

2SSB 5907 - S AMD 305

By Senator Kohl-Welles

OUT OF ORDER 04/09/2011

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

19 (2) The statewide security advisory committee shall make  
20 recommendations to the secretary regarding methods to provide  
21 consistent application of the policies and procedures regarding  
22 security issues in total confinement correctional facilities.

23 (3) The statewide security advisory committee shall include a  
24 balance of institutional staff including, but not limited to, custody  
25 staff. At a minimum, the statewide security advisory committee shall  
26 include:

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

28 (b) A nonsupervisory classified employee and/or sergeant from each

1 local advisory committee of a major facility and one nonsupervisory  
2 classified employee and/or sergeant representative from a minimum  
3 facility;

4 (c) A senior-ranking security custody staff member from each major  
5 correctional facility and a senior-ranking custody staff member from a  
6 minimum correctional facility;

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

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

10 (4) The statewide security advisory committee shall develop  
11 guidelines to establish local security advisory committees for each  
12 total confinement correctional facility within the department. The  
13 chair of each local security advisory committee shall be the captain at  
14 a major facility and the lieutenant at a minimum security facility.  
15 The local security advisory committee should consist of a wide range of  
16 nonsupervisory classified employees and/or sergeants from the facility,  
17 such as medical staff, class counselors, program staff, and mental  
18 health staff.

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

22 (a) Recommendations raised by both the statewide and local security  
23 advisory committees;

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

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

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

32 (6) The department shall report back to the governor and the  
33 appropriate committees of the legislature by November 1, 2011, on  
34 issues related to safety within community corrections. The department  
35 shall engage employees from all levels of the community corrections  
36 division in preparing the report.

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

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

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

- 15        (a) Security routines;
- 16        (b) Physical plant layout;
- 17        (c) Offender movement and program area coverage; and
- 18        (d) Situational awareness and de-escalation techniques.

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

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

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

25        (2) The department shall hire a consultant to study the feasibility  
26 of implementing a statewide system for staff safety, utilizing body  
27 alarms and proximity cards for staff within the department's total  
28 confinement correctional facilities and report findings and  
29 recommendations to the governor and appropriate committees of the  
30 legislature by November 1, 2011. At a minimum, the report shall  
31 include:

- 32        (a) Recommendations for the use of body alarms by security level;
- 33        (b) Recommendations for specific positions that should require the  
34 use of body alarms;
- 35        (c) The information technological and infrastructure requirements  
36 needed for body alarms and proximity cards;

1 (d) The training requirements for body alarms;

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

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

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

8 NEW SECTION. **Sec. 6.** (1) The department shall hire a consultant  
9 to study the deployment of video monitoring cameras within the  
10 department to make recommendations regarding statewide standards for  
11 the positioning and use of video monitoring cameras in total  
12 confinement correctional facilities and report findings and  
13 recommendations to the governor and appropriate committees of the  
14 legislature by November 1, 2011. At a minimum, the report shall  
15 include:

16 (a) Recommendations for the use of video monitoring cameras by  
17 security level;

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

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

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

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

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

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

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

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

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

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

11 (5) The department shall report its plan, including costs, to the  
12 governor and appropriate committees of the legislature by November 1,  
13 2011.

14 **Sec. 8.** RCW 41.80.020 and 2010 c 283 s 16 are each amended to read  
15 as follows:

16 (1) Except as otherwise provided in this chapter, the matters  
17 subject to bargaining include wages, hours, and other terms and  
18 conditions of employment, and the negotiation of any question arising  
19 under a collective bargaining agreement.

20 (2) The employer is not required to bargain over matters pertaining  
21 to:

22 (a) Health care benefits or other employee insurance benefits,  
23 except as required in subsection (3) of this section;

24 (b) Any retirement system or retirement benefit; or

25 (c) Rules of the director of personnel or the Washington personnel  
26 resources board adopted under section 203, chapter 354, Laws of 2002.

27 (3) Matters subject to bargaining include the number of names to be  
28 certified for vacancies, promotional preferences, and the dollar amount  
29 expended on behalf of each employee for health care benefits. However,  
30 except as provided otherwise in this subsection for institutions of  
31 higher education, negotiations regarding the number of names to be  
32 certified for vacancies, promotional preferences, and the dollar amount  
33 expended on behalf of each employee for health care benefits shall be  
34 conducted between the employer and one coalition of all the exclusive  
35 bargaining representatives subject to this chapter. The exclusive  
36 bargaining representatives for employees that are subject to chapter  
37 47.64 RCW shall bargain the dollar amount expended on behalf of each

1 employee for health care benefits with the employer as part of the  
2 coalition under this subsection. Any such provision agreed to by the  
3 employer and the coalition shall be included in all master collective  
4 bargaining agreements negotiated by the parties. For institutions of  
5 higher education, promotional preferences and the number of names to be  
6 certified for vacancies shall be bargained under the provisions of RCW  
7 41.80.010(4).

8 (4) Beginning with collective bargaining for the 2013-2015  
9 biennium, for employees of the department of corrections, matters  
10 subject to bargaining also include issues of employee safety as  
11 relating to equipment and training.

12 (5) The employer and the exclusive bargaining representative shall  
13 not agree to any proposal that would prevent the implementation of  
14 approved affirmative action plans or that would be inconsistent with  
15 the comparable worth agreement that provided the basis for the salary  
16 changes implemented beginning with the 1983-1985 biennium to achieve  
17 comparable worth.

18 ~~((+5))~~ (6) The employer and the exclusive bargaining  
19 representative shall not bargain over matters pertaining to management  
20 rights established in RCW 41.80.040.

21 ~~((+6))~~ (7) Except as otherwise provided in this chapter, if a  
22 conflict exists between an executive order, administrative rule, or  
23 agency policy relating to wages, hours, and terms and conditions of  
24 employment and a collective bargaining agreement negotiated under this  
25 chapter, the collective bargaining agreement shall prevail. A  
26 provision of a collective bargaining agreement that conflicts with the  
27 terms of a statute is invalid and unenforceable.

28 ~~((+7))~~ (8) This section does not prohibit bargaining that affects  
29 contracts authorized by RCW 41.06.142.

30 NEW SECTION. Sec. 9. Sections 2 through 7 of this act are each  
31 added to chapter 72.09 RCW."

OUT OF ORDER 04/09/2011

1        On page 1, line 3 of the title, after "safety;" strike the  
2 remainder of the title and insert "amending RCW 41.80.020; adding new  
3 sections to chapter 72.09 RCW; and creating a new section."

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