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JOINT LEGISLATIVE CORRECTIONS
OVERSIGHT COMMITTEE

June 2, 2015

Mike Touchette
Director of Correctional Facilities
Department of Corrections
103 South Main Street
Waterbury, VT 05671-1001

Dear Mr. Touchette:

In anticipation of the approaching Legislative Committee on Administrative Rules meeting on June 11, 2015, we write with respect to draft rule 15-P11, Searches for the Purpose of Limiting the Introduction of Contraband into Correctional Facilities.

3 V.S.A. § 801(b)(11); 2013 Act No. 163, Sec. 2 requires the Department of Corrections to adopt rules regarding “procedures for conducting searches of the personal belongings of any person who enters the secure portion of a State correctional facility.” Currently, Sec. C of the draft rule states: “All employees, visitors, volunteers, contracted staff, and other persons entering a correctional facility may be subject to a search of person and possessions at any time.”

In order to ensure the rule does not go beyond the authority delegated to the Department, we would like the Department to define the scope of searches as limited to personal possessions searches and pat-down searches, and not to encompass strip searches. Once the definition of “search of person” is clarified, we will recommend the rule be approved.

Sincerely,

/s/ Alice Emmons

/s/ Dick Sears

Representative Alice Emmons
Senator Dick Sears
Joint Legislative Corrections Oversight Committee