

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5907

Chapter 252, Laws of 2011

62nd Legislature
2011 Regular Session

PRISON SAFETY--POLICY RECOMMENDATIONS

EFFECTIVE DATE: 07/22/11

Passed by the Senate April 9, 2011
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 19, 2011
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 5, 2011, 9:50 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5907** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 6, 2011

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5907

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

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

Read first time 03/24/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to implementing the policy recommendations
2 resulting from the national institute of corrections review of prison
3 safety; adding new sections to chapter 72.09 RCW; and creating a new
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 promote safe state correctional facilities. Following the tragic
8 murder of officer Jayme Biendl, the governor and department of
9 corrections requested the national institute of corrections to review
10 safety procedures at the Monroe reformatory. While the report found
11 the Monroe reformatory is a safe institution, it recommends changes
12 that would enhance safety. The legislature recognizes that operating
13 safe institutions requires ongoing efforts to address areas where
14 improvements can be made to enhance the safety of state correctional
15 facilities. This act addresses ways to increase safety at state
16 correctional facilities and implements changes recommended in the
17 report of the national institute of corrections.

1 NEW SECTION. **Sec. 2.** (1) The department shall establish a
2 statewide security advisory committee to conduct comprehensive reviews
3 of the department's total confinement security-related policies and
4 procedures.

5 (2) The statewide security advisory committee shall make
6 recommendations to the secretary regarding methods to provide
7 consistent application of the policies and procedures regarding
8 security issues in total confinement correctional facilities.

9 (3) The statewide security advisory committee shall include a
10 balance of institutional staff including, but not limited to, custody
11 staff. At a minimum, the statewide security advisory committee shall
12 include:

13 (a) The director of prisons or his or her designee;

14 (b) A nonsupervisory classified employee and/or sergeant from each
15 local advisory committee of a major facility and one nonsupervisory
16 classified employee and/or sergeant representative from a minimum
17 facility;

18 (c) A senior-ranking security custody staff member from each major
19 correctional facility and a senior-ranking custody staff member from a
20 minimum correctional facility;

21 (d) A senior-ranking community corrections officer; and

22 (e) A delegate from the union that represents department employees
23 located at correctional facilities.

24 (4) The statewide security advisory committee shall develop
25 guidelines to establish local security advisory committees for each
26 total confinement correctional facility within the department. The
27 chair of each local security advisory committee shall be the captain at
28 a major facility and the lieutenant at a minimum security facility.
29 The local security advisory committee should consist of a wide range of
30 nonsupervisory classified employees and/or sergeants from the facility,
31 such as medical staff, class counselors, program staff, and mental
32 health staff.

33 (5) The department shall report back to the governor and
34 appropriate committees of the legislature by November 1, 2011, and
35 annually thereafter. The report shall include:

36 (a) Recommendations raised by both the statewide and local security
37 advisory committees;

1 (b) Recommendations, if any, for improving the ability of
2 nonsupervisory classified employees to provide input on safety concerns
3 including labor and industries mandated safety committees and the
4 inclusion of safety issues in collective bargaining;

5 (c) Actions taken by the department as a result of recommendations
6 by the statewide and local security advisory committees; and

7 (d) Recommendations for additional resources or legislation to
8 address security concerns in total confinement correctional facilities.

9 (6) The department shall report back to the governor and the
10 appropriate committees of the legislature by November 1, 2011, on
11 issues related to safety within community corrections. The department
12 shall engage employees from all levels of the community corrections
13 division in preparing the report.

14 NEW SECTION. **Sec. 3.** (1) The department shall establish
15 multidisciplinary teams at each total confinement correctional facility
16 that will evaluate offenders' placements in inmate job assignments and
17 custody promotions. The teams at each facility shall determine
18 suitable placements based on the offender's risk, behavior, or other
19 factors considered by the team.

20 (2) At a minimum, each team shall have representation from a wide
21 range of nonsupervisory classified employees and/or sergeants from the
22 facility, such as medical staff, class counselors, program staff, and
23 mental health staff.

24 NEW SECTION. **Sec. 4.** (1) The department shall develop training
25 curriculum regarding staff safety issues at total confinement
26 correctional facilities. At a minimum, the training shall address the
27 following issues:

28 (a) Security routines;

29 (b) Physical plant layout;

30 (c) Offender movement and program area coverage; and

31 (d) Situational awareness and de-escalation techniques.

32 (2) The department shall seek the input of both the statewide
33 security and local advisory committees in developing the curriculum.

34 (3) The department shall deliver such training to applicable
35 correctional staff at in-service training by July 1, 2012.

1 NEW SECTION. **Sec. 5.** (1) The department may pilot the use of body
2 alarms and proximity cards within available resources.

3 (2) The department shall hire a consultant to study the feasibility
4 of implementing a statewide system for staff safety, utilizing body
5 alarms and proximity cards for staff within the department's total
6 confinement correctional facilities and report findings and
7 recommendations to the governor and appropriate committees of the
8 legislature by November 1, 2011. At a minimum, the report shall
9 include:

10 (a) Recommendations for the use of body alarms by security level;

11 (b) Recommendations for specific positions that should require the
12 use of body alarms;

13 (c) The information technological and infrastructure requirements
14 needed for body alarms and proximity cards;

15 (d) The training requirements for body alarms;

16 (e) Lessons learned from any pilot project the department may
17 implement in the interim;

18 (f) The estimated cost of the alarms and proximity cards and needed
19 supporting infrastructure, staffing, and training requirements.

20 (3) The consultant shall seek the input of both the statewide and
21 local security advisory committees in preparing his or her report.

22 NEW SECTION. **Sec. 6.** (1) The department shall hire a consultant
23 to study the deployment of video monitoring cameras within the
24 department to make recommendations regarding statewide standards for
25 the positioning and use of video monitoring cameras in total
26 confinement correctional facilities and report findings and
27 recommendations to the governor and appropriate committees of the
28 legislature by November 1, 2011. At a minimum, the report shall
29 include:

30 (a) Recommendations for the use of video monitoring cameras by
31 security level;

32 (b) Recommendations for specific locations within a total
33 confinement correctional facility which would benefit from the use of
34 video monitoring cameras;

35 (c) The information technological and infrastructure requirements
36 needed for effective use of video monitoring cameras;

1 (d) Recommendations for how video monitoring cameras would best be
2 deployed in current total confinement correctional facilities;

3 (e) Recommendations about how video monitoring cameras should be
4 incorporated into future prison construction to insure consistency in
5 camera use system-wide;

6 (f) The estimated cost of the video monitoring cameras, supporting
7 infrastructure needed, and staffing required by the total confinement
8 correctional facility.

9 (2) The consultant shall seek the input of both the statewide and
10 local security advisory committees in preparing his or her report.

11 NEW SECTION. **Sec. 7.** (1) The department shall develop a
12 comprehensive plan for the use of oleoresin capsicum aerosol products,
13 commonly referred to as pepper spray, as a security measure available
14 for staff at total confinement correctional facilities.

15 (2) The department may initiate a pilot project, within available
16 funds, to expand the deployment of oleoresin capsicum aerosol products
17 within total confinement correctional facilities.

18 (3) The department's plan for the deployment of oleoresin capsicum
19 aerosol products to staff shall include findings, if any, from the
20 pilot project, recommendations regarding which facility's use should be
21 limited to, what the training requirements should be, the estimated
22 costs, and an implementation schedule.

23 (4) The department shall seek the input of both the statewide and
24 local security advisory committees in developing its plan.

25 (5) The department shall report its plan, including costs, to the
26 governor and appropriate committees of the legislature by November 1,
27 2011.

28 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act are each
29 added to chapter 72.09 RCW.

Passed by the Senate April 9, 2011.

Passed by the House April 19, 2011.

Approved by the Governor May 5, 2011.

Filed in Office of Secretary of State May 6, 2011.