

# SENATE BILL REPORT

## SB 5695

---

---

As of January 17, 2022

**Title:** An act relating to the body scanner pilot program at the department of corrections.

**Brief Description:** Concerning the body scanner pilot program at the department of corrections.

**Sponsors:** Senators Dhingra, Wagoner, Brown, Gildon, Kuderer, Lovick, Mullet, Wellman and Wilson, C..

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 1/18/22.

**Brief Summary of Bill**

- Requires Department of Corrections (DOC) to establish a comprehensive body scanner program at the Washington Corrections Center for Women and a male correctional facility as part of a pilot program to create drug-free prisons.
- Requires each person entering the secure perimeter of the participating facility to undergo security screening with the comprehensive body scanner program.
- Provides that inmates with body scans for substance-related contraband must be, if appropriate, assessed for and receive substance use disorder treatment.
- Directs DOC to submit an annual report to the Governor and Legislature and sunsets the pilot on June 30, 2024.

---

**SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION**

**Staff:** Kelsey-anne Fung (786-7479)

---

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

**Background:** Pilot Program Report. According to the Department of Corrections (DOC), one of the greatest risks to operating safe and secure facilities is the introduction and movement of contraband, whether it be weapons, tools used to aid escape attempts, or illegal drugs that disrupt normal operations and cause health and safety concerns. Strip searches allow for greater visual certainty that the individual is not concealing contraband, and are often conducted when incarcerated individuals have had contact with the public or when the individual returns from work. Strip searches also aid in identifying health and safety concerns such as self-harm behavior, illegal drug use, or signs of fighting or assault. DOC policy requires strip searches to be conducted by two employees of the same gender as the individual being searched, except in limited circumstances.

In 2018, the Legislature provided funding for DOC to install a body scanner at the Washington Corrections Center for Women as a pilot project to reduce strip searches. DOC was required to collect data on its change in practices, benefits or issues with using the body scanner, and provide a report to the Legislature. DOC reported a reduction in average employee time for searches, enhancement of the safety and security of the facility, and other benefits to both employees and inmates from not having to perform strip searches. With the use of the body scanner, strip searches are only performed if there is a positive or suspicious body scan, the individual is being placed into restricted housing or a mental health unit, or in emergent situations where the individual cannot be transported to the scanner location safely and securely. DOC reported several issues with using body scan technology, including that some scans still required additional screening and monitoring, the scanner was permanently installed in one location, and addressing individuals with positive body scans.

Dry Cell Watch. DOC has established policies for placing an incarcerated individual in a secure room or cell for the safe recovery of suspected swallowed or internally concealed contraband or foreign objects to ensure the individual's safety and health and to safeguard facility security. Per DOC policy, initial placement on dry cell watch must be concluded within 72 hours or after three consecutive normal bowel movements, whichever occurs first. A 24-hour extension may be authorized up to three times after initial placement under certain circumstances. DOC policy specifies conditions of confinement for individuals placed on dry cell watch, such as lighting, ventilation, room temperature, meals, undergarments and coveralls, access to personal hygiene items, and shower and mail access, unless there are safety or security concerns.

There is a schedule specified in DOC policy for health services to conduct physical assessments, monitor vital signs, and document behavioral observations for individuals placed on dry cell watch. Assessments will be conducted as least every hour on the first day, every 2 hours on the second day, every 3 hours on the third day, and every 4 hours on the fourth and subsequent days.

Substance Use Disorder. During incarceration in a state facility, individuals sentenced under the prison-based drug offender sentencing alternative must undergo a comprehensive

substance use disorder assessment and receive, within available resources, treatment services appropriate for the person. The substance use disorder treatment services must be licensed by the Department of Health (DOH).

DOC has established policies and guidelines for the clinical management of individuals with a substance use disorder. Individuals arriving at a reception diagnostic center may be administered an authorized substance use disorder screening instrument, within available resources, to determine the need for an assessment. Those individuals with initial screening results indicating the probability of a substance use disorder may be assessed using the substance use disorder assessment. An assessment indicating a substance use disorder is required for admission into DOH certified substance use disorder treatment provided by DOC.

Searches of Visitors. DOC employees who are limited authority peace officers may use reasonable force to detain, search, or remove any person who enters or remains on facility grounds without permission, appears to have committed or is attempting to commit a crime on facility grounds, or is found in possession of contraband. DOC must immediately notify the appropriate local law enforcement agency, and DOC may detain the person for a reasonable time to search the person and confiscate any contraband.

DOC also has policies requiring searches of contract staff, volunteers, vendors and their agents, and other visitors on facility grounds. Searches are conducted as needed to enhance security and safety for personnel, inmates, and the public by minimizing the introduction of contraband into DOC facilities. Types of searches include electronic metal detectors, container search, pat search, canine search, and locker search.

Searches of Inmates and Facilities. DOC has policies and guidelines governing searches of areas within the secure perimeter of facilities, cells and living areas, common areas and recreation yards, and general areas of the facility accessible by the public. There are policies on routine and random searches of inmates, which can include canine search, pat searches, strip searches, and body cavity searches. DOC employees are subject to drug and alcohol-free workplace policies.

**Summary of Bill:** DOC must establish a comprehensive body scanner program at the Washington Corrections Center for Women and a male state correctional facility as part of a pilot program to create drug-free prisons. The scanner must be capable of detecting contraband contained under clothing and within body cavities. Each person entering the secure perimeter of a participating facility must be subject to security screening with the comprehensive body scanner program.

DOC must provide appropriate custody and nursing staff levels for the body scanners. Staffing must be adequate to provide for subsequent searches and dry cell watches if a body scan indicates the presence of contraband. "Dry cell watch" means the placement of an incarcerated person in a secure room or cell for the safe recovery of internally concealed

contraband. An inmate with a body scan indicating the presence of substance-related contraband must undergo, if appropriate, a comprehensive substance use disorder assessment and receive relevant substance use disorder treatment services, including medication-assisted treatment. A DOC employee, contractor, visitor, or volunteer with a body scan indicating the presence of contraband must be disciplined in accordance with DOC policies.

DOC must provide appropriate radiation safety and scanner operation training to all staff who will administer the body scan. Only staff who have completed all related trainings may operate the body scanner and review body scans. DOC must develop policies on scanner use and screening procedures to minimize harmful radiation exposure while safely and effectively using the body scanners to create drug-free prisons.

DOC must submit an annual report by December 1st to the Governor and Legislature on:

- the number and types of individuals, including visitors, employees, contractors, and volunteers, with positive body scans in the prior year and the disciplinary action taken;
- the types of contraband detected by the body scanner;
- the number of confiscated substances in the prior five years; and
- the number of inmates with positive body scans for substance-related contraband in the prior year who were assessed for and received substance use disorder treatment services while incarcerated.

The pilot program expires June 30, 2024.

**Appropriation:** None.

**Fiscal Note:** Requested on January 6, 2022.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.