S-6054.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE SENATE BILL 6064**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Wagoner, Dhingra, and Sheldon)

AN ACT Relating to full body scanners and dry cell watches at state correctional institutions; adding a new section to chapter 72.09 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that the department of corrections is responsible for enhancing public safety through the operation of safe and secure facilities, ensuring the health and safety of incarcerated individuals, and maintaining environments that reinforce safe and humane correctional practices. Safer operations are generated through continuous performance of sound correctional policies, practices, and procedures. Contraband is a risk to correctional officer and inmate safety. In order to preserve, protect, and maintain public safety and the security of correctional facilities, the department of corrections shall attempt to eliminate the introduction of contraband through the installation of state-of-the-art full body scanning devices similar to the pilot program at the Washington corrections center for women.

NEW SECTION. **Sec.**  A new section is added to chapter 72.09 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must purchase and install a state-of-the-art full body scanner at the Monroe correctional complex by July 1, 2021. The scanner must be capable of detecting the presence of contraband contained under clothing and within body cavities.

(2)(a) The department shall provide appropriate custody and nursing staff levels for any body scanners installed at a state correctional facility. Each department staff must complete appropriate radiation safety and body scanner operation training prior to operating the scanner or reviewing a body scan image for the presence of contraband. A department employee who operates the scanner may not be the same department employee who interprets the scan for the presence of contraband.

(b) Staffing must be adequate to provide for subsequent searches and dry cell watches if a body scan indicates the presence of contraband. If a body scan indicates the presence of contraband, the individual may be placed on a dry cell watch for the purpose of safe recovery of internally concealed contraband. An individual's placement to a dry cell may not exceed seventy-two hours from the time of the body scan. A medical staff employee must conduct a medical assessment of the individual at least once every eight hours during the time period that the individual is placed on dry cell watch.

(3)(a) By July 1, 2021, the department shall develop and implement an alternative to continuing to place the individual on dry cell watch at each state correctional institution with an installed body scanner.

(b) The alternative shall be gender-responsive and consider the risk level and history of the individual.

(c) The department shall use the alternative developed under this subsection when an individual has been placed on dry cell watch for seventy-two hours and the department has reason to believe the inmate continues to possess internally concealed contraband.

(4) The department must seek to minimize inmate exposure to harmful radiation and use recognized best practices when conducting full body scans in a state correctional facility.

(5) By November 1, 2021, each year, and in compliance with RCW 43.01.036, the department shall issue a report to the governor and legislature on the effectiveness of the body scanners in detecting contraband in state correctional facilities. The report must include data on the number of false positives that occurred in the past year, the number and length of time individuals have been placed on dry cell watch, the alternative developed by the department under this section, and officer and inmate assaults that occurred before and after the implementation of each body scanner.

(6) For the purposes of this section:

(a) "Contraband" means any item that is capable of being used to endanger the safety or security of a correctional facility or any individual. This includes a substantial probability that the item may be used in a manner that may cause death, cause serious injury, be used to facilitate an escape, or cause other major threats. "Contraband" includes, but is not limited to, knives, tools, cell phones, razor blades, unauthorized drugs or narcotics, chemicals, lighters, guns or gun parts, and explosives.

(b) "Dry cell watch" means the placement of an inmate in a secure room or cell for the safe recovery of internally concealed contraband to ensure the facility's security and the inmate's health and safety.

**--- END ---**