

Readopt with amendment Cor 306.03, effective 3-23-18 (Document #12502), to read as follows:

Cor 306.03 Searches and Inspections Authorized.

(a) Any person or possessions on departmental property shall be subject to search to discover contraband. Searches shall be necessary to prevent the introduction of contraband into the facilities by persons under departmental control and to prevent escapes, violence, and situations where violence is likely. Travel onto departmental property shall constitute implied consent to search for contraband pursuant to RSA 622:24-25, and RSA 622:39. In such cases where implied consent exists, the visitor shall be given a choice of either consenting to the search or immediately leaving departmental property. Nothing in Cor 306.03, however, shall prevent non-consensual searches in situations where probable cause exists to believe that the visitor is or has attempted to introduce contraband into a departmental facility pursuant to the laws of New Hampshire concerning search, seizure, and arrest or otherwise authorized by law.

(b) All motor vehicles parked on departmental property shall be locked and have the keys removed. Correctional uniformed staff shall check to ensure that vehicles are locked and shall visually inspect the plain view interiors of the vehicles. Vehicles discovered to be unlocked shall be searched to ensure that no contraband is present. Contraband discovered during searches shall be confiscated as evidence and turned over to law enforcement authorities for use in possible prosecution.

(c) All persons entering departmental facilities to visit with persons under departmental control or patients of the SPU, or staff, or to perform services at the facilities or to tour the facilities shall be subject to having their persons checked for contraband. In order to minimize the scope of such searches, items not needed for the visit such as purses, coats, and other baggage shall be left either in the vehicles or in the small lockers provided. All items and clothing carried into the institution waiting area shall be searched for contraband. Items left at the storage area shall be subject to inspection and search. Contraband seized shall be retained as evidence and turned over to law enforcement authorities for use in possible prosecution.

(d) Individual employees shall not be searched by a person of lower rank or of the opposite sex without explicit approval of the commissioner.

(e) When reliable information exists from informants or law enforcement agencies that a visitor is expected to deliver contraband to a person under departmental control, or patient of the SPU, the visitor shall be offered the opportunity to choose to be searched, including a body scan, strip search and a viewing of body cavities, or not to enter the facility. Since such searches are unpleasant and time consuming for all involved, they shall be required only on the authority of the chief of security, chief administrator of the facility, or higher authority on a special need basis where such apparently reliable information clearly mandates the need for contraband exclusion. Such searches shall be accomplished by 2 or more staff members of the same sex as the person to be searched and shall be done out of the public view.

Appendix

RULE NUMBER	STATUTE IMPLEMENTED
Cor 306.03	RSA 21-H:13, I, II, II-a, and RSA 622:6-a