

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p style="text-align: center;">Residence, Area, and Property Searches</p>		<p style="text-align: center;">Page 1 of 8</p>						
<p style="text-align: center;">CHAPTER: SECURITY AND SUPERVISION</p>	<p style="text-align: center;">#409.01</p>	<p style="text-align: center;">Supersedes: New</p>							
<p>Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: “B” – Anyone may have access to this document.</p>									
<p>Approved:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><u>SIGNED</u></td> <td style="width: 33%; border: none;"><u>03/18/2025</u></td> <td style="width: 33%; border: none;"><u>04/02/2025</u></td> </tr> <tr> <td style="border: none;">Nicholas J. Deml, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> </tr> </table>				<u>SIGNED</u>	<u>03/18/2025</u>	<u>04/02/2025</u>	Nicholas J. Deml, Commissioner	Date Signed	Date Effective
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PURPOSE

This policy outlines the Vermont Department of Corrections’ (DOC’s) policy, philosophy, and procedure for searches of correctional facilities, probation and parole offices, property, and residences by the Vermont Department of Corrections (DOC).

DOC facility staff may search any area or item in a correctional facility at any time. Contraband in correctional facilities presents many safety and security concerns for staff, incarcerated individuals, volunteers, and visitors. In order to improve safety and security, it is necessary that facility staff have the authority to conduct searches of items entering the secure part of correctional facilities.

DOC field staff may conduct residence and property searches of supervised individuals, within strict parameters, to ensure the safety of staff and others and compliance with supervised individuals’ conditions of supervision.

AUTHORITY

28 V.S.A. §§ 101(1), 101(3), 102(b)(2), 102(c)(1, 5, 6); and APA Rule #15-032, *Searches for the Purpose of Limiting the Introduction of Contraband into Correctional Facilities*

POLICY

The DOC's policy is to promote safety and security for all individuals, in all its interactions. This necessarily includes both, the physical and emotional safety, of staff, individuals under the Department's custody or supervision, and all others present. The DOC recognizes that a majority of the population has experienced a traumatic event in their lifetimes, and that the individuals under the custody or supervision of the Department represent a population that is at higher risk for increased exposure to trauma. With this understanding, the DOC has a responsibility to ensure individuals are not unnecessarily re-traumatized or triggered through our interactions or search practices.

The DOC will conduct searches of residences, correctional facilities, probation and parole offices, and property when necessary to meet its mission of promoting safe and supported communities, and will mitigate any negative impacts of necessary searches. DOC staff shall conduct all searches in a manner that is respectful of all individuals, including their possessions and living spaces. DOC staff responsible for conducting searches shall be trained how to conduct searches in accordance with this policy.

The DOC promotes safety and security within state correctional facilities by conducting routine, random, and reasonable suspicion searches of areas or items within those facilities, including personal property.

DOC field staff conduct searches to ensure staff safety and compliance with conditions of supervision.

GENERAL GUIDELINES – FACILITIES

A. Overarching Principles and Standards

1. DOC staff shall conduct all searches in a manner that protects the privacy, confidentiality, and personal dignity of the individual being searched, to the extent consistent with the purpose of this policy.
 - a. Staff shall comport themselves professionally while interacting with any persons.
 - b. DOC facility staff shall conduct searches in as private a setting as possible, and away from other staff or persons who may be in the area.
2. DOC staff shall conduct all searches with respect and exercise due caution to prevent the damage or loss of items while searching.

B. Religious Considerations for Searches

1. When conducting searches, DOC facility staff shall treat all religious items or articles of clothing with respect.
2. When conducting a search of an incarcerated individual's cell, facility staff shall:
 - a. Ask the incarcerated individual to point out any religious items before beginning the search;
 - b. Separate religious items from other items in the cell before starting, to be searched separately;
 - c. Only handle an incarcerated individual's religious items while wearing clean gloves. If clean gloves are not immediately available, the staff shall ask the incarcerated individual to place any religious items in a clear, plastic bag or container, to be searched once gloves can be donned;
 - d. Not place religious items on the floor or with dirty clothes or other items; and
 - e. Not handle religious items or statues by the head.
3. When conducting searches with the aid of dogs, facility staff shall allow incarcerated individuals to engage in cleansing rituals, and to change their clothing or bedding if it has been in contact with a dog, its hair, or saliva.
4. Facility staff may conduct a search of religious medicine bags. When doing so:

- a. Staff shall respectfully place the contents of the bag on a piece of paper and visually inspect them.
- b. If an item is called into question, staff shall remove the item and place it in an evidence bag for examination by the facility Security and Operations Supervisor (SOS), to determine if it is appropriate for inclusion in the medicine bag.

C. Searches in Correctional Facilities

1. DOC facility staff may:
 - a. Search any area or item in a correctional facility at any time, including items individuals request to bring into the secure area of the facility;
 - b. Search the possessions of individuals entering a correctional facility, including visitors, volunteers, and others. This may include possessions on the individual's person.
 - c. Employ tools to aid with inspections and searches, including trained dogs, cell phone detectors, mirrors, metal detectors, or other devices; and
 - d. Be assisted by law enforcement in these inspections or searches.
2. Incarcerated individuals do not have a right to watch staff who are conducting a search of their cell or any other area of a correctional facility, except for religious items, as outlined in section [B., Religious Considerations for Searches above](#).
3. The CFSS, or designee, or a DOC facility staff member higher in the chain of command, may search the possessions of employees and contracted staff entering a correctional facility. This may include possessions on the individual's person.
4. DOC staff who use a locker or other storage area at work, including a locking desk drawer or locking cabinet shall use a lock furnished by the DOC.
5. Except as outlined in subsection division b. of this subsection, facility staff shall not inspect an individual's personal items or property if they are not requesting to bring them into the secure area of the correctional facility.
 - a. If a facility staff member is concerned about a personal item or property, or its contents, they may direct the individual to return the

- items or property to their vehicle or remove it from the facility grounds.
 - b. The Superintendent may authorize facility staff to visually inspect all vehicles and property on the facility grounds.
6. Whenever an illicit or illegal item is discovered during the course of a search in a correctional facility, facility staff shall:
- a. Notify the Vermont State Police; and
 - b. Complete an incident in OMS, in accordance with the policy on incident reporting, to document the situation.

D. Training

Facility staff shall be trained in how to conduct searches in compliance with this policy. The training will include the topics of:

1. Respectful searches and communication, including:
 - a. How to conduct searches in a trauma-informed manner;
 - b. The use of Advanced Communication Techniques (ACT);
 - c. How to conduct searches in a gender-responsive manner; and
 - d. Matters of consent with regard to certain groups (e.g., incarcerated individuals who have a developmental disability, incarcerated individuals designated as having a serious functioning impairment (SFI), juveniles);
2. Special considerations for searches, including:
 - a. Gender-responsive considerations;
 - b. Age considerations;
 - c. Religious considerations; and
 - d. Considerations related to disabilities.

GENERAL GUIDELINES – FIELD

A. Overarching Principles and Standards

1. DOC staff shall conduct all searches in a manner that protects the privacy, confidentiality, and personal dignity of the individual being searched, to the extent consistent with the purpose of this policy.
2. DOC staff shall comport themselves professionally while interacting with any persons.
3. DOC staff shall conduct all searches with respect and exercise due caution to prevent the damage or loss of items while searching.

4. For the purposes of this policy, reasonable suspicion requires specific, articulable facts that, along with rational inferences, would lead a reasonable person to believe the person to be searched possesses a prohibited or dangerous item.

B. Religious Considerations for Searches

When conducting searches, DOC field staff shall treat all religious items or articles of clothing with respect.

C. Probation and Parole Offices

DOC field staff shall search all individuals entering the secure area of a probation and parole office prior to entry, unless the District Manager deems otherwise (e.g., exempting staff, visitors, or law enforcement), as follows:

1. All personal property deemed unnecessary for the purpose of the visit shall be secured prior to entry into the secure portion of the building; and
2. Field staff shall search any bags the individual brings into the secure area.

D. Residence and Property Searches

1. DOC field staff may only search a residence or property that meet the following qualifications:
 - a. Residences in which a supervised individual currently resides; or
 - b. Property over which the supervised individual has control.
2. When searching a residence or personal property, the following parameters apply:
 - a. Field staff may only search the residence or personal property of a supervised individual when the supervised individual consents to the search upon request, and signs the Consent to Search and Seize form.
 - b. Regardless of whether the supervised individual has a search condition set as one of their conditions of supervision, field staff may only conduct the search if:
 - i. Reasonable suspicion exists; and
 - ii. The supervised individual consents to the search upon request and signs the consent to search and seize form.
 - c. If the supervised individual is not the owner or lessee of the residence, field staff shall not search areas of the residence beyond

- the supervised individual's primary living quarters or room, unless the owner or lessee consents.
- d. Field staff shall not conduct a search if the supervised individual, owner, or lessee does not consent to the search. The District Manager, or designee, shall determine the appropriate response, which may include a combination of the following:
 - i. Referring to the appropriate law enforcement agency for further action;
 - ii. Conducting an emergent return;
 - iii. If the supervised individual does not meet the need for an emergent return, filing a violation of community supervision; and
 - iv. Determining if the supervised individual's approval to reside at that address should be revoked, when applicable.
3. When conducting a residence or property search, field staff:
 - a. Shall ensure that at least two field staff members are present for all planned searches; and
 - b. May place the supervised individual in restraints during the search for safety reasons.
 4. Field staff shall be accompanied by law enforcement officers on searches of supervised individuals' residences, property, or persons when:
 - a. There is a likelihood that they will take the supervised individual into custody; or
 - b. The law enforcement officers' presence is necessary for the personal safety of DOC staff.
 5. When field staff have received information that a weapon or other dangerous item is at the residence they plan to search, they shall notify law enforcement and not conduct a search unless approved by the Director of Field Services or designee.
 6. Any time law enforcement accompanies a search, field staff shall document their presence in the incident report.
 7. Field staff shall not search a supervised individual's residence at the request of a law enforcement officer.
 - a. If a law enforcement officer suspects criminal activity has occurred in a residence, they need to obtain a search warrant.
 - b. If a law enforcement officer obtains a search warrant, field staff:

- i. May provide any information required by the law enforcement officer; and
 - ii. May be present at the search for the sole purpose of identifying the supervised individual.
8. Whenever field staff discovers an illegal item in a supervised individual's residence in plain sight or through a search, field staff shall:
 - a. Maintain officer safety and control advantage;
 - b. Immediately notify law enforcement of the situation; and
 - c. Leave the item where it is, unless moving it is necessary for safety reasons. If moving the item is necessary, field staff may take a photo of the item prior to moving it.

E. Search Refusals

In cases when a supervised individual who has a condition of supervision that allows for a search refuses to comply with such a search, field staff shall consider it a violation of community supervision.

F. Training

Field staff shall be trained in how to conduct searches in compliance with this policy. The training will include the topics of:

1. Respectful searches and communication, including:
 - a. How to conduct searches in a trauma-informed manner;
 - b. The use of Advanced Communication Techniques (ACT);
 - c. How to conduct searches in a gender-responsive manner; and
 - d. Matters of consent with regard to certain groups (e.g., supervised individuals who have a developmental disability or legal guardian);
2. How to determine reasonable suspicion;
3. Search procedures, including:
 - a. The types of searches, and when each type is required or authorized;
 - b. The procedural steps of conducting a search; and
 - c. How to use necessary equipment during a search (e.g., probe);
4. Procedures to follow if an individual refuses a search; and
5. Special considerations for searches, including:
 - a. Gender-responsive considerations;
 - b. Religious considerations; and
 - c. Considerations related to disabilities.