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**SECOND SUBSTITUTE SENATE BILL 6064**

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

**By** Senate Ways & Means (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, and creates health concerns related to drug use and potential overdose caused by internally concealed contraband. 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. The legislature intends for body scanners to be used as an alternative to strip searches.

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 and the Washington corrections center for women's receiving and intake unit 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. Two department employees trained to operate the body scanner and review images produced by the scanner must confirm the suspected presence of contraband before a dry cell watch is approved.

(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 must be concluded within seventy-two hours. Where a body scanner is available and used to detect contraband, another body scan must be completed to determine if any contraband is still detected before ending the dry cell watch. If the scan still shows the presence of contraband, the superintendent or designee with the rank of captain or above may extend the dry cell for an additional twenty-four hours. Third and subsequent twenty-four hour extensions where the presence of contraband is still detected requires the approval of a deputy director or director of prisons. Each extension request must include a medical assessment to determine if continued placement on a dry cell poses any health risks that preclude continuation of the dry cell watch. 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. When considering alternatives to current conditions of dry cell watch, the department shall consider whether the alternative placement will increase the likelihood of the individual experiencing a possible life-threatening health emergency. Conditions of confinement and the location of an alternative placement must mitigate the potential for reingestion or delivery of the contraband to other incarcerated individuals.

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

(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 dry cell watches where contraband was not discovered 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. The report must also include the: (a) Number of strip searches conducted at each facility before and after installation of a body scanner; (b) types of contraband intercepted and seized; and (c) breakdown of methods and body parts used to attempt the introduction of contraband into the facility.

(6) For the purposes of this section:

(a) "Contraband" as defined in RCW 9A.76.010.

(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 ---**