



# GUIDANCE DOCUMENT LOCAL LOCKUP STANDARDS AND INSPECTIONS

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**GENERAL GUIDANCE**

This document establishes standards set by the Vermont Department of Corrections (DOC) for local lock-ups and guidelines for their inspection.

The DOC Facility Operations Manager overseeing Local Lockup Processes is available for consultation at any time with the Chief Jailer of any local lockup, and encourages a cooperative effort in providing safe, secure, and humane confinement at the local level. Local lockup staff shall be instructed that strict adherence to the standards set out below is necessary for lockup security and will help protect their own health and safety as well as the safety of the individuals in their custody.

The DOC shall not contract with local lockups to house a federal detainee.

**STANDARDS FOR LOCAL LOCKUPS**

This section sets out standards for all local lockups.

**LOCAL LOCKUP STAFF**

For each approved local lockup, the town select board, or the village trustees, shall designate a Chief Jailer. The Chief Jailer shall be responsible for the care, custody, and supervision of detainees confined to the lockup. The Chief Jailer shall be responsible for all administrative duties set out in this section.

All local lockup staff members whose duties include the custody, care, and supervision of detainees at a local lockup shall be at least eighteen years of age.

When a female is detained in a local lockup, a female staff member shall be on duty at the local lockup as soon as reasonably possible, for the duration of the female's confinement at the lockup.

**Training of Local Lockup Staff**

1. The Chief Jailer shall establish written procedures and training for all lockup staff members in the following areas:
  - a. Emergency medical procedures;
  - b. Emergency evacuation procedures;
  - c. Admission procedures;
  - d. Security procedures;
  - e. The Prison Rape Elimination Act (PREA) standards;



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- f. This policy;
  - g. Fire extinguishers;
  - h. Air pacs, if the lockup is equipped with them; and
  - i. Use of force, as sanctioned by the Vermont Criminal Justice Training Council.
2. The Chief Jailer shall post a physical plant layout, or floor plan, identifying locations of:
- a. Emergency exits;
  - b. Fire extinguishers; and
  - c. First aid kits.

### ADMISSION PROCEDURES

No person less than 16 years of age, or charged with a juvenile offense, shall be lodged at a local lockup.

No person shall be detained in a local lockup, other than pursuant to, [28 V.S.A. § 1003](#), [28 V.S.A. § 1004](#), or [18 V.S.A. § 4808](#), except that DOC shall not contract to house a federal detainee in a local lockup.

Detainees should be able to be positively identified in the event of escape or other serious incident. Lockup staff shall take a photo and maintain a physical description of each detainee confined at the lockup.

The following procedures shall be followed by lockup staff whenever a detainee is admitted. Lockup staff shall:

1. Review all commitment papers for accuracy and completeness;
2. Record all applicable data in the jail register, [in accordance with the Records subsection of this document](#);
3. Thoroughly search each detainee for potential weapons, regulated drugs, or other contraband items;
4. Record all personal property taken from the detainee, on a form approved by the Chief Jailer;
  - a. The detainee shall be given a receipt for all property taken.
5. Observe, and record in writing, the detainee's apparent physical and mental condition at the time of admission;
6. Conduct a suicide risk screening for each detainee using the validated tool utilized by DOC;
7. Obtain medical attention for any detainee who requires it, as quickly as possible;
8. To the extent possible, isolate any detainee that may be a threat to others, or that others may be a threat to;
9. Provide detainees with the rules and policies of the lockup, including:
  - a. Instructions on how to obtain basic personal needs, such as drinking water or towels;
  - b. How to contact staff;
  - c. Rules for visiting and correspondence; and
  - d. Rules of conduct for detainees.

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## SUPERVISION AND CARE OF DETAINEES IN LOCAL LOCKUPS

The following standards address the supervision and care of detainees in local lockups:

1. Lockup staff shall provide supervision of detainees twenty-four hours a day.
  - a. As part of this supervision, staff shall conduct visual checks of detainees once every hour, and maintain written documentation of these checks.
  - b. When performing visual checks, observation by closed circuit television is acceptable on a limited basis. However, detainees should be seen in person as often as reasonably possible and signs of life (e.g., verbal communication, rise and fall of the detainee's chest) should be noted.
  - c. Lockup staff shall make a record of any unusual detainee behavior and increase the frequency of visual observation, if necessary, consistent with the seriousness of the behavior.
2. The lockup shall provide, at all times, a means for verbal communication between detainees and lockup staff. This method shall not require detainees or staff to shout to each other.
3. Male and female detainees shall be separated so that they cannot see one another. When possible, male and female detainees shall also be confined out of each other's hearing.
4. The lockup shall provide each detainee with:
  - a. Nutritionally balanced meals at regularly scheduled meal times;
  - b. Drinking water;
  - c. Toilet tissue and facilities;
    - i. All cells to which detainees are confined shall contain toilets.
  - d. A sink and shower (if available), upon reasonable request; and
  - e. A mattress, blanket, sheet, towel, and soap.
    - i. Mattresses and blankets provided shall be flame retardant types.
    - ii. Bedding and towels shall be cleaned after use, prior to being used by another person, consistent with manufacturer's instructions, for retention of flame retardancy.
5. The lockup shall provide sufficient metal, or otherwise fireproof, garbage receptacles to keep the cell area clean.

## SAFETY

1. Local lockups shall comply with the [Vermont Adopted Codes and Standards](#) adopted by the Vermont Department of Public Safety, Division of Fire Safety.
2. The Chief Jailer shall provide a sufficient number, type, and capacity of fire extinguishers for all classes of fires.
3. Each local lockup shall have an alternate fire exit from the cell area, unless exempted by the Department of Labor.
4. The Chief Jailer shall ensure that:



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- a. Lockup staff maintain proper key control;
- b. All locks to cells and emergency exits are in proper working order;
- c. The premises are clean and maintained in a good state of repair; and
- d. Adequate lighting, ventilation, and heating are maintained in all occupied cell areas.
  - i. Lights shall have safeguards in place to protect them from tampering.
5. No firearms shall be permitted into the secure portion of the lockup.
6. Each local lockup shall have a fully equipped, emergency first aid kit on the premises.
7. All windows and mirrors to which detainees have unsupervised access shall be constructed out of unbreakable materials.

## RECORDS

The Chief Jailer shall maintain the following records:

1. A jail register approved by the DOC, in which all detainees housed at the lockup throughout the month are logged. Each monthly jail register shall be mailed to DOC Central Office by the fifteenth day of the following month;
2. Files of all documents required for the receiving, holding, observation, and discharge of detainees.
3. Receipts for property removed from detainees.
4. Individual staff training records, including the date and type of each training.
5. All formal agreements with the DOC, including all amendments to those agreements.
6. A record of all disbursements of funds provided by the DOC. This record shall be subject to audit by the DOC.

## INCAPACITATED PERSONS

### ADMISSION OF INCAPACITATED PERSONS

Local lockups may admit incapacitated persons **for up to twenty-four hours**. It should be recognized by lockups that the protective custody of an incapacitated person is not the same as lodging a detainee for a criminal violation. The primary purpose for the protective custody of an incapacitated person is to protect that person's health and safety.

An incapacitated person (INCAP) may be admitted into a local lockup **only if** the INCAP was screened by an alcohol treatment or medical professional prior to admittance. The screening professional must complete and sign a form authorizing the temporary lodging of the INCAP.

1. The form must indicate that the screening professional determines the person to be incapacitated.
2. No INCAP shall be admitted without a completed form signed by an alcohol treatment or medical professional.

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## PROTECTIVE CUSTODY OF INCAPACITATED PERSONS

The following standards apply to the protective custody of INCAPs in local lockups:

1. The INCAP shall be housed in an area of the lockup where they can be frequently observed.
2. At a minimum, lockup staff shall perform a visual check on each INCAP in protective custody every thirty minutes and maintain written documentation of these checks.
3. In cases when a medical condition arises, the INCAP shall be evaluated by a medical professional or, in the absence of such professional, transported to the emergency room.
4. **INCAPs in protective custody may only be held for up to twenty-four hours, or until they are judged to no longer be incapacitated, whichever is shorter.** An INCAP may be released to an adult who will assume responsibility for the individual.
  - a. In cases when the INCAP is not released to an adult who will assume responsibility for him or her, an agency designated by the Division of Alcohol & Drug Abuse Programs shall be contacted to conduct a discharge interview of the person. This interview shall take place at the lockup.
  - b. If, for some reason, the designated agency is unable or unwilling to examine the person prior to release, lockup staff shall make a record of this unavailability or refusal.

## INSPECTIONS OF LOCAL LOCKUPS

### INSPECTIONS BY LOCAL LOCKUP STAFF

The Chief Jailer shall ensure that the following inspections occur monthly, and that documentation of these inspections is maintained:

1. Locks shall be checked to ensure they are in good working order and can both open and secure; and
2. Fire extinguishers shall be inspected to ensure they are functioning properly.

### INSPECTIONS BY VERMONT DEPARTMENT OF PUBLIC SAFETY, DIVISION OF FIRE SAFETY

A representative of the Vermont Department of Public Safety, Division of Fire Safety shall inspect lockups for compliance with the [Vermont Adopted Codes and Standards](#) annually.

1. Fire Prevention Reports resulting from these inspections will be sent of the Chief Jailer, the Commissioner of Corrections, and the Director of Buildings and General Services. These individuals will jointly develop action plans toward compliance.
2. Any local lockup found not in compliance with the standards shall develop and adhere to a plan to work towards compliance.

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**INSPECTIONS BY VERMONT DEPARTMENT OF CORRECTIONS (DOC)**

Each local lockup shall be visited and inspected by the Commissioner or designee at least every six months, to ensure compliance with the standards set forth in this document. These inspections should ideally occur in the months of April and October.

1. The Commissioner may designate the Director of Facilities or designee as his or her authorized agents to visit and inspect local lockups.
2. The inspector shall compare the operating practices and maintenance of the lockup to the [standards](#) set forth in this document, and submit a written report to the Commissioner by the fifteenth day of the month following the inspection. The report shall note all discrepancies and recommend any necessary remedial actions.
3. The Commissioner and the Director of Facilities shall review the inspection report to determine the course of action of the DOC, as needed. In cases when a lockup does not meet the minimum standards, the Commissioner may require remedial action or notify the select board, trustees, or sheriffs to discontinue use of the lockup within thirty days of notice.
4. A copy of the inspection report and the DOC final determination shall be sent to the Chief Jailer. When appropriate, this shall include notice of any required remedial action or notice to discontinue use of the lockup within thirty days.