

SENATE BILL REPORT

SB 5646

As of January 18, 2022

Title: An act relating to requiring full body scanners at correctional facilities.

Brief Description: Requiring full body scanners at correctional facilities.

Sponsors: Senators Wagoner, Dhingra, Gildon, Lovick, Padden and Wilson, L..

Brief History:

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

Brief Summary of Bill

- Requires Department of Corrections (DOC) to purchase and install a full body scanner in each correctional facility by July 1, 2024, subject to appropriation.
- Authorizes a person to be placed on dry cell watch for recovery of contraband and requires a medical assessment within a certain time period while a person is placed on dry cell watch.
- Directs DOC to issue an annual report on the effectiveness of the body scanners in detecting contraband.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Kelsey-anne Fung (786-7479)

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

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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 also specifies conditions of confinement for an individual 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 considerations.

There is also 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 two hours on the second day, every three hours on the third day, and every four hours on the fourth and subsequent days.

Summary of Bill: Subject to the availability of funds appropriated for this specific purpose, DOC must purchase and install a state of-the-art full body scanner at each correctional facility by July 1, 2024, capable of detecting contraband under clothing and within body cavities. DOC must provide appropriate custody and nursing staff levels for each scanner, and adequate staffing for subsequent searches if a body scan indicates the presence of contraband. An individual with a body scan indicating the presence of contraband may be placed on a dry cell watch, which is placement in a secure room or cell for the safe recovery of internally concealed contraband. A medical assessment by a

medical staff employee is required every eight hours while the person is placed on dry cell watch.

DOC 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. DOC must seek to minimize inmate exposure to harmful radiation and use recognized best practices when conducting body scans.

Beginning November 1, 2022, DOC must issue an annual report to the Governor and Legislature with data on the effectiveness of the body scanners in detecting contraband, the number of false positives in the past year, the number and length of time individuals have been placed on dry cell watch, and officer and inmate assaults occurring before and after implementation of each body scanner.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

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.

Staff Summary of Public Testimony: PRO: The body scanner has been very successful in detecting contraband at WCCW, but this program allows us to preserve human dignity. Without scanners, following family visits or returning from work, inmates are subject to strip searches and body cavity searches and that turns a positive experience from a family visit into a traumatic one. Body scanners eliminate or reduce the need for strip searches dramatically. By getting contraband out of the system, body scanners provide for a better, safer environment for people to be rehabilitated and keeps correctional officers safer too.

CON: This bill removes the original intent of the body scanner pilot at WCCW, which was to create a gender responsive, trauma-informed alternative to strip searches that is sensitive to human dignity and safety. Before the pilot is expanded to other facilities, there should be data that informs why or how contraband is entering prisons, especially during a pandemic, and how funding for dry cell watch has been used or working well. Without data to support expansion, purchasing and installing a scanner at each prison is not prudent. Commitment to professional development and a dynamic security model instead will go a long way to reducing contraband.

OTHER: The stressors that DOC staff are facing are real and DOC is sensitive to things that put additional stress on staff. The 2019 pilot at WCCW was found to be effective in discovering contraband with less stress to staff and inmates. With the body scanner, DOC discovered contraband at a rate from two items a month to ten items a month. Use of the

body scanner at WCCW was used to scan inmates after visits and off-site trips such as work crew. The use of the body scanner was reported by the incarcerated to be preferred over strip searches. There are concerns that the technology has not yet been tested in a male prison setting or another women's facility. It also requires a lot of staff to move and bring inmates to where the body scanner is located in the facility. There will be significant costs for staff, the body scanners, and capital costs.

Persons Testifying: PRO: Senator Keith Wagoner, Prime Sponsor.

CON: Laurie Dawson, Member of the WCCW Family Council.

OTHER: Melena Thompson, Department of Corrections; Brenda Wiest, Teamsters 117.

Persons Signed In To Testify But Not Testifying: No one.