

SENATE BILL REPORT

SB 5499

As of February 4, 2025

Title: An act relating to codifying the body scanner program at the department of corrections.

Brief Description: Codifying the body scanner program at the department of corrections.

Sponsors: Senators Christian, Dhingra, Hasegawa, Wagoner and Wilson, C..

Brief History:

Committee Activity: Human Services: 2/04/25.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Codifies the Body Scanner Program at the Department of Corrections.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Kelsey-anne Fung (786-7479)

Background: Body Scanner Pilot Program. The Legislature provided funding in 2018 for the Department of Corrections (DOC) to install a body scanner at the Washington Corrections Center for Women (WCCW) as a pilot project to reduce strip searches. DOC reported success in detecting contraband in body cavities, reducing the use of strip searches, reducing the amount of time for staff to complete the searches, and benefits to both staff and incarcerated individuals from not having to undergo strip searches. DOC reported operational challenges with having only one body scanner that was permanently installed in one location and having to escort incarcerated individuals to and from the scanner location to conduct a scan.

Expansion of Pilot Program. The Legislature passed legislation in 2022 directing DOC to establish a comprehensive Body Scanner Program at WCCW and a male state correctional facility as part of an expanded pilot program to create drug-free prisons. Employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the

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secure perimeter of the correctional facility are required to be screened by the body scanner. Alternative search methods must be used for minors, individuals who may be pregnant, and individuals who may meet the maximum allowable monthly or annual radiation dosage limit set by the Department of Health (DOH).

DOC was required to provide appropriate radiation safety and operation training to staff administering the body scans and provide appropriate custody and nursing staff levels for the body scanners and staffing for subsequent searches and dry cell watches if the body scan indicates the presence of contraband. DOC was required to develop policies, in consultation and collaboration with DOH, on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure. DOC was required to track and maintain records on the frequency of body scans to comply with any maximum radiation dosage limits set by DOH. The pilot legislation also included provisions related to substance use disorder (SUD) assessment and treatment services.

The pilot program expired June 30, 2024. Based on the 2022 DOC report on body scanners, DOC purchased a body scanner to conduct scans of incarcerated individuals at the Washington Corrections Center (WCC), the pilot male correctional facility. To conduct scans at public access points for employees, contractors, and visitors at both WCCW and WCC, DOC purchased two body scanners.

Summary of Bill: Body Scanner Program. DOC must establish a comprehensive Body Scanner Program at WCCW and a male state correctional facility as part of a program to protect human dignity by reducing or eliminating strip searches and to create drug-free facilities. The body scanner for incarcerated individuals must be capable of detecting the presence of contraband contained under clothing and within body cavities, and must meet applicable federal and state radiation and safety standards.

Security Screening. DOC must develop gender responsive and trauma-informed policies for the Body Scanner Program to screen employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeter of the correctional facility. Alternative search methods must be used for minors, individuals are health compromised, individuals with disabilities, individuals who may be pregnant, and individuals who may meet the maximum allowable radiation dosage limit specified by DOH. An employee, contractor, visitor, or volunteer with a body scan indicating the presence of contraband must be disciplined in accordance with DOC policies.

Staffing. DOC must provide appropriate radiation safety and operation training to staff administering the body scans, appropriate custody and nursing staff levels for the body scanners, and adequate staffing for subsequent searches and dry cell watches if the body scan indicates the presence of contraband. DOC must develop policies, in accordance with DOH rules, on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure while safely and effectively using the body scanners. DOC must develop a method to track and maintain records on the

frequency of body scans to comply with any maximum allowable radiation dosage limits that may be set by DOH.

Substance Use Disorder Assessment and Treatment. Incarcerated individuals with a body scan indicating the presence of substance-related contraband must undergo, if appropriate, a comprehensive assessment for SUD and receive relevant SUD treatment services, including medication-assisted treatment. DOC must prioritize treatment services for individuals with cognitive, behavioral, and physiological symptoms indicating the person is experiencing a SUD. DOC must distinguish between a person who has symptoms of a SUD, and a person who transports substances for other individuals who does not have symptoms indicating a SUD.

Reporting. By December 1st each year, DOC must report to the Governor and the Legislature on:

- the number and types of individuals, including visitors, employees, contractors, and volunteers, with positive body scans in the prior year and the disciplinary action taken;
- the types of contraband detected by the body scanner;
- the number of confiscated substances in the prior five years;
- the number of incarcerated individuals with positive scans for substance-related contraband in the prior year who were assessed for SUD and received SUD treatment services while incarcerated; and
- the number and length of time incarcerated individuals with positive body scans were placed on dry cell watch in the prior year.

Other. DOC must adopt rules and policies and leverage existing funding and equipment to implement the requirements of the bill.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.