

STAFF FEEDBACK - SEARCHES

Comment Preiod December 22, 2014 -January 12, 2015

<i>Final 2/18/15 st</i>		
INDIVIDUAL	FEEDBACK	DOC RESPONSE
David Bellini	Change purpose statement to the following: "This directive outlines procedure for searches of persons under the supervision of the Vermont Department of Corrections, and persons visiting correctional facilities. This applies to all searches in a corectional facility and searches of offenders supervised in the community."	Agreed, change incorporated into final document.
David Bellini	Change policy statement to the following: "The Vermont Department of Corrections conducts searches of inmates, offenders, and facilities to ensure integrity and security of the correctional environment and to maintain safety of inmates/offenders, staff, and the public."	Agreed, change incorporated into final document.
David Bellini	Change the definition of pat-search to the following: "The use of the hands over the clothed body to determine if an individual possess a weapon or contraband (i.e. drugs)."	Agreed, change incorporated into final document.
David Bellini	Change procedural guidenlines 1(a) to "Any area in a correctional facility may be visually inspected or searched at any time. Staff may be assisted by trained dogs and/or electronic search devices."	Agreed, change incorporated into final document.
David Bellini	Asks: What is the definition of "drug tested observations."	See new footnote which sites Directive 409.04
David Bellini	Asks: What the pocedure is for searches if the staff member is transgendered?	This is a personell issue and will have to be more closely analyzed outside of this directive.
David Bellini	Asks: Is no female on shift emergency or exigent? Should the women's prision have a minimum number of female staff on duty on each shift?	No, the DOC does the best it can to call in emal staff when possible, sometimes emergencies do not allow for this based on safety and security needs. This issue is also further complicated by bargaining.

David Bellini	Asks: Will staff members be required to strip search an inmate of the opposite sex whenever an inmate says they "identify" themselves as one sex or another? If a male offender suddenly "identifies" himself as a female, will a female staff be required to strip search him"	No, follows the Gender Identification, Care, and Custody Directive.
David Bellini	Asks: What about people wearing 2 or more shirts etc.? (In reference to removing clothing during pat searches)	DOC expects staff to use their discretion in making these determinations.
David Bellini	States: Field staff should not conduct searches alone for safety reasons. Strip searches should have more than one staff person so there are at least two staff witnesses. Law enforcement may not have the resources to accompany field staff but if possible they would be welcome partners as DOC field staff are unarmed. Their presence should be encouraged.	No strip searches are permitted in the field as stated throughout this directive.
David Bellini	States: Legal statuses are numerous. I suggest a rewrite of this document that breaks down by search.	This is unnecessary.
David Bellini	States: Strip searches - describe the circumstances that require a strip search. Describe the circumstances that permit a strip search.	As a policy document it is viewed that this is adequately defined.
David Bellini	States:pat searches - describe the circumstances that require a pat search. Describe the circumstances that permit a pat search.	As a policy document it is viewed that this is adequately defined.
David Bellini	States: property searches - describe the circumstances that require a propertysearch. Describe the circumstances that permit a property search.	As a policy document it is viewed that this is adequately defined.
Karen Rhodes	So it would be in our best interest to have CURRENT AND UPDATED HH member agreements on all furlough offenders. Especially if we are to have increased safety.	Not sure what this is referring to in this directive.
Maria Godleski	I would recommend that directives that go out for feedback have line numbers along the side to make it easier to indicate where in the directive you are providing feedback.	Noted, and will be incorporated into further policy development processes.

<p>Maria Godleski</p>	<p>Page 2 Section 1. references correctional facilities. Is there a section that references searches of field offices?</p>	<p>No.</p>
<p>Maria Godleski</p>	<p>Page 2 Section 2. references drug test observations, but then in its content only references in sub section a. that they will be conducted by safe of the same sex. It doesn't reference whether offenders should empty their pockets or be pat searched, etc. as part of submitting to a drug test.</p>	<p>This will be considered when looking at the drug testing directive.</p>
<p>Maria Godleski</p>	<p>Page 4 Section 2 j i – define property, how do we differentiate the offender's property from that which they are holding for another person? Etc.</p>	<p>Property includes any items in possession.</p>
<p>Maria Godleski</p>	<p>Page 4 on to page 5 Section 2 j i A – Is there still housing that is owned or leased by the DOC? The household member agreement was attached to an old directive and no longer exists.</p>	<p>No, DOC housing currently. The household member agreement is not relevant for this directive.</p>
<p>Maria Godleski</p>	<p>Page 5 Section 2 j E – “strip searches of offenders in the community are not authorized.”, but in order to perform a drug test the offender must be viewed providing the sample. Perhaps language should clarify.</p>	<p>While drug testing observation is a search it does not rise to the occasion of a strip search.</p>
<p>Maria Godleski</p>	<p>Page 6 Section 2 k B – section k references probationers and parolees, but this paragraph states furloughee's residence in the third line</p>	<p>Changed to offender's.</p>

David Turner	<p>RE: Persons arrested for misdemeanors may be strip searched only if there is reasonable suspicion to believe that the person is in possession of items that would constitute a safety or security threat to the inmate or the operations of the facility. 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, if so, may give permission for the strip search. The Shift Supervisor shall then file an incident report describing the supporting facts lead to a decision to conduct a strip search.</p> <p>I think it should be clear that the Shift Supervisor shall file an unusual incident report consistent with the directive on reporting incidents. (There are two incidents of this language in the draft)</p>	Added two additional footnotes citing directive 405.
David Turner	<p>RE: The use of a fluoroscope, major instrument (including anoscope or vaginal speculum), or surgical intrusion is allowed only if a physician authorized such use for medical reasons and the inmate consents.</p> <p>I think it should be clear that the use of such instruments will be by medical personnel only and not by correctional staff</p>	Agreed, change incorporated into final document.
David Turner	<p>In general it seems that the directive should be totally re-written and not re-written just with the PREA language added.</p>	This directive was rewritten and looked at outside of the PREA context.

<p>Michael Dounetos</p>	<p>h. Persons Held by Civil Contempt Order: i. Persons lodged by court order for civil contempt shall be treated for the purposes of this directive as pre-arraignment inmates.</p> <p>Is the person held treated as pre-arraigned misdemeanor or felony? A person held on failure to pay child support in another state could be in jail for a long time without being searched.</p>	<p>This language has been modified to be more clear with regards to searching a person held by a civil contempt order.</p>
<p>Michael Dounetos</p>	<p>b. Inmates who identify as transgendered or intersex will be pat or strip searched by staff member of the same gender that the inmate identifies as being their preferred choice. In exigent circumstances, such as no female staff are on shift, or in an emergent situation when the search of an inmate is imperative to the safety and security of an inmate, or to the operations of a facility any gendered staff may conduct the search.</p> <p>If an inmate is lodged at a male correctional facility with other males then why does he get his choice of being stripsearched by a female officer?</p>	<p>This is per the PREA standards.</p>
<p>Lane Chester</p>	<p>In reading Draft directive 409.01, page 6, section K-B, the word "furloughee's" seems a bit awkward. Should that be changed to "offender" or "probationer/Parolee"?</p>	<p>Not sure what this is referring to in this directive.</p>
<p>Tim Solari</p>	<p>J. A. Prior to searching does the Correctional Officer need to get a signed statement from the HH member who signed the agreement or just a verbal consent? If a signature is needed is there a standard search of residence form? Same with the offender if they live alone.</p>	<p>Verbal is fine, but a signed consent form is preferred.</p>

Tim Solari	K. A. – it states staff may be assisted by trained dogs under the control of the assigned dog handler and/or electronic search devisces but in 1.i. is states LE officers may not accompany corrections on searches of offenders residences, property or persons unless law enforcements presence is necessary for personal safety. The only people we would have at our disposal is LE officers if a trained dog is involved in any search we would do in the community.	Noted, and modified language in law enforcement section to include offender consent.
Tim Solari	K. B. speaks to search of probationer/parolee and then next sentence has furloughee’s residence mentioned. Just wording sort out –	Changed to offender's.
Tim Solari	Just a thought in that the Directive may want to list both the parole condition and the probation condition that may allow Corrections staff to perform a search – as noted in K.A. “only conducted when a court or the Parole Board has expressly created a search condition or when the offender consents to the search upon request.” I just think PO and CCO staff would feel more comfortable having that language spelled out in the directive.	This is not possible due to the fact that the language may change based on the condition(s).
Tim Solari	Directive does not speak to contraband found during a search. If drugs, weapons or other contraband found. Police called in? items taken as evidence? Items left and offender taken out?	DOC already hs the authority to confiscate items. Items will be returned if lawful and if unlawful VSP is contacted.
Tim Solari	If a Probationer states to Corrections staff, I do not give permission for my residence to be searched, if the offender instructed to report to the probation office? Case note and let PO or Supervisor staff make a decision at a later time? Is the response decision made individually on each case depending on the offender, his level of supervision etc..	This not relevant to this directive, and is relvant to the issue of offender non-compliance.

Tim Solari	Nice piece of work. Once I have more time I will review and send in more feedback and make feedback more specific. I just glanced at it and thought I would send in these notes now. Work in field so I am more concerned about furlough/probation and parole cases presently. Thanks for opportunity to send in feedback –	N/A
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