

COMMENT SHEET

Comment #:			Page #:	Line #:	Comment:	Response:
<i>Dave Bellini</i>						
1	General				"The Director of Human Resources Development has the responsibility and authority to develop and deliver any necessary trainings with the implementation and adherence..." - To the best of my knowledge, the last person who held this title retired several years ago. I think he lives in Craftsbury.	Change to Heather's title
2	General				I am concerned that this rewrite of directive is a major change in working conditions and thus a mandatory subject of bargaining. Also concerning is that there is no "red line copy" sent out to show specific changes. The major change is language to search employees. Since the directive is just 3 months old why wasn't this included the first time? This is a major change but the way it is communicated to employees is buried in an administrative directive. "All employees of the Department are subject to search of person..." What exactly does this mean? Why isn't this explained? I am concerned that this rewrite of directive is a major change in working conditions and thus a mandatory subject of bargaining. Also concerning is that there is no "red line copy" sent out to show specific changes. The major change is language to search employees. Since the directive is just 3 months old why wasn't this included the first time? This is a major change but the way it is communicated to employees is buried in an administrative directive. "All employees of the Department are subject to search of person..." What exactly does this mean? Why isn't this explained?	Thank you for your feedback changes were made to address concerns.
<i>Doug Bickford</i>						
1		3		9 & 37	Use term outerwear - consistency	Made consistent throughout the document
2		4		40	Use term outerwear - consistency	Made consistent throughout the document
3		7		8	Use term outerwear - consistency (See above)	Changed to outerwear
<i>Scott Martin</i>						
1	General				This directive focuses on when staff, visitor, etc. enter the secure perimeter. I believe something in regards to the searching of vehicles staff or visitors in the parking lots. Searches have been happening but it should be articulated in this directive. Searches have occurred during K-9 searches. Parking lot is not inside the secure perimeter.	Thank you for your feedback such searches are generally coordinated with law enforcement and thus not subject to this directive.
<i>Bill Soule</i>						
1		1		13	should read promote safety and security within State correctional facilities AND FIELD OFFICES	Change made.
2		6		14+15	eliminate language " Housing that is not owned or leased by the DOC"	Changes made.
3		6		17	" If the household member agrees to consent" – REMOVE THIS. Should read if the household member signed household agreement. – My reasoning is that we do not want to go search a house and not be able to search because the roommate is not their to give consent. They already gave us consent by signing the agreement.	The furlougee must consent to the search of their space; failure to consent may result in a violation. The signing of the household member agreement does not bind them to consenting to a search at a later date, consent is still required prior to searching the residence.

4	6	25	should have same language as line 25 and 26 on page 7 which reads “ Staff may be assisted by trained dogs under control of the assigned dog handler and/or by electronic search devices.	Any searches assisted by a trained dog or electronic search devices would be performed by law enforcement and therefore the language has been removed from this directive.
5	8	3+4	should read law enforcement MAY accompany corrections employees on searches of offenders residence, property, and person IF the officers presence is necessary for the personal safety of staff.The way it is worded currently it discourages using law enforcement. STAFF SAFETY training would tell us we should use the police in most of these searches. If I am searching a home in Hartford of an offender it would be pretty rare that I would not have law enforcement on site for staff safety.	Thank you for your feedback this a conscious decision.
6	General		THIS IS A REALLY WELL WRITTEN DIRECTIVE- Another area that perhaps should be mentioned is that when conducting a planned search of a home all offenders need to be placed in restraints- this is a staff safety issue. Never search a home with an offender free to walk around. Problem we run into is what to do with other people who are not supervised by us who are in the home. We typically ask them to leave the residence why we search or ask them to sit in a common area if they live in the home so staff can at least physically keep an eye on them. I would never do a plan searched with les then three staff. two to search, , one to observe offender and record findings.	This issue is addressed in officer safety training and would not be dealt with in the searches directive.
<i>Jeffrey Allard</i>				
1			In Directive 409.01, Searches, under letter k. 'Furloughees and Supervised Community Sentence (SCS):' 3) Recent reports from a credible informant of a furloughee's or 41 SCS offender's violation; I am wondering what constitutes a 'credible informant'? If we get an anonymous call stating one of our furloughees possesses a firearm in his apartment, is that considered 'credible' enough to allow the search? I am only asking because it is my experience that DOC is steadily getting 'soft' with it's offenders and thus, they are learning to 'fight'/challenge all of our decisions here on the ground level. In fact, most no longer go through the policy of our Grievance Procedure and have learned that it benefits them more if they just call Central Office directly to complain about something. Number 3 seems to give them a clear argument to challenge if the need arises for them.	This language has been removed and clarification has been provided as to legal definition of reasonable suspicion.
<i>Joshua Rutherford</i>				
1	2	18	add 'physical search devices' or similar	Have changed language to include other devices after clarification and understanding that this refers to mirrors, magnets, cell phone detectors, etc.
2	2	22	Are we talking about strip or pat searches?	This has been clarified to reference both.
3	2	22-26	A report should be required when a cross-gender search is completed (I believe this is in the PREA standards, but either way it's good practice.) We have not, in the past done, cross-gender strip searches solely due to the absence of a female staff member, it would be due to the absence and a search is 'imperative to the safety and security.'	Have changed.
4	2	32-35	A report should be required when a cross-gender search is completed (I believe this is in the PREA standards, but either way it's good practice.) We have not, in the past done, cross-gender strip searches solely due to the absence of a female staff member, it would be due to the absence and a search is 'imperative to the safety and security.' (same as above)	Have changed.
5	4	9	when inmates are moved to RHU, the search is generally done immediately after admittance to the unit, not before.	Have changed language to be more inclusive.

6	5	23-25; 35-40	<p>1 – Can we get some clarification on what type of searches we’re talking about?</p> <p>I fully expect some people to react very negatively to this provision. VSEA has previously argued against this. In lieu of these anticipated objections, I want to express my full support for the cited lines.</p> <p>Introduction of contraband into facilities is a major problem. Unfortunately, some staff do this – and by so doing, make the rest of us less safe. We have terminated a number of people over the years for such conduct. Providing institutions with tools to prevent/reduce contraband introduction is critical and improves the safety of staff, inmates, and facilities. I have had opportunity to visit a number of facilities over the years in various states. A significant number of them require some level of search prior to entering. I have no objection to such searches (up to, but not including strip searches) and fully support this initiative.</p>	We have changed the language any necessary procedures will be identified in a guidance document.
7	7	12 +36	<p>I think a flat prohibition is overbroad and that we should allow some discretion. Obviously such searches should be conducted in an appropriate place (a private room at P & P, a police station, etc.) The CCOs may be an hour or more from a facility. If they have reasonable suspicion the individual is concealing drugs, a weapon, a cuff key – a strip search as soon as reasonably possible would reduce the opportunity of the offender to discard (or swallow, hide in a bodily orifice) this sort of significant and dangerous contraband.</p>	Thank you for your comment this is a conscious decision.
<i>Michael Koeler</i>				
1	General		<p>ii. The inmate will not be required to remove any clothing during the pat search other than outerwear (i.e. coats, gloves, hats, footwear, etc.). Staff will require the inmate to remove all items from his or her pockets.</p> <p>I believe it to be a dangerous practice to have an inmate remove contraband from his person during a pat search. The contraband could be food or a tattoo needle. The safest practice is for staff to remove the contraband as an inmate with contraband in his hand in close proximity gives no reactionary time for officers.</p>	We have removed the language as it was heavily proceduralized with the recognition that a guidance document will be provided.
2	General		<p>iii. All employees of the Department are subject to search of person and possessions entering the secure area of a facility on a random basis or based on reasonable suspicion of possession of a prohibited item. No employee shall be physically forced to submit to a search by the Department. Any employee who refuses to submit to a search shall be denied entry to the secure perimeter of any correctional facility and may be subject to disciplinary action.</p> <p>To protect staff conducting searches of staff and contractors, a more refined definition of a “search” should be provided. Are the staff physically pat searching or are we asking the staff member to empty pockets etc. This places too much liability on the CFSS or COII class.</p>	Language has been modified and a guidance document will provide procedural direction.
<i>Greg Hale</i>				
1	2	18	“Staff may be assisted by.....(add Law Enforcement)?	Added.
2	2	29-32	Why do we reference other directives in a directive? Let’s just say what the rule is. If I need an answer I know have to go look through multiple directives to make the appropriate decision.	Agreed and have added clarification.
3	3	17	think this only applies to pre-arraign misdemeanors, once they are arraigned they are subject to the same rules as everyone else in prison.	Subsection e(3)(b) only applies to Pre-Arrestment Inmates as the heading states.
4	4	5-7	“such as...” (add but not limited to)	Agreed.
5	5	31-32	Line 31-32 What about areas outside of the secure portion such as department locker rooms, administrative offices, desks, lockers, etc..?	We have removed this section, and this type of search is covered in 1(a).

6	5	34-39	Line 34 – 39 State law talks about firearms on state “property” which is outside of the secure portion. What about a staff member with a car full of drugs that he is going to throw over the fence on their way out?? There needs to be some language about searching on state property.	We do not have the legal authority to search someones car. In this case, law enforcement should be notified and they would handle any subsequent searching.
7	6	32-34	add “but not limited to”	This language has been removed.
8	7	3-5	Staff should be pat searching prior to transport for their own safety, they should not need suspicion to execute a pat search	Added language.
9	7	4	add.”a risk” after Presents.	Changed to may be in order to clarify.
10	7	12	I disagree. What if the suspicion is that someone has a weapon in their pants? Why can field staff not conduct a strip search in a private manner for issues of life safety.	Thank you for your feedback this was a conscious decision.
<i>Joel Machado</i>				
1	General		In reference to the employee search provisions - This is too vague. What type of search? Visual? Strip? Pat? X-Ray? Metal detector? Drug Dog? Wood chipper?	Additional language has been added to provide clarity. Further procedural details will be in a guidance document.
<i>Mark Potanas</i>				
1		e (iii)	Add language to if a misdemeanor is determined to be at risk of self-harm or suicidal, the misdemeanor will be treated accordingly per Directive #362 Suicide prevention & Intervention in Facilities. The Shift Supervisor shall decide if the misdemeanor is determined to be at risk of self-harm or suicidal and, if so, may give permission for the strip search and placement in a Ferguson Safety Smock or other such garment. The Shift Supervisor shall then file an incident report, describing the supporting facts lead to the decision for the strip search and placement in a Ferguson Safety Smock or other such garment.	Agreed, added a footnote.
2		f (iii)	f. iii. Add language as part of a cell search or shakedown	Agreed.
3		Under C ?	incapacitated person is determined to be at risk of self-harm or suicidal, the incapacitated person will be treated accordingly per Directive #362 Suicide prevention & Intervention in Facilities. The Shift Supervisor shall decide if the incapacitated person is determined to be at risk of self-harm or suicidal and, if so, may give permission for the strip search and placement in a Ferguson Safety Smock or other such garment. The Shift Supervisor shall then file an incident report, describing the supporting facts lead to the decision for the strip search and placement in a Ferguson Safety Smock or other such garment.	Added additional language to provide clarification.
4		45	add- safety and security of the incapacitated person, an inmate.....	Agreed.