

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p style="text-align: center;">Searches of Individuals</p>		<p style="text-align: center;">Page 1 of 31</p>						
<p style="text-align: center;">CHAPTER: SECURITY AND SUPERVISION</p>	<p style="text-align: center;">#409</p>	<p>Supersedes: #409.01, dated 9/1/2015, <i>Guidelines for Searches Guidance</i>, dated 9/1/2015, IM on <i>Inmate Pat Searches</i>, dated 9/13/2010, IM on <i>Strip Searches of Inmates in Correctional Facilities</i>, and IM on <i>Pat and Strip Searches – Juvenile Facilities</i>, dated 8/31/2020</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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Policy #409, Searches of Individuals

PURPOSE

This policy outlines the Vermont Department of Corrections' (DOC's) policy, philosophy, and procedure for searches of persons by the Vermont Department of Corrections (DOC). For the purposes of this policy, the DOC recognizes that body scans and drug screenings are searches.

All individuals entering the secure portion of a correctional facility or probation and parole office may be subject to a search, to ensure the safety and security of everyone present. 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 persons and possessions entering the secure portion of correctional facilities.

Field staff may also conduct clothed searches and drug screenings of supervised individuals, within strict parameters, to ensure the safety of staff and others, as well as 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*

DEFINITIONS

Clothed Search: An inspection of a person requiring the individual being searched to remove all outer layers of clothing (e.g., coats, gloves, hats, footwear, extra layers) down to a base layer (e.g., socks, shorts/pants/skirt, shirt), conducted by running hands across the person's clothing to detect any hidden objects.

Different-Gender Search: A search that meets the following criteria: (1) For individuals who are intersex or identify as transgender and/or gender-diverse, the gender of the staff conducting the search or observing, for any search other than

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a clothed search, does not match the gender identified on the approved gender identification and accommodation form; or (2) For other individuals, the gender of the staff conducting the search or observing, for any search other than a clothed search, the search does not match the gender of the individual being searched.

Dry Cell Status: A visual monitoring process which, after reasonable suspicion has been established, allows for the placement of an incarcerated individual in a cell for the safe recovery of internally concealed instruments and other contraband.

Protective Hairstyle: A hairstyle that minimizes ongoing manipulation and exposure to the elements such as wind, water, humidity, heat, and oil. Protective hairstyles keep hair out of the face and away from the body as much as possible. Protective styles associated with types 3 and 4 hair, most commonly associated with near African-ancestry, include the use of braids, wigs, locs and/or twists.

Same-Gender Search: A search that meets the following criteria: (1) For individuals who are intersex or identify as transgender and/or gender-diverse, the gender of the staff conducting the search, or observing, for any search other than a clothed search, the search matches the gender requested on the approved gender identification and accommodation form; or (2) For other individuals, the gender of the staff conducting the search, or observing, for any search other than a clothed search, the search matches the gender of the individual being searched.

Unclothed Search: A systematic inspection of an individual requiring the removal of all clothing, prosthetics, and other items from their person, to permit the visual inspection of skin surfaces including genital areas, breasts, and buttocks, with the primary purpose of detecting hidden contraband, weapons, or prohibited items on or within the person's body.

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 custody or supervision of DOC, and all others present. The DOC recognizes that a majority of the population has experienced a traumatic

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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.

Understanding that gender is not binary, the DOC will use the term “different-gender” in place of “cross-gender.”

The experience of undergoing a clothed or unclothed search could be traumatic and could trigger a stress response. The DOC will conduct searches of individuals when necessary to meet its mission of promoting safe and supported communities, and will mitigate any negative impacts of necessary searches. Staff shall conduct all searches in a manner that is respectful of all individuals. 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 all persons, including staff, volunteers, visitors, individuals under the custody or supervision of the DOC, and any other persons who may enter the secure portion of a correctional facility.

The DOC uses whole-body scanners to prevent the introduction or movement of contraband within correctional facilities. Facility staff shall maintain appropriate precautions to limit individuals’ radiation exposure. All facility staff operating the machines shall be trained prior to use and re-certified annually.

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

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FACILITY SEARCHES

A. Overarching Principles and Standards

1. 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. Facility staff shall conduct all unclothed searches in as private a manner as possible, and away from other staff or persons who may be in the area.
 - c. To the extent possible, staff shall conduct all other searches away from other staff or persons who may be in the area.
 - d. Staff shall not move an incarcerated individual into a camera cell solely for the purpose of conducting an unclothed search.
2. Staff shall conduct all searches with respect and avoid the damage or loss of items while searching.
3. Staff shall not require an individual to alter a protective hairstyle as part of a routine search, unless there is reasonable suspicion that individual has contraband concealed in their hair.
4. For the purposes of this policy, reasonable suspicion requires specific, articulable facts, along with rational inferences, that would lead a reasonable person to believe the individual to be searched possesses a prohibited or dangerous item.
5. For the purpose of this policy “exigent circumstances” means emergency situations when not searching the incarcerated individual is an immediate and serious threat to the safety and security of that individual, others, or the operation of the facility.
6. When conducting a clothed search, staff shall require the individual being searched to remove all outer layers of clothing (e.g., coats, gloves, hats, footwear, extra layers) down to a base layer of clothing (e.g., socks, shorts/pants/skirt, base layer shirt).
7. When conducting a visual inspection of an incarcerated individual’s mouth, staff shall ensure that they can clearly see inside the individual's mouth, including having the individual move their tongue and exposing their gumline.

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8. When conducting a routine unclothed search, facility staff shall not physically contact the incarcerated individual, unless they become an immediate danger to themselves or others.
9. Facility staff shall not use any instrument to perform a physical search of a person's body. This does not include the use of a metal detector, handheld device (e.g., wand), or security body scanner (SBS).

B. Gender Considerations for Searches and Drug Screening Observations

1. Prior to the first search of a newly lodged or transferred incarcerated individual:
 - a. Facility staff shall ask the individual the following questions:
 - i. "What sex was assigned to you at birth" and
 - ii. "What is your gender?"
 - b. If the answers to the above questions are the same, staff shall conduct a same-gender search.
 - c. If the answers to these questions are different, facility staff shall ask the individual if they want to be searched by a man, woman, or either for:
 - i. Clothed searches; and
 - ii. Unclothed searches, body scans, drug screens, and all other searches of their person.

Except when exigent circumstances exist, as defined under the [Facility Searches Heading, Section A., Overarching Principles and Standards](#), the search shall be conducted by a staff member matching the gender identified. Facility staff shall complete an incident in OMS, in accordance with the policy on incident reporting, whenever such searches are conducted by a staff member whose gender does not match the gender identified.
 - d. If the individual refuses or is unable to answer:
 - i. Facility staff shall:
 - a) Conduct the search based on available knowledge, previous interactions with the individual, or the individual's gender presentation as observed by staff; and
 - b) Complete an incident in the Offender Management System (OMS), in accordance with the policy on incident reporting, to document the situation and what information they used in making their determination.

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- ii. Facility staff shall not discipline the incarcerated individual in any way for refusing to answer the above questions.
- 2. During intake, staff shall document the answer to the questions in the custom form OMS.
 - a. This information shall be used for the purposes of:
 - i. Identifying the individual's gender while they are incarcerated; and
 - ii. For individuals who are intersex or identify as transgender and/or gender-diverse:
 - a) The form will also indicate if they want to be searched by a man, woman, or either for:
 - 1) Clothed searches; and
 - 2) Unclothed searches, body scans, drug screens, and all other searches of their person.
 - b) A Central Office multidisciplinary team will meet to finalize any accommodations, in accordance with the policy on gender identification, care, and custody.
 - b. An individual may request to update this information at any time during the course of their incarceration, in accordance with the policy on gender identification, care, and custody.
- 3. The following rules apply to different-gender searches:
 - a. Except when exigent circumstances exist, as defined under the [Facility Searches Heading, Section A., Overarching Principles and Standards](#), facility staff shall ensure that all unclothed searches, body scans, and reviews of body scans are same-gender searches.
 - b. Except when exigent circumstances exist, as defined under the [Facility Searches Heading, Section A., Overarching Principles and Standards](#), facility staff shall ensure that clothed searches:
 - i. Of individuals who are intersex or identify as transgender and/or gender-diverse shall be same-gender searches; and
 - ii. Of individuals who answer the two questions in [division a. of subsection 1. of this section](#) the same and state they are either female or women, shall be same-gender searches.

This constraint shall not be used as a reason to restrict an incarcerated individual's access to programming or other opportunities.

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- c. Facility staff of any gender may perform clothed searches of individuals who answer the two questions in [division a. of subsection 1. of this section](#) the same and state they are either male or men.
- d. For the purposes of this policy, the DOC recognizes that drug screenings are searches.
 - i. Facility staff shall conduct all drug screenings in accordance with the DOC policy on the drug screening of individuals under the custody and supervision of the DOC.
 - ii. Facility staff shall ensure that all drug screenings are same-gender searches.
- e. For the purposes of this policy, the DOC recognizes that whenever a person is placed on dry cell status and in a state of undress, it is a search. Facility staff shall ensure that all these searches are same-gender searches.
- f. Facility staff shall complete an incident in OMS, in accordance with the policy on incident reporting, whenever they conduct or observe a different-gender search (not applicable to observing a clothed search) of individuals who:
 - i. Are intersex or identify as transgender and/or gender-diverse; or
 - ii. Answer the two questions in [division a. of subsection 1. of this section](#) the same and state they are either female or women.
- 4. No staff member or contractor shall search or physically examine an incarcerated individual for the sole purpose of determining the individual's genital status. If the incarcerated individual's genital status is unknown, it may be determined during conversations with the individual, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- 5. Prior to conducting searches, staff shall receive training in how to conduct different-gender searches, and searches of individuals who are intersex, or who identify as transgender and/or gender-diverse, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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C. Age Consideration for Searches and Drug Screening Observations

1. Facility staff shall treat all individuals under 19 years of age who are in DOC custody as incarcerated adults when conducting searches.
2. Facility staff shall not search any individual under 19 years of age who is not in DOC custody, unless they are a visitor, contractor, or staff member, in which case they shall be searched as outlined under the [Facilities Searches Heading, Section E., Criteria for Searches](#) below.

D. Religious Considerations for Searches

1. When conducting searches, facility staff shall treat all religious items or articles of clothing with respect.
2. Facility staff may only require an individual being searched to remove a worn religious item if the removal is essential to conduct the search.
3. Facility staff may search the religious headwear of anyone entering into, or residing in, a correctional facility as follows:
 - a. When searching a staff member's or visitor's religious headwear, facility staff shall:
 - i. Ask the individual if they want a person of the same-gender to search the headwear, and accommodate that request if possible.
 - ii. Escort the individual to a private area to remove the headwear and allow it to be searched. The facility staff member conducting the search shall:
 - a) Allow the individual to remove and replace the headwear themselves; and
 - b) Whenever possible, provide the individual the opportunity to use a mirror to replace the headwear when the search is complete.
 - b. Facility staff may require an incarcerated individual to remove religious headwear, and may search it, at any time for security reasons. This search shall be performed by a person of the appropriate gender for a clothed search, in accordance with [subsection 3. of section B., Gender Considerations for Searches and Drug Screening Observations under this Heading](#).
4. Facility staff may conduct a search of religious medicine bags. When doing so:

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- a. Staff shall respectfully place the contents of the bag on a piece of paper and visually inspect them without directly touching the contents unless an item is called into question.
- b. If an item is called into question:
 - i. When searching an incarcerated individual, 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;
 - ii. When searching anyone other than an incarcerated individual, staff shall require the individual to leave the medicine bag outside the facility or in a locker.

E. Criteria for Searches

Facility staff shall use the following criteria to determine when searches are required or authorized:

1. All Incarcerated Individuals
 - a. Facility staff may conduct a clothed search of any incarcerated individual, or incapacitated persons who are lodged in a correctional facility, at any time.
 - b. Facility staff may conduct a visual inspection of any incarcerated individual's mouth following the administration of medication or when there is reason to believe the individual is concealing contraband in their mouth.
2. Incarcerated Individuals Awaiting Arraignment
 - a. Facility staff shall conduct an unclothed search of all incarcerated individuals arrested on felony charges.
 - b. Facility staff may only conduct a body scan or an unclothed search of individuals arrested for misdemeanors if there is reasonable suspicion to believe that the individual is in possession of items that would constitute a safety or security threat to the incarcerated individual themselves, others, or the operation of the facility.
 - i. The admitting officer shall consult the Correctional Facility Shift Supervisor (CFSS) whenever they believe reasonable suspicion for an unclothed search exists.
 - ii. The CFSS shall consult with the Facility Superintendent (Superintendent). The Superintendent shall decide if

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reasonable suspicion exists and, if so, may give permission for the unclothed search.

- iii. The CFSS shall then create an incident in OMS, describing the facts that led to the decision to conduct an unclothed search, in accordance with the policy on incident reporting.
- iv. When exigent circumstances exist, as defined under the [Facility Searches Heading, Section A., Overarching Principles and Standards](#), the CFSS may authorize an unclothed search without consulting the Superintendent. Following the search, the CFSS shall create the incident in OMS, as described above.

3. Incarcerated Individuals Who Have Been Arraigned

Facility staff may conduct an unclothed search of incarcerated individuals who have been arraigned in the following situations:

- a. When the incarcerated individual has had:
 - i. A contact visit;
 - ii. Contact with a person or area outside the facility (e.g., incarcerated individual returns to a facility from furlough status or from court); or
 - iii. Contact with a person in a lower security level;
- b. When the incarcerated individual exhibits behavior that would reasonably lead one to believe that the incarcerated individual is concealing contraband, including: difficulty walking or sitting; dilated eyes; or assaultive behavior;
- c. When the incarcerated individual changes housing areas;
- d. On a random, unannounced basis. An example of this type of search may include searching every third incarcerated individual leaving a specific area of the facility; and
- e. As part of a cell search or shakedown. In such searches, staff shall not search more than one incarcerated individual within view of other staff or individuals.

4. Incapacitated Persons

Facility staff may only conduct an unclothed search of incapacitated persons who are lodged in a correctional facility if the search is imperative to the safety and security of the incapacitated person themselves, others, or to the operations of a facility.

- a. The admitting officer shall consult the CFSS whenever they believe reasonable suspicion for an unclothed search exists.

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- b. The CFSS shall consult with the Facility Superintendent (Superintendent). The Superintendent shall decide if reasonable suspicion exists and, if so, may give permission for the unclothed search.
 - c. The CFSS shall then create an incident in OMS, describing the facts that led to the decision to conduct an unclothed search, in accordance with the policy on incident reporting.
 - d. When exigent circumstances exist, as defined under [Facility Searches Heading, Section A., Overarching Principles and Standards](#), the CFSS may authorize an unclothed search without consulting the Superintendent. Following the search, the CFSS shall create the incident in OMS, as described above.
5. Individuals Held by Civil Contempt Order
- a. Before their first court hearing, facility staff shall treat individuals lodged by court order for civil contempt in the same manner as incarcerated individuals awaiting arraignment on misdemeanor charges.
 - b. After their first court hearing, facility staff shall treat individuals lodged by court order for civil contempt in the same manner as incarcerated individuals who have been arraigned.
6. Individuals Detained Pursuant to Federal Civil Deportation Proceedings
- a. Before their appearance before a federal magistrate or judge, facility staff shall treat individuals detained pursuant to federal civil deportation proceedings in the same manner as incarcerated individuals who are awaiting arraignment on misdemeanor charges. In cases when it is necessary to house these individuals among the facility's general population, staff may search them in the same manner as incarcerated individuals who have been arraigned prior to such placement.
 - b. After their appearance before a federal magistrate or judge, facility staff shall treat individuals detained pursuant to federal civil deportation proceedings in the same manner as incarcerated individuals who have been arraigned.
7. Individuals on Dry Cell Status
- Facility staff may put an incarcerated individual on dry cell status when they have a reasonable suspicion that an incarcerated individual has contraband in a body orifice and a clothed or unclothed search is either

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inadequate or likely to result in physical injury to the incarcerated individual.

8. Visitors to a Correctional Facility
 - a. Facility staff shall ask all visitors to walk through a metal detector. This may include requiring visitors to remove footwear, belts, and/or other outer clothing containing metal.
 - b. Facility staff may search any visitor using a handheld device (e.g., wand).
 - c. Facility staff may:
 - i. Search all personal property that a visitor has been approved to bring into the secure portion of the facility; and
 - ii. Require visitors to leave personal belongings outside the facility or in a locker.
 - d. Facility staff shall not conduct an unclothed or clothed search of any visitor to a correctional facility.
9. Building and General Services (BGS) and Other Contractors Not Regularly Assigned to the Facility
 - a. Facility staff shall:
 - i. Ask all individuals who contract with BGS and other contractors who are not regularly assigned to the facility entering the secure portion of a facility to walk through a metal detector. This may include requiring them to remove footwear, belts, and/or other outer clothing containing metal.
 - ii. Search and inventory any tools they bring into the secure portion of the facility upon entrance and departure. Only tools necessary to perform the specific job they are there to complete may be brought into the secure portion of the facility.
 - b. Facility staff may search any BGS contractor, or other contractor who is not regularly assigned to the facility, entering the secure portion of a facility using a handheld device (e.g., wand).
 - c. Facility staff shall not conduct an unclothed or clothed search of any BGS contractor or other contractor not regularly assigned to the facility.
10. Staff, Including Contracted Staff Assigned to the Facility, BGS Staff, and Volunteers
 - a. Facility staff may ask all staff entering the secure portion of a facility, including contracted staff assigned to the facility, BGS staff, and

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volunteers, to walk through a metal detector. This may include requiring staff to remove footwear, belts, and/or other outer clothing containing metal.

- b. Facility staff may search any staff member entering the secure portion of a facility, including BGS staff, contracted staff assigned to the facility, and volunteers, using a handheld device (e.g., wand).
- c. Facility staff shall search and inventory any tools or equipment brought into the secure portion of the facility by BGS staff, contracted staff assigned to the facility, and volunteers, upon entrance and departure. Only tools necessary to perform the specific job they are there to complete may be brought into the secure portion of the facility.
- d. Facility security staff of a rank of CFSS or above, or their designee, may search the personal possessions of staff, including contracted health services staff, BGS staff, and volunteers, entering the secure portion of a facility.

F. Correctional Facility Searches

1. 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 portion 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. The CFSS, or designee, or a 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.
3. When an individual who is not incarcerated is searched prior to entering the secure portion of a correctional facility:

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- a. Facility staff may:
 - i. Ask the individual to remove their outerwear for a closer visual inspection;
 - ii. Ask the individual to empty all their pockets;
 - iii. Search bags, briefcases, tool bags, or other items or property the individual intends to bring into the secure portion of the facility. This search may include a facility staff member handling the item for close inspection;
 - iv. Have the individual to walk through a metal detector. This may include requiring them to remove footwear, belts, and/or other outer clothing containing of metal; and
 - v. Search the individual using a handheld device (e.g., wand).
 - b. Facility staff shall not:
 - i. Physically touch the individual being searched in order to determine if they have a prohibited item on their person; or
 - ii. Use force on any individual who is not incarcerated for the purposes of conducting the search.
 - c. In cases when facility staff has reasonable belief that an individual being searched has a prohibited item concealed on their person or in their possession, but the search has not revealed a prohibited item, the facility staff member shall notify the CFSS.
 - i. The shift supervisor may deny the individual entry to the facility if they have reasonable suspicion that they have a prohibited item concealed on their person or in their possessions.
 - ii. In cases when the individual being searched is a staff member, the CFSS shall contact the Superintendent immediately.
 - d. Facility staff shall deny entry to the secure portion of the facility to any individual who refuses to comply with these inspections or searches.
4. Except as outlined in 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 portion 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.

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- b. The Superintendent may authorize facility staff to visually inspect all vehicles and property on the facility grounds.
5. 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.

G. Security Body Scanners (SBSs)

1. Staff shall only use an SBS in accordance with this policy. Staff shall not frivolously use an SBS in situations when there is no security benefit or interest.
2. Facility staff shall use an SBS to conduct a search of:
 - a. All individuals when they are first admitted into a correctional facility from the community;
 - b. All incarcerated individuals transferred from an out-of-state correctional facility;
 - c. Incarcerated individuals being transported, when the transport is designated as high risk:
 - i. Before the transport; and
 - ii. At the conclusion of the transport;
 - d. Incarcerated individuals being transported for:
 - i. A SANE exam; or
 - ii. Unscheduled off-site medical care, unless this is determined to be inadvisable due to the individual's medical condition;
 - e. Any incarcerated individual prior to their being placed on dry cell status; and
 - f. Incapacitated persons who are lodged in a correctional facility when reasonable suspicion exists that the specific individual is in possession of items that would constitute a safety or security threat to the individual, others, or the operation of the facility.
3. Facility staff may use an SBS to conduct a search of incarcerated individual based on reasonable suspicion that the specific individual is in possession of items that would constitute a safety or security threat to the incarcerated individual themselves, others, or the operation of the facility.

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4. Whenever facility staff use an SBS to conduct a search based on reasonable suspicion:
 - a. The facility staff member requesting the search shall consult the CFSS whenever they believe reasonable suspicion for a body scan exists.
 - b. The CFSS or someone higher in the line of authority shall decide if reasonable suspicion exists and, if so, may give permission for the body scan.
 - c. The CFSS shall then create an incident in OMS, describing the facts that led to the decision to conduct a body scan, in accordance with the policy on incident reporting.
5. Facility staff shall not use an SBS to conduct a search of incarcerated individuals, or incapacitated persons who are lodged in a correctional facility, with certain health conditions.
 - a. Prior to using an SBS an incarcerated individual or an incapacitated person lodged in a correctional facility, facility staff shall ask the individual if they:
 - i. Are pregnant;
 - ii. Are undergoing, or have recently undergone, chemotherapy or radiation therapy;
 - iii. Have a pacemaker or defibrillator; or
 - iv. Use a mobility device, and cannot stand unassisted for enough time to conduct the body scan.
 - b. Facility staff shall not use an SBS to conduct a search of an incarcerated individual who answers that they have any of the above conditions, or who use a wheelchair.
 - c. Facility staff may request contracted health services staff to verify that any of the above restrictions apply to a specific individual. In cases when verification is not possible, facility staff, in consultation with the Superintendent, may use an SBS to conduct a search of the individual.
6. Facility staff shall not use an SBS to conduct a search of:
 - a. Staff;
 - b. Visitors to a correctional facility;
 - c. Incarcerated individuals transferred from one Vermont correctional facility to another, except when permitted by another subsection under this Section G., Security Body Scanners; or

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- d. Incarcerated individuals being transported to or from court, except when permitted by another subsection under this Section G., Security Body Scanners.
7. Facility staff shall not subject an incarcerated individual to more than 62 SBS searches during any one-year period. Prior to each SBS search, facility staff shall ensure this limit has not been reached. If it has, the staff member shall consult with the CFSS or someone higher in the line of authority to determine how to proceed.
8. Facility staff operating an SBS shall ensure:
 - a. The SBS is set to the high dose setting;
 - b. The incarcerated individual being searched is positioned facing away from the source of radiation;
 - c. All individuals other than the incarcerated individual being searched are in the radiation exclusion zone; and
 - d. The SBS screen is oriented so it is not viewable by anyone other than the designated operator.
9. If facility staff operating an SBS needs assistance while reviewing a scan, they shall request that assistance from someone of the same gender as the individual being scanned.
10. No individual other than trained facility staff shall use SBSs.
11. Staff shall only use SBSs or review body scans:
 - a. When directly related to their current job duties;
 - b. When they are specifically authorized to do so; and
 - c. In accordance with the gender considerations outlined in [section B., Gender Considerations for Searches and Drug Screening Observations under this Heading](#).
12. Facility staff shall complete all required training prior to operating an SBS, and shall be retrained annually. The training shall follow the topics listed in the "Personnel Training" section of the American National Standards Institute publication "ANSI/HPS N43.17-2009 Radiation Safety for Personnel Security Screening Systems Using X-Ray or Gamma Radiation" and include information on:
 - a. How to safely operate an SBS;
 - b. When SBS searches are authorized and required; and
 - c. The conditions of SBS use, as outlined in this policy.
13. The Superintendent or designee shall:

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- a. Ensure that any SBS used in the facility has successfully completed an on-site acceptance test by the manufacturer, which has found the machine compliant with their requirements and safety standards; and
 - b. Maintain the registration of all SBSs in their facility with the Vermont Department of Health (VDH).
14. The DOC Radiation Safety Officer shall ensure that the DOC is compliant with APA Rule 13-140-030, entitled “Radiological Health Rule” and promulgated by the VDH. This shall include ensuring that:
- a. Registration is maintained for each SBS;
 - b. Required records are maintained, including the 10-year retention of records related to the radiation exposure of incarcerated individuals and staff;
 - c. Required documents are posted by each SBS, including:
 - i. The SBS VDH registration certificate;
 - ii. A notice describing the Radiological Health Rule and the SBS operating procedures, and where they can be examined; and
 - iii. Any violation notices received, in accordance with the Radiological Health Rule;
 - d. Required maintenance is performed and documented for each SBS;
 - e. Any required exposure notifications are made; and
 - f. Each site operating an SBS is complying with all safety and other requirements of the Radiological Health Rule.

H. Dry Cell Status

The following procedures shall apply to the use of dry cell status:

1. Staff shall only place an individual on dry cell status when there is reasonable suspicion that they have contraband in a body orifice. When an individual is on dry cell status, it shall be considered a form of administrative segregation, and staff shall follow the policy on placement on administrative segregation.
2. Prior to placing any incarcerated individual on dry cell status, facility staff shall:
 - a. Conduct an unclothed search of the incarcerated individual; and/or
 - b. Use a SBS to search the individual, unless otherwise prohibited by this policy.

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3. While an incarcerated individual is on dry cell status, they shall be on 15-minute observation, in accordance with the policy on observations.
4. Whenever possible, an incarcerated individual is on dry cell status shall be placed in a camera cell.
5. Staff shall remove the individual from dry cell status as soon as they are believed to be contraband-free or when otherwise determined by the administrative segregation process.
6. While an incarcerated individual is on dry cell status who is suspected of having ingested contraband or concealed contraband in their rectum, staff shall:
 - a. Provide the individual with a commode when necessary, or other similar device that does not have the ability to flush waste, for the purpose of collecting any ingested or concealed contraband, and conduct an unclothed search of the individual before and after its use; and
 - b. Use personal protective equipment to physically inspect any bowel movement or other items expelled from the individual's body for the purpose of identifying contraband.
7. Whenever an incarcerated individual on dry cell status produces contraband or a contraband-free bowel movement, staff shall use an SBS to conduct a search, unless otherwise prohibited by this policy, to determine if the individual is free of all contraband. Staff shall document this search, and its results in the incident in OMS.
 - a. If the incarcerated individual is free of contraband, staff shall remove the individual from dry cell status and assign a suitable housing placement for them.
 - b. If the SBS search indicates that the incarcerated individual is not free of all suspected contraband, the incarcerated individual may be returned to dry cell status.
 - c. If the SBS search is unclear, the incarcerated individual may be returned to the dry cell status.
8. When an incarcerated individual is suspected of having ingested contraband or concealed contraband in their rectum, and SBS searches are inconclusive, the individual may remain on dry cell status until they produce two contraband-free bowel movements.
9. In cases when an incarcerated individual on dry cell status has produced contraband or a contraband-free bowel movement and an SBS search is

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prohibited under this policy, staff shall remove the individual from dry cell status and assign a suitable housing placement for them.

- a. If there is reasonable suspicion that the incarcerated individual still has contraband in a body orifice, the Superintendent may approve leaving the individual on dry cell status until the individual is believed to be free of contraband, in accordance with this policy.
 - b. The CFSS shall document the removal of the individual from dry cell status, or its continuation, in the incident in OMS.
10. Whenever an incarcerated individual remains on dry cell status overnight:
- a. Staff shall use an SBS to conduct a search the following morning, unless otherwise prohibited by this policy, to determine if the individual is still suspected of concealing contraband. Staff shall document this search, and its results in the incident in OMS.
 - i. If the SBS search indicates that the incarcerated individual is not concealing contraband, staff shall remove the individual from dry cell status and assign a suitable housing placement for them.
 - ii. If the SBS search indicates that incarcerated individual may be concealing contraband:
 - a) Staff shall return the incarcerated individual to dry cell status; and
 - b) The CFSS shall notify the Superintendent.
 - b. Each business day, the Superintendent, or designee, and contracted health services staff shall discuss the status of incarcerated individuals who remained on dry cell status overnight and:
 - i. Were returned to dry cell status following an SBS search; or
 - ii. Remained on dry cell status because an SBS search was prohibited under this policy.
 - c. On weekends and holidays, the CFSS shall discuss the status with contracted health services staff and then review with the Superintendent by telephone.
11. The Superintendent, or designee, shall add a narrative documenting this conversation in the meeting notes.
12. The Superintendent, or designee, may use their discretion and remove an incarcerated individual from dry cell status at any time, for placement in another suitable housing assignment. Such decisions shall be documented in the incident in OMS.

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13. Whenever an incarcerated individual remains on a dry cell status for more than 72 hours, the Superintendent, or designee, shall contact the Director of Facilities, or designee, to discuss whether or not the dry cell status should continue. The Director may include any appropriate staff in this conversation, including:
 - a. DOC health services staff;
 - b. DOC mental health staff;
 - c. Director of Women Services; and
 - d. Director of PREA and Constituent Services.
14. The Superintendent shall document their conversation and the determination in the incident in OMS, along with the names of who participated in the decision.
 - a. If the Superintendent determines that the dry cell status should be ended, facility staff shall remove the individual from dry cell status and assign a suitable housing placement for them.
 - b. If the Superintendent determines that the dry cell status should be continued, and the incarcerated individual remains on dry cell status for another 24 hours the Superintendent, or designee, shall contact the Director of Facilities, or designee, to discuss the case again. These conversations shall be documented in the incident in OMS, and continue on a daily basis until the incarcerated individual is removed from dry cell status.

I. Search Refusals

1. Incarcerated Individuals
 - a. In cases when an incarcerated individual refuses to comply with any search, facility staff shall engage the individual using verbal de-escalation skills and attempt to get their compliance by explaining why the search is necessary and the process for the search.
 - b. In cases when an incarcerated individual refuses to comply with a clothed search:
 - i. Facility staff shall notify the CFSS; and
 - ii. The CFSS shall evaluate the situation and the level of compliance of the incarcerated individual and shall determine next steps, which may include an SBS or unclothed search.
 - c. In cases when an incarcerated individual refuses to comply with an SBS search:

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- i. Facility staff shall not use physical force to compel an individual to undergo an SBS search.
 - ii. Facility staff may take disciplinary action against an incarcerated individual who refuses to comply with an SBS search, in accordance with the policy on responding to an incarcerated individual's behavior that violates facility rules.
 - iii. The CFSS may place the incarcerated individual on dry cell status.
 - d. In cases when an incarcerated individual refuses to comply with an unclothed search:
 - i. The CFSS shall consult with the Superintendent, who shall evaluate the situation and determine next steps, which may include:
 - a) Placing the incarcerated individual on dry cell status;
 - b) Pursuing disciplinary action, in accordance with the policy on responding to an incarcerated individual's behavior that violates facility rules;
 - c) Placing the incarcerated individual in administrative segregation or disciplinary segregation; or
 - d) A planned use of force to conduct an unclothed search, in accordance with the policy on use of force.
 - ii. In cases when the individual presents an immediate threat of harm to themselves, others, or the security of the facility, the CFSS may carry out an emergent use of force to conduct unclothed search, in accordance with the policy on use of force.
2. Visitors, Volunteers, and Contractors, Including BGS Staff and Subcontractors and Contracted Health Services Staff
 - a. Facility staff shall not physically force a visitor, volunteer, or contractor, including a BGS staff or subcontractors and contracted health services staff, to submit to a search.
 - b. If a visitor, volunteer, or contractor refuses to submit to, or comply with, a search or inspection, the facility staff member conducting the search or inspection shall deny the staff member entry to the secure perimeter of the correctional facility and notify the Superintendent.
3. Staff
 - a. Staff shall not physically force a staff member to submit to a search.

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- b. If a staff member refuses to submit to, or comply with, a search or inspection, the facility staff member conducting the search or inspection shall:
 - i. Deny the staff member entry to the secure perimeter of the correctional facility; and
 - ii. Notify the Superintendent immediately.
- c. Staff members who refuse to submit to, or comply with, a search or inspection may be subject to disciplinary action.

J. 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. How to determine reasonable suspicion;
3. Search procedures, including:
 - a. The types of searches, and when each type is required, authorized, and prohibited;
 - b. The procedural steps of conducting a search; and
 - c. How to use necessary equipment during a search (e.g., metal detector, handheld device (e.g., wand), body scanner);
4. Procedures to follow if an individual refuses a search; and
5. Special considerations for searches, including:
 - a. Gender considerations;
 - b. Age considerations;
 - c. Religious considerations; and
 - d. Considerations related to disabilities.

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FIELD SEARCHES

A. Overarching Principles and Standards

1. 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. Staff shall comport themselves professionally while interacting with any persons.
3. Staff shall conduct all searches with respect and exercise due caution to prevent the damage or loss of items while searching.
4. Staff shall not require an individual to alter a protective hairstyle as part of a routine search, unless there is reasonable suspicion that individual has contraband concealed in their hair.
5. 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 individual to be searched possesses a prohibited or dangerous item.
6. Field staff shall not conduct unclothed searches.

B. Gender Considerations for Searches and Drug Screening Observations

1. At intake:
 - a. Field staff shall ask the supervised individual the following questions:
 - i. "What sex was assigned to you at birth" and
 - ii. "What is your gender?"
 - b. If the answers to these questions are different, field staff shall ask the individual if they want to be searched by a man, woman, or either for:
 - i. Clothed searches; and
 - ii. Drug screens, and all other searches of their person.
 - c. If the individual refuses or is unable to answer:
 - i. Field staff shall:
 - a) Conduct search based on available knowledge, previous interactions with the individual, or the individual's gender presentation as observed by staff; and
 - b) Complete an incident in the Offender Management System (OMS), in accordance with the policy on incident reporting,

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- to document the situation and what information they used in making their determination.
- ii. Field staff shall not discipline the incarcerated individual in any way for refusing to answer the above questions.
2. During intake, staff shall document the answer to the questions in the custom form OMS.
 - a. This information shall be used for the purposes of:
 - i. Identifying the supervised individual's gender; and
 - ii. For individuals who are intersex or identify as transgender and/or gender-diverse:
 - a) They will also indicate if they want to be searched by a man, woman, or either for:
 - 1) Clothed searches; and
 - 2) Drug screens, and all other searches of their person.
 - b) A Central Office multidisciplinary team will meet to finalize any accommodations, in accordance with the policy on gender identification, care, and custody.
 - b. An individual may request to update this information at any time during the course of their supervision, in accordance with the policy on gender identification, care, and custody.
 3. The following rules apply to different-gender searches:
 - a. For the purposes of this policy, the DOC recognizes that drug screenings are searches.
 - i. Field staff shall conduct all drug screenings in accordance with the DOC policy on the drug screening of individuals under the custody and supervision of the DOC.
 - ii. Field staff shall ensure that all drug screenings are same-gender searches.
 - b. Field staff shall not conduct a different-gender clothed search of a supervised individual, except when exigent circumstances exist, as described below.
 - i. For the purpose of this policy "exigent circumstances" means emergency situations when not searching the individual is an immediate and serious threat to the safety and security of that individual, others, or operations.
 - ii. Whenever field staff conduct a different-gender search, they shall:

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- a) Document it in an incident in OMS, in accordance with the policy on incident reporting; and
 - b) Notify the District Manager or designee.
4. Staff shall receive training in how to conduct different-gender clothed searches, and searches of who are intersex, or who identify as transgender and/or gender-diverse, in a professional and respectful manner, and in the least intrusive manner possible consistent with safety needs, prior to conducting searches.

C. Religious Considerations for Searches

1. When conducting searches, field staff shall treat all religious items or articles of clothing with respect.
2. Field staff may only require an individual being searched to remove a worn religious item during a search if the removal is essential to conduct the search.
3. Field staff may search the religious headwear of anyone entering into a probation and parole office as follows:
 - a. When searching any individual's religious headwear, field staff shall ask the individual if they want a person of the same gender to search the headwear, and accommodate that request if possible.
 - b. A field staff member shall escort the individual to a private area to remove the headwear and allow it to be searched. The field staff member conducting the search shall:
 - i. Allow the individual to remove and replace the headwear themselves; and
 - ii. Provide the individual the opportunity to use a mirror to replace the headwear when the search is complete.
 - c. Field staff may require a supervised individual to remove religious headwear, and may search religious headwear, at any time for security reasons.
 - d. Whenever a visitor, volunteer, contractor, or staff member wearing religious headwear wishes to enter a probation and parole office, the religious headwear may be searched.

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D. Probation and Parole Offices

Field staff shall search all individuals entering the secure portion 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 stored prior to entry into the secure portion of the building; and
2. Field staff shall:
 - a. Search any bags the individual brings into the secure portion;
 - b. Ask the individual to empty their pockets of all possessions; and
 - c. Use a metal detector to aid the search.

E. Clothed Searches of Individuals

1. Field staff may only conduct a clothed search of supervised individuals.
2. Field staff may conduct a clothed search of a supervised individual in any of the following circumstances:
 - a. Prior to transport to a correctional facility, for weapons or other objects that may present a danger;
 - b. In cases when an individual is arrested for violating the conditions of their supervision;
 - c. In cases when a field staff member reasonably believes that staff safety is at risk.
3. When conducting a clothed search, field staff shall require the individual being searched to remove all outer layers of clothing (e.g., coats, gloves, hats, footwear, extra layers) down to a base layer of clothing (e.g., socks, shorts/pants/skirt, base layer shirt).
4. Field staff are not required to obtain consent for clothed searches conducted in accordance with the above criteria.

F. Drug Screening

For the purposes of this policy, the DOC recognizes that drug screenings are searches. Field staff:

1. Shall conduct all drug screenings in accordance with the policy on drug screening; and
2. Shall not:
 - a. Collect a different-gender drug screening specimen, unless requested otherwise by the individual on the approved gender identification and accommodation form; or

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- b. Conduct a drug screening of any supervised individual, unless they consent and sign the *Drug Screening Log and Consent* form.

G. 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.

H. 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., metal detector, handheld device (e.g., wand));
4. Procedures to follow if an individual refuses a search; and
5. Special considerations for searches, including:
 - a. Gender considerations;
 - b. Religious considerations; and
 - c. Considerations related to disabilities.