



Agency of Human Services

State of Vermont
Department of Corrections
103 South Main Street
Waterbury, VT 05641-1001

To: Corrections Oversight Committee

From: Andrew Pallito, Commissioner

Re: Rules on Searches

Date: August 14, 2014

In accordance with Act 163, the Department is drafting a rule regarding procedures for conducting searches of any person who enter the secure portion of a state correctional facility.

The Department has the responsibility to maintain a safe working environment for staff and a safe living environment for inmates. Contraband within a correctional facility impedes the ability to provide the type of safe environment that is required. Many items have the potential of becoming a dangerous item when altered or modified.

Searches need to be conducted to limit inmate accessibility to contraband. VT-DOC currently routinely searches all volunteers and visitors and bags and items entering the facility. This is accordance **with Title 28 § 601. Powers and responsibilities of the supervising officer of each correctional facility**

(3) To take proper measures to protect the safety of the inmates and personnel of the facility.

These searches are limited to metal detectors, the emptying of pockets and the inspection of all items being brought into the facility such as briefcases. VT-DOC expects that all personnel are responsible individuals and have integrity and VT-DOC recognizes that some staff mistakenly may enter the secure perimeter with contraband. VT-DOC also recognizes that there are individuals who may intentionally introduce contraband into a correctional facility for personal profit or other illegal or nefarious reasons.

Examples of contraband are illegal drugs or non-prescribed pharmaceuticals, drug paraphernalia, weapons or any item which may be used as a weapon, money, tobacco & tobacco products, lighters and matches, electronics and communication devices (e.g. cell phones, etc.), wearing apparel (items not

approved or altered for unauthorized use), tattooing equipment, property that rightfully belongs to another person, alcohol, tools, or items that may be used to aid an escape.

Searches must be conducted to limit the introduction of contraband and to check for items that are or are capable of becoming items that may compromise security or are hazards to health or safety that may go unnoticed during routine inspections. It is necessary to conduct searches of all persons and their property and all areas of a correctional facility in order to deter the introduction of contraband and to locate contraband.

Currently multiple jurisdictions allow for this type of search including Virginia, Michigan, Tennessee and North Carolina.

The rule under consideration will cover the following topics:

1. Conducting searches deemed necessary to maintain the security of correctional facilities and to protect the safety of staff, inmates, and the general public. The searches will target the prevention of the introduction of "prohibited items" (Prohibited items" includes illegal drugs, alcoholic beverages, prescription drugs or medications not used or possessed in compliance with a current valid prescription, weapons, unauthorized tools, unauthorized electronic devices, and all other items defined and delineated as contraband by the department) into the secure portion of correctional facilities.
2. Conducting searches on employees who enter the secure portion of correctional facilities at any time.
3. Conducting searches in areas within the secure perimeter of a facility may be at any time, with or without the employee being present.
4. Outlining that all employees of the department are subject to search. Any given search may be restricted to one or more specific individuals. Searches may be done on a random basis or based upon reasonable suspicion. (*Reasonable suspicion means circumstances suggesting to a reasonable person that there is a possibility that one or more individuals may be in possession of a prohibited item as defined above. Any search will be done in a manner protecting an employee's privacy, confidentiality, and personal dignity to the greatest extent possible. The department will respond in the appropriate manner to any unauthorized release of information concerning individual employees who have been subject to a search.*)
5. Outlining that no employee will ever be physically forced to submit to a search. However, an employee who refuses to submit to a search request from the department will not be permitted into the secure area of any facility and may face disciplinary action, up to and possibly including dismissal.