



Agency of Human Services
State of Vermont
Department of Corrections

To: Corrections Oversight Committee

From: Andrew Pallito, Commissioner, Department of Corrections

Subject: Report on ACT 163 Section 2(e) Safety and Security Concerns; Section 4 Contact Visits

SAFETY AND SECURITY

Act 163 requires the Commissioner to submit a report to the Joint Legislative Corrections Oversight Committee on security and safety concerns at State correctional facilities arising from public or private entities employing offenders through work programs. At present there is one program of this type operating in a State correctional facility: Salvation Farms at the Southeast State Correctional Facility in Windsor (SESCF).

In September 2012, SESCOF developed a plan that outlined what would be needed to establish a “pilot” operation that would facilitate Salvation Farm’s plan to grade, pack and process commodity produce. Part of the task was to stay under \$10,000 and if approved have it up and running by November of the same year.

At the time security staffing was not part of the “pilot” proposal. The facility had a Work Crew Leader who was working on site and not actively taking crews outside of the facility due to a restriction. As such, the WCL was assigned to oversee the operation and assist in getting it started and used the inmate work crew as a labor force in this task.

After the “pilot” period was complete the operation went dormant during the winter months. During this time discussions began around a contract and expanding upon the pilot into more advanced operations with larger quantity, more hours and greater diversity in incoming produce. At this time, the facility made it clear that the Work Crew Leader (WCL) was scheduled to go back to the original mission of supervising ten offenders in the community Monday thru Friday and would not be available to oversee the production in the next phase, nor would work camp inmates be available for the work.



The DOC decided that as long as the Salvation Farm member attended security orientation and had a background check they would be able to function in the same role as a volunteer, intern, etc. Meaning they did not need an escort and could be alone in the presence of inmates. In support of this, the SESCOF also provided key control training, radio training and sent a security rover through the production line every fifteen minutes to do a security & safety check.

Staffing challenges:

The DOC does not have a position or post allocated to provide security coverage for the Salvation Farms operation. If the SESCOF were to provide constant security coverage, it would be at time and one half dollars and would generate a budget deficit.

Another challenge is the scheduling of coverage for the Salvation Farm activities. Salvation Farms often has fairly short notice as to when they will be expecting to operate based on notice from the farmer and the need to move forward while the produce is in favorable condition. The time can be very short from the moment SESCOF knows they are coming to the completion of production.

Surveillance equipment:

Currently there are no cameras in this space. Security cameras are a deterrent, but should not be considered as real time security. This facility has fifty-one cameras with forty-eight of them displayed in groups of twelve on four large monitors. One staff watches these forty-eight cameras for unusual, unsafe and dangerous behaviors while manipulating a control panel to open and close doors and answering the radio and phone. This position does not have the capability to monitor a specific space constantly unless in an emergency situation where it is critical to life safety.

Going forward

SESCOF underwent a Federal Prison Rape Elimination Act Audit that reviews compliance to federal standards related to a safe and secure environment free of sexual abuse and/or sexual violence. This facility passed all standards applicable specific to the site.

The DOC is currently undergoing a staffing analysis by ASCA (Association of State Corrections Administrators). The staffing analysis will provide more details as to the viability of a program like Salvation Farms to operate at the facility. This program can be considered as part of the staffing analysis.



An additional camera(s) in the Salvation Farm work space would give the ability to review the activity taking place for concerns.

In addition, the facility screens, interviews and staffs all possible inmate participants prior to a clearing them to work in the Salvation Farm operation. The DOC also looks at offense and risk level which adds another layer of protection. While these assessments help to identify the most appropriate candidates, it is not considered as a “fool proof” screening process; rather an informed process.

VISITATION PROCEDURES

Act 163 requires the Commissioner to provide the Joint Legislative Corrections Oversight Committee a process for permitting offenders to earn contact visit is the contact privilege is taken away. The following provides the processes and decisions points that direct staff when an inmate’s visiting may be reduced, restricted or suspended. It also details when an inmate’s contact visits will be restored.

Alteration or Suspension of Visiting Privileges

- a. An inmate’s visiting privileges may be suspended or altered:
 - i. As part of a formal disciplinary sanction (sanction C); and
 - ii. Upon the written order of the Superintendent/designee detailing the reason and scope of the suspension; (e.g., all visits are suspended except immediate family.) The Superintendent will forward a copy of the documentation to the Department Facilities Executive to include a plan that identifies when the inmate can resume contact visiting. The inmate will be made aware of the reason for the suspension, as well as the requirements to resume contact visits.
 - iii. In cases where inmates are convicted of DR’s directly related to behavior involving visiting or that threaten the safety and security of the facility to the extent that access to visiting could create further safety and/or security concerns, the hearing officer may impose sanctions restricting contact visiting. Examples of this are as follows but not limited to: Possession of a weapon; Possession of narcotics, tobacco, or other illicit substance (to include diversion of prescribed medications), introduction or use of alcohol or drugs; Plans for escape or possession of escape tools; Threatening or assaultive behavior toward victims or other community members.



The following sanctions may be imposed by the hearing officer:

- Loss of visiting privileges for no more than 30 calendar days.

Any sanctions imposed which limit, suspend or modify visiting as a result of a due process hearing may be appealed through the appeal process outlined in directives 410 and 410.01 Due Process/Facilities Rules and Discipline. All other restrictions or alterations may be addressed through the grievance system.

- b. Upon written order of the Superintendent/designee an inmate may be restricted to non-contact visits when;
 - i. An inmate who tests positive on drug screens, where the inmate is not legally prescribed a medication, or the drug is illicit or illegal, the facility may impose in part, or in whole, sanctions that progressively reduce the inmate's physical access to visitors. Inmates who test positive for illicit drugs contribute to the demand for contraband introduction, and as such threaten the safety and security of the facility. As visitation is a common method for contraband introduction, these sanctions will limit those inmates who are active in contraband activities from having access to possible sources of new contraband.
 - ii. An inmate is in possession of tobacco,
 - iii. The attempt or formulation of a plan, or aiding or soliciting another or others to commit a violation is a violation and carries the same sanction as if the violation had been committed.

The following are the prescribed responses to b (i), (ii), (iii):

- 1st offense = 15 days non-contact visiting
- 2nd offense = 30 days non-contact visiting
- 3rd offense = 60 days non-contact visiting
- 4th or subsequent offense = 90 days of non-contact visiting

- **Non-contact suspension days are consecutive calendar days**
- **While the suspensions are designed to be progressive it may be appropriate in some cases to bypass progressive sanctioning or to apply sanctions in varying degrees.**

Any restrictions from contact visiting as a result of a due process hearing may be appealed through the appeal process outlined in directives 410 and 410.01 Due Process/Facilities Rules and Discipline. All other restrictions or alterations may be addressed through the grievance system.



Upon the written order of the Superintendent/designee detailing the reason and scope of the suspension; (e.g., all visits are suspended except immediate family.) The Superintendent will forward a copy of the documentation to the Department Facilities Executive to include a plan that identifies when the inmate can resume contact visiting. The inmate will be made aware of the reason for the suspension, as well as the requirements to resume contact visits.

Inmates who have been found guilty of illicit drug use, as a result of a drug analysis, will have their contact visiting privileges reinstated at the end of the defined sanction period; unless the inmate continues to provide tests which produce a positive result, in which case the inmate will be subject to continued, and progressive, sanctioning.