall be dispatched and the OIC notified.
- B. If the robbery notification is received by telephone, a complete description of the perpetrators shall be obtained from the caller with as much additional information as possible; particularly, whether the perpetrator is at the scene and, if not, the direction and mode of travel and a complete description of any vehicle involved.
- C. If the robbery notification is made by alarm, the dispatcher shall not attempt to contact the institution in order to determine the validity of the alarm until officers have given notice that they are in position at the establishment.
- D. If the dispatcher is subsequently notified that the alarm is false, s/he shall
 - a. advise the caller that police units are responding;
 - b. obtain the identity of and maintain contact with the caller;
 - c. verify the false alarm with a key employee of the establishment (e.g., key holder, manager or head teller) and advise that s/he will need to exit the facility to meet the responding officers; and

- d. obtain a physical description of the key employee and provide responding officers with the description and the fact that the employee will meet them outside as required.
-
- E. Upon receipt of a **panic or hold-up alarm** at any business, dispatch will detail two Officers to the location and notify the on-duty Officer in Charge ("OIC") of the alarm. Use of a siren close to the site could result in the subjects involved hearing the siren and cause them to flee or take hostages. Therefore, it is important to note that the use of the siren will be kept to a minimum when responding to alarms.
 - F. In the event that the alarm is activated during times when the business is open or otherwise occupied, the assigned officers will proceed to the location and take a holding position keeping the site under observation. When at least two units have arrived on scene and when directed to by the scene supervisor, a dispatcher will make a call into the business or financial institution. When the dispatcher is able to make contact with an employee inside, the dispatcher will advise the employee that the call is from the Colchester Police and advise the employee that an alarm has been received. The dispatcher will inquire the status of the alarm from the employee. If the alarm is reported by the employee to be a false alarm, the procedure in paragraph D above shall be followed.
 - G. If the call placed by dispatch is not answered, or if a questionable response is given, officers at the scene shall be informed of this and shall assume that a robbery is in progress. The OIC shall determine the need for additional resources, perimeters, etc. Unless the situation becomes actively violent or if otherwise directed, officers shall wait until suspects have exited the building before attempting apprehension. This is designed to minimize the likelihood of a hostage situation.
 - H. In the event that information is received that a robbery or other incident has occurred within the business or bank, the dispatcher will inquire if the suspect(s) have fled, direction of travel, description and known or implied weapons. The dispatcher will air all information to responding units and other resources will be dispatched at the OIC direction. When at least two officers arrive on scene, an employee will be asked to exit and meet with the officers.
 - I. In all cases following activation of a panic or hold up alarm, officers should perform a protective sweep of the business interior prior to clearing from the call.

III. Residential and Commercial Burglar Alarms

- A. Upon receipt of an alarm, the dispatcher shall advise the alarm company to have the contact person for the establishment call headquarters prior to responding to the scene. Whenever resources allow, the dispatcher is to assign two units to respond.
- B. Responding units shall establish radio contact to ensure that both officers are at the scene prior to beginning the investigation. Under normal circumstances officers shall secure separate escape routes.

- C. If at any time during the response the alarm company calls back to advise that they have received a call from an authorized person on the premises with the proper pass code and they are satisfied the alarm is accidental, dispatch may cancel the responding units and note the details on the incident.
- D. If unusual circumstances are noted such as a possible point of entry, a third unit should be detailed and the OIC will be notified. The OIC may make arrangements for other units to respond, if necessary or will authorize the search of the building by officers already present. Normally, uniformed personnel will be assigned to respond to alarms and conduct building searches. However, the OIC may assign a plain-clothes officer to respond. **If the building is not secure it must be searched.**
- E. If the building is secure on arrival or upon the conclusion of the search, headquarters will be notified to call the emergency contact. The assigned officer will remain at the scene until the emergency contact has arrived to reset the alarm or until other arrangements are made. If no key holder is available and the building is secure, the officer(s) may clear the scene.

IV. Alarm Registration & False Alarms

- A. All commercial and residential alarms for buildings within the Town of Colchester must be registered with CPD annually. Colchester Town Ordinances 9-71 through 9-81 address the requirements for alarm registration, false alarms, penalties and more.
- B. A false alarm is the activation of an alarm system through mechanical failure, malfunction or improper installation that is not the result of unlawful entry to the premises. Also included in false alarms is the activation of an alarm system through the negligence of the owner, tenant, employee or agents that is unrelated to unlawful entry at the site of the alarm. Officers should clearly document the circumstances surrounding false alarm activations in their report.

#

COLCHESTER POLICE DEPARTMENT

SUBJECT: Juvenile Operations	
EFFECTIVE DATE: May 26, 2015	NUMBER: G.O. #33
REFERENCE: rescinds previous G.O. #33	SPECIAL INSTRUCTIONS: none
REEVALUATION DATE: as needed	APPROVED: <i>Monixu #190</i> NO. PAGES: 10

POLICY: It is the policy of the Colchester Police Department (CPD) that when dealing with juveniles, officers shall consider reasonable alternatives, consistent with preserving public safety, order, individual liberty, and state and federal law. CPD is committed to maintaining programs and initiatives that prevent and control delinquency, enhance safety of juveniles and promote positive relationships with youth, schools and the broader community.

CONTENTS:

- I. Organization & Administrative Requirements
- II. Operations
- III. Procedures
- IV. Juvenile Alcohol Policy
- V. Diversion, Restorative Practices and Community Justice Center
- VI. Youth Services Officers & Programs

I. Organization & Administrative Requirements:

- A. Any officer may be called upon to investigate incidents involving children. Officers may be assigned to investigate the following:
1. Wide variety of incidents involving juveniles as victims, witnesses, offenders or status offenders.
 2. Investigate child abuse and neglect incidents.
 3. Liaison with all agencies that work with youth in the community.
 4. Investigate and/or follow-up on all runaway and missing children incidents.
- B. Officer responsibilities include, but are not limited to:
1. Completing paperwork related to juvenile arrests/petitions on an established schedule, generally, no later than 3-5 days after the citation. Upon completion, the officer shall submit all juvenile paperwork to his/her supervisor for review. The officer will be responsible for making referrals of this paperwork to either the

Chittenden County State's Attorney's Office for disposition in Court or refer to the Community Justice Center (or other approved program), which has specific protocol for handling cases of this nature.

2. When juvenile(s) are detained/arrested or ordered into Family Court for the next business day, officers are required to complete the paperwork for the court hearing by the next business morning.
3. All officers may make themselves available to counsel youth when requested by an outside agency or other member of the community.

II. Operations:

A. YOUTHFUL OFFENDERS

When dealing with juvenile offenders, any action taken must conform to all state and federal laws governing the rights of young people. When officers investigate juvenile related incidents, they must determine if the child has engaged in non-criminal behavior, a status offense, or a delinquent act.

1. STATUS OFFENSE – Any offense specific to children for which an adult cannot be prosecuted; such as possession of alcohol or tobacco. When an officer confronts a child that has committed a status offense, the officer may do one of the following:
 - a. Counsel and release the child to a parent/guardian, considering the criteria for a Child in Need of Supervision (CHINS) (see section B next page) and then document all actions taken in a report.
 - b. Do the above and prepare a delinquency case (recommended for alcohol and civil marijuana violations for under 16 years old) or issue a VCVV for tobacco, alcohol or marijuana possession for 16 & 17 year olds.
2. DELINQUENT ACTS – An act committed by a child, which is a crime under state and/or federal law.
 - a. Children not yet sixteen (16) years of age, but who have attained the age of ten (10), will be charged by completing a court case and issuing a "Citation to Juvenile". The investigating officer has the responsibility to obtain as much information about the juvenile as possible prior to making a referral to either the Chittenden County State's Attorney's Office, or the Community Justice Center. This information includes name of school and grade, parents' information, criminal history, previous police involvements, any known history of substance abuse or mental health issues, truancy history, etc. After review by the officers' supervisor, the case will be sent to Records Division for proper handling.

- b. Investigating officers shall consult current State's Attorney guidelines or communicate with the State's Attorney's Office about certain types of acts which should be reviewed/discussed with them prior to disposing the case in any other fashion. These should include, but are not limited to:
 - Felonies
 - Crimes involving weapons
 - Gang-related incidents
 - Domestic violence
 - Children who are under probation or court imposed conditions when the incident took place
 - Incidents where the youthful offender is also a CHINS
 - Whenever the suspect has refused or failed to comply with pre-court restorative justice programs
 - c. Officers should attempt to find alternatives to continued custody of juvenile offenders. In the event continued custody is necessary, officers should consider the following non-limiting list:
 - Prior Police record/contacts
 - Type of offense
 - Influence of alcohol or drugs
 - CHINS history
 - Risk to public safety
 - d. If the decision is made not to continue custody of the juvenile offender, the parent/guardian will be notified and the youth released to them. In the event that neither a parent or guardian is located and the youth is released to another responsible adult, or the offense is minor and the youth is released outright, the officer will contact the parent/guardian as soon as practical. The officer should document this information in their report.
3. SIXTEEN/SEVENTEEN YEAR-OLD OFFENDERS – Sixteen (16) and seventeen (17) year-old offenders will be issued a citation to appear in Superior Court – Family Division for all misdemeanors except for DLS, ATE, DUI, C&N, LSA and those listed in 13 VSA 5301 (7). Generally, 16/17 year olds will be cited to appear in Superior Court -Criminal Division for felonies. Additionally, minors aged 15 or 14 may be cited into Criminal Court for any of the 12 major felonies found in 33VSA5204.
- If the parent is not present at the time a citation is issued, the officer shall make contact with the juvenile's parent(s) or guardian(s), make reasonable efforts to provide a copy of the***

citation to the parent/guardian and document said notification in their report.

B. CHILD IN NEED OF CARE AND SUPERVISION (CHINS)

1. Under T33 VSA chapter 53, a child is deemed in need of care and supervision if;
 - a. Pursuant to a court order; or
 - b. When an officer has reasonable grounds to believe that the child is in immediate danger from his/her surroundings and that removal from the child's current home is necessary for the child's protection; or
 - c. When an officer has reasonable grounds to believe the child has run away from a custodial parent, foster parent, a guardian or custodian or a noncustodial parent lawfully exercising parent-child contact, or care provider.
2. Sixteen and seventeen year old UNMANAGEABLES – A 16 or 17 year-old cannot be a CHINS based solely on unmanageability. In these cases social service agency assistance, such as First Call, should be sought. The child's background should be investigated to see if the criteria in a or b above exists.
3. If an officer takes a child into custody as a CHINS, the steps in the following non-limited list should be taken:
 - a. Remove the child from the surroundings. If appropriate, contact the parent/guardian.
 - b. Contact First Call (for unmanageable youth)
 - c. Contact on-call State's Attorney
 - d. Contact DCF
 - e. Complete appropriate paperwork, juvenile contact form, incident report, and affidavit. Paperwork should include the reason child was taken into custody, information about any potential placements with family or friends, and information about the parents/guardians.
 - f. Paperwork must be completed by next business morning for court hearing.

III. Procedures

A. Non-Custody

1. Any officer who has contact with a juvenile offender may counsel and release the child for non-serious offenses. These contacts shall be documented and the parent/guardian contacted.

B. Custody

1. Under T33 VSA 5251, a child may be taken into custody as a delinquent for the following reasons:
 - a. Pursuant to laws of arrest in Vermont.
 - b. Pursuant to a Family Court order under T33 VSA chapters 51, 52 or 53.
 - c. By law enforcement officer who has reasonable grounds to believe that the child has committed a delinquent act; and that the child's immediate welfare or the protection of the community, or both, require the child's removal from the child's current home.
2. When a child is taken into custody, she/he should be transported to the Police Department or the child's residence. If the child is taken to the Department, his/her parent/guardian will be contacted immediately, advising them of the situation and requesting that they come to the Department. If the child has been arrested, the parents shall be notified of this and the nature of the charges and location of the child shall be conveyed to them. If the child is cited, the parent/guardian shall be provided/mailed a copy of the citation.
3. When an officer has taken a child into custody, the officer shall make reasonable attempts to determine the physical/emotional welfare of the child to discern whether the child is in danger of being harmed or harming themselves.
4. If it is determined that a child is to be taken to Woodside, they should be taken without delay.
5. Any time a juvenile is taken into custody, a "Juvenile Contact Form" shall be completed, and the signature of the person to whom the juvenile is being released should be affixed to the form. See Appendix B for "Juvenile Data Sheet".
6. According to the Federal Juvenile Justice and Delinquency Prevention Act of 1974, juveniles (except those charged or convicted of a criminal felony offense) should not be held in adult jails or lock ups in a secure detention or confinement status. **They may be held in non-secure custody.**
 - a. The areas where the child may be held would be an **unlocked, multi-purpose area**, such as a lobby, office, interview/interrogation room that is not designated, set aside or used as a secure detention area or is not part of such an area, or, if a secure area, is used only for processing purposes.
 - b. The child shall not be physically secured to a cuffing rail or other stationary object during the period of in the facility, except as otherwise provided hereunder.

- c. The use of the area(s) is limited to providing non-secure investigation, processing, and release to parents or guardian, or arranging transfer/transport to an appropriate youth facility or court.
 - d. The child **must be under continuous visual supervision by a law enforcement** officer or other responsible adult during the period of time that he/she is in non-secure custody.
 - e. In the event of a juvenile **misdemeanant** who is violent or poses an escape risk, he/she may be secured by the least restrictive reasonable alternative. Officers may use the interview rooms in the holding area for this purpose, or if the child is handcuffed or confined to a holding cell (for a maximum of six (6) hours), the detaining officer must document the reason in his/her report and complete the juvenile holding log. Juveniles held in secure custody must always be out of sight and sound of any other persons in custody.
 - f. Unless unusual circumstances exist, a child who is a status offender (runaway) should be held in secure custody for no more than one (1) hour. Officers must document checks every thirty (30) minutes and explain why secure custody lasted more than one hour.
7. Interview & Interrogation
- a. When a child is taken into custody or deprived of her/his freedom in any significant way and subject to interview/interrogation, the officer must advise the child of his/her Miranda warnings in the presence of an adult who is genuinely interested in the welfare of the child and has no connection to the prosecution (See Juvenile contact Form). The adult must be allowed to confer with the child in private prior to waiving Miranda.
 - b. The child and the adult will be advised of the Department's and the State's juvenile justice procedures.
 - c. The following procedures shall be observed during interview/interrogation of children:
 - 1. Limit the number of interviewers to one.
 - 2. Limit the number of Police employees in the room to no more than two.
 - 3. Limit the length of the interview to two hours unless there are extenuating circumstances.
8. Fingerprinting and Photographing
- a. Youths charged as adults may be fingerprinted and photographed as adults.

- b. Youths not charged as adults may be fingerprinted for immediate comparison to latent prints found at the scene of a crime if there is reason to believe that particular child was involved. The fingerprints must be immediately destroyed if the comparison is negative.
- c. Youths not charged as adults cannot be photographed without the consent of a judge.

C. Runaway / Missing Youth Complaints

- 1. Officers are responsible for initiating runaway incidents. Reports will be used to document all pertinent information to include any information concerning why the child ran away, possible destinations and known associates, and extenuating circumstances such as medical concerns, abuse and neglect, and suicidal or homicidal ideation. If the complainant is not the legal parent or guardian, that information will be collected.
- 2. Officers are responsible for completing a report outlining the facts and circumstances around the Runaway/Missing Youth as well as entering the Runaway/Missing Youth into NCIC/VCIC. Both of these tasks must be completed as soon as possible and no later than prior to the officer's completion of shift.
- 3. It shall generally be the responsibility of the officer who takes the initial report of a runaway/missing child to attempt to locate the child for ten days after taking the complaint. After ten days, the complaint should be forwarded to a detective for follow-up investigation when the child has not returned during this time period. If the complaint is of an urgent and/or serious nature, the Officer In Charge must be immediately notified.
- 4. When a runaway/missing child complaint is initiated by our agency and apprehended or canceled by our agency, **both the officer who locates/cancels the runaway/missing status and the dispatcher who enters and/or cancels the runaway/missing child into NCIC/VCIC at the request of an officer, have a responsibility to document the following:**
 - a. The officer shall document pertinent information in the original incident. This information should include, but is not limited to, the location of apprehension or return of the child, circumstances surrounding their return, circumstances during their time on the run including where they lived and ate meals, any criminal behavior perpetrated on or perpetrated by the youth while on the run. These questions need to be asked to protect vulnerable juvenile populations. Officers should be mindful that apprehended juveniles are in custody and Miranda requirements may apply if incriminating statements are solicited.

- b. In the event the officer learns of any criminal activity, the officer will make reasonable attempts to investigate that activity.
- c. The dispatcher shall indicate in the supplemental field of the law incident form: his/her name, the date that they entered the child as a runaway/missing into NCIC/VCIC, and the name of the officer who made the report/request. The dispatcher shall also document in the supplemental field of the law incident: his/her name, the date they canceled the child's runaway/missing status in NCIC/VCIC, and the name of the officer who requested the cancellation.
- d. The procedures for apprehension of runaways in other towns within Chittenden County are included in a memo from the Chittenden County Law Enforcement Executives [see Appendix C].

D. Suspected or known abuse or neglect of children

Pursuant to Title 33 VSA 4913, officers are required to report any case of suspected child abuse or neglect to the Department of Children and Families (DCF) within twenty-four (24) hours. Officers working after hours can report to DCF using the Emergency Services Unit of DCF. Officers must make contact with a DCF employee confirming receipt of the report and document those contacts in their incident.

IV. Juvenile Alcohol Policy:

- A. *Intoxicated Youth* – a person under the age of eighteen (18) who is intoxicated is assumed to be unable to safely care for her/himself. In order to ensure the continued care of such individuals, any intoxicated youth shall be taken into custody.
- B. Intoxicated youths in custody will be released only to a legal parent or guardian. A temporary adult guardian may be designated by parents if they are unavailable. Also, 17 year old subjects with no local family may be transferred to the custody of Act 1. If a parent or guardian cannot be located, the officer will contact the On-Call State's Attorney to request that the youth be placed into the custody of the state as a CHINS.
- C. *Incapacitated Youth* – a person under the age of eighteen (18) must be screened at an approved alcohol screening program or the Emergency Room of a licensed general hospital. While the screening is taking place, officers should coordinate contacting the legal parent or guardian to notify them of the youth's status. After screening, the youth must be released as described in section (B).

V. Diversion, Restorative Practices and Community Justice Center:

- A. The purpose of the court diversion program is to provide a community based alternative to the formal court process for first offenders. It provides for a quick response to the offense and holds the offender responsible for the unlawful act. Diversion attempts to compensate victims of crime for their losses while protecting the rights of the offender. Officers may recommend for diversion any juvenile for whom legal proceedings would be inappropriate or the use of other resources would be more effective. The officer having contact with the juvenile offender should take into consideration the nature of the offense, the age and circumstances of the offender, the offender's record, and the availability of community based rehabilitation programs. Recommendations to the diversion program should be documented in the report to family court. [See appendix A for Diversion guidelines]
- B. Restorative Justice is a way of thinking about crime and conflict. It challenges us to look at how we respond to low level crime and how we restore the balance after a crime has been committed. Restorative Justice can come in many forms, depending upon the circumstances of the case, and the resources available through the Community Justice Center.
- C. In general, all restorative models focus on holding the offender accountable in a more meaningful way, repairing the harm caused by the offense, reintegrating the offender into the community, and achieving a sense of healing for both the victim and community.
- D. Restorative practices will not take the place of the traditional criminal system and will not be invoked when inconsistent with the protection of the community and existing state and federal law. Referral to any restorative program needs to be made in consultation with a supervisor.

VI. Youth Services Officers & Programs:

- A. The Youth Services unit is contained within the Support Services Division. It consists of officers who are assigned for a period of one school year or more, consistent with department orders on transfers. The unit is supervised by the Support Services LT.
- B. The Youth Services unit is designed to provide enhanced safety in our schools to facilitate learning. Members of the unit are charged with developing and maintaining relationships and increased communication between the Department, Colchester Schools, and the Community.
- C. Youth Services Officers will be responsible for a variety of tasks, which are summarized in the position description of Youth Service Officer. Some examples include providing traditional police services in schools, providing instruction to students, faculty and parents, and serving as a

resource to both the school community and the Department on issues of mutual concern. Additionally Youth Service officers are responsible for:

- Community Outreach & Crime Prevention
- Business Outreach
- Special programs
- Follow up on certain incidents involving youth
- Oversight of the Community Service Officers

##

Appendix A

Chittenden County Court Diversion
Guidelines for Referrals

- A. Chittenden County Court Diversion guidelines for referral are:
1. The offender must be ten (10) years of age or older.
 2. The person must have no prior juvenile or criminal adjudication.
 3. The offender must be willing to admit guilt and take full responsibility for the offense.
 4. There must be probable cause for the offense and it must rise to the level of cases which would normally be prosecuted by the State's Attorney's Office.
- B. Criminal cases that will not be considered for Diversion are as follows:
1. DWI's are not eligible under any circumstances.
 2. Those cases which involve a serious injury or high monetary loss.
 3. Offenses involving cruelty to children.
 4. Leaving the scene of an accident where the struck vehicle was occupied at the time of the collision. LSAs where the offender struck an unoccupied vehicle or an object which did not involve the potential for physical injury are considered for Diversion depending on the circumstances.
 5. Fish and Game violations.
 6. Some felonies may be considered on a case by case basis. Felonies involving personal injury are not eligible. Those felonies manifesting detailed planning and preparation are ineligible.

LAW ENFORCEMENT JUVENILE DATA SHEET

Incident No.

Information about the juvenile

Name

DOB

Gender

M

F

Street Address

Ethnicity / Race (check one)

☐ Hispanic / Latino☐ Asian☐ African American☐ Other / Mixed☐ Caucasian☐ Not Known☐ Native Hawaiian/
Pacific Islander☐ American Indian /
Alaska Native

Telephone Number

Information about the parents/guardians/custodians

Name of Parent/Guardian/Custodian

Name of Parent/Guardian/Custodian

Street Address

Street Address

Town, State, Zip

Town, State, Zip

Phone Number

DOB

Phone Number

DOB

Email Address

Email Address

Information from Officer

Date Action was taken

I took the following actions regarding this juvenile on

☐ I submitted an affidavit for a CHINS petition to the State's Attorney.

Date of Court Appearance

☐ I issued a delinquency citation to the juvenile to appear in court on☐ I did not take the child into custody.☐ I took the child into custody for the following reason(s):

CHINS (33 V.S.A. §5301):

☐ pursuant to a court order under Title 33, Chapters 51, 52, 53☐ the child was in immediate danger and removal from home was necessary for the child's protection☐ I believe the child has run away

DELINQUENCY (33 V.S.A. §5251):

☐ pursuant to the laws of arrest.☐ pursuant to a court order under Title 33, Chapters 51, 52, 53☐ I believe the child committed a delinquent act, and the child's immediate welfare and/or the protection of the community require taking the child into custody.

Release of child (if applicable)

Date of Release

I released the juvenile on to the following person(s):

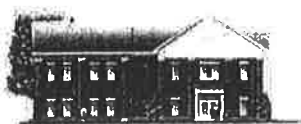
☐ Parents, guardian, or custodian of the juvenile☐ The Department for Children and Families (DCF) per court order☐ A designated runaway shelter

Date

Signature of Officer

Printed Name of Officer

Department



Williston
Police

Williston Police Department

7928 Williston Road
Williston, Vermont 05495

Office: 802-764-1152 · Fax: 802-764-1157



19 November 2013

To: Chittenden County Chiefs & Agencies
From: Chief Todd Shepard
Subject: Runaway Juvenile Protocols

Discussed at the Chief's meeting on 11/14/2013 was the protocol for handling found runaway juveniles. Although there were two thought patterns discussed, mutual agreement centered on the following:

1. If any agency locates a missing/runaway juvenile or person, they are responsible for handling the situation, which may include releasing to custodians, parents, court, or following through with a CHINS.
 - a. It is recommended that the originating agency be contacted when the juvenile is found to ensure the safe release or to obtain more information surrounding the reasons for a CHINS.
2. The investigating agency may come into a jurisdiction that may not be their own to follow up on leads. The investigating agency should make notice to the agency where they are working.

There was consensus amongst Chief's that the original agency making the runaway report is not responsible to come and get the juvenile from the locating agency unless there were some extenuating circumstances that dictated the involvement of another agency, i.e. locating agency handling a fatal crash or homicide and resources already stretched to limit.

This protocol differs from the detox protocol agreed to by Chief's years ago when those who are brought to the FAHC ER in Burlington by police and/or rescue. The agency where the detox was brought from is still responsible to go to the ER to get the detox. Due to the number of instances of this, the Chittenden Chief's agreed to own the responsibility to detox these folks rather than having BPD overwhelmed.

"Dedicated to Protecting Lives And Property"
Todd C. Shepard, Chief of Police

COLCHESTER POLICE DEPARTMENT

SUBJECT: NCIC Policy	
EFFECTIVE DATE: April 4, 2018	NUMBER: GENERAL ORDER #34
REFERENCE: Supersedes GO #34 dated April 15, 2011	Special Instructions: Includes Appendix A
REEVALUATION DATE: Annual	APPROVED: <i>J. Monahan #190</i>
NO. PAGES: 11	

I. PURPOSE

The National Crime Information Center (NCIC) is a nationwide, computerized information system of accurate and timely criminal justice information managed by the FBI for the benefit of law enforcement.

NCIC includes information for wanted persons, missing persons, stolen property, criminal history, and information compiled during investigations of crimes that are known or believed on reasonable grounds to have occurred. Additionally, evidence on identifiable individuals collected to anticipate, prevent or monitor possible criminal activity as well as information pertaining to missing and unidentified persons is available through the NCIC system.

II. POLICY:

It shall be the policy of the Colchester Police Department and VT Crime Information Center to ensure the proper operation of NCIC. The standards, procedures, formats and criteria as contained in the FBI CJIS Security Policy and NCIC Operating Manual, will be followed by all criminal justice agencies accessing the same through the Vermont State Message Switch.

III. AGENCY COMMITMENTS

A. The primary responsibility for the entry and maintenance of accurate, timely, and complete records lies with the agency whose ORI is on the record. However, each agency is monitored by a CJIS Systems Agency (CSA). This Agency has direct telecommunication lines to NCIC, and is held responsible for records entered through those lines. There is no more than one CSA per state. In Vermont, the CSA is the Vermont Crime Information Center (VCIC), Department of Public Safety in Waterbury, Vermont. This agency is responsible for

monitoring system use, enforcing system discipline, and assuring that all users under their jurisdiction follow NCIC operating procedures. As CSA, VCIC's goal is to assist agencies in their use and compliance with the NCIC System. However, VCIC's mandate is to ultimately ensure the integrity of the system, therefore, robust administrative procedures and controls to ensure that accurate data entry and compliance with documented policies and procedures. These procedures and controls can prevent lost court case, civil liability suits, and criminal charges against the law enforcement officer, dispatcher and/or the agency.

The data stored in the NCIC System and the III File is documented criminal justice information and must be protected to ensure correct, legal and efficient dissemination and use. It is incumbent upon the agency operating an NCIC terminal to implement the necessary procedures to make that terminal secure from any unauthorized use. Any departure from this responsibility warrants the removal of the offending terminal from further NCIC participation.

Additionally, in order to protect the integrity of the state-wide system access to federal records systems, failure to comply with NCIC Operating Policy, CJIS Security Policy to include access and dissemination of III records and/or VCIC's NCIC policy may result in sanctions up to and including this agency's removal from the State Message Switch.

Furthermore, failure of the CSA to hold any non-compliant agency accountable, up to and including removal from the State Message Switch, could result in the FBI disallowing further connection to and removing the entire State of Vermont from NCIC.

The following definitions illustrate the agency's agreements with NCIC and VCIC and are to be referenced and followed at all times.

Any device that accesses NCIC information will be used by trained and NCIC certified personnel ONLY. This will include the current Full Service Terminal Operators (FSTO) and Less Than Full Service Terminal Operator (LFSTO). A list of all agency FSTO and LFSTO, their certification date and certification expiration must be maintained by this agency.

When a record is entered into NCIC, the resulting printout (or appropriate cover sheet) must be initialed and dated by the person who made the entry and by the person who performed the second party check. This printout, along with the entry request and entry confirmation will remain in the agency hot file. If an agency is non-

terminal or non-24 hour, a second copy of this information will be maintained at their Holder of Records agency.

As mandated by the FBI, the local agency will have at least on FSTO certified user designated as "TAC" (Terminal Agency Coordinator), which is the Point-of-Contact between the agency and VCIC for NCIC purposes.

B. Timeliness –To ensure maximum system effectiveness, NCIC records must be entered immediately when the conditions for entry are met, not to exceed 3 days, upon receipt (electronic or hard copy format) by the entering agency. The exceptions to immediate entry are when otherwise prescribed by federal law or when documentation exists to support delayed entry.

1. **WANTED PERSON FILE** – Entry is made immediately after the decision to arrest or authorize arrest has been made, a timely entry in the Wanted Person File is one made immediately once, the decision to arrest or authorize arrest has been made and, the decision has been made as to whether and how far to go for extradition, or if extradition is not authorized an entry may be made for felony or serious misdemeanor warrants for officer safety purposes.

A timely removal from the file means an immediate removal once the originating agency has documentation the fugitive has been arrested or is no longer wanted.

2. **FEDERAL FUGITIVE RECORDS** – Entry is made immediately (i.e. within 24 hours) upon receipt of information by the inputting agency/office, after the decision to arrest or authorize arrest has been made. Exceptions to this rule occur if imminent arrest is expected or other clear, identifiable, operational reasons would preclude immediate entry (e.g. insufficient data resulting a "John Doe" warrant).

Any exceptions to delayed entry in NCIC must be minimized and documented.

3. **MISSING PERSON FILE** – Timeliness of entry and modification in the Missing Person File is made as soon as possible once the minimum data required for entry (i.e. all mandatory fields) and the appropriate record documentation is available. For missing persons under age 21, an NCIC Missing Person File record should be entered within 2 hours of receiving the minimum data required for entry.

4. **ARTICLE, BOAT, GUN, LICENSE PLATE, SECURTIES, VEHICLE/BOAT PART, AND VEHICLE FILES** – Entry is made as soon as possible once the minimum data required for entry (i.e., all mandatory fields) and the record documentation are available. Information about stolen license plates and vehicles should be verified through the appropriate motor vehicle registration files prior to record entry if possible. However, if motor vehicle registration files are not accessible, the record should be entered into NCIC and verification should be completed when the registration files become available.
5. **ALL OTHER FILES** – Entry is made as soon as possible once the minimum data required for entry (i.e., all mandatory fields) and the appropriate record documentation are available.

See the NCIC Operating Manual, Introduction Section 3.2.2 for additional guidelines pertaining to timeliness.

C. VALIDATION - Validation obliges the ORI (Originating Agency) to confirm the record is complete, accurate and still outstanding or active. Validation is accomplished by reviewing the entry and current supporting documents, and by recent consultation with any appropriate complainant, victim, prosecutor, court, nonterminal agency, or other appropriate source or individual. In the event the ORI is unsuccessful in its attempts to contact the victim, complainant, tec., the entering authority must make a determination based on the best information and knowledge available whether or not retain the entry in the file. (NCIC Operating Manual Introduction 3.4). Validation procedures will be carried out by, or under the guidance of, the Terminal Agency Coordinator (TAC). There must be a written procedure in place.

1. **COMPLETENESS** - Complete records of any kind include all information that was available on the person or property at the time of entry. When additional information becomes available after the original entry into NCIC, that information should be added to the record as quickly as reasonably possible.

Complete person records include numbers that could be indexed in the record, i.e. Social Security, Passport, VIN, License Plates, Driver's License, etc. Inquiries should be made on all names and aliases used by the suspect. Complete vehicle inquiries include VIN and license plate numbers.

2. **ACCURACY** - The accuracy of NCIC entries and modifications must be verified by a second party. Verification should include confirming that the available crosschecks (i.e. VIN/license numbers) were made and that the data in the NCIC record matches

the data in the investigative report. A dispatcher, an officer, or a supervisor may do this crosschecking.

D. HOT FILES - All of the files available for entry of stolen property, wanted or missing persons, and files for information on dangerous persons or groups are considered "Hot Files. A Certified User can access NCIC/VCIC through the Vermont Law Enforcement Telecommunications System (VLETS) utilizing either Glink or OpenFox Messenger.

1. Entry Procedures - Using the forms provided by VLETS (Vermont Law Enforcement Telecommunications System), information will be entered as soon as minimum information is available. The menu for NCIC Entry and Cancel forms is Form 207 or Shift F4 (G-Link). OpenFox Messenger users access NCIC Entry forms in the NCIC drop down menu.

A paper NCIC entry form will be filled out and kept in the Hot Files folder in the Communications Center. The NCIC printout should be filed with the appropriate hot file entry form. The NCIC Operating Manual is always available on the VIBRS page or in the CJIS Manuals item at NexTest if there are any questions regarding required fields criteria. All entries should be brought to the attention of the TAC (Terminal Agency Coordinator).

E. ERROR CHECKING

1. Any NCIC entry will result in a response from NCIC acknowledging the request and verifying entry, providing the ORI (Originating agency) with a NIC number. The NIC number is the unique number assigned to each entry.
2. Form 280 ("Z-NCIC Entry Confirmation in OpenFox Messenger) shall be used by the originating agency to confirm that the information entered is correct. By following the on-screen directions, a copy of the full NCIC record can be obtained for review and verification.
3. Copies of all MRI's will be attached to the original case, as well as the response to Form 280 of the NIC number confirmation. Form Z-NCIC Confirmation, OpenFox Messenger, along with the initials of the person making the entry and the one performing the second-party check.

F. REMOVAL PROCEDURES

It is always the entering agency's responsibility to clear the record in NCIC when the property has been recovered, or the missing person located. In the case of a wanted person being arrested, the ORI (or their holder of records agency) will send the clear message. A list of

the NCIC Clear VLETS Forms can be obtained by Shift F4 or Form 207 (G-Link). OpenFox Messenger removal of records is located in the drop down menu. The resulting "Clear NIC" message from the clear will be placed with the appropriate Hot File paperwork, removed from the "Hot File", and then will be filed with the case. The TAC will be advised of the cancellation. Re-query via NIC number should be done to ensure the record has been removed.

G. INQUIRY TRANSACTION

A query of the NCIC data banks can be made in different ways. Use of the F1 and F2 keys will provide a multi-response, including a check of the NCIC vehicle and person files (G-Link). OpenFox Messenger utilizes the "SVQ or SNQ" under the "most common" menu item. It is important to understand that a query on a name will result in automatically checking all of the person files, and may also result in a vehicle record check if a vehicle has been linked to a name. Person files searched by entering a name and date of birth and requesting a check of the wanted person file will also search Missing Person, Foreign Fugitive, U.S. Secret Service Protective File, Unidentified Person File, Violent Gang, Known or Suspected Terrorist Organizations File, Protection Order, Supervised Release and the National Sexual Offender File. Some of the files are for officer safety only, and to facilitate the exchange of information between agencies, and others may result in taking the subject into custody once the "hit" is confirmed. All positive responses must be read carefully, and data compared to determine if the person in the NCIC response and the person encountered by the officer are the same.

Note: The increase in the amount of information available through NCIC files has tremendously increased the number of liability issues, and the possibility for occurrence for each and every ORI. This must be remembered at all times.

H. HIT CONFIRMATION PROCEDURES

Any agency that receives a positive response to an NCIC inquiry must confirm the "hit" before taking any action such as arresting the wanted person, detaining a missing person, or seizing the stolen property.

1. Confirming a hit means to contact the agency whose ORI appears on the record to ensure that the person or property inquired upon is identical to the person or property identified in the record, ensure that the warrant, missing person or theft report is still outstanding, and to obtain a decision regarding the extradition of the wanted person, information regarding the

return of the missing person, information regarding the return of stolen property to the rightful owner.

2. NLETS (National Law Enforcement Telecommunications System) will be used for any hit confirmation message. See Glink Form 322 for Hit Confirmation Requests (YQ) and the drop down menu in OpenFox Messenger. If the initial confirmation is done by phone it is to be followed up with a YQ message to establish a paper trail of the contact. This paperwork will be attached to the hot file. Notes should be made on the printout concerning how, when and by whom the record was confirmed. If the ORI confirms the hit the agency that located the person or property will transmit a Locate message to the record. The TAC should be advised of the incident.

I. RESPONDING TO HIT CONFIRMATIONS

1. When we receive a hit confirmation request for a wanted/missing person or stolen property this agency should respond with a Hit Confirmation Response (YR) message (use Form 322 for list of explanations in Glink, YR in OpenFox Messenger) to advise the inquiring agency of the status of the record.
2. **Our response time is to be done within ten (10) minutes of receiving the request provided the request is not marked Routine. If the request is marked routine the confirming agency has 1 hour to respond.** If you are unable to determine the status within this time frame, respond to the request and ask for additional time to make the determination.
 - a. All information **must** be reviewed to ensure that a proper response is given, as you are liable for certifying that the report is still outstanding and that the person, property, or vehicle is identical and the person is still missing or wanted or the theft is still outstanding.
 - b. If a telephone call is made, it is to be followed up with an YR message and/or the appropriate form for a paperwork trail. This paperwork will be attached to the Hot File. Notes should be made on the printout concerning how, when, and to whom the information was given.
 - c. If the hit results in the clearing of the record, a clear message will be transmitted by the entering agency, using the correct form. In the case of a wanted person, the ORI will send the

clear message. This should also be attached to the case and the TAC should be advised of the incident.

J. LOCATE PROCEDURE

After confirming a hit every agency, upon taking a person into custody or acquiring property must place a locate message on the corresponding record(s). To place a locate message, use Form 279 for person files and Form 278 for property files (Glink), in OpenFox Messenger see the appropriate NCIC drop down menu.

The only exception to this is a wanted person where the extradition limits do not include extradition from Vermont or extradition has not been approved (NOEX).

K. VALIDATION PROCEDURES

The FBI sends a list of NCIC records for validation to the CSA. These listings contain both active records and records in locate status. A list of these records is posted to the CJIS Documents item on the NexTest Launch Pad (<https://nextest.dps.state.vt.us>). An e-mail is sent to all TACs advising them of the availability of their records for validation. Article files, other than type TQ, or Z, are not included due to their short retention period. Validation obliges the ORI to confirm the record is complete, accurate and still outstanding or active. The records contained on the validation listing will be reviewed by the TAC.

1. The original entries and their supporting documents will be reviewed and every attempt will be made to contact any appropriate complainant, victim, prosecutor, court, motor vehicle registry file, or other appropriate source or individual who can verify that the record is still active. In addition the case file and responsible officer should be consulted to determine if there is any new information available for the record.
2. Every effort will be made to ensure that all available information has been entered and that the information contained in each record accurate.
3. If validation efforts are unsuccessful, the entering authority must make a determination as to whether or not to retain the entry in NCIC. If the record is to be retained on an invalidate record this should be noted on our agency's validation documentation. Ex: (date) unable to validate this record, (owner deceased, unable to

located complainant, mail returned undeliverable, etc. The Chief will authorize retention of the record.

4. This agency will document our validation efforts; date, name of validator, what was done to validate the records, comments, etc. This can be done on the NCIC paperwork or included in CAD/RMS.
5. The TAC will e-mail our validation response by the due date to dps.ncic@vermont.gov. The email should include our agency name and month of the validation in the subject line.

L. INTERSTATE IDENTIFICATION INDEX FILE (III) (TRIPLE I)

NCIC provides the capability to search the Interstate Identification Index (III) using an individual's personal identifiers, assigned SID, and/or assigned FBI number to determine if an index to a person's criminal history exists.

Criminal History Inquire – (Form 335 in Glink, QH in OpenFox Messenger) provides an index of subjects matching inquiry, and includes information regarding where the record is maintained. A positive response contains additional identifying data to associate the record with the person of the inquiry (height, weight, race, fingerprint classification, tattoos, etc.). With this information, our agency can decide whether to request the record. In OpenFox Messenger "QH" is located in the "criminal history" folder.

Criminal Record Request- (Form 336 in Glink, QR in OpenFox Messenger) is used for specific criminal history records via III. Only the state ID number or the FBI number can be used to identify the record being requested. In OpenFox Messenger "QR" is located in the "criminal history" folder.

Confidentiality – The Privacy Act of 1974 mandates the confidentiality of criminal history records, as well as requiring the FBI maintain an audit trail of the purpose for each disclosure. There are multiple purpose codes from which to choose, and one purpose code must be utilized during the III inquiry. Additionally, an audit trail is maintained by VCIC showing who requested the record. The name of the officer requesting the record, the case number that generated the need to have the record, as well as *any other agency* that will receive this record (secondary dissemination) should be included in the attention field of the request.

The ORI of the requesting agency should be used on the request.

In addition to these safeguards, the disposal of criminal history records produced by Soundex, which have no connection to the case, will be shredded immediately so that unauthorized persons cannot access them.

Criminal History records will not be released to anyone, other than those I listed in the dissemination request, including the subject of the record. Criminal History records will not be faxed except in emergencies when the recipient is at the receiving fax machine at the time of transmission, and confirms receipt of the same. Prior to fax machine disposal, the fax machine's hard drive must be destroyed or completely overwritten multiple times.

Criminal History records are to be hand delivered or sent via encrypted email. Email encryption must be to the FBI encryption standards. Office 365 (@vermont.gov) email is **not** encrypted to FBI standards and not to be utilized in the exchange of Criminal History Information.

To establish and maintain an audit trail, Criminal History information may also be sent via certified return receipt United States Postal Service mail to a uniquely identified person (point of contact) at the receiving agency.

In order to protect the integrity of the state-wide system access to federal records systems, failure to comply with CJIS Security Policy to include access and dissemination of III records and/or VCIC's NCIC policy may result in sanctions up to and including the agency's removal from the State Message Switch.

M. TRAINING

FULL SERVICE TERMINAL OPERATORS – All Full Service Terminal Operators (FSTO) will attend the Vermont Police Academy, or other approved venue for NCIC training provided by VCIC. This training is offered twice a year, and each new employee will attend and be certified within six (6) months of assignment.

LESS THAN FULL SERVICE TERMINAL OPERATORS – Officers attending the Vermont Police Academy Full-Time Basic Academy will receive NCIC training and Less Than Full Service Terminal Operator (LFSTO) certification as a component of the full-time basic training program.

Part-time and Waiver Officers will attend the Vermont Police Academy, or other approved venue for NCIC training provided by VCIC. This

training is offered twice a year, and each new employee will attend and be certified within six (6) months of assignment.

A minimum of two (2) hours of NCIC training will be completed annually by all LFSTO certified users. Training and recertification testing is completed using the CJIS NexTest site.

Users who have left service for five (5) or more years will be required to complete the FSTO or LFSTO class again, and upon certification, must comply with the annual training requirements for their level of certification as noted above.

TACs and Alternate TACs must maintain Full Service Terminal Operator Certification and complete the yearly TAC training and Exam.

Our agency will maintain records of all FSTO and LFSTO training and testing. CJIS NexTest provides reporting capabilities, including the user's certification, training and testing status. The TAC will ensure that these records are maintained within the agency and provide them to VCIC upon request.

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NCIC RECORD RETENTION PERIODS

PER NCIC OPERATING MANUAL, AUGUST 2017

ARTICLES	BALANCE OF YEAR ENTERED PLUS 1 YEAR
IF TYP Q, T, OR Z	INDEFINITE
BOATS	
WITH HULL#, CGD OR OAN	BALANCE OF YEAR ENTERED PLUS 4 YEARS
WITHOUT HULL#, CGD OR OAN	90 DAYS
FOREIGN FUGITIVE	UNLIMITED
GANG	INDEFINITE UNTIL
SINGLE INTEREST RECORD	REMOVED BY ENTERING AGENCY
MULTIPLE INTEREST RECORD	ALL AGENCIES REMOVE THEIR INTEREST IN THE RECORD
GANG MEMBER	INDEFINITE OR UNTIL DATE OF PURGE (DOP)
GANG MEMBER WITH GNG UNLISTED	PURGE)
GUNS	INDEFINITE
RECOVERED GUNS	REMAINDER OF YEAR PLUS 2 YEARS
IDENTITY THEFT	MAXIMUM 5 YEARS OR UNTIL DATE OF PURGE (DOP)
	SUBJECT TO RETENTION PERIOD OF ORIGINAL RECORD
IMAGES	
IMMIGRATION VIOLATOR (AKA DEPORTED FELON)	UNLIMITED
KNOWN OR SUSPECTED TERRORIST (KST)	INDEFINITE
LICENSE PLATE	BALANCE OF YEAR ENTERED PLUS 4 YEARS
MISSING PERSON	INDEFINITELY
NATIONAL SEX OFFENDER REGISTRY (NSOR)	
ACTIVE	UNTIL CLEARED OR CANCELLED BY ENTERING AGENCY, OR UNTIL ERD IS REACHED
NON-EXPIRING	INDEFINITELY - REQUIRED FOR SEXUAL PREDATORS
EXPIRED	IN HISTORICAL FILE INDEFINITELY (RETRIEVED BY QXS)
CLEARED	IN HISTORICAL FILE INDEFINITELY (RETRIEVED BY QXS)
FOREIGN SEX OFFENDERS	RETAINED AS ACTIVE UNTIL CANCELLED BY INTERPOL & US NATIONAL CENTRAL BUREAU
NICS DENIED TRANSACTION	AVAILABLE FROM DATE OF NICS DENIAL UNTIL CANCELLED BY FBI- NOT MAINTAINED ON SYSTEM LOGS AFTER CANCELLATION
PROTECTION ORDERS (PO)	
EPO OR ETO	UNTIL CANCELLED OR CLEARED, OR UNTIL PO EXPIRES
NON-EXPIRING ORDER	INDEFINITELY
INACTIVE RECORDS (EXPIRED OR CLEARED)	VIA QPO FOR BALANCE OF YEAR CLEARED OR CANCELLED PLUS 5 YEARS
PROTECTIVE INTEREST	UNLIMITED

COLCHESTER POLICE DEPARTMENT

SUBJECT: Mobile Video/Audio Recording Equipment (MVR)	
EFFECTIVE DATE: DECEMBER 23, 2015	NUMBER: General Order #35
REFERENCE:	
REEVALUATION DATE: Annual	APPROVED: <i>[Signature]</i> #190
NO. PAGES: 3	

POLICY: CPD marked patrol units shall be equipped with Mobile Video & Audio Recording Equipment (MVRs). All members using MVR equipment shall be appropriately trained in use and operation, and be familiar with this policy. All video/audio media are the property of the Colchester Police Department. No media shall be copied, disseminated or reused without authorization from an immediate supervisor. Any requests for copies of recordings not court related must be approved by the Chief of Police or designee.

CONTENTS:

- I. Procedures
- II. Operation

I. PROCEDURES

- A. Members assigned to patrol vehicles equipped with MVR equipment shall ensure that all required pre-operational checks are performed in accordance with the manufacturer's recommendations.
- B. Members using MVR equipment shall record the following situations/scenes whenever possible:
 - 1) Motor vehicle and criminal enforcement stops
 - 2) Police pursuits
 - 3) In progress motor vehicle or criminal statute violations
 - 4) Traffic collisions involving department vehicles, and/or collisions resulting in injury or death.
 - 5) Any situations where the member, because of experience or training, determines that the incident shall be documented
 - 6) All searches
 - 7) Once documentation is no longer necessary or if in the opinion of the officer there is a privacy concern, video recording may be terminated.
- C. MVR Media Storage
 - 1) The Colchester Police Department shall maintain an MVR media storage system in a secure location.

- 2) No personnel shall alter, delete, tamper with or remove MVR media from either the police vehicle or the storage area except in accordance with this policy.
- 3) Each media shall be labeled with the police vehicle (EQ) number and the start and end dates of the contents.
 - a.) All footage from police vehicle media that is part of a serious crime investigation (felony) should be duplicated onto a separate piece of media and entered into evidence for longer term storage, consistent with the statute of limitations for the particular crime.
 - b.) Any footage that depicts a potential blood borne pathogen exposure or toxic substance exposure must be preserved for 30 years from termination of employment of each of the people involved in the incident. If an officer believes that an incident involving exposure to blood borne pathogens or toxic substances has occurred, s/he must notify the Support Services LT via the chain of command so that the media can be properly preserved.
- 4) Media Retention – all media, with the exception of those noted above, shall be retained for six years. After the retention period has expired media may be destroyed at the direction of the Support Services LT.
- 5) Duplication of media
 - a) A duplication fee may be assessed as provided for in Title 20 VSA, 1815. If the defendant in a Driving Under the Influence (DUI) case requests a copy of a recording of the stop and subsequent processing, the defendant shall, upon written request, and advance payment of a \$45.00 fee, be provided with a copy of the incident as recorded. No fee shall be charged to a defendant whom the court has determined is unable to pay. The Department will provide blank media for duplication of the DUI defendant's request.
 - b) In cases other than DUI, recordings will only be duplicated on appropriate blank media provided by the authorized person(s) making the request.
 - c) The duplicate media will contain only scenes from a specifically requested incident.
 - d) The duplicate media shall be labeled with a Colchester Police label containing the date of the duplicate and a statement prohibiting further duplication or distribution of the media without the express written consent of the Chief of Police or designee.

II. OPERATION

A. Responsibilities of Operators

- 1) Members shall be responsible for operation, care and maintenance of assigned MVR equipment. Maintenance shall be performed in accordance with manufacturer's recommendations.
- 2) Prior to each shift, members shall determine that MVR equipment is working satisfactorily and complete standard pre-operational system check. The completion of the pre-operational check shall be recorded by the member on the video at the start of the shift, and as necessary during the course of the shift (i.e. if maintenance is required completion of such maintenance shall be noted).
- 3) A shift supervisor will be notified, as soon as possible, if any problems are discovered with operation of the MVR equipment. Additionally, the officer shall complete an equipment repair request and notify via email the department member(s) responsible for maintaining the MVR equipment.
- 4) Members shall only use video equipment and media issued or authorized by the Department.
- 5) The audio microphone will be activated during all video recordings.
- 6) The use of MVR equipment shall be noted in the appropriate incident report. Officers are authorized to review MVR media while preparing reports and court paperwork.

B. Responsibilities of Supervisors

- 1) Supervisors shall ensure that officers who utilize MVR equipment comply with established policies, procedures and guidelines.
- 2) Supervisors may randomly review media produced by officers for the purpose of ensuring compliance with established policies, and to identify material that would be appropriate for training.
- 3) Media may also be reviewed for the purpose of resolving citizen complaints, preparing court paperwork or reports and for any other purpose authorized by the Chief of Police.
- 4) The Chief of Police, or designee, shall be responsible for the maintenance of the media file.

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COLCHESTER POLICE DEPARTMENT

		SUBJECT: Fair & Impartial Policing	
EFFECTIVE DATE: March 1, 2018		NUMBER: GENERAL ORDER #36	
REFERENCE: Supersedes G.O. #36 issued December 18, 2003			
REEVALUATION DATE: as needed	APPROVED: <i>J. Moran #790</i>	NO. PAGES: 1	

POLICY: Colchester PD adopts the State model policy as published by the Vermont Criminal Justice Training Council. This policy is attached and incorporated into our General Order manual.

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VERMONT CRIMINAL JUSTICE TRAINING COUNCIL
FAIR AND IMPARTIAL POLICING POLICY

12/7/17

PURPOSE

The purpose of this policy is to require that all [agency or department] conduct policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics, or immigration status, when making law enforcement decisions and to reinforce processes and procedures that enable us to provide services and enforce laws in an equitable and impartial way. [Agency] is required to adopt each component the Vermont Criminal Justice Training Council's model fair and impartial policing policy. [Agency] may adopt additional components.

INTRODUCTION

Employees are prohibited from engaging in biased policing. This means no member of [this agency] shall take actions based on any personal characteristics, or immigration status, except as described below, in the services our employees provide to the community in connection with our law enforcement activities.

Because partnership with Vermont residents is the most effective way to ensure public safety, maintaining the public's trust is a primary concern. To secure this trust personal characteristics, or immigration status, should have no adverse bearing on an individual's treatment in [Agency's] custody. Enforcement of civil immigration law is a federal responsibility and agencies should not engage in such enforcement except as otherwise outlined in this policy. Vermont residents are more likely to engage with law enforcement and other officials by reporting emergencies, crimes, and acting as witnesses; to participate in economic activity; and to be engaged in civic life if they can be assured they will not be singled out for scrutiny on the basis of the personal characteristics or immigration status.

To achieve these objectives [agency or department] will implement a combination of best practices including but not limited to: hiring, in-service training, policy development, supervision, reporting and investigative processes, appropriate discipline, and community outreach/partnerships.

POLICY

I. Definitions

"Biased policing" is conduct by law enforcement officers motivated by an individual's actual or perceived or self-identified personal characteristics.

"Personal characteristics": May include but is not limited to actual or perceived identity, race, ethnicity, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, age, religion and socio-economic status.

"Immigration status": Generally refers to the legal rights, if any, of a non-citizen to enter or remain in this country. Examples include, without limitation, "lawful permanent resident," "temporary worker," "refugee," and "undocumented."

“Reasonable suspicion”: Suspicion, for which an officer can articulate factual reasons, does not need to rise to the level of probable cause.

“Probable cause”: Facts or circumstances that would lead a reasonable person to believe that a crime has been committed, or is being committed, or is about to occur.

“Member” or “employee”: any employee employed by [agency/department], regardless of their assigned tasks or duties.

“Federal immigration authorities”: federal agencies, departments, or employees or contractors thereof, tasked with enforcement of immigration law and border entry, including without limitation, the Department of Homeland Security (DHS), Immigration Control and Enforcement (ICE), and U.S. Customs and Border Patrol (CBP).

II. Policing Impartially

- a. As required by law, all enforcement actions by law enforcement officers, such as investigation, detentions, traffic stops, arrests, searches and seizures, etc. must be based on reasonable suspicion, probable cause or other or relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that support the given action.
- b. [Agency members] may take into account reported race, ethnicity or other personal characteristics of persons based on credible, reliable, locally relevant, temporally specific information that links a person of specific description to particular criminal incidents and is combined with other identifying information.
- c. Under federal and state law, law enforcement agencies are required to provide qualified interpretation services, either in person or telephonically, to any person in need of it. [Agency members] shall not contact federal immigration authorities for interpretation services, unless a clear emergency requires it and qualified interpretation services are not available through any other means. Unless one of the exceptions included in Section VIII applies, the [agency member] shall not ask about the immigration status of the person for whom interpretation is sought.

III. Community Relations

To cultivate and foster transparency and trust with all communities each [agency member] shall do the following when conducting pedestrian and vehicle stops or otherwise interacting with members of the public unless circumstances indicate it would be unsafe to do so:

- a. Be courteous and professional;
- b. Introduce him/herself to person (providing name and agency affiliation), and state the reason for the stop as soon as practicable unless providing this information will compromise officer or public safety, or a criminal investigation;
- c. Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense and the [agency member] conveys the purpose of the reasonable delays;

- d. Provide [agency member's] name verbally when requested. [Agency members] may also provide the information in writing or on a business card;
- e. In addition to the above, officers should answer relevant questions the person may have if doing so will not compromise safety and/or the investigation.

IV. Responding to Bias-Based Reports or Reports Regarding Bias from the Community

- a. If any [agency member or employee] receives a call for service that appears to be based solely on an individual's perceived personal characteristics or immigration status, the [agency member] will attempt to ascertain if there are other circumstances or facts that would constitute reasonable suspicion or probable cause. If the complainant can offer no further information, the complainant will be advised that the shift supervisor will be in contact at the first opportunity.
- b. The shift supervisor should attempt to familiarize the caller with the [agency or department] Fair and Impartial Policing policy. If the caller is concerned about the person's perceived immigration status, the caller should be referred to federal authorities.
- c. At the conclusion of the call, the shift supervisor will document the contact using [agency's] incident report system.
- d. If an [agency member] receives a report of a potentially biased or hate-motivated incident, [agency] shall either dispatch an officer to evaluate the complaint or refer the caller to the officer in charge.

V. Training

- a. The [agency/department] will ensure that, at a minimum, all members and employees are compliant with Council and legislative requirements regarding fair and impartial policing training.
- b. Additional trainings may include but not be limited to instruction on anti-bias, power and privilege, non-English speaking communities, undocumented communities, and victim/witness services.

VI. Accountability and Compliance

- a) The process for making a complaint shall be readily available to the public. Reasonable efforts should be made to accommodate language barriers.
- b) All [agency members] are required to promptly report allegations, complaints or knowledge of biased policing or suspected violations of this policy to their supervisor and the department's internal investigation function. Where appropriate, employees are required to intervene at the time the biased policing incident occurs.
- c) State law requires all Vermont law enforcement agencies to conduct valid investigations of alleged biased law enforcement, even if the named member or employee resigns. Effective July 1, 2018, [the Agency] is required to report to the Criminal Justice Training Council instances in which officers have willfully engaged in biased law enforcement or substantially deviated from policies prohibiting such enforcement. The regulating authority may, in turn, impose sanctions up to revocation of officers' certification.¹
- d) Violations of the policy shall result in appropriate disciplinary action as set forth in the [agency's/ department's] rules and regulations. Supervisors shall ensure that all

employees in their command are familiar and in compliance with the content of this policy. Supervisors will be alert for and respond to indications of potential biased policing.

VII. Establishing Identity

- a. [Agency members] may make attempts to identify any person they detain, arrest, or who come into the custody of the [Agency].
- b. Acceptable forms of identification, which must include a photograph of the individual, include, but are not limited to, driver's licenses from any U.S. state or foreign country, government-issued IDs by a U.S. jurisdiction, foreign passports, and consular ID cards. All identification is subject to reasonable scrutiny and follow-up for authentication consistent with the provisions of this policy.
- c. An individual shall not be stopped or detained solely for the purpose of establishing his or her identity. However, if the individual has already been stopped for a lawful purpose, he or she may be subject to objectively reasonable additional detention in order to establish identity (e.g., inquiry into identity during the course of a lawful traffic stop).
- d. In exercising their discretion to use federal resources to establish an individual's identity, [Agency members] should remain mindful that (1) their enforcement duties do not include civil immigration enforcement and (2) [the Agency] stands by its mission to serve all Vermonters, including immigrant communities, and to ensure trust and cooperation of all victims/witnesses. Contact with federal authorities made to determine an individual's identity is restricted to the purpose of determining his or her identity, though this provision does not prohibit any communication governed by 8 U.S.C. §§ 1373 and 1744. See Section XI below.

Due Process, Immigration and Citizenship Matters

VIII. Federal Civil Immigration Law: Stops, Detention, Arrests and Administrative Warrants/ Detainers

[Agency members] do not have authority to enforce federal civil immigration law. The Constitution's Fourth Amendment and the Vermont Constitution's Article 11 right against unreasonable search and seizure apply equally to all individuals residing in Vermont.

- a. [Agency members] will not inquire of a person about that person's immigration status unless it is necessary to the ongoing investigation of a criminal offense. Agency members shall not use individual personal characteristics to ask about or investigate immigration status. This directive does not apply to communications governed by 8 U.S.C §§ 1373 and 1644. See Section XI below.
- b. [Agency members] shall not facilitate the detention of undocumented individuals or individuals suspected of being undocumented by federal immigration authorities for suspected civil immigration violations. This directive does not apply to communications governed by 8 U.S.C §§ 1373 and 1644. See Section XI below.
- c. [Agency members] shall not initiate or prolong stops for the purpose of enforcing civil immigration matters, such as suspicion of undocumented status, nor shall they prolong

stops for the purpose of allowing federal immigration authorities to conduct such investigation.

- d. [Agency members] shall not arrest or detain any individual based on an immigration "administrative warrant" or "immigration detainer." These documents have not been issued or reviewed by a neutral magistrate and do not have the authority of a judicial warrant. In addition, these documents do not meet the probable cause requirements of the Fourth Amendment and Article 11 of the Vermont Constitution.
- e. [Agency members] shall not hold for, or transfer people to, federal immigration agents unless the federal agents provide a judicial warrant for arrest. An immigration detainer is not a warrant and is not reviewed by a judge, and therefore is not a lawful basis to arrest or detain anyone. Valid criminal warrants of arrest, regardless of crime, shall not be confused with immigration detainers. This provision does not affect the proper handling of arrests and detentions associated with judicially-issued criminal arrest warrants.
- f. In assessing whether to seek continued custody under Vermont Rule of Criminal Procedure 3, [agency members] shall not presume that undocumented individuals necessarily present a risk of flight. Instead, such judgments shall be made on the facts presented in each case, rather than made simply on the basis of immigration status. In addition, personal characteristics shall not be used as a reason to arrest someone instead of citing them, and personal characteristics shall not impact the decision on whether to seek continued custody pursuant to Vermont Rule of Criminal Procedure 3.
- g. Personal characteristics and/or immigration status, including the existence of a civil immigration detainer, shall not affect the detainee's ability to participate in pre-charge or police-initiated pre-court processes such as referral to diversion or a Community Justice Center.

IX. Federal Criminal Law: Border Crossings

[Agency members] have authority to enforce federal criminal law. Unauthorized border crossings by persons who are not U.S. citizens or nationals can be a federal crime. (Generally speaking, unauthorized entry is a misdemeanor and unauthorized re-entry following prior deportation or immigration removal is a felony.) All laws and constitutional rights applicable to criminal investigations apply to the enforcement of federal criminal law.

However, mere unauthorized presence in the country (e.g., overstaying a visa) is not a federal crime, but a civil infraction.

- a. As stated in Section VIII(a), [Agency members] shall not inquire of a person about that person's immigration status unless it is necessary to the ongoing investigation of a criminal offense. Agency members shall not use individual personal characteristics to ask about or investigate immigration status. (For example, they cannot ask someone about immigration status merely on the basis race, color, or perceived national origin.) This directive does not apply to communications governed by 8 U.S.C §§ 1373 and 1644. See Section XI below. If an [agency member] is contacted by federal authorities please refer to Section XI, Collaboration with Federal Immigration Officers.

X. Victim and Witness Interaction

The cooperation of immigrant communities is essential to prevent and solve crimes and maintain the safety and security of all residents. The following provisions are intended to support crime victims/witnesses and enhance trust between the police and community.

- a. [Agency and members] shall not ask about or investigate immigration status of crime victims/witnesses, except as allowed in subsections (b) and (c) below. Federal law does not require law enforcement officers to ask about the immigration status of crime victims/witnesses.
- b. To effectively serve immigrant communities and to ensure trust and cooperation of all victims/witnesses, [agency members] will not ask about, or investigate, immigration status of crime victims/witnesses unless information regarding immigration status is an essential element of the crime (such as human trafficking).
- c. If a victim/witness is also a suspect, [agency members] should follow the provisions in Section VII related to stops, detention and arrest and Section VIII(a) related to ongoing criminal investigations.
- d. [Agency members] will ensure that individual immigrants and immigrant communities understand that full victim services are available to documented and undocumented victims/witnesses. [Agency members] should communicate that they are there to provide assistance and to ensure safety, and not to deport victims/witnesses. In considering whether to contact federal authorities pursuant to 8 U.S.C. § 1373, [Agency members] should remain mindful that (1) their enforcement duties do not include civil immigration enforcement and (2) [the Agency] stands by its mission to serve all Vermonters, including immigrant communities, and to ensure the trust and cooperation of all victims/witnesses.
- e. [Agency members] may, in appropriate situations, advise an individual that if they are undocumented they may be eligible for a temporary visa.ⁱⁱ

XI. Collaboration with Federal Immigration Officers

[Agency members] have no obligation to communicate with federal immigration authorities regarding the immigration or citizenship status of any individual. Two federal statutes, 8 U.S.C §§ 1373 and 1644, provide that local and state agencies and officials may not prevent or restrict their employees from communicating with other government officials (for example, ICE or CBP) regarding an individual's "citizenship or immigration status". [Agency and members] shall apply this policy in a manner consistent with the lawful operation of these two statutes.

- a. Information about an individual that is outside the scope of Sections 1373 and 1644 (*i.e.*, information other than "citizenship or immigration status") should not be shared with federal immigration authorities unless there is justification on the grounds of (i) public safety, (ii) officer safety, or (iii) law enforcement needs that are not related to the enforcement of federal civil immigration law.
- b. Sweeps intended solely to locate and detain undocumented immigrants without reasonable suspicion or probable cause of a crime shall not be conducted unless acting in partnership with a federal agency as part of a formal agreement entered into by the governor.
- c. [Individual Agency members] are not permitted to accept requests by ICE or other agencies to support or assist in operations that are primarily for civil immigration

enforcement. This directive does not apply to communications governed by 8 U.S.C §§ 1373 and 1644.

- d. Unless ICE or Customs and Border Patrol (CBP) agents have a judicially-issued criminal warrant, or [Agency members] have a legitimate law enforcement purpose exclusive of the enforcement of civil immigration laws, [Agency members] shall not propose granting ICE or CBP agents access to individuals in [Agency's] custody.

SAVINGS CLAUSE

Pursuant to 8 U.S.C §§ 1373 and 1644, [Agency] may not prohibit, or in any way restrict, any government agent or official from sending to, or receiving from, federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual. [Agency] also may not prohibit, or in any way restrict, the sending, receiving, maintaining, or exchanging information regarding the immigration status of any individuals. Nothing in this policy is intended to violate 8 U.S.C §§ 1373 and 1644.

ⁱ VT Act 56 (2016), *codified in* 20 V.S.A. § 2402(2) (biased enforcement as Category B unprofessional conduct), § 2403 (duty to report to Council), . § 2404 (duty to investigate) and § 2406 (Council-issued sanctions).

ⁱⁱ For example, an individual might qualify for a U, S, or T visa if they are a victim or material witness to certain serious offenses.

COLCHESTER POLICE DEPARTMENT

SUBJECT: MOTORCYCLE UNIT	
EFFECTIVE DATE: February 3, 2015	NUMBER: G. O. #37
REFERENCE: G.O. #1 Rules 1, 11, 18 & G.O. #14	
REEVALUATION DATE: as needed	APPROVED: <i>Momon #190</i> NO. PAGES: 3

POLICY: It shall be the policy of the Colchester Police Department to provide and maintain police motorcycles for use by the Colchester Police Officers as a valuable patrol alternative. Any properly trained and equipped officer may, at the discretion of the current on-duty Shift Supervisor, opt to conduct patrol utilizing a department motorcycle. The Colchester Police Department recognizes the unique advantages and the limitations that motorcycles can provide in day to day patrol operations. Only those officers who have successfully completed the minimum requirements set forth in this policy will be authorized to operate police motorcycles. Colchester Police Officers will operate police motorcycles in compliance with this General Order.

PROCEDURES:

- 1. Supervision:** The Chief of Police will designate an officer as the Coordinator of the Motorcycle Unit; however implementation of the patrol will be at the discretion of the on-duty Shift Supervisor. The Motorcycle Unit Coordinator will maintain training records of the authorized officers and track the maintenance and care of equipment related to the unit. The Unit Coordinator will report to a supervisor (Sergeant or higher) designated by the Chief of Police.
- 2. Authority to Operate:**
No one is authorized to operate a department motorcycle without the approval of the Chief of Police. Officers wishing to become authorized to ride a department motorcycle should submit a letter of interest with the appropriate training request for police motorcycle training.

In order to operate the motorcycle, members must possess a valid Vermont Operators License with motorcycle endorsement, and have successfully completed a police motorcycle course approved by the Chief of Police. Officers may become decertified for police motorcycle operation for due cause including violation of provisions of this policy at

the discretion of the Chief of Police

3. **Equipment:** Members who operates a police motorcycle shall be in uniform and wear an approved helmet and eye protection.
4. **Implementation:** The daily use of motorcycles for patrol functions will be at the discretion of the on-duty Shift Supervisor. The Shift Supervisor will take into account weather conditions, staffing levels, day of week & time of day, activity levels, and call volume when making this decision. Special assignments shall be coordinated through the Motorcycle Unit Coordinator.
5. **Duties:** The duties of officers using motorcycles will remain the same as officers assigned to regular patrol duty. A motorcycle officer will from time to time stop in high visibility areas to promote public relations with pedestrians, tourists, businesses and other citizens. The members of the motorcycle unit are expected to engage in proactive patrol operations.

Duty assignments may include: parades, races or escorts; backup to other units; traffic enforcement; community relations programs; and general patrol.
6. **Arrests:** If an officer assigned to a motorcycle should make a physical custody arrest, the nearest available patrol car will be dispatched to handle the transport. The motorcycle officer will respond to the station to complete the processing of the individual in custody. If custody is continued, the motorcycle officer will utilize an available patrol car to transport the prisoner to the appropriate detention facility.
7. **Pursuits:** Operating a motorcycle in a pursuit is extremely dangerous. Extreme caution shall be exercised. A motorcycle officer who is the primary unit in a pursuit must relinquish primary unit status immediately upon the participation of any police cruiser. Motorcycles may be used as a secondary unit only if there is no other unit available and must relinquish secondary status immediately upon the participation of a secondary marked or unmarked unit.
8. **Fitness:** Officers working a motorcycle patrol shall maintain sufficient physical condition to complete a regular shift of patrol duties on the motorcycle, so as to prevent the likelihood of injury. Officers should be mindful to take in sufficient fluids before during and after riding the police motorcycle, especially in hot weather.

9. Maintenance: Officers riding police motorcycles will inspect their assigned motorcycle to insure it is in safe operating condition before beginning & after each shift on the motorcycle. This inspection will include: inspecting the headlight/warning light and taillight systems for proper operation, inspecting the frame for cracks, checking the tires for proper inflation, inspecting the braking system for proper operation and checking the drive belt assembly for grease and dirt build-up. Any defective equipment found will be brought to the attention of the Motorcycle Unit Coordinator so that repairs may be completed. It is the responsibility of the officer to ensure the motorcycle is fueled up at the end of his/her shift. Only high octane gasoline should be used. The officer also is responsible to ensure the motorcycle is clean and free of any trash or debris that may have been left in the saddlebags.

#

COLCHESTER POLICE DEPARTMENT

SUBJECT: Building Access Control Policy	
EFFECTIVE DATE: March 1, 2016	NUMBER: GENERAL ORDER # 38
REFERENCE:	SPECIAL INSTRUCTIONS:
REEVALUATION DATE: ANNUAL	APPROVED: <i>J. Moran #190</i> NO. PAGES: 4

POLICY: The purpose of this policy is to establish standards to maintain building security that complies with required regulations, and promote a safe environment for employees and non-employees who enter any restricted areas at the Colchester Police Department (CPD).

CONTENTS:

- I. DEFINITIONS**
- II. PROCEDURES**
- III. ACCESS TO THE COLCHESTER POLICE DEPT**
- IV. EMPLOYEE IDENTIFICATION**
- V. ACCESS CONTROL**
- VI. ENFORCEMENT**

I. DEFINITIONS:

- A. **Access Control System** - The Access Control System for CPD facility consists of standard key/locks and electronic keys/lock systems.
- B. **Access Control Manager** - The Access Control Manager is an employee designated by the Chief of Police to be responsible for all facets of the access control system.
- C. **Employee** - An Employee is a person who is employed by CPD.
- D. **Authorized Vendors** - An Authorized Vendor is a person who has been allowed unescorted access to restricted areas of the CPD facility. The entry of this person has been determined a necessity in order for the vendor to perform contracted work.
- E. **Unauthorized Vendors** - An Unauthorized Vendor is a person who has been allowed escorted access to restricted areas of the CPD facility. The entry of this person has been determined a necessity in order for the vendor to perform contracted work.
- F. **Guest** - A Guest is a visitor to the CPD facility who is not an authorized vendor, unauthorized vendor, prisoner or suspect.

- G. **Prisoners/Suspect** - A Prisoner or Suspect is a person who is in the custody, detention or control of a Colchester Police officer or other law enforcement official.
- H. **Restricted Area** - A Restricted Area is a location within the CPD facility where NLETS or VLETS information can be made visible (electronically or printed). Additionally, **all areas other than those listed in section II (J) on page 3 are considered restricted areas.**
- I. **Unrestricted** - An Unrestricted Area is a location within the CPD where NLETS or VLETS information cannot be made visible. Unrestricted areas are described in section II (J) on page 3.
- J. **Access Control Device or Proximity Device (PCD)** - An Access Control Device or Proximity Control Device is a key or PCD that has been programmed and stores credentials to allow access to authorized electronic locking systems. A PCD can be issued in many different forms to include tokens, cards, etc. and can include a PIN.
- K. **Escort** - An Escort is an employee of CPD who accompanies another person within restricted areas of the CPD facility.

II. PROCEDURES:

- A. It is the policy of CPD to regulate areas of the facility with individual job responsibilities and organizational business and security interest. All employees are responsible for the security and proper access to all police department facilities. All employees have access to restricted areas of CPD, therefore a fingerprint supported criminal background check completed per FBI and CJIS requirements is mandatory.
- B. Authorized vendors are not permitted access to restricted areas that are outside the scope of their contracted work duties.
- C. A completed and approved fingerprint supported criminal background check per FBI CJIS requirements is mandatory for authorized vendors.
- D. A fingerprint supported criminal background check per FBI CJIS requirements is not mandatory for unauthorized vendors. Unauthorized Vendors must be escorted in restricted areas. Such escorted access will be limited to those areas necessary to perform contracted work.
- E. Guests must be escorted at all times while in restricted areas.
- F. Prisoners and suspects must be escorted at all times by a Colchester Police Officer or other law enforcement officer while in restricted areas. Prisoners are not to be signed into the Colchester Police Access Log. (Juvenile Detention Log Entry is required for all juveniles).
- G. Locking systems for the CPD facility consist of standard keys/locks,

and electronic locks and proximity key systems. All employees are responsible for the security of the CPD facility. The Chief of Police shall designate an employee to be the Access Control Manager.

- J. All areas of the Colchester Police Facility shall be considered restricted areas with the exception of the following:
- Main Lobby and hallways outside of the locked doors.
 - Small interview room located off the main lobby.
 - Community/Training room located off the main lobby.
 - Men's and Women's bathrooms, located off the main lobby.
 - Hallway, exercise room, and dry cleaning room located on the lower level, east side of the facility. This area is accessed by individuals who have been given specific permission, and provided a PIN code for the exterior door to allow access. There is no access into the Restricted Area without proper credentials from this hallway.
- K. Employees and Authorized vendors shall use their assigned PCD or PIN to open doors that are electronically controlled as part of the Access Control System. Use of PCD or PINs creates an electronic log entry into the Access Control System.

III. ACCESS TO THE COLCHESTER POLICE DEPARTMENT:

- A. All department issued keys or PCDs shall not be shared, loaned or otherwise transfer to any other person. Standard or proximity keys will be issued individually as needed.
- B. A lost, stolen or compromised key or PCD to the CPD facility will be promptly reported to the Access Control Manager.
- C. Employee keys or PCD will be issued to access specifically authorized areas of Colchester Police facility. Access to all restricted areas is electronically logged for security and reporting purposes.
- D. All entrances/exits to restricted areas of CPD facility are to remain closed and locked (not propped open) when not in direct use or when not visually monitored by an employee.

IV. EMPLOYEE IDENTIFICATION:

- A. All employees of CPD will be issued an official department identification document (ID).
- B. Department issued IDs, relative to sworn employees, constitute a symbol of authority. Therefore, non-sworn employee IDs will be marked as such to clearly differentiate from the IDs of sworn employees.

- C. Department issued IDs for sworn personnel should be carried at all times unless the officer is in full police uniform.
- D. In the event that a department ID is lost or stolen, it is the employee's responsibility to notify their immediate supervisor as soon as possible. Because police IDs of sworn officers are a symbol of authority, an incident shall be created within the CAD/RMS system for lost/stolen sworn ID and they shall be entered into NCIC.

V. ACCESS CONTROL:

- A. All persons, except CPD employees or authorized vendors issued a PCD, must be authenticated before allowing escorted access to the secure areas of the facility.
- B. Standard photographic identification (state issued driver's license, passport, etc.) shall be provided by the individual as part of the CPD authentication process, unless the person is personally known to the employee permitting access.
- C. All persons who enter the facility who need to be escorted shall be issued a CPD identification that is clearly marked as to indicate that the individual needs to be escorted.

VI. ENFORCEMENT: Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment pursuant to CPD's rules and regulations.

##

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Search Warrant Execution	
EFFECTIVE DATE: August 17, 2015		NUMBER: GENERAL ORDER # 39	
REFERENCE:			
REEVALUATION DATE: As needed	APPROVED: 	NO. PAGES: 7	

POLICY: It is the purpose of this policy to provide general guidelines for handling execution of search warrants at homes, buildings, offices or other places where persons are likely to be present. This policy does not address all types of search warrants such as warrants for items or vehicles seized, electronic communication warrants or blood evidence. All applications and execution of search warrants shall be handled consistent with current case law, the VT Rules of Criminal Procedure and the VT Criminal Law Manual.

It is the policy of CPD to conduct search warrants in a manner that allows for a thorough and legal search while maximizing the safety of all persons involved. It is also CPD's policy to respect the constitutional rights of the person(s) the warrant is served upon, as well as to minimize the level of intrusion experienced by those whose premises are searched and to establish a complete record of the warrant execution process.

- CONTENTS:**
- I. Warrant Service Planning
 - II. Preparation for Executing the Search Warrant
 - III. Entry Procedures
 - IV. On-Premises Activities & Documentation

I. WARRANT SERVICE PLANNING

- A. Whenever an officer obtains a search warrant for a home, building, office or other premises where persons are likely to be present, he/she shall meet with a supervisor and properly plan for the execution of said warrant. The officer obtaining the warrant shall be the lead officer unless otherwise directed by a supervisor.
- B. The lead officer and supervisor shall determine the appropriate number of officers required to safely execute the warrant based on the type of warrant, area to be searched, number of persons on site, type of evidence being sought, etc. Officers may be selected based on prior experience, training, special skill set or other factors consistent with the demands of the warrant service.

- C. While planning, the lead officer and supervisor shall consider the safety and security of all personnel as the top priority. Other considerations for planning are included on the Pre-Search Planning Checklist [Appendix A], which shall be reviewed prior to creating an operational plan.
- D. The extent and complexity of pre-search planning will vary case to case. Available resources such as the VT Intelligence Center should be utilized as appropriate. It is the responsibility of the officer who obtained the warrant to ensure adequate planning is done, to include:
 - 1. Gather intelligence on the target site to include the structure, surrounding environment and neighborhood.
 - 2. Assess the capabilities and backgrounds of suspects or persons likely to be present to include criminal records, history of weapons use and potential for violence. Other important considerations are listed on the Pre-Search Planning Checklist
 - 3. Determine the best date and time for warrant execution.
 - 4. Determine equipment, personnel and any special teams requirements.
 - 5. Ensure that the warrant clearly specifies the target location and double check for accuracy.
 - 6. If a warrant is being executed in an area under the jurisdiction of an agency other than CPD, that agency must be notified of the search warrant unless doing so would jeopardize the warrant or safety.

II. PREPARATION FOR EXECUTING THE WARRANT

- A. The lead officer shall prepare a pre-warrant briefing and an operational plan. A supervisor must approve the operational plan prior to commencing the briefing. The names and agency affiliation of all persons participating in the warrant execution shall be documented and remain with the search warrant paperwork. A sergeant or lieutenant from CPD shall be present for the briefing and execution of the warrant and shall be referred to as the search supervisor.
- B. All personnel participating in the execution of the warrant, regardless of agency affiliation, should be present for the briefing, unless their only role is surveillance of the site. The briefing shall include, but not be limited to, the following:
 - a. The specific items subject to the search as defined in the warrant and any available information on their location.
 - b. Information concerning the structure to be searched and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.
 - c. Suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence

- of pets or children, the elderly or others who may not be involved with suspects.
 - d. A complete review of the tactical plan to include the staging area, route of approach; individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects.
 - e. Personnel, resources, or armament necessary for gaining entry, safety and security of officers, or for conducting the search.
 - f. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
 - g. Procedures for exiting or retreating from the location under emergency conditions. This should include designation of a team member as safety officer.
 - h. Determination of a common radio frequency available to all or most of the entry team members.
- C. The entry team shall at all times include uniformed officers who shall be conspicuously present where the warrant is served. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or other easily identifiable insignia.
- D. All members participating in the warrant execution shall wear the proper level of protective gear as designated by the search supervisor, but in all cases body armor shall be worn by members of the entry team. Safety gear may be removed as appropriate once the scene is secure and the actual search has begun.
- E. Prior to execution of the warrant, the lead officer shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.
- F. The search supervisor shall ensure that the entire search warrant execution process is documented until the search team leaves the premises. A written record shall be supported by photographs and, if practical, videotaping of the entire search process.

III. ENTRY PROCEDURES

- A. If an advance surveillance team is at the target site, radio or phone contact shall be made to ensure that the warrant can be served according to plan.
- B. The search personnel shall position themselves in accordance with the execution plan.

- C. Notification – Unless a “no-knock” warrant has been granted by the Court, an easily identifiable police officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once. Following the knock and announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond. If there is reasonable suspicion to believe that the delay would create unreasonable risks to the officers or others, inhibit the effectiveness of the investigation, or would permit the destruction of evidence, entry may be made as soon as practicable.

IV. ON PREMISE ACTIVITIES & DOCUMENTATION

- A. Once entry has been made and the scene is secured, the occupant shall be given a copy of the search warrant.
- B. Once secured, the scene should be photographed or video recorded prior to conducting the search. Search personnel shall then proceed with their assigned area of responsibility.
- C. Items specified in the warrant may be searched for in places where they may reasonably be expected to be located and seized, as well as other items that are reasonably recognized as evidence or contraband.
- D. An officer, designated in the plan, shall be responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian, laboratory, or other authority. All evidence seized shall be photographed and documented with the following prior to removal from the scene: location found, date/time, incident number, and the name of person who found the item.
- E. Department General Order #45 describes how items of critical evidence should be handled.
- F. Officers should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during entry or search, it shall be documented in the involved officer(s)' report and photographs taken when able. Further, if entry or search creates damage to a property that will be left vacant rendering a property unsecured or vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
- G. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or left in a conspicuous location at the site.
- H. The lead officer shall prepare a search warrant return (which includes the itemized list of items seized as well as a copy of the warrant as served)

and cause a copy of same to be returned to the Court as promptly as possible, and in no event later than 5 days after the execution of the warrant.

- I. The search supervisor shall determine if there is need for an after action debriefing; except that a debriefing shall occur anytime the execution of a search warrant results in significant injury or death to any person.

##

G.O. #39 Appendix A: Pre-Search Planning Checklist

A. Target Location Considerations

1. Does the target site pose a fire hazard?
2. Are there underground parking facilities, attached garages, or additional buildings on the curtilage?
3. Where are the access points, on upper and lower levels, approach issues related to access points, and points of cover at approach point(s)?
4. Which way do doors and windows open?
5. Does the site have an alarm system, cameras or warning device?
6. Is there evidence of reinforced entrances or fortifications?
7. Appearance of double locks on doors?
8. Are there any lookouts, and if so, where, how many, warning devices used, signals?
9. Evidence of children, such as bicycles or swings?
10. Evidence of elderly, disabled, handicapped or other uninvolved persons?
11. Unusual obstacles to entrance?
12. Can a reasonably accurate floor plan be obtained or constructed?
13. Attitude of neighbors: hostile or friendly?
14. Evidence of dogs? If so, how can they best be controlled?
15. Where is the electrical box and is it accessible?

B. Target Suspect Considerations

1. How many suspects and other persons are involved at the site at particular hours?
2. Are they involved in narcotics?
3. Is there gang involvement?
4. What is the background of the principal suspect(s)?
5. Are there recent photographs or sketches of the suspects?
6. What are the capabilities and backgrounds of suspects?
 - a. Criminal record
 - b. Previous method of operation
 - c. Likelihood of resistance
 - d. Physical and mental conditions of suspects
 - e. Experience in martial arts
 - f. Other abilities/capacities to resist arrest
7. What is the weapons background of suspects?
 - a. Previous record of weapons use;
 - b. Pattern of being armed (e.g., when and how)
 - c. Military background or specialized training such as martial arts
 - d. Access to weapons
 - e. Weapons registered to suspect(s)
 - f. Knowledge of use of explosives
8. Access to transportation
 - a. Registration and description of vehicles;
 - b. Locations of involved vehicles for purpose of securing them during warrant service

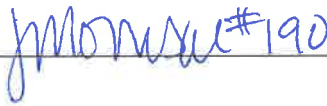
C. Preparation Considerations

1. Establish date and best time of warrant execution.
2. Establish staging area.
3. Establish briefing time and location.
4. Additional tactical considerations:
 - a. Prevention of escape
 - b. Number of personnel needed and assignments
 - c. Individual and team areas of responsibility
 - d. Route to location and deployment route
 - e. Security and communications at staging area
 - f. Equipment requirements
5. Can the location be secured upon completion of warrant service or will officers be needed to safeguard the location following service?
6. Should a surveillance team be left behind following service to identify other persons who might enter the location?
7. What is the best method of entry and order in which personnel should enter?
8. Will diversionary tactics be needed? ****"flash bangs or other incendiary devices shall only be used with the expressed permission of a LT or the Chief of Police"*

D. Tools, Equipment, and Specialized Personnel Considerations

1. Based on the target location, suspects involved, and armament, should Tactical Teams be used to perform the warrant service or assist?
Does the scope, complexity, and danger of service exceed the training and experience of officers available?
2. Raid jackets or other identification.
3. Flashlights (even in daylight for darkened interiors).
4. Protective equipment to consider:
 - a. Soft body armor (mandatory)
 - b. Ballistic vests or shields
 - c. Visors or goggles
 - d. Gloves
5. First aid kits.
6. Sledge hammer/pry bar/ram.
7. Radios – frequency & fresh batteries
8. Additional handcuffs, flexcuffs, or other restraints?
9. CO2 fire extinguishers (for animal control and fires)?
10. Evidence bags, boxes, and related containers consistent with the evidentiary items that need to be collected?
11. Cameras and video recording equipment?
12. High-intensity lighting, as necessary.
13. Canine teams?
14. Rescue or Fire Department standby?
15. Air support?

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Operational Guidelines	
EFFECTIVE DATE: May 22, 2015		NUMBER: G.O. #40	
REFERENCE:		SPECIAL INSTRUCTIONS: none	
REEVALUATION DATE: as needed	APPROVED: 	NO. PAGES: 1	

POLICY: It is the policy of the Colchester Police Department (CPD) to maintain operational guidelines for certain functions within the agency. These guidelines are subject to frequent updates and provide guidance to agency personnel on important expectations or procedures.

CONTENTS: I. General

I. General:

- A. Certain operational guidelines govern expectations of procedures specific to one unit or function of the department.
- B. This general order serves as the place holder to incorporate those guidelines into our department's written directive system.
- C. Certain guidelines are incorporated by reference into this policy. As of this date those guidelines include the Communications Center general guidelines and the document known as Patrol guidelines. Other guidelines may be added to this policy as approved by the Chief of Police.

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COLCHESTER POLICE DEPARTMENT

SUBJECT: Interacting with Persons with Diminished Capacities	
EFFECTIVE DATE: July 15, 2015	NUMBER: G.O. #41
REFERENCE:	SPECIAL INSTRUCTIONS: none
REEVALUATION DATE: as needed	APPROVED: <i>[Signature]</i> #190 NO. PAGES: 7 + appendix

POLICY: Responding to situations involving persons who officers reasonably believe to be affected by mental illness or suffering from diminished capacity creates a higher level of complexity than normal and requires officers to make difficult judgments and use special skills designed to de-escalate the situation whenever possible. CPD's primary goal in such encounters is to resolve them in the safest possible manner and hasten the subject's access to professional resources.

Nothing in this policy shall be construed to require officers to place themselves or others at a higher risk for injury simply because the situation involves a person of diminished capacity. It is desirable, however, for officers to alter their tactics **where they can safely do so** in order to de-escalate situations involving persons of diminished capacity. The guidelines below are designed to assist officers in recognizing persons of diminished capacity and provide guidance for dealing with these difficult situations that often unfold quickly and in unpredictable ways.

- CONTENTS:**
- I. DEFINITIONS
 - II. RECOGNIZING ABNORMAL BEHAVIOR
 - II. ASSESSING RISK
 - IV. RESPONSE PROCEDURES
 - V. REFERRALS OR TAKING SUBJECTS INTO CUSTODY

I. DEFINITIONS:

Crisis - An individual's emotional, physical, mental, or behavioral response to an event or experience that results in trauma. A person may experience crisis during times of stress in response to real or perceived threats and/or loss of control and when normal coping mechanisms are ineffective. Symptoms may include

emotional reactions such as fear, anger, or excessive giddiness; psychological impairments such as inability to focus, confusion, nightmares, and potentially even psychosis; physical reactions like vomiting/stomach issues, headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral reactions including the trigger of a “fight or flight” response. Any individual can experience a crisis reaction regardless of previous history of mental illness.

Disability – A physical or mental impairment that substantially limits one or more major life activities of the individual. This term is defined because some persons with certain disabilities may present in a manner similar to persons of diminished capacity and require special considerations.

Diminished Capacity - This refers to a segment of the community that officers will be called upon to interact with who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable or violent. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness, disability, medical complications or other.

Mental Illness - An impairment of an individual's normal cognitive, emotional, or behavioral functioning, caused by physiological or psychosocial factors. A person may be affected by mental illness if he or she displays an inability to think rationally (e.g., delusions or hallucinations); exercise adequate control over behavior or impulses (e.g., aggressive, suicidal, homicidal, sexual); and/or take reasonable care of his or her welfare with regard to basic provisions for clothing, food, shelter, or safety. This policy **does not** require officers to make a diagnosis of whether the subject is mentally ill, but rather to use reasonable judgment to recognize behavior that is outside the norm and which poses a danger to the person or others.

II. RECOGNIZING ABNORMAL BEHAVIOR

Only a trained mental health professional can diagnose mental illness, and even they may sometimes find it difficult to make a diagnosis. Officers are not expected to diagnose mental or emotional conditions, but rather to recognize behaviors that are indicative of persons affected by mental illness or in crisis, with special emphasis on those that suggest potential violence and/or danger. The following are generalized signs and symptoms of behavior that may suggest mental illness or crisis or diminished capacity, although officers should not rule out other potential causes such as reactions to alcohol or psychoactive drugs of abuse, temporary emotional disturbances that are situational, or medical conditions.

1. Strong and unrelenting fear of persons, places, or things. Extremely inappropriate behavior for a given context.

2. Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation.
3. Abnormal memory loss related to such common facts as name or home address (although these may be signs of other physical ailments such as injury or Alzheimer's disease).
4. Delusions, the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ") or paranoid delusions ("Everyone is out to get me").
5. Hallucinations of any of the five senses (e.g., hearing voices, feeling one's skin crawl, smelling strange odors).
6. The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.
7. Unusual or bizarre mannerisms; rapid/pressured speech; unresponsive to social cues; distracted/inattentive behavior, etc.
8. Suicidal statements, hopelessness, irrational guilt or known history of mental illness.

III. ASSESSING RISK

Most persons affected by mental illness or in crisis are not dangerous and some may only present dangerous behavior under certain circumstances or conditions. Officers may use several indicators to assess whether a person who reasonably appears to be of diminished capacity or in crisis represents potential danger to him/herself, the officer, or others. These include the following:

1. The availability of any weapons.
2. Statements by the person that suggest that s/he is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threats that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
3. A personal history that reflects prior violence under similar or related circumstances. The person's history may already be known to the officer or family, friends, or neighbors might provide such information.
4. The amount of self-control demonstrated by the person, particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of self-control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching oneself or other objects to maintain control,

begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.

5. The volatility of the environment is a particularly relevant concern that officers must continually evaluate. Agitators that may affect the person or create a particularly combustible environment or incite violence should be taken into account and mitigated.

Failure to exhibit violent or dangerous behavior prior to the arrival of the officer does not guarantee that there is no danger, but it might diminish the potential for danger. An individual affected by mental illness, diminished capacity or emotional crisis may rapidly change his or her presentation from calm and command-responsive to physically active. This change in behavior may come from an external trigger (such as an officer stating "I have to handcuff you now") or from internal stimuli (delusions or hallucinations). A variation in the person's physical presentation does not necessarily mean he or she will become violent or threatening, but officers should be prepared at all times for a rapid change in behavior and/or demeanor.

IV. RESPONSE PROCEDURES

If the officer determines that an individual is exhibiting symptoms of mental illness/diminished capacity or is in crisis and is a potential threat to himself or herself, the officer, or others, or may otherwise require law enforcement intervention as prescribed by statute, the following responses should be considered:

1. Request a backup officer. Always do so in cases where the individual will be taken into custody. Containment of the subject is a priority and will likely require at least two officers. Containment is designed to reduce outside influences and sources of agitation.
2. Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet nonthreatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation. Officers should operate with the understanding that time is an ally and there is no need to rush or force the situation.
3. Officers should ensure that on lookers or family members are not in a position to become involved either verbally or physically except in rare circumstances where the lead officer deems that assistance from another may be helpful.
4. Move slowly and do not excite the person. Provide reassurance that the police are there to help and that the person will be provided with appropriate care.
5. One officer at the scene shall assume the role of lead officer. This may be based on skill sets, training, rank or seniority. The lead officer shall

handle all communication/commands and supporting officers shall provide cover as appropriate.

6. Supporting officers should, where possible, gather information on the individual from acquaintances or family members and/or request professional assistance if appropriate to assist in communicating with and calming the person. Attempts should be made to ascertain any existing mental or medical conditions and what precipitated the need for police intervention. This information should be shared with the lead officer.
7. The lead officer should communicate with the individual in an attempt to determine what is bothering him/her. If possible, speak slowly and use a low tone of voice. Relate concern for the person's feelings and allow the person to express feelings without judgment.
8. Do not threaten the individual with arrest, or make other similar threats or demands, as this may create additional fright, stress, and potential aggression.
9. Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.
10. Always attempt to be truthful with the individual. If the person becomes aware of a deception, s/he may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger. In the event an individual is experiencing delusions and/or hallucinations and asks the officer to validate these, statements such as "I am not seeing what you are seeing, but I believe that you are seeing (the hallucination, etc.)" is recommended. Validating and/or participating in the individual's delusion and/or hallucination is not advised.
11. The lead officer or if present, the Officer in Charge, shall determine if assistance from individuals with specialized training in dealing with mental illness or crisis situations (e.g., crisis mental health personnel or Crisis Negotiator) is necessary and if necessary special equipment or outside resources are necessary.

V. REFERRALS OR TAKING SUBJECTS INTO CUSTODY

- A. When dealing with persons of diminished capacity who do **not** pose an immediate risk of injury to themselves or others, officers can make referrals to available community resources or assist the subject in contacting his/her own health care provider.
- B. In cases where the person clearly needs medical intervention but **refuses** to submit to an examination by a physician and does **not** present any immediate risk of serious injury to themselves or others if not restrained, the officer should advise a family member that family or other interested person can file a non-emergency application for involuntary treatment.

- C. On being called to a situation where a person is believed to be in such a mental condition so as to pose an **immediate risk of serious injury to themselves or to others** if not restrained, the officer will:
1. Request that the person voluntarily go to Crisis Services or an Emergency Medical Department of a local hospital. Transportation to this facility may be provided by the Officer.
 2. Contact the Crisis Services (Howard Center for Human Services) by phone.
 - a. Inform the crisis clinician of the person's name, date of birth, and his/her current problem(s) or behavior.
 - b. Unless there is imminent danger, the clinician may ask to speak with the client on the phone. Information provided by the client and officer may then lead to a possible face-to-face evaluation (which can happen in the client's home, on the street, or the emergency department) or may be taken care of on the phone without a face-to-face meeting (depending upon the situation).
- D. **If the person is unwilling to seek immediate assistance or accompany the officer to seek assistance, the officer may take the person into temporary custody provided that the officer has made personal observation of the proposed patient's conduct and has reasonable grounds to believe that the person is in need of treatment, and that s/he **presents an immediate risk of serious injury to her/himself or others if not restrained**.** The person can be transported to headquarters and kept in a safe, secure environment while the officer does the following:
1. Apply for a Warrant for Immediate Examination (**FORM NO. MH-12A [See Appendix A]**) per 18 VSA 7505.
 - a. The law enforcement officer or mental health professional who makes the Warrant for Immediate Examination Application may take the proposed patient into temporary custody while applying to the court without delay for the warrant.
 - b. If the judge is satisfied that a physician's certificate is not available without serious and unreasonable delay and that probable cause exists to believe that the proposed patient is in need of immediate examination, the judge may order the proposed patient to submit to immediate examination at a designated hospital.

2. After the initial consultation with Crisis Services Staff, and after obtaining the Warrant For Immediate Examination, the officer will transport the client/person to the designated hospital (Note: In Chittenden County this will be UVM Medical Center unless otherwise specified by the judge).
 - a. A copy of the Application for Warrant for Immediate Exam and the Warrant for Immediate Examination MUST accompany the proposed patient when he/she is taken to the designated hospital.
 - b. The dispatcher will notify Hospital Security about the officer's arrival.
 - c. The person will be turned over to the care of a qualified medical professional at the designated hospital.

##

STATE OF VERMONT

In re: _____ COUNTY, ss.
_____)
_____) An Application for Warrant for Immediate Examination
_____) (18 V.S.A. §7505)
_____) Proposed Patient

WARRANT FOR IMMEDIATE EXAMINATION

Upon consideration of the Application and Supporting Affidavit for Warrant for Immediate Examination of:

_____, filed by _____
(Name of Proposed Patient) (Name and title of Officer or Mental Health Professional)

I find as follows:

1. Probable cause exists to believe that the proposed patient is a person in need of immediate examination in that personal observation of the proposed patient by the applicant, as set forth in the application and affidavit, furnishes reasonable grounds to believe that the proposed patient is a "person in need of treatment" as defined by 18 V.S.A. §7101(17) and, further, presents an immediate risk of injury to him/herself or others if not restrained.
2. Because of the emergency circumstances described in the application, it satisfactorily appears that a certification by a physician is not available without serious and unreasonable delay.

Accordingly, it is hereby ORDERED:

1. The proposed patient, _____, shall submit to an immediate
(Name of Proposed Patient)
examination at a designated hospital, **to wit:** (check one)

☐ **Fletcher Allen Health Center** ☐ **Central VT Medical Center** ☐ **Rutland Regional Medical Center**
☐ **Windham Center** ☐ **VT State Hospital** ☐ **Brattleboro Retreat**

2. Any law enforcement officer or mental health professional may take the proposed patient into custody for the purpose of delivering him/her to said designated hospital.
3. Upon admission to the said designated hospital, the proposed patient immediately shall be examined by a licensed physician. If the physician certifies that the proposed patient is a "person in need of treatment", the proposed patient shall be held for an emergency examination in accordance with 18 V.S.A. §7508.
4. If the physician does not certify that the proposed patient is a "person in need of treatment", the physician shall immediately discharge the proposed patient and cause him/her to be returned to the place from which he/she was taken or to such other place as the proposed patient reasonably directs.

Dated at _____, Vermont, this _____ day of _____, 19____

(District Judge/Superior Judge)

***** A copy of the application and this warrant MUST accompany the proposed patient when he/she is taken to the designated hospital.**

ADDITIONAL REASONS FOR EMERGENCY EXAMINATION (State any additional facts, including any that may have been reliably reported to you by another person, which lead you to believe that the proposed patient is in need of an Emergency Examination)

REASONS FOR UNAVAILABILITY OF PHYSICIANS CERTIFICATE: (Describe the emergency circumstances which lead you to believe that a certification by a physician is not available without serious and unreasonable delay.)

(If additional space is required, please continue on a separate sheet of paper)

Signed under the penalties of perjury
pursuant to 18 V.S.A. Section 7612(d)(2)

Date of Application

Signature of Applicant

NOTE:

The law enforcement officer or mental health professional who makes this application may take the proposed patient into temporary custody while applying to the court without delay for the warrant. If the judge is satisfied that a physician's certificate is not available without serious and unreasonable delay and that probable cause exists to believe that the proposed patient is in need of immediate examination, he/she may order the proposed patient to submit to immediate examination at a designated hospital.** A copy of this application and the warrant MUST accompany the proposed patient when he/she is taken to the designated hospital.

**Designated hospital means a hospital or other facility designated by the Commissioner of Developmental and Mental Health Services as adequate to provide appropriate care for the mentally ill patient. The Vermont State Hospital in Waterbury is a designated hospital. For a current list of designated hospitals, call the admission office at Vermont State Hospital (telephone 802-241-3054).

PHYSICIAN'S CERTIFICATE
FOR PATIENT ADMITTED ON WARRANT FOR IMMEDIATE EXAM

NOTE TO PHYSICIAN:

If you are considering the proposed patient's admission to a 72 hour hold program: To complete this form you must be a board certified or board eligible psychiatrist, or a resident in psychiatry: **ONLY THESE PHYSICIANS MAY ADMIT PROPOSED PATIENTS TO THE 72 HOUR HOLD PROGRAM.**

If you are considering the proposed patient's admission to Vermont State Hospital: To complete this form you must be a board certified or board eligible psychiatrist, a resident in psychiatry, or a licensed physician designated by the Commissioner of Developmental and Mental Health Services as appropriate to complete Physician' Certificates. Complete Sections I and II

SECTION I

I, the undersigned, hereby certify that I am a (please circle one) board certified psychiatrist / board eligible psychiatrist / resident in psychiatry/physician designated by Commissioner of Developmental and Mental Health Services as qualified to complete Physician's Certificate. I further state that I am duly licensed to practice medicine in the State of Vermont and I have made careful examination of the mental condition of

_____ of _____
(NAME) (ADDRESS)

in the County of _____, State of Vermont, and that I am of the opinion that **he/she** is a mentally ill person in need of treatment. The following information concerning the proposed patient and **his/her** family is submitted:

DATE OF BIRTH _____ PLACE OF BIRTH: _____ SEX: _____

MARITAL STATUS---Single, Married, Domestic Partner, Divorced, Separated, Widowed, Unknown (Circle One)

NAME AND ADDRESS OF SPOUSE, If any _____

Can the patient speak and understand English? _____ If not, what language? _____

NAME OF FATHER: _____ ADDRESS: _____
(If deceased, so state)

MAIDEN NAME OF MOTHER: _____ ADDRESS: _____
(If deceased, so state _____)

(CONTINUED ON REVERSE SIDE)

SECTION I
(Continued)

1. The following data (A-D) is not required but should be provided if appropriate and available.

(A) Alien Registration No: _____ (B) V.A. Claim No: _____

(C) Medicare No: _____ (D) Medicaid No: _____

2. How long have you known the patient? _____

3. Does the patient have any serious physical illness? _____ If so, describe _____

4. Has the patient been physically injured in the recent past? _____ If so, when, how and to what extent _____

5. List current medications and any drug sensitivities _____

6. Full name and address of guardian, if any, nearest relative or friend _____

Relationship to/interest in patient _____

SECTION II
PHYSICIAN'S CERTIFICATE
FOR PATIENT ADMITTED ON WARRANT FOR IMMEDIATE EXAM

In my opinion this patient _____ is (A) not only mentally ill, but
(NAME)

(B) poses a danger of harm to himself or others and (C) should immediately be admitted to a designated hospital for an emergency examination. I believe the patient meets all three of the above criteria and base this opinion on the facts outlined below. (**NOTE:** For each of these three criteria, it is required that the physician identify separately facts observed by him or her and those reliably reported to him or her by others. In each case the source must be identified.)

7. What facts have been observed by yourself and/or reliably reported to you which lead you to believe that the patient is mentally ill? What did the patient say? What did the patient do?

Tentative Diagnosis _____

8. What facts have been observed by yourself and/or reliably reported to you which lead you to believe that as a result of the mental illness the patient poses a danger of harm to him/herself or others? What did the patient say or do? To whom specifically and in what way is the patient a danger?

(CONTINUED ON REVERSE SIDE)

9. It is the obligation of the certifying physician to consider available alternative forms of care and treatment for the person's needs, without requiring hospitalization. List all steps taken in exploring alternative forms of care and treatment. (NOTE: Discussing available alternatives with a representative of an authorized screening agency may assist the physician in complying with this requirement. Screeners can be contacted twenty-four hours a day. For a current listing of the designated screening agents, call the Admissions Office at the Vermont State Hospital, telephone number 802-241-3054)

10. What medications or treatments were administered prior to transporting the patient to the hospital for an emergency examination?

Time administered _____ AM _____ PM

11. Name of person in the hospital Admissions Office (802-241-3054) you have spoken to.

Signed under the penalties of perjury
pursuant to 18 V.S.A. Section 7612(e)(1)

Date of Examination

Signature of Physician

Time of Examination

Please Print or Type Physician's Name

Physician's Address

Physician's Telephone Number

PHYSICIAN'S NOTE: The Application Form and Sections I and II of the Physician's Certificate must accompany the patient to the hospital for an emergency examination. When these forms are completed, the patient may be transported to the hospital.

I hereby waive any right I have to receive a copy of the notice of hearing from the Court pursuant to 18 V.S.A. §7613. I understand that despite this waiver I may be called to testify at a hearing involving the above named proposed patient.

Signature

COLCHESTER POLICE DEPARTMENT

		SUBJECT: BCI Notification & Referral	
EFFECTIVE DATE: September 17, 2014		NUMBER: G.O. #42	
REFERENCE: updates G.O. #42/rescinds G.O. #19		SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: as needed	APPROVED: <i>J. Morin #190</i>	NO. PAGES: 3	

POLICY: The primary purpose of a police investigation is to collect all relevant facts and determine if criminal conduct has occurred. In criminal investigations the identification and apprehension of the responsible party is critically important. Organizing and presenting the facts for successful prosecution is part of the criminal investigation process. There are times when it becomes necessary, because of the nature, duration or complexity of certain cases, to notify the Bureau of Criminal Investigations (BCI).

It is the policy of the Colchester Police Department (CPD) to maintain guidelines for the general conduct of preliminary and follow-up criminal investigations.

CONTENTS:

- I. Procedures at the scene
- II. Transfer of cases
- III. On call guidelines

I. PROCEDURES AT THE SCENE

- A. In all crimes it is the responsibility of the on-scene officer to take the necessary steps to insure the security of the scene and to obtain the initial information pertaining to the crime. Once the crime is determined to fit the parameters of Section B below, the on-call investigator is to be notified immediately by the on-scene officer.
- B. The Bureau of Criminal Investigation or, if after hours, the on-call investigator shall immediately be notified when the following incidents occur.
 - Any death investigation untimely or otherwise (excluding motor vehicle crashes). This will include all deaths reported to police, either formally or informally.
 - Any incident where it is reasonable to believe that the victim or patient's prognosis is likely to be fatal.
 - All robberies.
 - All hostage and kidnapping situations.
 - All assaults with aggravated injuries.

- All sexual assaults, L&L, pornography, or any other serious sex related offenses (This does not necessarily include prank / harassing phone calls of a sexual nature unless mitigating circumstances require immediate action).
 - Fires where arson is suspected (There does not have to be immediate notification in minor incidents where no injuries, no loss of life, or no substantial property damage has occurred).
 - Grand Larceny with circumstances (ie: as part of an embezzlement, a common pattern or scheme, etc.).
 - Burglaries involving; larceny of \$900.00 or more, as part of a continuing pattern or scheme, or some other felony crime.
 - Drug cases where there is evidence of: distribution, the possession of a large quantity (i.e. a felony amount of marijuana, more than 2.5 grams of cocaine, or more than personal use of any other controlled substance), and /or large amounts of cash (refer to current DEA threshold).
 - ANY other instance where the immediate response of an investigator can be crucial in the resolution of a case.
- C. Depending on the investigator's knowledge of a situation and the information provided by the on-scene officer, the on-call investigator may or may not see a need for an immediate response but should still be notified. Whenever possible, the on-scene officer should speak directly with the investigator to ensure the accurate exchange of information.
- D. Crimes involving checks (non-sufficient funds, closed account, or forgery) that are received from retail establishments may be accepted by dispatch and assigned directly to the BCI Supervisor. The BCI Supervisor will review each case to ensure compliance with the current Bad Check policy, established by the Chittenden County State's Attorney's Office, and then re-assigned to an investigator. All other check cases will be reviewed by an officer (either patrol or on-duty detective) to ensure compliance with the current Bad Check policy prior to being accepted, and then may be assigned directly to the BCI Supervisor. The BCI Supervisor may then re-assign the case as necessary.

II. TRANSFER OF CASES

- A. Once the decision to contact BCI is made, the responsible officer should ensure that the investigator is provided with a complete briefing of facts and circumstances known and actions taken. Officers should not assume that just because an investigator is summoned to the scene that the case is automatically transferred to the investigator. Officers should converse with the investigator to clarify responsibility for the case.
- B. In the event that you are unable to make contact with the On-call investigator, the next call will be to the BCI Supervisor. In the event that none of them are available, contact will be made with the Support Services Lieutenant (or his/her designee).

- C. Notwithstanding a requirement to notify a patrol supervisor, in every case, the only person(s) that the on-scene officer needs to contact or notify will be the On-call investigator. The later will assume responsibility for making any further notifications or referrals.
- D. No case or incident will be referred to an outside agency including C.U.S.I., without the express authorization or permission of the Shift Supervisor, the On-call Investigator, or the BCI Supervisor.
- E. Any non-emergent case that an Officer feels should be referred to BCI will be submitted directly to a Patrol Supervisor (using the BCI Request Form). Each referral will be reviewed and decided on a case-by-case basis. When a referral is made, all relevant paperwork and documents will be forwarded with the referral. If it is not possible to have the necessary paperwork completed at the time of the referral, then satisfactory arrangements will be made with the assigned investigator to ensure the timely completion and transfer.
- F. If a BCI referral request cannot be reviewed within a timely fashion then the BCI referral should be submitted to the Operations Lieutenant.
- G. In all cases, a copy of the BCI Referral Form will be sent back to the appropriate supervisor once it is reviewed for action.

III. ON CALL GUIDELINES

The following guidelines will be observed by the individuals who are on-call and those requesting the on-call investigator.

- The BCI Supervisor will maintain an assigned "On-call" investigator, which will be posted in dispatch on the Monday of each week.
- The on-call investigator will endeavor to be available to the department to respond to call-ins by carrying an assigned cellular telephone and / or pager, and providing dispatch with any necessary telephone numbers where he/she may be reached.
- The on-call investigator will be expected to call the department within (15) fifteen minutes of being alerted and will generally be expected to report to the crime scene location within one hour of notification. Some incidents may require an expeditious response by the on-call investigator. If this is not possible, then the BCI Supervisor should be notified immediately.
- Upon being requested to notify the On-call investigator, the dispatcher will place a telephone call to the On-call investigator. If (s)he is unable to make telephone contact via cell phone or pager after at least two attempts over a fifteen minute span, the dispatcher will contact the BCI Supervisor (or his/her designee).

#

COLCHESTER POLICE DEPARTMENT

		SUBJECT Domestic Violence	
EFFECTIVE DATE: July 26, 2018		NUMBER: General Order # 43	
REFERENCE:		SPECIAL INSTRUCTIONS:	
REEVALUATION DATE: ANNUAL	APPROVED: <i>Morrissey #190</i>	NO. PAGES: 7	

POLICY:

The Colchester Police Department recognizes the seriousness of crimes committed between family/household members. We will respond to and thoroughly investigate all complaints of domestic violence consistent with this policy. We will use appropriate community services and enforcement of the law with the goals of:

1. Protecting victims of domestic violence and providing them with support.
2. Holding offenders accountable.
3. Breaking the cycle of violence by preventing future incidents or reducing the frequency and/or seriousness of such incidents.
4. Promote officer safety when dealing with domestic abuse situations.

CONTENTS:

- I. **DEFINITIONS**
- II. **PREVENTION**
- III. **PROCEDURES**
- IV. **VICTIM ASSISTANCE/FAMILY SERVICES**

I. DEFINITIONS:

Household Member is defined as it is found in 15 VSA § 1101:

"Household members" means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

- (A) the nature of the relationship;
- (B) the length of time the relationship has existed;
- (C) the frequency of interaction between the parties;
- (D) the length of time since the relationship was terminated, if applicable.

Domestic Violence - where a household member causes or attempts to cause "abuse" against another household member as defined below:

"Abuse" means the occurrence of one or more of the following acts between family or household members by:

- (A) Attempting to cause or causing physical harm.
- (B) Placing another in fear of imminent serious physical harm.
- (C) Abuse to children as defined in subchapter 2 of chapter 49 of Title 33.
- (D) Stalking as defined in 12 V.S.A. § 5131(6).
- (E) Sexual assault as defined in 12 V.S.A. § 5131(5).

For the purpose of this policy Domestic Violence shall also include any criminal behavior between household members such as unlawful mischief, unlawful restraint, violation of a protection order, etc.

Domestic Dispute – is defined as an incident between household members where, although no crime has occurred, the police were called to the scene.

Self Defense – is a person's justifiable use of physical force upon another person when the person believes such force is necessary to defend him/herself or another person from what he/she reasonably believes to be the use or imminent use of unlawful physical force by another.

Predominant Aggressor – is the person that poses the most serious ongoing threat, or is more likely to have initiated the violence.

Lethality Assessment Protocol – a domestic violence lethality screening tool used by first responders, designed to identify victims in potentially lethal danger and increase the number of victims accessing services/support/advocacy.

II. PREVENTION

- A. The Department shall adhere to a pro arrest policy and we will focus on prevention of domestic violence by:
 - 1. Collaboration – we will maintain ongoing partnerships with local community stakeholders and victim advocacy organizations. These collaborative efforts will help us develop domestic violence curricula for all employees. We will work with stakeholders to protect potential victims in all reasonable ways.
 - 2. Training – all personnel will receive training on domestic violence generally, response to domestic violence incidents involving police employees, available victim services and our policies on these topics.

III. PROCEDURES

A. Dispatcher's Procedures

1. Priority – Dispatchers will give a domestic violence call the same priority as any other life threatening call and will, whenever possible, dispatch two officers to the scene.
2. In addition to the information normally gathered (nature of complaint, name of caller, exact location of incident) dispatchers should try to elicit the following information immediately and relay it to the responding officers:
 - a. Is the suspect present? Who is it? If caller is not able to identify, the suspect's description and possible whereabouts.
 - b. Were there any weapons used? If so, what kind? Are there weapons present in house?
 - c. Is anyone injured? If yes, is an ambulance needed?
 - d. Are you the victim? If not, are you a witness? Who is the victim?
 - e. Are children present? How old? Where are they located?
3. The dispatcher should make every attempt to keep the caller on the line until arrival of officers. Other information that can be gathered include:
 - a. Are there drugs or alcohol involved?
 - b. Details of the incident/assault.
 - c. Are there any protection orders or Conditions of Release in place?
 - d. How many times has this happened before?
 - e. Are there other hazards present such as pets?
4. Cancellation – Dispatchers shall not cancel police response to a domestic violence complaint based solely on a follow-up call from the residence requesting such cancellation. However, the dispatcher shall advise the officers of the complainant's request.
5. Information gathered by a dispatcher can be crucial to a criminal prosecution. Although a witness or victim may change their initial statements, testimony from the original call can be brought to court.
6. Communications personnel should recognize that victims of domestic violence frequently experience "trauma response." The caller may not come across as the dispatcher expects. The dispatcher is to infer nothing from the tone, demeanor or language of the caller, but instead should continue to support the caller, reassure her/him and collect all relevant information.

B. Officer's Procedures

1. Approach the scene with a high degree of caution. Obtain as much information from dispatch as possible prior to arrival.

2. Restore order and ensure safety by locating and separating the involved parties. Take control of all weapons (noting their location) and assess the need for medical attention.
3. Interview all parties separately. Attempt to get sworn, digitally recorded statements. (Children should be interviewed in a manner appropriate to their age.) Note the demeanor and emotional state of the victim and any other persons interviewed for later documentation.
4. Conduct a thorough, course of conduct investigation. When appropriate, administer the Lethality Assessment Protocol (LAP). The LAP should be administered whenever officers respond to a domestic involving intimate partners **and** any of the following applies:
 - a. The officer believes an assault has occurred;
 - b. The officer senses that the potential for danger is high;
 - c. The involved parties have previous domestic violence involvements; or
 - d. The officer feels the LAP is appropriate.
5. Preserve, collect and record all available evidence. Take color photographs of injuries as well as the scene as appropriate. Since injuries may not be evident for 24 hours, re-taking photographs should be done whenever possible.
6. Attempt to obtain a signed medical release form from the victim if he/she has been or is going to be treated or evaluated by medical personnel. If ambulance personnel are present, note the identity of those involved in treatment/transportation.
7. Interview all potential witnesses.
8. Determine who the predominant aggressor is. Dual arrests apply only where the officer finds that there is no predominant aggressor and self-defense has not been used. In this rare circumstance, the officer shall thoroughly document why probable cause exists for both arrests. It is preferable that officers consult with the State's Attorney Office prior to making dual arrests.
9. If the offender has left the immediate scene and a crime has been committed –
 - a. Search the residence and immediate area for the offender.
 - b. Solicit information from the victim and witnesses that may assist in locating the suspect. Continue to actively try to locate the suspect.
 - c. Issue a police broadcast to locate and apprehend if probable cause exists for an arrest.
10. Arrest – Arrest of an offender is this department's preferred response to domestic violence. If there is credible evidence sufficient to establish probable cause that a crime has been committed, regardless of the stated wishes of the victim, the officer should:

- a. Arrest the suspect if there has been an assault against a household member whether the offense was committed in the officer's presence or not. (V.R.Cr.P. (3)(a)(2)(c))
 - b. Arrest the suspect for any violation of a relief from abuse order whether the offense was committed in the officer's presence or not. (V.R.Cr.P. (3)(a)(2)(a))
 - c. Arrest **any person** whom an officer believes will cause personal injury or damage to property if not immediately arrested. (V.R.Cr.P. (3)(a)(4)). This includes those not defined in the "Household member" definition thus allowing officers to protect people from abuse who are not eligible for abuse prevention orders.
 - i. If the officer believes that there is any risk of further violence, the suspect should be lodged with Corrections in accordance with V.R.Cr.P. (3)(2)(C). The officer must be able to articulate the belief that there will be continued violence or property damage.
 - d. Arrest for violations of conditions of release relating to a restriction of travel and/or harassment of a victim and/or witness (V.R.Cr.P. (3)(c)(2)(A-E))
 - e. A flash citation (citation to appear in court on the next available court date) may be substituted for an arrest in this section if the officer is able to reasonably ensure everyone's safety and that repeated law violations will not occur. This deviation from normal procedure (arrest and lodge) must be articulated in the officer's report.
11. Immediately notify the Department of Corrections if the offender is on probation, parole, or furlough. If the offender is on pre-trial conditions of release, appropriate action should be taken if violations have occurred.
 12. Officers who discover any evidence of physical, emotional, or sexual abuse or neglect of minors under the age of eighteen shall, without delay, notify the Department for Children and Families. If an incident involves abuse, neglect, or exploitation of a person sixty years of age or older or of a disabled person eighteen years old or older who has a diagnosed physical or mental impairment, the officer shall notify Adult Protective Services without delay.
 13. Officers shall attempt to ascertain if there are firearms present at the incident location and remove when appropriate [see Appendix A].
 14. Documentation – Officers must fully document their response to every domestic violence call regardless of whether a crime has been committed or an arrest has been made. In those instances where probable cause exists and no arrest has been made, officers must document their reasons for not making an arrest. Court work shall be completed and filed in a thorough and timely manner.

IV. VICTIM ASSISTANCE / FAMILY SERVICES

1. Victim safety and protection is of the utmost importance. Persons involved in domestic violence may require a variety of assistance to meet their immediate needs for safety, medical treatment, and information. Therefore officers should provide the following assistance to all parties affected by domestic violence.
 - a. Ensure the victim understands English sufficiently, or arrange for an interpreter.
 - b. If one party is removing personal items, remain on the scene to preserve the peace.
 - c. Officers should emphasize to the victim and offender that any criminal action is initiated by the State of Vermont and not the victim.
 - d. Inform the victim that regardless of what occurs with the criminal court, it may be in his/her best interest to obtain an abuse prevention order (APO) from Family Court. Assist the victim in any necessary way to obtain such an order.
 - i. Upon receipt of an APO from the court, an officer shall attempt to serve, or cause the order to be served, as soon as possible. Pursuant to Vermont statutes, no prior notification of the order may be made to the defendant of that order prior to its service.
 - ii. Any violation of an APO by the defendant shall be treated as stated in Section IV (B)(6) above.
 - iii. Notification and copies of the served order shall be made to the APO holding station.
 - iv. Note: Actions by a plaintiff in regards to an APO does not invalidate the order - i.e. invitation to the defendant by the plaintiff to come to the residence is still a violation of the order if that action is prohibited. A plaintiff may not be charged with violating the order. Only the court may alter or dismiss an APO.
 - e. Assist the victim in providing for the safety of any children involved.
 - f. Inform the victim that she/he may request to be notified of the release of a jailed offender. Provide information on registering with the Vermont Automated Notification Service (VANS). VANS communicates with the Corrections booking system and can provide near real-time updates regarding offenders and their status/location to affected persons (victims, community members, law enforcement, etc). This service is free and confidential.
 - g. Provide any requested information to any non-confidential victim's advocate that may be working with law enforcement agencies or

the State's Attorney's office. A non-confidential advocate may assist the officer and this agency in better providing services to the victims of domestic violence and investigating such crimes.

- h. Information on shelters and/or advocacy groups should be provided to the victim.
- i. Predictions of what may occur in either Family Court or District Court should be avoided by police personnel. Questions from victims and/or witnesses about court procedures should be directed to victim's advocates and/or the State's Attorney's Office.
- j. Officers shall respond to follow up inquiries from victims and witnesses in a timely and professional manner.

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No. 92
2018

Page 1 of 3

No. 92. An act relating to removal of firearms from a person arrested or cited for domestic assault.

(H.422)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 1048 is added to read:

§ 1048. REMOVAL OF FIREARMS

(a)(1) When a law enforcement officer arrests, cites, or obtains an arrest warrant for a person for domestic assault in violation of this subchapter, the officer may remove any firearm:

(A) that is contraband or will be used as evidence in a criminal proceeding; or

(B) that is in the immediate possession or control of the person being arrested or cited, in plain view of the officer at the scene of the alleged domestic assault, or discovered during a lawful search, including under exigent circumstances, if the removal is necessary for the protection of the officer, the alleged victim, the person being arrested or cited, or a family member of the alleged victim or of the person being arrested or cited.

(2) As used in this section, "family member" means any family member, a household member as defined in 15 V.S.A. § 1102(1), or a child of a family member or household member.

(b) A person cited for domestic assault shall be arraigned on the next business day after the citation is issued except for good cause shown. Unless the person is held without bail, the State's Attorney shall request conditions of release for a person cited or lodged for domestic assault.

(c)(1) At arraignment, the court shall issue a written order releasing any firearms removed pursuant to subdivision (a)(1)(B) of this section unless:

(A) the firearm is being or may be used as evidence in a pending criminal or civil proceeding;

(B) a court orders relinquishment of the firearm pursuant to 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent with 18 U.S.C. § 922(g)(8), in which case the weapon shall be stored pursuant to 20 V.S.A. § 2307;

(C) the person requesting the return is prohibited by law from possessing a firearm; or

(D) the court imposes a condition requiring the defendant not to possess a firearm.

(2) If the court under subdivision (1) of this subsection orders the release of a firearm removed under subdivision (a)(1)(B) of this section, the law enforcement agency in possession of the firearm shall make it available to the owner within three business days after receipt of the written order and in a manner consistent with federal law.

(d)(1) A law enforcement officer shall not be subject to civil or criminal liability for acts or omissions made in reliance on the provisions of this section. This section shall not be construed to create a legal duty to a victim or to any other person, and no action may be filed based upon a claim that a law enforcement officer removed or did not remove a firearm as authorized by this section.

(2) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms removed, stored, or transported pursuant to this section. This subdivision shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

(3) This section shall not be construed to limit the authority of a law enforcement agency to take any necessary and appropriate action, including disciplinary action, regarding an officer's performance in connection with this section.

(e) This section shall not be construed:

(1) to prevent a court from prohibiting a person from possessing firearms under any other provision of law;

(2) to prevent a law enforcement officer from searching for and seizing firearms under any other provision of law; or

(3) to authorize a warrantless search under any circumstances other than those permitted by this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on September 1, 2018.

Date Governor signed bill: April 11, 2018

COLCHESTER POLICE DEPARTMENT

SUBJECT: Automated License Plate Reader Policy	
EFFECTIVE DATE: March 11, 2013	NUMBER: GENERAL ORDER # 44
REFERENCE:	SPECIAL INSTRUCTIONS:
REEVALUATION DATE: ANNUAL	APPROVED: <i>Charles A. Kiker</i> NO. PAGES: 3

1. PURPOSE:

1.1 The purpose of this policy is to establish procedural guidelines and responsibilities of personnel utilizing the Automated License Plate Recognition System (ALPR). ALPR technology uses specialized digital cameras and computers to quickly capture large numbers of photographs of license plates, convert them to text and compare them quickly to a large list of plates of interest. ALPR systems can identify target vehicles that might otherwise be overlooked.

2. POLICY

- 2.1 All members using ALPR equipment shall complete training approved by the Support Lieutenant prior to use of the ALPR. The use of the ALPR shall be consistent with this policy
- 2.2 All data and digital images contained in the ALPR system are the property of the Department of Public Safety (DPS) and shall not be released or disseminated without the approval of the Director or his / her designee. All data and images will be stored on a secure Department of Public Safety server.

3. DEFINITION:

- 3.1 Automated License Plate Recognition System (ALPR) is a computer-based system that utilizes special cameras to capture a color image, as well as an infrared image, of the license plate of a passing vehicle. The infrared image is converted into a text file utilizing Optical Character Recognition (OCR) technology. The text file is automatically compared against an "informational data file" containing information on stolen or wanted vehicles as well as vehicles associated with AMBER alerts, wanted subjects or other specified criteria. If a match is found, the user is notified of the vehicle "hit" by an audible alert and an associated notation on the users computer screen. ALPR technology allows patrol officers to be much more efficient and effective in locating and arresting individuals who are engaged in motor vehicle or other criminal law violations in which motor vehicles are used to facilitate the criminal conduct. It is installed on a patrol vehicle and automatically takes a digital image of any license

plate it reads. The computer has the ability to read up to 1500 plates per minute. It covers two or more lanes of traffic at once and can read the plates both during day and night time conditions. It takes less than a second from the time the vehicle is within the field of view for the system to determine a "vehicle of interest."

- 3.2 Notwithstanding any other provision of law, all electronic images or data gathered by License Plate Readers are for the exclusive use of law enforcement in the discharge of duties and are not open to the public. The data is classified as being "For Official Use Only." However, nothing in these guidelines should be interpreted to limit the use of the electronic images or data for legitimate purposes by prosecutors or others legally permitted to receive evidence under law.

4. PROCEDURE

- 4.1 ALPR operation and access to ALPR data shall be for law enforcement purposes only. Data from the ALPR is uploaded to DPS once per day. This information consists of a database of dates, times, images and locations of individually identified vehicles. The access to and usage of this database, will be in accordance with guidelines set by the Vermont Justice Information Sharing Systems (VJISS).
- 4.2 ALPR equipped vehicles should be deployed as frequently as possible to maximize the utilization of the ALPR. Members assigned to patrol vehicles equipped with ALPR equipment shall ensure that all required pre-operational checks are performed in accordance with the manufacturer's recommendations.
- 4.3 Members utilizing ALPR equipment shall ensure that the most current "hot" list has been downloaded to the MDC unit.
- 4.4 Positive responses or "hits" from the ALPR system are not to be considered reasonable suspicion or probable cause for stopping, searching, or detaining a vehicle and its occupant(s) and that further investigation, reasonable suspicion and / or confirmation must take place prior to stopping, searching, or detaining a vehicle and its occupant(s).
- 4.5 Members utilizing ALPR equipment shall confirm hits through an active database (VLETS / NCIC) before enforcement action is taken on any stolen vehicles, delinquent citation, expired registration, suspended license, or warrant.
- 4.6 Reasonable suspicion or probable cause is not required for the mere operation of the ALPR equipment.
- 4.7 Use of ALPR equipped cars to conduct license plate canvasses and grid searches is encouraged, particularly for major crimes or incidents as well as areas that are experiencing any type of crime series.
- 4.8 In the event of a major unfolding crime such as a robbery or homicide, an ALPR equipped vehicle shall be dispatched to the area as soon as possible. If an event is outside the police department's jurisdiction, and the appropriate agency requests the ALPR, the shift supervisor may authorize sending the ALPR vehicle to assist.

5. OPERATION

5.1 Responsibilities of Operators

- 5.1.1 Members shall be responsible for the operation, care, and maintenance of assigned ALPR equipment. Maintenance shall be performed in accordance with manufacturer's recommendations.
- 5.1.2 At the start of each shift, members shall determine that the ALPR equipment is working satisfactorily and complete a standard pre-operational system check. Operational system checks will be done as necessary during the course of the shift (i.e. if maintenance is required, completion of such maintenance should be noted).
- 5.1.3 A shift supervisor will be notified, as soon as possible, if any problems are discovered with the operation of the ALPR equipment.
- 5.1.4 The ALPR should be active at all times while on duty except for maintenance issues and any conflicts that do not allow other programs to work on the MDC.
- 5.1.5 Members shall not erase or alter any ALPR information
- 5.1.6 The use of the ALPR equipment shall be noted on all traffic tickets, written warnings and affidavits. The circumstance code "LPR" will be utilized in the CAD / RMS system on all cases that involved the use of an ALPR system.

5.2 Responsibilities of Supervisors

- 5.2.1 Supervisors shall ensure that members who utilize ALPR equipment comply with established policies, procedures and guidelines.
- 5.2.2 Supervisors will randomly review cases and data produced by members who utilize ALPR equipment for the purpose of ensuring compliance with established policies, and to identify material that would be appropriate for training.

6. ENFORCEMENT

- 6.1 Any employee found to have violated this policy may be subject to disciplinary action, pursuant to the Colchester Police Department's Rules and Regulations.

COLCHESTER POLICE DEPARTMENT

SUBJECT: Property and Evidence Management

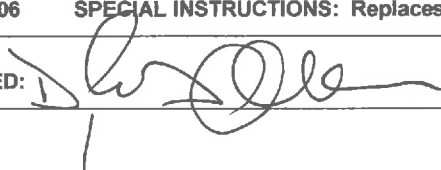
EFFECTIVE DATE: July 24, 2019

NUMBER: General Order # 45

REFERENCE: 20 V.S.A. § 2301, 2303, 2304, 2305, 2306

SPECIAL INSTRUCTIONS: Replaces GO 45 of January 15, 2015

REEVALUATION DATE: Annual

APPROVED: 

NO. PAGES 14

I. Policy:

The policy of the Colchester Police Department is to provide for the reasonable safekeeping of all property and evidence that comes into the possession of this agency. With respect to evidentiary items, this agency shall maintain a proper chain of custody and secure such items in a manner that will ensure that the evidence is available to be admitted at trial.

II. Contents:

- a. III. Definitions
- b. IV. General Provisions
- c. V. Critical Evidence Access and Storage
- d. VI. Evidentiary Controlled Substances
- e. VII. Non-Evidentiary Controlled Substances
- f. VIII. Controlled Substance Disposal
- g. IX. Stolen Property
- h. X. In custody property
- i. XI. Inventory Policy
- j. XII. Disposition of seized and other property
- k. XIII. Logs
- l. XIV. Transport to and from lab or court
- m. XV. Inspections/Audits

III. Definitions

- a. Found Property — Property having no evidentiary value that comes into the possession of the department. This includes items that are found, abandoned or other, whether the owner is known or not.
- b. Safekeeping/inmate property — Property having no evidentiary value that is acquired at a scene or from a person that cannot immediately be returned to the owner.
- c. Evidence — Property related to an incident or crime that may tend to prove or disprove a person's involvement in a suspected crime.
- d. Critical evidence/property — guns, drugs, money, or precious metals/jewels that are taken into evidence or otherwise seized or taken for safekeeping. Extra security precautions are taken with

such items as described in this policy. Money totaling less than \$ 50.00 that is taken as described Sections III (a) and/or (b) above will not be considered Critical Property.

- e. Contraband - Item(s) that by their very nature are illegal to possess or that is illegal for the person in possession at the time of law enforcement contact to possess. Example: illegal narcotics, alcohol by a minor, firearm possession by a felon, etc.
- f. Property/Evidence manager — an employee designated by the Chief of Police with specific training who is responsible for the day to day management of the property/evidence function. This may be a civilian or sworn position.
- g. Property/Evidence supervisor — A sergeant assigned to oversee the property/evidence function, usually the BCI sergeant.
- h. Chain of custody — Documentation of continuity of custody and control of evidence and/or property, from time of original collection to final disposition.
- i. Audit — Conducted at least once annually or at change of evidence manager or supervisor. Conducted by a supervisor designated by the Chief of Police and not connected with the property/evidence management function. An audit includes all components of an inspection plus all items of "critical evidence" will be audited. The audit will be documented on the semi-annual inspection form with an appendix detailing all items of critical evidence. Both the auditor and the property/evidence manager assisting will sign the form. The completed form will be submitted to the Chief of Police.
- j. Inspection — Conducted semi-annually by the Support Services LT. The semi-annual evidence inspection form [Appendix A] shall be completed by the Support Services LT and witnessed by another sworn officer not affiliated with the evidence function. An inspection includes a review of logs, general conditions of evidence areas, confirmation of double lock procedures and a complete audit of the following items and affiliated incidents:
 - i. Five items selected by auditor from the RMS system.
 - ii. Five items selected by auditor from the evidence room.
 - iii. Five items selected by auditor from the critical evidence room.
- k. Unannounced inspection — Conducted at least once every calendar year by the Chief of Police with no prior notice given to any member of the property/evidence management team. The semi-annual evidence inspection form shall be used.
*****All items audited or inspected shall be selected at random with no prior notice given to any member of the property/evidence management team.**

IV. General Procedures

- a. Members of this department shall only seize items under the following conditions:
 - i. Officer has probable cause, at the moment of seizure, that the item to be seized is stolen.

- ii. Officer has probable cause to believe that an item is contraband.
 - iii. Officer has probable cause, at the moment of seizure, to believe that the item is evidence of a crime.
- b. When seizing "critical evidence" (money, drugs, jewelry, precious metals, or guns) officers shall make a written inventory of the items at the scene of the seizure when practicable, but prior to submission into evidence/property holding. Two officers shall conduct this inventory of the property and both shall sign the handwritten copy of the inventory.
- c. Once at headquarters, the following procedures apply for items of critical evidence:
 - i. All items of critical evidence shall be photographed prior to packaging in such a manner that as much identifying detail is captured as possible. Photos shall be added to the incident.
 - ii. For currency — a currency worksheet is completed for any amount of currency over \$50.00. A second officer counts and verifies the primary officer's worksheet to ensure accuracy. The currency worksheet is copied for the case file and the original remains with the currency.
 - iii. For drugs — a second officer should witness the drug field testing, weighing and packaging of any suspected drug evidence. Weights should always be indicated as "approximate" in recognition that our scales may differ from lab scales and the weight recorded in house is for audit/inventory purposes and not for evidentiary purposes. Each different type of drug should be packaged in its own control bag.
 - iv. For jewelry/gems/precious metals — items should be packaged or tagged with another officer present. The secondary officer shall confirm any identifying serial numbers, marks, inscriptions, etc. and sign the evidence tag.
 - v. For firearms — Each weapon will be checked to make sure they are unloaded and safe. Handguns will be packaged in cardboard boxes provided for this purpose.
- d. The department will provide inventory control bags for packaging items of critical evidence. They come in different sizes and each has a unique control number printed on it. The primary officer shall record the inventory control number in the "description" field of Valcour.
- e. In cases where professional expertise is required to make a proper accounting of the property, the Support Services Lieutenant shall be notified so that the services of an expert may be obtained.
- f. Once an item is seized it shall be transported to the Colchester Police Department as soon as possible and processed in accordance with this policy. Except under unusual circumstances and only with the permission of a supervisor, all items of evidence/property shall be processed and placed in the appropriate temporary evidence location as soon as possible and no later than prior to the end of the officer's shift.

Colchester Police Department
General Order 45 Property and Evidence Management

- g. The Officer who seized the property shall create a Property Record in Valcour to include its initial storage location. The Officer shall then print an evidence tag for each item of property that will accompany the items into temporary evidence. Items of evidence shall be properly marked or tagged with the case number, the date of seizure, the investigating officer's name and number, as well as the suspect's name where applicable.
- h. If an item of evidence will require laboratory analysis, the investigating officer shall make such request to the Property/ Evidence Manager and supply the necessary the information for proper paperwork submission.
- i. Except as provided below, all items of evidence shall be secured in an appropriate temporary pass through evidence locker located on the basement level of the Colchester Police Department.
 - i. The following items will be stored in the evidence drying room located adjacent to the sally port:
 - 1. Any item of evidence that is wet which will require drying.
 - 2. Any item of evidence that is odiferous (e.g. raw marijuana) requiring ventilation.
 - 3. Any item of evidence too large to fit in a temporary evidence locker shall be secured in either the evidence drying room adjacent to the sally port, or the cold storage building.
 - ii. Vehicles or other similar items that are seized as evidence and intended to be kept on site, shall be secured in either the cold storage building or the outdoor impound area. Should there be a need to store an item of evidence at a facility or location other than the Colchester Police Department, it shall be approved on a case by case basis by a Command Level Supervisor.
 - iii. The Sally Port garage area of the Colchester Police Department shall only be used to secure evidence as a last resort and provided that the evidence is sufficiently secured with additional evidence tape so as to maintain the integrity of the evidence.
- j. With the exception of Subsection (i)(iii) above, once evidence has been secured in temporary evidence the Property / Evidence Manager will become responsible for the item.

Colchester Police Department
General Order 45 Property and Evidence Management

- k. The Property / Evidence Manager will conduct an accounting of all items that are removed from temporary evidence prior to transferring them to the evidence room or a laboratory for further analysis. It shall be the responsibility of the Property / Evidence Manager to monitor any items left in the drying room adjacent to the Sally Port and move them into the evidence room as soon as possible.
- l. The CPD RMS (Valcour or similar) in conjunction with CPD evidence management software (FileOnQ or similar) shall be used to record the transfer of all evidence within the Colchester Police Department as well as to any outside location for the purposes of court, laboratory analysis, etc.
- m. If any discrepancies are discovered between items listed on the evidence tag and the items being delivered to the evidence room, the officer shall report this discrepancy, in writing, to his or her supervisor. The Property / Evidence Manager shall report the discrepancy, in writing, to the Property / Evidence Supervisor. In cases where a discrepancy has been reported, the Property / Evidence Room Supervisor shall cause an immediate investigation to resolve the discrepancy. If the discrepancy cannot be resolved, the Chief of Police shall be notified to determine if an internal investigation is warranted.
- n. When evidence is needed for court, the case officer shall request the evidence from the Property / Evidence Manager and complete the chain of custody in the RMS and evidence management software system. Evidence must be signed in / out each day in accordance with the procedures set forth herein. Under no circumstances is evidence to be stored in any other manner than outlined in this policy when held in the custody of this department and its members.

V. Critical Evidence and Storage

- a. All items of critical evidence as described in this policy, whether evidentiary, found or safekeeping/inmate property, shall be handled with extra security and accountability measures.
- b. Certain temporary evidence lockers shall be designated for receipt of critical evidence items. Officers tagging in items of critical evidence shall only use the designated lockers unless size prohibits their use. In order to access these lockers, the property/evidence manager must obtain assistance from a second manager or supervisor who maintains a second key in order to be able to remove items from the temporary lockers. These lockers have a double lock system in place and cannot be accessed by one person.

Colchester Police Department
General Order 45 Property and Evidence Management

- c. The critical evidence storage room also has two separate locks on it and requires the presence of two persons to unlock it. Two officers shall be present and witness all movement of items of critical evidence.
- d. At no time shall any member of CPD possess both of the keys required to access critical evidence.
- e. The Support Services LT shall maintain a list of who has which keys.

VI. Evidentiary Control Items (Critical):

- a. Officers who seize controlled substances shall conduct a field test anytime there is potential for charges to be filed. The officer shall properly package and tag the controlled substances as outlined above.
- b. Additional Requirements for Controlled Substances Processing:
 - i. Have a second sworn officer present while weighing and packaging all suspected drugs. Both officers' names should be on the inventory control packaging.
 - ii. Remove unnecessary exterior packaging and weigh or measure as appropriate.
 - iii. Plants shall be counted by their individual root systems. Other items such as pills or patches should be counted per each dose/item.
 - iv. Powdered or solid substances shall be weighed in Grams Gross Weight.
 - v. Liquids shall be measured in Milliliters.
 - vi. Each type of drug shall be packaged and bagged separately. Only one type of drug per bag. Each bag shall have its own evidence tag.
 - vii. Any large or bulk seizures will be weighed by any available means.
 - viii. Evidence Laboratory Examination Request forms (DPS Form 305, or similar) shall be completed neatly so they are legible.
- c. The tagged and bagged controlled substances should then be placed in the pass through temporary evidence lockers and recorded in the RMS (Valcour) System.
- d. The Property / Evidence Manager will receive electronic notification daily of any items in temporary evidence. Upon retrieving any controlled substance evidence, the Property / Evidence Manager shall confirm what has been entered into the RMS matches the items submitted. If the Property / Evidence Manager finds any discrepancies, he or she shall immediately notify, in writing, the Property / Evidence Supervisor and return the item to the case officer for correction/validation.

Colchester Police Department
General Order 45 Property and Evidence Management

- e. The Property / Evidence Manager shall submit the controlled substance evidence to the Vermont Forensic Laboratory for analysis as required. A member of that agency will sign a receipt for that evidence which will be included in the RMS and evidence software system.

VII. Non-evidentiary controlled substances (Critical)

- a. In situations where an officer seizes a minute amount of controlled substances that are insufficient for criminal prosecution, the seizing officer shall complete a report of the seizure in the RMS and submit the item into the pass-through evidence storage system. The item of evidence shall be marked in the RMS as to be destroyed.
- b. In situations where drugs are turned over to a member of this agency, the surrendered item(s) shall be bagged and sealed and marked with the Officer's initials and date. The bagged item will then be marked with an overall gross weight and submitted for destruction through the pass-through locker system and detailed in the RMS and in the evidence control software. (See General Order # 45A for Drug Take-Back procedures.

VIII. Controlled Substance Disposal (All):

- a. Controlled Substances seized pursuant to this article must be inventoried, reported, audited, handled, tested, stored, preserved, and or destroyed pursuant to procedures promulgated by the State of Vermont and the U.S. Drug Enforcement Administration.
- b. The Chief of Police or his / her designee, after one year following the conviction, guilty plea, plea of Nolo Contendere, or other disposition of the criminal case, may order the destruction or other lawful disposition of the controlled substances unnecessary for evidentiary purposes in accordance with procedures promulgated by this agency.
- c. The Chief of Police or his / her designee, after a reasonable period of time following the seizure, may order the destruction or other lawful disposition of substances that do not come within the jurisdiction of the Court.
- d. When large amounts of substances are seized and storage is impractical, a law enforcement officer, only with the prior written approval and consent of the prosecuting attorney, may substitute photographs or videotapes of the substances at trial so long as a representative sample (collected in accordance with the standards of the Vermont Forensic or DEA Laboratory) is analyzed for proof of the matter that the controlled substances actually are present. When substitutions are used, the Chief of Police or his / her

Colchester Police Department
General Order 45 Property and Evidence Management

designee may authorize the destruction of the substances ten days following seizure with authorization from the prosecuting attorney.

- e. It shall be the responsibility of the Property / Evidence Manager to perform a semi-annual reconciliation between the drugs within the custody of this department and the disposition of cases. The purpose of this reconciliation is to determine those cases where the controlled substances will no longer be needed as evidence. In cases where the controlled substances are no longer needed, they will be destroyed according to this policy.
- f. A Controlled Substances Destruction sheet indicating which controlled substances are ready for destruction shall be prepared by the Property / Evidence Manager on a semi-annual basis. The destruction sheet shall include the following information: incident number, inventory control bag number, disposition of case, gross weight of the controlled substances, and two open categories for the initials of the officer who ultimately destroys the controlled substances as well as the outside witness and a second category where the date of destruction will be filled in following destruction.
- g. The Controlled Substances Destruction Sheet shall be forwarded to the Property / Evidence Supervisor who will verify the dispositions of the case. Once all information has been verified and checked for accuracy, the Controlled Substances Destruction Sheet shall be forwarded to the Support Services Lieutenant to determine compliance with the above listed procedure. Once compliance has been verified, the Support Services Lieutenant shall authorize the destruction in writing. No controlled substances will be destroyed before there is complete compliance with the above listed procedure.
- h. Destruction of controlled substances shall be accomplished by one of the following methods:
 - i. Incinerated (Commercial)
 - ii. Turned over to a contracted company that specializes in pharmaceutical waste or hazardous material destruction.
 - iii. Other methods that may become available to law enforcement must be reviewed and approved in writing by the Chief of Police.
- i. Once the controlled substances have been destroyed, the Controlled Substances Destruction Sheet shall be forwarded to the Chief of Police for filing.

Colchester Police Department
General Order 45 Property and Evidence Management

IX. Stolen Property

- a. Property that officers believe to be stolen shall be seized and submitted as evidence under the general provisions of this policy. The item shall be entered in the Valcour System under the appropriate case number. If the item was previously listed as stolen by this agency, the original property record shall be updated with the date of recovery. If no property record exists by this agency for the item, the officer seizing the item shall create a new one.
- b. The items shall then be secured in evidence as outlined by this policy.
- c. The Property / Evidence Manager may deliver or make arrangements for the return of stolen property to its rightful owner upon satisfactory proof of ownership provided it is no longer needed for a pending criminal case.
- d. Anytime a firearm is returned to any person, the returning officer shall request photo identification from the person receiving the firearm. Such identification will be included in the incident. The officer shall conduct a criminal history check to determine if the person receiving the weapon is disqualified under Federal Law from possessing a firearm. Also, the specific weapon shall be checked through the NCIC system prior to its release regardless of how long the weapon has been in the custody of this agency.
- e. All firearms that come into the possession of this agency shall have a trace performed through the Bureau of Alcohol Tobacco & Firearms and noted in the Valcour System under the case number.
- f. Firearms may be submitted to the Vermont Forensic Laboratory for the purposes of NIBN / IBIS cataloging. The NIBN/IBIS system is administered by the Bureau of Alcohol, Tobacco, Firearms & Explosives. NIBIN (National Integrated Ballistic Information Network) IBIS (Integrated Ballistics Identification system) links firearms evidence (guns, bullets, and cartridge cases) to provide investigative leads in serial shooting cases that the police would not otherwise have known were related. Images of casings and bullets are captured and automatically matched against regional databases of firearms and crime scene evidence.

X. In-Custody Property

- a. In situations where custody of a person will continue, their personal property will be handled in the following manner:
 - i. All possessions that will not be accepted at corrections will be inventoried and handled according to the provisions of this policy.

Colchester Police Department
General Order 45 Property and Evidence Management

- ii. If a personal effect is found to have evidentiary value, then it is to be handled as evidence in accordance with this policy.
- iii. Notice will then be given and explained to the detainee that their property will be held for thirty (30) days to be picked up. If the detainee cannot personally appear within thirty days, it is incumbent upon them to make arrangements for a third party to retrieve (See iv. Below) the personal items, or they will be disposed of in accordance with this policy.
- iv. Personal property of a person in-custody may only be released to that person. Written permission or authenticated verbal permission may be made to release to a third party.

XI. Inventory Policy

- a. Items of evidentiary nature shall be properly inventoried and listed on evidence forms. All evidentiary items, including alcohol in closed containers, small amounts of "shake" or other trace amounts of drugs, paraphernalia with residue, etc. shall be properly tagged and entered into temporary evidence by the officer. Nothing in the following inventory policy is intended to circumvent the legal requirements for proper search and seizure of evidence.
- b. The following provision applies for found property or safekeeping/inmate property. These guidelines are in place to ensure proper accounting of items in our custody, to safeguard employees from allegations of theft and to protect the personnel and physical plant of CPD.
 - i. No items shall be placed into the temporary or permanent property/evidence storage areas of CPD without a complete inventory of items being documented on a CPD property receipt form.
 - ii. No food/beverage or other items that may attract vermin/pests shall be entered into property holding area and/or temporary evidence unless the food item itself is of evidentiary value. Any food/beverage items should be listed on the inventory sheet and destroyed.
 - iii. Alcohol in closed containers may be entered in to temporary evidence, but opened containers shall be photographed in the field and emptied and rinsed prior to entering into temporary evidence.
 - iv. No hazardous material, dangerous devices or explosives, animals/insects or other items that could potentially endanger CPD personnel or the physical plant shall be allowed in temporary evidence. A supervisor should be contacted to determine appropriate action if any dangerous items are discovered during an inventory search.

Colchester Police Department
General Order 45 Property and Evidence Management

- v. Items containing combustible material such as gasoline are to be stored outside of the building, in cold storage, the vehicle impound area, or other suitable location.
- vi. It shall be the responsibility of the property/evidence manager(s) to dispose of items that do not require long term retention as evidence. Safekeeping/found property should be disposed of by the case officer when allowed by this policy.
- vii. Vehicles are not subject to this policy as they do not enter the physical building of CPD.

XII. Disposition of Seized and Other Property Held

- a. Seized property, abandoned property, and articles found which come into the custody of this department shall be initially handled in accordance with the general provisions of this policy. Unless other disposition is specifically provided by law, when property seized is no longer required as evidence or property being held is no longer needed, it shall be disposed of by in the following manner:
 - i. Found property — when found property is received by the agency, the initial officer shall make and document reasonable attempts to notify the owner. Once the item has been received by a property/evidence manager, it shall be his/her responsibility to make and document reasonable efforts to notify the owner. Found property that has no evidentiary value shall be stored for 90 days. After 90 days the department may dispose of the property.
 - ii. Safekeeping/inmate property — at the time items are taken from a person he/she shall be notified in writing that CPD will only store their items for 30 days. After 30 days the department may dispose of the property.
 - iii. Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the rightful owner.
 - iv. Money shall be restored to the owner unless it was used in unlawful gambling or lotteries or it was used or intended to be used to facilitate a violation of the narcotics laws in which case the money shall be forfeited and disposed in compliance with law.
 - v. Contraband shall be destroyed unless they may reasonably be returned to a condition or state in which such goods may be lawfully used or possessed.
 - vi. Firearms, explosives, ammunition, bombs, and like devices shall be destroyed. Firearms which may have a lawful use may be held without destruction and used for lawful purposes with the express written permission of the Chief of Police.

Colchester Police Department
General Order 45 Property and Evidence Management

- vii. Under 20 V.S.A. Section 2302(a): "Any unlawful firearm in the possession of an agency which is not needed as evidence for or in a criminal prosecution or other judicial or administrative proceeding shall, within 30 days of its receipt by the agency, be delivered to such place and in such manner as the commissioner of public safety designates for ultimate disposition in accordance with the provisions of this chapter."
- viii. Under 20 V.S.A. Section 2302(b): "Any unlawful firearm in the possession of an agency needed as evidence for or in a criminal prosecution or other judicial or administrative proceeding may be retained by the agency for such purposes and until conclusion of such prosecution or proceeding. Upon notice to the agency from a state's attorney, other prosecuting official, or other state or federal official having jurisdiction over the subject matter that the unlawful firearm may be released, the agency shall, within 30 days of such notification, deliver the unlawful firearm to such place and in such manner as the commissioner of public safety designates for ultimate disposition."
- ix. Animals which are seized and are no longer required as evidence shall be disposed of in a humane and lawful manner.
- x. Motor vehicles or other similar items of evidence shall not be released to the owner or insurance company until proof is shown that all outstanding towing charges have been satisfied. If payment is not made to the towing company within ten days of notice being given to the rightful owner once the vehicle or item is no longer needed as evidence, shall be returned to the towing company.
- xi. Anytime property is returned to a person, the returning officer shall verify the person's identification and record it in the incident.
- xii.

XIII. Logs/Record Keeping

- a. The following logs will be maintained by the property/evidence manager(s) and inspected during all inspections and audits. Unless implementation of a software system makes these individual logs redundant, the following logs are to be maintained by the property/evidence managers. Specific items to be tracked are described below:

Colchester Police Department
General Order 45 Property and Evidence Management

- i. In/Out log for the evidence room. All persons who do not have electronic access to the room must record any entrance/exit from the evidence area including date/time, purpose of visit and who the escort was.
- ii. Critical evidence log — a listing of all items considered critical evidence shall be maintained.
- iii. Gun logs — logs indicating a complete inventory of guns on hand at any time; a gun destruction log; a gun sign out log for using firearms for Hunter's Education.
- iv. Drug destruction log/sheet
- v. Evidence destruction log/sheet
- vi. Master log — this shall be considered the master record indicating all items received into temporary evidence and indicating the chain of custody/movement of all pieces of evidence and property handled by the agency.

XIV. Transportation to and from Lab/Court

- a. Whenever an evidentiary item from CPD needs to be transported to the VT State Lab or court, it shall be signed out to a sworn member of the agency by a property/evidence manager. The transporting officer and property/evidence manager signing the item out should not be the same person. In unusual circumstances, a supervisor can serve as the second party if the property/evidence manager is the transporting officer. All items of critical evidence require two key holders to be present in order to remove from CPD evidence.
- b. All items transported shall be left in their original packaging and all labels/seals intact. If the item is for court it must remain in the custody of the responsible officer at all times.
- c. The transporting officer shall obtain either a written or electronic chain of custody transfer from the lab and ensure that it is included in the case file.
- d. Only the BCI Sergeant or Support Services LT can authorize the lab to release evidentiary items back to CPD custody.
- e. Any sworn member of CPD is authorized to transport items back from the lab to CPD. Whenever an item is picked up from the lab, the officer must notify dispatch to make a log note that he/she is retrieving evidence from the lab. The officer shall provide dispatch with his/her EQ number and starting mileage. The officer shall notify dispatch of his/her ending mileage and a log note documenting the time will be made. The officer is to immediately place the item back into temporary evidence.

Colchester Police Department
General Order 45 Property and Evidence Management

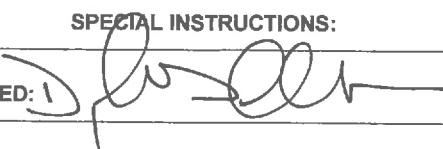
XV. Inspections/Audits

- a. All completed inspection or audit forms shall be forwarded through the chain of command to the Chief of Police. It shall be the responsibility of the Chief to maintain and preserve these records.
- b. At least semi-annually, the Support Services Lieutenant will conduct an inspection of and adherence to procedures used for the control of property; this inspection shall be witnessed by another sworn member and documented on the Semi-Annual Evidence Inspection form.
- c. Whenever the primary Property / Evidence Manager is changed, an audit will be conducted. An audit includes all components of an inspection plus an audit of all pieces of critical evidence. An audit shall be completed by a supervisor not affiliated with the property/evidence function and is conducted jointly by the newly designated Property/Evidence Manager and the outgoing property/evidence manager.
- d. Whenever the supervisor who oversees the Property/Evidence function changes, an audit will be conducted and documented.
- e. In the event there are no personnel changes to trigger an audit within a calendar year, an audit will be conducted and documented.
- f. Whenever a new Chief of Police is hired, an audit of 100% of the items held by CPD will be conducted and documented.
- g. Unannounced inspections of the Property / Evidence storage areas shall be conducted at least annually as directed by the Chief of Police. Unannounced inspections shall be documented on the Semi-Annual Evidence Inspection form.
- h. During every inspection or audit the auditor shall ensure that the "two-person" rule is in place. In order to access the temporary evidence lockers designated for critical evidence, two separate key holders must be present. The same is true for the separate room within the evidence area designated for storage of critical evidence.

###End###

**Colchester Police Department
General Order 45A Drug Take-Back**

COLCHESTER POLICE DEPARTMENT

		SUBJECT Drug Take-Back	
EFFECTIVE DATE: 07/24/2019	NUMBER: 45A		
REFERENCE: GO # 45	SPECIAL INSTRUCTIONS:		
REEVALUATION DATE: Annually	APPROVED: 	NO. PAGES 1	

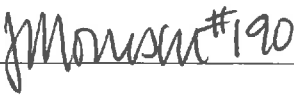
I. Policy:

- a. Prescription drug diversion is an increasing threat, especially in light of our opioid crisis. This policy will assist in reducing access to and safely disposing of unwanted or expired prescription medication. It is the policy of the Police Department to accept for disposal all prescription medication turned in by the public.

II. Procedure

- a. The prescription drug take back program is for citizen use only. The police department will not accept prescription drugs from commercial entities for the purpose of destruction. Unwanted or expired prescription medication brought in by the public will be deposited into the drug disposal receptacle located in the police department lobby. The person turning in the medication may remain anonymous.
 - i. Receptacle – The receptacle for this purpose is a re-purposed metal mailbox. The opening allows for drugs to be deposited but not removed. The opening in the container section has a keyed lock in the door and a padlock on the exterior. The receptacle will be clearly marked for its purpose. The interior box will have a plastic bag liner.
 - ii. Periodically, the receptacle will be emptied. The receptacle is only to be opened and emptied in the presence of two officers. If the receptacle needs to be emptied, the liner bag will be removed and immediately placed in an evidence box and sealed. The sealed box will be brought to evidence and weighed for total content. An incident will be made for this purpose and the box labeled in the following manner – year, sequential number. (ex. – 2019-01). This number will be used as the control number and entered into critical evidence accordingly.
 - iii. Disposal – Drugs received in the Take-back program may be destroyed in a manner consistent with General Order #45 or may be disposed of in a common manner with other law enforcement at the direction of the Chief of Police.

COLCHESTER POLICE DEPARTMENT

SUBJECT: Use of Naloxone		
EFFECTIVE DATE: 11/14/2017	NUMBER: GENERAL ORDER # 46	
REFERENCE: 18 VSA 4240 & Manufacturer's Full Prescribing Information		
REEVALUATION DATE: As needed	APPROVED:  #190	NO. PAGES: 2

I. POLICY:

Naloxone will be issued to all sworn personnel of the Colchester Police Department for the treatment of opiate/opioid overdose users. A patrol unit shall be dispatched to any call that relates to a drug overdose. The goal of the responding officer(s) shall be to provide immediate assistance via the use of naloxone where appropriate, to provide any treatment commensurate with their training as first responders, to assist EMS personnel on scene, and to handle any criminal investigations that may arise.

II. BACKGROUND:

Opiates are concentrated from the opium poppy plant and are not made, but purified from the plant fluids, like maple sugar. **Opioids** are manufactured and do not come from plants. **Opiates and Opioids act the same in the brain.** Examples of opiates are Morphine, Codeine and Heroin while synthetics such as Fentanyl, Carfentanyl, Hydrocodone, Oxycodone, and Buprenorphine are examples of Opioids. Opiate/Opioid overdose is epidemic in Vermont. Fatal and nonfatal overdose can result from the abuse of these drugs.

Opiates/opioids slow the victim's breathing to the point of respiratory arrest.

Naloxone, commonly known by the brand-name Narcan®, is an opioid antagonist which means it displaces the opioid from receptors in the brain and can therefore reverse an opiate overdose. It is a scheduled drug, but it has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opiate overdose, it will do no harm. Naloxone has been available as an injectable since the 1960s, but was recently developed as a nasal spray. We administer naloxone under the direction of the Vermont Department of Health.

III. PROCEDURE:

- A. Indications - Indicators of opiate/opioid overdose include:
 - Signs of drug use (Drug/paraphernalia present, reporting information, fresh injection marks, etc)
 - Unresponsiveness
 - Shallow or absent breathing
 - Bluish color of skin, lips, or nails.
- B. Upon arrival of a CPD officer at a suspected or reported drug overdose, the responding officer(s) shall provide standard emergency care within their training including use of universal precautions, patient assessment and performing resuscitative efforts.
- C. If the indicators of a narcotic overdose are present, place the patient in the supine (on their back) position and administer one 4 mg dose of naloxone into a clear nasal passage **and**, if indicated, immediately begin other life saving measures.
- D. Re-administer a second 4 mg dose, using a new nasal spray, after 2-3 minutes. Administer naloxone in alternate nostrils for each dose. In the unusual circumstance that Rescue is not on scene after the second dose, the officer should perform all indicated life saving measures and wait an additional 2-3 minutes before administering a third dose (assuming one is available).
- E. Inform dispatch each time that naloxone was administered for notation in incident.
- F. Inform EMS of the time and number of naloxone doses administered.
- G. Temperature range of the medication requires that it not freeze and is kept at room temperature (59°F to 79°F) with excursions (temporary) to 104°F. Therefore, it is recommended that officers keep the naloxone spray in their duty bag.
- H. Naloxone may also be used for unintentional severe exposure to opiates/opioids when the victim is presenting indicators listed above.

IV. TRAINING:

Officers should be familiar with the naloxone applicator and read the pamphlet published by the Vermont Department of Health.

V. DOCUMENTATION

- A. Full documentation of any administration of naloxone shall be completed in the officer's narrative in the RMS prior to the end of shift.
- B. A report to the Vermont Department of Health shall be made detailing the administration of naloxone.

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COLCHESTER POLICE DEPARTMENT

		SUBJECT: Peer Support Program	
EFFECTIVE DATE: March 7, 2017		NUMBER: G.O. #47	
REFERENCE:			
REEVALUATION DATE: As needed	APPROVED: <i>J. Morrison #190</i>	NO. PAGES: 5	

POLICY: The Colchester Police Department (CPD) recognizes the sacrifice and commitment of its employees, who in the course of their duties expose themselves to danger, violence, and the worst in human behavior. CPD's most valuable resource is its employees. It is the policy of CPD to assist officer and civilian employees in dealing with stress and trauma. CPD has created a Peer Support Program (PSP) to augment the support provided by the Department Clinician(s) and the Employee Assistance Program.

CONTENTS:

- I. DEFINITION
- II. DUTIES AND RESPONSIBILITIES
- III. PSP SELECTION PROCESS
- IV. CONFIDENTIALITY
- V. CASES INVOLVING INTERNAL INVESTIGATIONS
- VI. PSP NOTIFICATION OR REFERRAL
- VII. AUTHORITY OF THE CHIEF TO COMPEL MEMBERS TO PARTICIPATE IN PSP OR OTHER COUNSELING

- I. **DEFINITION:** The PSP is a program that offers assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family, or self. This assistance is confidential, providing it does not violate any law or department policies.

The PSP offers the support of trained peer counselors to assist employees with the day-to-day stress and trauma and provides timely intervention and prevention strategies for those in need. The PSP is composed of a group of employees who have volunteered and been approved by the Chief of Police to make themselves available to any member of the department to talk out personal and/or professional problems confidentially with someone who understands their job and cares about their wellbeing.

II. DUTIES AND RESPONSIBILITIES

- A. Services of the PSP include (but are not limited to):
- i. Being available to assess employee's needs;
 - ii. Peer support intervention;

- iii. Assist with critical incident debriefings;
 - iv. Referral to an appropriate resource for service;
 - v. Stress managements techniques;
 - vi. Provide information on community resources and partners who have expertise in dealing with the stress inherent in law enforcement and with other health related issues.
- B. A PSP member is authorized to use department facilities to meet with employee(s).
- C. A PSP member is permitted to consult with employee(s) on duty. No names, written reports, or identifying information is given to any department representative during these contacts or specific details as to the nature of the contact.
- D. Communications made to a member of the PSP are to be handled professionally and in a discreet manner, but they are not legally considered to be privileged or confidential communications.
- E. Members of the PSP shall coordinate with employee(s) seeking assistance to provide a meeting location that is free from interference and will maximize the goal of anonymity.
- F. PSP members shall maintain contact with the Department Clinician(s) regarding program activities.

III. PSP SELECTION PROCESS

- A. The PSP shall consist of at least 3 sworn and/or civilian employees. One member shall be designated by the Chief of Police, or designee, as the Program Supervisor and shall be accountable to the Chief for the operation of the PSP.
- B. Other employees shall be assigned to the PSP by the Chief of Police with the advice of the Program Supervisor.
- C. Any assignment to the PSP shall be voluntary and will be in addition to an employee's regularly assigned duties. PSP members may voluntarily withdraw from participation at any time but they are required to notify the Program Supervisor.
- D. A PSP member will be removed from participation in the program for conduct inconsistent with program policy and objectives. See the PSP Guidelines for further details on objectives.
- E. Negative job performance caused by PSP duties must be reported to the Program Supervisor so that issues can be addressed and resolved.

- F. Participation in the program is voluntary and no overtime or compensatory time will be authorized for time expended performing PSP duties unless authorized by the Chief of Police or designee.

IV. CONFIDENTIALITY

- A. The acceptance and success of the Colchester Police Department's PSP will be determined, in part, by observance of the protected confidential information shared with peer members. It is imperative that each PSP member maintain strict confidentiality of all information learned about an individual within the guidelines of this program. Communication between PSP members and employees are considered confidential except for matters which involve the following:
 - i. Danger to self;
 - ii. Danger to others;
 - iii. Duty to warn;
 - iv. Suspected abuse of a child or vulnerable person, or any mandated reporter information;
 - v. Narcotic offenses (including use, possession, sale or transportation);
 - vi. Domestic violence;
 - vii. Criminal activity;
 - viii. Acts of misconduct as outlined by Colchester Police Department Rules and Regulations;
 - ix. Disclosure is requested by the employee being served.
- B. PSP members should inform the employee, prior to discussion, what the limitations and exceptions are regarding the information revealed. In those cases where a concern or a question regarding confidentiality arises, the PSP member should immediately contact the Department Clinician who will take appropriate action, as needed.
- C. A PSP member is not exempt from federal, state or local laws or the Rules and Regulations of the Colchester Police Department.

V. CASES INVOLVING INTERNAL INVESTIGATIONS

- A. It may occur that a PSP member is assisting an employee who is, or becomes, the subject of a disciplinary investigation. The PSP member should be guided by confidentiality as noted above in section IV.
- B. PSP members should offer appropriate support and assist individuals through the stress they may face during the disciplinary process. If PSP members have any questions or concerns regarding these situations they should refer the employee to the Department Clinician or EAP for additional resources.

VI. PSP NOTIFICATION OR REFERRAL

- A. All CPD supervisors are authorized to contact the PSP for assistance in dealing with traumatic stress or traumatic incidents.
- B. Requests for assistance may be made at any time by contacting a member of the PSP or the Department Clinician(s).
- C. All employees may be referred to the PSP, Department Clinician(s), EAP or a professional counselor as determined by the Chief of Police.
- D. Notification of the PSP Supervisor (or designee) shall be made **as soon as possible** following these types of events:
 - i. Line of duty death;
 - ii. Serious line of duty injury;
 - iii. Employee suicide;
 - iv. Officer involved shooting;
 - v. Disaster or incidents with mass casualties;
 - vi. Tragic events/deaths to children;
 - vii. Death of a civilian due to department operations;
 - viii. Death of a victim after prolonged rescue measures;
 - ix. Significant events where the victims are relatives or friends of employees;
 - x. Events that seriously threaten the lives or wellbeing of employees;
 - xi. Any high risk event where life/lives of employee(s) was threatened;
 - xii. Any event that has significant emotional power to overwhelm the employee.

VII. AUTHORITY OF THE CHIEF TO COMPEL MEMBERS TO PARTICIPATE IN PSP OR OTHER COUNSELING

- A. Mandatory referrals to the PSP or other mental health provider(s) can only be made by the Chief or his/her designee after receiving all pertinent information regarding a member's situation. Referrals must be based on significant job performance difficulty, or documented ongoing disciplinary problems.
- B. The Chief has the authority to compel members to attend debriefings for high trauma events (listed above) and to participate in counseling relative to such events until the provider has indicated that the employee is fit to return to duty.
- C. This does not prevent a supervisor from relieving a member from duty in accordance with Colchester Police Department Rules and Regulations. In this event the Chief shall be notified immediately via the chain of command.
- D. In unusual or extreme cases, the Department has the right to receive a fitness for duty evaluation from a licensed psychologist before the member returns to duty. The Department retains the right to choose the appropriate

professional for the member to see. This fitness for duty evaluation is above and beyond the PSP or any ongoing employee wellness efforts.

- E. Expenses for any mandated referrals **will** be borne by the Department.

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