

## Brynn Hare

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**From:** Truckle, Sarah <Sarah.Truckle@state.vt.us>  
**Sent:** Tuesday, June 09, 2015 12:48 PM  
**To:** Gabrielle Malina  
**Cc:** Brynn Hare; Aaron Adler  
**Subject:** DOC's Searches Rule  
**Attachments:** Text of the Rule 6-9-15 with highlights.docx

Hi Gabrielle,

Attached is the Department's proposed rule on searches with new additional language highlighted in yellow for your convenience. This additional language was added to the rule at the request of Rep. Emmons and Senator Sears who requested the Department provide additional clarity as to the types of searches that would be conducted. Please let me know if you have any further questions.

Look forward to seeing you in person on Thursday for LCAR.

Best,

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## Searches for the Purpose of Limiting the Introduction of Contraband into Correctional Facilities

A. The Department of Corrections may conduct searches to maintain the security of its correctional facilities to protect the safety of staff, inmates, and the general public by discouraging and preventing the introduction of "prohibited items" into the secure perimeter of correctional facilities.

B. "Prohibited items" includes illegal drugs, alcoholic beverages, regulated drugs, prescription drugs 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 and/or the State.

C. All employees, visitors, volunteers, contracted staff, and other persons entering a correctional facility may be subject to a search of person and possessions at any time. Searches of persons may include visual inspection, pat-down searches, and the use of devices, such as metal detectors. No employee, visitor, volunteer, contractor, or person, other than an inmate shall be subject to strip search. If an employee uses a locker or other storage area at work, including a locking desk drawer or locking cabinet, the Department will either furnish the lock and keep a copy of the key or combination, or allow the employee to furnish a personal lock, but the employee must give the Department a copy of the key or the combination.

D. Areas within the secure perimeter of a correctional facility may be searched at any time, with or without the employee being present.

E. All employees of the Department are subject to search on a random basis or based upon reasonable suspicion of possession of a prohibited item.

F. "Reasonable suspicion" require specific, articulable facts, when taken together with rational inferences therefrom, would lead a reasonable person to believe that another possesses

a prohibited item. Searches shall be conducted in a manner that protects a person's privacy, confidentiality, and personal dignity to the extent consistent with the purpose of this Rule.

G. No employee shall be physically forced to submit to a search by the Department. Any employee who refuses to submit to a search authorized by this Rule shall be denied entry to the secure perimeter of any correctional facility and may be subject to disciplinary action, up to and including dismissal.