

SENATE BILL REPORT

SB 5499

As Reported by Senate Committee On:
Human Services, February 12, 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, 2/12/25 [DP-WM].

Brief Summary of Bill

- Codifies the Body Scanner Program at the Department of Corrections.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Christian, Ranking Member; Orwall and Warnick.

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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 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.

Staff Summary of Public Testimony: PRO: The state has already made investments in body scanners and it is the hope to continue and expand them to be used in all the prisons. Body scanners provide tools to keep incarcerated individuals and staff in correctional

facilities safe. There are some concerns about DOH's involvement but the machines should be usable for the life of them and the standards should change as the machines age out.

DOC began using the body scanner in 2019 to search incarcerated individuals at WCCW as a gender responsive and trauma informed alternative to strip searches. A majority of women in prison have a history of trauma and high rates of adverse childhood experiences. Strip searches are necessary to prevent introduction of dangerous contraband into facilities, which can trigger traumatic memories and post traumatic stress disorder. The body scanner has been successful in significantly reducing strip searches upon arrival after visits and offsite trips, allowing human dignity to be preserved, trauma to be prevented, and working conditions for staff to be improved.

Contraband management is a core correctional practice and part of basic security in any correctional system. Dangerous contraband, whether it is weapons, tools to aid escape, or illegal drugs, disrupt normal operations and cause significant health and safety concerns requiring constant attention. One of the most important contraband management practices is the search of individuals which serves to detect contraband and deter introduction and movement of contraband. Body scanners are safe and certified by DOH, effective, and the least intrusive trauma-reducing practice that requires no removal of clothing or physical contact. The other nine facilities do not have body scanners.

This is a meaningful step toward a corrections system that values respect and an investment to create an environment that protects human dignity and fosters positive change. Data should be included in the annual report on all drug related contraband in entry points, whether they be receiving mail, public access, or visitation. Transparency in this area will inform future decisions and ensure continued improvements. Attention to dry cell use must also be addressed in the effort to implement alternatives that uphold human dignity and eliminate the use of dry cell.

Strip searches were used after family visits and many incarcerated individuals had to prepare for visits in order to not ensure the psychological toll of the strip searches. Family connections are vital to rehabilitation. The body scanners allowed the incarcerated to visit loved ones without having to strip. It restored dignity to an already vulnerable population. It is vital that DOC forces focus on rehabilitation and eliminates any practice that mirrors sexual abuse. The scanner isn't just technology but a step towards community.

There is concern about use of dry cell watch alongside body scanners and the humiliating way that the practices are being carried out. Strip searches are very traumatizing for people with sexual abuse history. There should be detailed reports so this policy can be informed based on data. One traumatizing practice should not be replaced with another.

CON: The Body Scanner Program has caused a great deal of harm by increasing the use of the inhumane practice called dry cell watch. This happens when officers misread the body scanner images and incorrectly conclude that someone has contraband when they do not.

Dry cell watch is a form of solitary confinement using extreme restraints. The individual is placed in a zipped and locked body suit with zip ties around the wrists and ankles. The individual is watched 24 hours a day in a small solitary confinement cell where the lights remain on day and night. Individuals are handcuffed while using the bathroom and the inability to properly wipe and limits on showering expose females to infections. This is especially traumatizing to survivors of sexual assault and domestic violence. Individuals with a history of addiction related constipation are also at high risk of constipation being incorrectly interpreted on the body scanner image as having ingested contraband.

Persons Testifying: PRO: Senator Leonard Christian, Prime Sponsor; Laurie Dawson, 12062 Seabeck Hwy NW; Karen Lofgren ; Charles Anderson, Department of Corrections; Melissa Andrewjeski, Department of Corrections; Elizabeth Hendren, Sexual Violence Law Center.

CON: Malena Pinkham, Columbia Legal Services.

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