

**STATE OF VERMONT  
AGENCY OF HUMAN SERVICES  
DEPARTMENT OF CORRECTIONS**

**Policy: 302**

**Subject:** Town And Village Lockup-Standards And Inspections  
**Effective Date:** October 26, 1994 **Review and Re-Issue Date:**  
**Supersedes:** 5/20/85 **APA Rule Number:**

<b>Recommended for approval by:</b>		<b>Authorized By:</b>	
_____	_____	_____	_____
<b>Signature</b>	<b>Date</b>	<b>Signature</b>	<b>Date</b>

**1. Authority:**

**1.1** Title 28, Chapter 13, Sec.

**2. Purpose:**

**2.1** The Department of Corrections is responsible for setting standards and inspecting county lockups (jails). It is our goal to cooperate in the effort in providing safe, secure and humane confinement at the local level.

**2.2** To establish written standards for the maintenance, operations and inspections of county lockups. This procedure will outline the who, what and when of this policy.

**3. Applicability/Accessibility**

**3.1** All operating jails and lockups in the state of Vermont. Anyone may have a copy of this Directive.

**4. Policy**

**4.1** The Commissioner will designate the Director and the Assistant Director of security and Supervision as his authorized agents to visit and inspect county lockups.

**4.2** Each authorized lockup will be visited and inspected during the months of April and October.

**4.3** The inspector shall compare the operating practices and maintenance to the Commissioner of Corrections standards.

**4.4** The inspector will submit a written report to the Commissioner of Corrections by the 15th day of May and November.

**4.5** The report shall note all discrepancies and indicates the necessary remedial action.

**4.6** The Commissioner and Director of Security and Supervision shall review the inspection report to determine the Department's actions.

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4.7 The jailer will receive a copy of the inspection and final remedial action and requirements of the Department.

### **4.8 STANDARDS FOR LOCKUPS**

#### **4.8.1. JAIL PERSONNEL**

4.8.1.1 The selectmen of a town or the trustees of an incorporated village will designate a Chief Jailer for each approved local lockup.

4.8.1.2 The Chief Jailer shall be responsible for the care, custody and supervision of those confined to the lockup.

4.8.1.3 The Chief Jailer shall be responsible for all administrative duties cited below.

4.8.1.4 All lockup personnel whose duties include custody, care and supervision of those confined shall be not less than 18 years of age.

4.8.1.5 When a female is detained, a female officer will be on duty as soon as reasonably possible.

### **4.9 TRAINING OF PERSONNEL**

4.9.1 The Chief Jailer will be responsible for establishment of written' procedures and training for all lockup personnel in such procedures for the following areas:

4.9.1.1 Emergency medical procedures,

4.9.1.2 Emergency evacuation procedures,

4.9.1.3 Admission procedures,

4.9.1.4 Security procedures,

4.9.1.5 A posted physical plant layout to include locations of:

4.9.1.5.1 Emergency Exits;

4.9.1.5.2 Fire Extinguishers;

4.9.1.5.3 Fire Blankets;

4.9.1.5.4 First Aid Kits;

4.9.1.5.5 Duplicate Keys,

4.9.1.5.6 Boiler Shut-Offs;

4.9.1.5.7 Circuit Breakers.

(May consist simply of a floor plan with indicated items locations identified).

4.9.2 State Standards.

4.9.3 Fire Extinguishers.

4.9.4 Air pacs, if the lockup is equipped with them.

4.9.5 Department of Corrections Use of Force Policy. Formal Police Officers Training, as sanctioned by the Vermont Criminal Justice Training Council, may be substituted.

### **4.10 ADMISSION PROCEDURES**

4.10.1 All commitment papers will be checked for accuracy and completeness, including the identification of the individual being incarcerated.

4.10.2 All necessary data will be recorded in the approved jail register on forms supplied by the Vermont Department of Corrections.

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- 4.10.3** At admission, each prisoner will be thoroughly searched for potential weapons, regulated drugs, or other contraband items.
  - 4.10.4** All personal property taken from the prisoners will be recorded on a form approved by the Chief Jailer, and the prisoner will be given a receipt for these items.
  - 4.10.5** The jailer admitting the prisoner will be responsible for observing and recording, in writing, the apparent physical and/or mental condition of the prisoner at the time of admission.
  - 4.10.6** If it is determined that a person to be detained requires medical attention, it shall be obtained as quickly as possible.
  - 4.10.7** If it is determined that a person being detained may be a threat to others, or that others also detained may be a threat to him/her, that person will be isolated to the extent possible.
  - 4.10.8** Persons less than 16 years of age, or those charged with juvenile offenses, will not be lodged at any local lockup.
  - 4.10.9** Persons to be detained should be able to be positively identified in the event of escape or other serious incident.
  - 4.10.10** Persons to be detained will be given instructions on how to obtain basic personal needs, such as drinking water, towels, contacting a jailer, visiting, correspondence and rules of conduct.
- 4.11**     **SUPERVISION AND CARE OF PRISONERS**
- 4.11.1** There will be a 24-hour supervision of all prisoners held in local lockups.
  - 4.11.2** A visual check of prisoners will be made once every hour and written documentation maintained. Visual observation by closed circuit television is acceptable, however, detainees should be seen personally as often as reasonably possible.
  - 4.11.3** Unusual behavior must be recorded and, if necessary, visual observation will be increased consistent with the level and seriousness of the behavior.
  - 4.11.4** Verbal communication between detainee and jailer, when the jailer is not in the same room, must be possible by a means other than requiring the detainees to shout.
  - 4.11.5** The Chief Jailer will ensure that proper key control is maintained.
  - 4.11.6** The Chief Jailer will ensure that all locks to cells and emergency exits are in proper working order and are checked monthly with documentation maintained.
  - 4.11.7** No firearms will be carried into the cell area.
  - 4.11.8** Prisoners held during meal hours will be provided with a balanced meal.
  - 4.11.9** Persons detained shall be provided drinking water, toilet facilities, sink and shower (if available), on reasonable request.
  - 4.11.10** Metal or otherwise fireproof garbage and trash receptacles are to be provided in sufficient quantity to keep the cell area clean.
  - 4.11.11** Each prisoner should be provided with a mattress, blanket, sheet, towel and soap. Mattresses and blankets provided shall be flame retardant types.
  - 4.11.12** Bedding and towels should be cleaned after use, consistent with manufacturer's instructions, for retention of flame retardancy.

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- 4.11.13** All cells to which prisoners are to be confined must contain toilets, and each prisoner must be provided with toilet tissue on admission.
- 4.11.14** No persons shall be detained unless pursuant to 28 V.S.A. 702(b) and 1003 and 18 V.S.A., Chapter 213.
- 4.11.15** The Chief Jailer shall be responsible for ensuring cleanliness and good state of repair of the entire premises.
- 4.11.16** Adequate lighting, ventilation and heating will be maintained in all occupied cell areas.
- 4.11.17** Lights will be protected for detentioners tampering by appropriate safeguard.
- 4.11.18** Male and female detainees will be visually and, where possible, segregated from each other's hearing.

### **4.12SAFETY**

- 4.12.1** A representative of the Department of Labor and Industry shall inspect lockups for compliance with the Fire Prevention Code of Vermont on a yearly basis. Resulting Fire Prevention Reports will be sent of the Chief Jailer, the Commissioner of Corrections, Director of Building, Maintenance, who will jointly develop action plans toward compliance.
- 4.12.2** All lockups will comply and work towards the standards established by the Department of Labor and Industry.
- 4.12.3** The Chief Jailer will be responsible for providing sufficient number, type and capacity fire extinguishers for all classes of fire. Such extinguishers will be inspected monthly with written documentation maintained.
- 4.12.4** Unless exempted by the Commissioner of the Department of Labor and Industry, there will be an alternate fire exit from the cell area.
- 4.12.5** Each lockup will have an emergency first aid kit fully equipped on their premises.
- 4.12.6** All windows and mirrors, to which detentioners have unsupervised access, will be replaced as necessary with unbreakable materials.

### **4.13RECORDS**

- 4.13.1** The Chief Jailer will be responsible for maintenance of the following documents:
  - 4.13.1.1** The approved jail register, which will be mailed to the Department of Corrections no later than the 15<sup>th</sup> of the month for the preceding month.
  - 4.13.1.2** Files of all documents required for the receiving holding, observation and discharge of persons detained at the lockup.
  - 4.13.1.3** Property receipts.
  - 4.13.1.4** Individual training records, including date and type of training.
  - 4.13.1.5** Formal agreements with the Department of corrections, to include any amendments thereto.
  - 4.13.1.6** A record of all disbursements of funds provided by the Department of Corrections, subject to Corrections audit.

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**4.13.2** The Chief Jailer of a lockup that regularly houses inmates in excess of 72 hours by virtue of a contract with the Department of Corrections will, in addition to compliance with items previously listed, also be responsible for the following:

**4.13.2.1** The developing and implementation of an inmate handbook. Technical assistance will be provided by the Department of Corrections. this handbook will be as complete as possible, and should include, but is not limited to:

**4.13.2.1.1** Rules of the lockup which directly effect the inmate;

**4.13.2.1.2** Visiting;

**4.13.2.1.3** Telephone use;

**4.13.2.1.4** Mail.

### **4.14** INCAPACITATED PERSONS

#### **4.14.1** Definitions:

**Lead Agency** - An agency designated by the Vermont Alcohol and Drug Abuse Division to regionally provide and coordinate services of the Alcohol Services Act.

**Physician** - One duly authorized and licensed to practice medicine in the state of Vermont.

**Hospital Emergency Room** - The section of a hospital licensed to operate in the state of Vermont where medical and nursing services are available on demand. Physicians working in emergency rooms in Vermont are permitted to certify someone as Incapacitated, and waive them to Protective Custody at a facility of the Vermont Department of Corrections.

**Incapacitated Person** - A person who, as a result of his use of alcohol, is in a state of intoxication, or mental confusion resulting from withdrawal, such that he appears to need medical care or supervision by approved alcohol treatment personnel, as defined in this section, to assure his safety, or he appears to present a direct active or passive threat to the safety of others (V.S.A. 18 9142(9) (a, b).

**Waiver** - The official action of an alcohol treatment or, medical professional for the lodging of an Incapacitated Person at a correctional facility or local lockup indicating that there is no treatment service available, that the possible treatment service is refused to this particular person, or that the person refuses treatment.

**Alcohol Treatment Professional** - A person who practices, as a full or part time employment, the rehabilitation of people who are suffering from alcohol abuse or addiction. The person must be paid for these services and not perform them solely as a voluntary activity.

**Facility of The Vermont Department** - For the purpose of this policy only, the community correctional facilities of the Department.

#### **4.14.2** Procedure

**4.14.2.1** A local lockup may admit incapacitated persons, but **ONLY AFTER THEY HAVE BEEN SCREENED** by an alcohol treatment or medical professional.

**4.14.2.2** The screening professional must fill out and sign the form for waiving incapacitated persons to the lockup for protective custody. They must indicate that they judge the

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person to be incapacitated on this form. **DO NOT ADMIT AN INCAPACITATED PERSON WITHOUT A COMPLETED FORM WITH ALL SIGNATURES.**

- 4.14.2.3** The incapacitated person must be placed in the facility in a locale where they can be observed at a high frequency. Persons who are incapacitated by intoxicants frequently injure themselves, both deliberately and accidentally, and they are prone to serious medical problems which may result in serious damage or death. At a minimum, on those lodged as incapacitated, a visual check will be made every 30 minutes, with written documentation maintained.
- 4.14.2.4** Should a question of medical condition arise, the incapacitated person should be evaluated by a medical professional or, in the absence of such professional, transported to the nearest available emergency medical service, such as the local hospital emergency room.
- 4.14.2.5** The incapacitated person may be held no more than 24 hours, or until judged to no longer be incapacitated, whichever is shorter. The lead agency should be contacted to conduct a discharge interview of the person prior to release. This interview should take place at the lockup.
- 4.14.2.6** If, for some reason, the lead agency is unable or unwilling to examine the person prior to discharge, verified logging of this must occur.
- 4.14.2.7** It should be recognized by lockups that the lodging of an incapacitated person is not viewed in the same light as lodging for a criminal violation. It should be kept in mind that the primary purpose for the lodging of an incapacitated person is for that person's health and safety.

**UNDER NO CIRCUMSTANCES MAY A LOCKUP RETAIN  
PROTECTIVE CUSTODY BEYOND 24 HOURS.**

### **4.15 SUMMARY AND CONCLUSIONS**

- 4.15.1** The Department of Corrections is available for consultation at any time with each Chief Jailer in the State, and encourages a cooperative effort in providing safe, secure and humane confinement at the local level. It is important to remind all staff that strict adherence to these standards is necessary from a legal standpoint, as well as for their own health and safety.
- 4.15.2** Under existing statutes, a jail inspector designated by the Commissioner of Corrections will inspect local lockups at least once each six months for compliance with these standards.
- 4.15.3** Technical assistance is available from this Department in the purchase and maintenance of various types of equipment. Among these are many safety and health items which it may be in the interest of local lockups to obtain, such as: self-contained breathing unit (sometimes referred to as "air pacs") for emergency use, emergency flashlights, flameproof uniforms and insulated gloves.
- 4.15.4** The current revision of standards features an added emphasis on training. This is in the belief that the most effective protection of human life, rights and deterrent to costly litigation is a competent staff. This Department will provide assistance in lockup training efforts.

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**5. Training Method**

**5.1**

**6. Quality Assurance Processes**

**6.1**

**7. Financial Impact:**

**7.1**

**8. References**

**9. Responsible Director and Draft Participants**

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