

HOUSE BILL REPORT

ESB 5907

As Reported by House Committee On: Ways & Means

Title: An act relating to implementing the policy recommendations resulting from the national institute of corrections review of prison safety.

Brief Description: Implementing the policy recommendations resulting from the national institute of corrections review of prison safety.

Sponsors: Senators Kohl-Welles, Holmquist Newbry, Kline, Hewitt, Keiser, King, Regala, Conway, Carrell and Hargrove; by request of Governor Gregoire.

Brief History:

Committee Activity:

Ways & Means: 4/13/11, 4/15/11 [DP].

Brief Summary of Engrossed Bill

- Requires the Department of Corrections (DOC) to establish Statewide and Local Security Advisory Committees to provide a comprehensive review of the DOC's security policies and procedures within its prisons.
- Requires the DOC to establish a multidisciplinary team at each prison to evaluate offenders' placement in job assignments and custody promotions.
- Requires the DOC to develop a training curriculum relating to staff safety issues in prisons.
- Requires the DOC to consider and study the feasibility of implementing a statewide system for utilizing body alarms and proximity cards for prison staff, deploying the use of video monitoring cameras in prisons, and using pepper spray as a security measure for prison staff.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass. Signed by 26 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Dickerson, Haigh,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Schmick, Seaquist, Springer, Sullivan and Wilcox.

Staff: Alex MacBain (786-7288).

Background:

The Department of Corrections (DOC) submitted a request for the National Institute of Corrections to conduct an independent review of the Monroe Correctional Complex/ Washington State Reformatory's policies and procedures relative to the death of a correctional officer (Correctional Officer Jayme Biendl) that occurred on January 29, 2011. The report was completed in March 2011 and identifies 15 recommendations regarding changes to the systems, policies, practices, protocols, and technology within that correctional facility.

Body Alarms and Proximity Cards.

A body alarm is a personal alarm that may generally clip to one's waistband, belt, or can be carried inside a pocket or purse. When activated, the alarm sets off a loud sound to summon emergency assistance.

A proximity card includes a built-in reader element. When one of these cards is placed within several inches of a proximity reader, identifying information is read from the card and sent to a controller which will grant or deny access to the area or will provide the last known location of a person.

Pepper Spray.

Pepper spray, also known as oleoresin capsicum, is a chemical compound that irritates the eyes to cause tears, pain, and even temporary blindness.

Summary of Bill:

Statewide and Local Security Advisory Committees.

The DOC must establish a Statewide Security Advisory Committee (Committee) to review the DOC's security-related policies and procedures. The Committee must be composed of a wide range of institutional staff, including but not limited to:

- the Secretary of the DOC or his or her designee;
- a nonsupervisory classified employee and/or sergeant from each local advisory committee of a major facility and one nonsupervisory classified employee and/or sergeant repetitive from a minimum facility;
- the senior-ranking security custody staff member from each security facility and a senior ranking custody staff member from a minimum correctional facility;
- a senior-ranking community corrections officer; and
- a delegate from the union that represents DOC employees located at correctional facilities.

The Committee must: (1) make recommendations to the Secretary of the DOC on the methods to provide consistent application of the security policies and procedures; and (2) develop guidelines to establish local security advisory committees (local committees) for each correctional facility within the DOC.

The chair of each local committee must be the captain at a major facility and the lieutenant at a minimum security facility. The local committee should consist of a wide range of nonsupervisory classified employees and/or sergeants from the facility, such as medical staff, class counselors, program staff, and mental health staff.

The DOC must report back to the Governor and the appropriate committees of the Legislature by November 1, 2011, and annually thereafter. The report must include:

- recommendations raised by both the Committee and local committees;
- recommendations for improving the ability of nonsupervisory classified employees to provide input on safety concerns including labor and industries mandated safety committees, and the inclusion of safety issues in collective bargaining;
- actions taken by the DOC as a result of recommendations by the Committee; and
- recommendations for additional resources or legislation to address security concerns in total confinement correctional facilities.

The DOC must also report to the Governor and the appropriate committees of the Legislature by November 1, 2011, on issues related to safety within community corrections. The DOC is required to engage employees from all levels of the community corrections division in preparing the report.

Multidisciplinary Teams.

The DOC must establish multidisciplinary teams (teams) at each correctional facility to evaluate offenders' placements in inmate job assignments and custody promotions. The teams at each facility must determine suitable placement based on the offender's risk, behavior, or other factors considered by the team. The teams must be comprised of representatives from a wide range of nonsupervisory classified employees and/or sergeants from the facility, such as medical staff, class counselors, program staff, and mental health staff.

Training Curriculum.

The DOC must develop a training curriculum regarding staff safety issues at correctional facilities in consultation with both the Committee and local committees. The training must be delivered to applicable correctional staff at in-service by July 1, 2012. The training curriculum must address security routines, physical plant layouts, offender movement and program area coverage, and situational awareness and de-escalation techniques.

Body Alarms and Proximity Cards.

The DOC must hire a consultant to study the feasibility of implementing a statewide system for utilizing body alarms and proximity alarms for staff safety within correctional facilities. The consultant must seek the input from both the Committee and local committees. The DOC must report the consultant's findings and recommendations to the Governor and appropriate committees of the Legislature by November 1, 2011. The report must include:

- recommendations for the use of body alarms by security level personnel;

- recommendations for specific positions that should require the use of body alarms;
- the information technological and infrastructure requirements needed for body alarms and proximity cards;
- the training requirements for body alarms;
- lessons learned from any pilot project the DOC may implement in the interim; and
- estimated costs of the alarms and proximity cards, and needed supporting infrastructure, staffing, and training requirements.

The DOC may pilot the use of body alarms and proximity cards within available resources.

Video Monitoring Cameras.

The DOC must hire a consultant to study and make recommendations on the deployment of video monitoring cameras within the DOC. The consultant must seek the input from both the Committee and local committees. The DOC must report the findings and recommendations to the Governor and the appropriate committees of the Legislature by November 1, 2011.

The report must include:

- recommendations for the use of video monitoring cameras by security level;
- recommendations for specific locations within a correctional facility which would benefit from the use of video monitoring cameras;
- the information technological and infrastructure requirements needed for effective use of video monitoring cameras;
- recommendations for how video monitoring cameras should be incorporated into future prison construction to insure consistency in camera use system-wide; and
- the estimated cost of the video monitoring cameras, supporting infrastructure needed, and staffing required by the correctional facility.

Pepper Spray.

The DOC may initiate a pilot project, within available funds, to expand the deployment of oleoresin capsicum aerosol products (or pepper spray) within correctional facilities.

The DOC must develop a plan, in consultation with both the Committee and local committees, for the use of pepper spray as a security measure available to prison staff. The plan must include any findings from the pilot project, and must include recommendations regarding limitations for the use of pepper spray, any necessary training, the estimated costs, and an implementation schedule. The DOC must report its recommendations, including costs, to the Legislature and the Governor by November 1, 2011.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Every day over 6,000 staff in 12 prisons do a great job of reducing violence. This bill lays out a good framework for moving forward on safety security issues. Thank you for funding this bill in the House budget.

(In support with concerns) The bill includes input from community corrections officers which will add value to the process; however, we would like to ensure that delegates from unions representing employees both in and out of the prisons are also part of the Committee.

(Opposed) None.

Persons Testifying: (In support) John Lane, Office of the Governor; and Bernie Warner, Department of Corrections.

(In support with concerns) Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.