

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

Directive: 315.01

Subject: Intake And Bail
Effective Date: February 3, 1997 **Review and Re-Issue Date:**
Supersedes: NEW **APA Rule Number:**

Recommended for approval by:		Authorized By:	
_____	_____	_____	_____
Signature	Date	Signature	Date

1. Authority:

This directive is authorized by Vermont Department of Corrections Policy 315, Vermont Statutes Annotated, Title 28, Chapter 3, Section 101 and Section 102;

2. Purpose:

2.1.

3. Applicability/Accessibility

This directive applies to staff of correctional facilities and to inmates. It applies to people who are detained and have not been adjudicated. Anyone may have a copy of this directive.

4. DIRECTIVE

I. Lodgings

A. Mittimus - Must be signed by Court and bail status noted on it. A mittimus is required to lodge sentenced persons and must include the crime and the sentence imposed.

B. Warrant - If a person is lodged on a warrant" the warrant must be given to the correctional facility.

C. A person can be lodged if the arresting officer complete and gives the correctional facility an affidavit of probable cause, stating that an arrest warrant exists and a holding station or some other identified person has it in hand.

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D. A person may be lodged under the Alcohol Services Act (V.S.A. Title 19, Section 9144), by providing the appropriate paperwork at the time of lodging.

E. A person may also be lodged by a request filed by an outside agency. The request must be a document with the prisoner's name and the name and agency of the person making the request. The request must also include sufficient information to show the person is lawfully detained. No person will be accepted for lodging without documentation described in A, B, C, or D above.

For the purpose of this policy, an outside agency shall mean any agency other than a Vermont Police Department, Vermont State Police, or a Vermont Law Enforcement Officer. (i.e., U.S. Marshal, Federal Bureau of Prisons, Immigration and Naturalization, United States Customs Service)

F. Superintendents will develop, and review at least yearly, a local intake procedure insuring all necessary information is collected and recorded. A medical history questionnaire must be completed to insure compliance with Policy 351 (Health Care Services) and suicide screening. Inmates with immediate health needs should be considered for alternative housing.

G. Local procedures will provide for complete searching of all persons lodged for any items of contraband and for an inventory of the person's belongings, according to the Searches and Substance Abuse Directive, 409.01.

H. Superintendents will develop, promulgate and review annually local intake procedure insuring that all necessary medical information is collected and properly recorded. This shall include the Department's medical intake form and any other documentation required under Policy 353 (Health Care Services) and its directives.

I. Superintendents will develop, promulgate and reviewed annually a local intake procedure insuring that all necessary suicide prevention forms are properly completed and recorded and that any necessary follow-up measures or actions are taken. This shall include the Initial Needs Survey (INS) form and any other documentation required under Policy 362 (Potential Suicides).

J. Any signs or complaints of emergent medical conditions shall be referred to health services staff immediately. No person shall be accepted for lodging on an affidavit of probable cause if there is an indication that immediate medical attention is needed. In these cases, health services staff should be notified immediately to assist with the acceptance or refusal of the admission based on medical status.

II. Searches of Persons

A. Pre-Arrest Detentioners

1. Those persons having been arrested on a felony charge shall be subjected to a complete strip search, which allows for an unobstructed viewing of all parts of the body.

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2. A complete strip search shall not be performed on persons detained for misdemeanors prior to arraignment, nor on "incapacitated persons", unless "reasonable suspicion" exists that the person is concealing weapons or other contraband.

a. If the admitting officer believes that reasonable suspicion exists, the Shift Supervisor shall be consulted. The shift Supervisor shall decide if reasonable suspicion exists and may give permission for the strip search. The shift Supervisor shall file an unusual incident report describing the facts which support the decision to conduct a strip search.

b. The arresting or detaining law enforcement officer shall be requested to provide information concerning the person's prior record of convictions and the circumstances of the arrest or detention. Correctional records shall be reviewed to determine if the person has committed prison disciplinary violations for assault, illegal possession or use of drugs, or illegal possession of weapons.

c. If "reasonable suspicion" does not exist and a complete strip search is not performed, the person shall be searched by means of a thorough "pat search" and metal detection screening.

d. No Shift Supervisor or Acting Shift Supervisor shall make a decision to strip search a person not charged with a felony on intake unless they have received training on intake directives and procedures.

e. Persons detained pursuant to federal civil deportation proceedings shall be treated in the same manner as misdemeanants or incapacitate persons until an appearance has been made before a federal magistrate or judge.

f. Disposition of personal property or money shall be in accordance with policy 321 (413) Disposition of Personal Property. All searches shall be conducted in accordance with policy 409 (1013) Searches and Substance Abuse Testing.

III. Housing of Persons Lodged

A. Upon completion of the lodging or "Booking" process, the inmate will be placed in an appropriate housing unit.

B. Each Superintendent shall promulgate local procedures to insure the following happens:

a. The inmate shall be provided with a mattress that is made of fire retardant material and is clean and in good repair. Mattresses requiring repair or replacement will not be issued to inmates until the repair has been effected.

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- b. A sanitizing agent will be provided to the inmate, along with the proper tools or materials, to allow the inmate to sanitize the mattress prior to using it.
- c. Mattresses issued to inmates must be the proper size to fit the bed frame the inmate is assigned.
- d. The inmate receives an initial distribution of toilet paper, toothpaste, toothbrush, comb and any other toilet items the facility provides. .

IV. Video Taping

A. All New lodgings will be video taped. This is not done for identification purposes but rather for the protection of staff and inmates. Significant uses of force may occur at initial lodging due to the person's inexperience with, and lack of understanding of the process. The video tape will provide a very good record of that kind of situation.

- 1. Video tape must be timed and dated to correspond, as closely as possible, with the Booking slip. Video tapes should be retained for two years.

B. Inmates who are already incarcerated in the system need not be video taped when returning from court or transferred from another facility. If force is required, the situation must be video taped when possible.

V. Bail

A. Sometimes persons are incarcerated when it is not possible to appear in court to formally have bail set. It shall be the responsibility of the arresting officer (or his/her department) to insure bail is set for those persons entitled to bail.

B. Prior to allowing the arresting agency and arrested person in the facility, the arresting agency must have had bail set for those persons entitled to bail.

VI. Release on Bail

A. The Department of Corrections will only accept bail money for persons in Department custody.

B. Only U.S. currency will be accepted for bail. Foreign currency and bank drafts or checks of any type are not acceptable.

C. Any person released on bail must sign a condition of release form reflecting the fact the person must appear in court on the next business day of the court. Release on bail will not be completed unless the person signs the condition of release.

D. Bail shall only be accepted at the correctional facility when the court is not open.

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E. Each Superintendent, except the Superintendent of the Southeast State Correctional Facility, shall develop a local procedure for accepting and forwarding bail money to the appropriate court. The procedure will reflect, at a minimum, the standards set forth in this directive and must be reviewed annually.

F. Victim Notification Procedures will be followed for appropriate cases, when the alleged perpetrator is released on bail.

4. Training Method

4.1.

5. Quality Assurance Processes

5.1.

6. Financial Impact:

7. References

7.1.

8. Responsible Director and Draft Participants

This directive was drafted by William R. Anderson, Security and Supervision, 241-2271.

Dr. Thomas Powell, Chief of Clinical Services, Central Office, 241-2380, also participated in the drafting of this directive.