

HOUSE BILL REPORT

HB 2036

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to implementing the policy recommendations resulting from the national institute of corrections review of prison safety.

Brief Description: Implementing the policy recommendations resulting from the national institute of corrections review of prison safety.

Sponsors: Representatives Pearson, Hurst, McCune, Warnick, Haler, Angel, Kelley, Kristiansen, Chandler, Schmick, Alexander and Johnson; by request of Governor Gregoire.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 3/30/11 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Corrections (DOC) to establish a Statewide Security Advisory Committee to provide a comprehensive review of the DOC's security policies and procedures within its prisons.
- Requires a Statewide Security Advisory Committee to develop guidelines for establishing a Local Security Advisory Committee for each DOC prison.
- Requires the DOC to establish a Multidisciplinary Team at each prison to evaluate offenders' placement in job assignments and custody promotions.
- Requires the DOC to develop a training curriculum relating to staff safety issues in prisons.
- Requires the DOC to consider and study the feasibility of implementing a statewide system for utilizing body alarms and proximity cards for prison staff, deploying the use of video monitoring cameras in prisons, and using oleoresin capsicum aerosol products (pepper spray) as a security measure for prison staff.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

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

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

Staff: Yvonne Walker (786-7841).

Background:

The Department of Corrections (DOC) submitted a request for the National Institute of Corrections to conduct an independent review of the Monroe Correctional Complex/ Washington State Reformatory's policies and procedures relative to the death of a correctional officer (Correctional Officer Jayme Biendl) that occurred on January 29, 2011. The report was completed in March 2011 and identifies systems, policies, practices, protocols, and technology within the correctional facility that relates to the safety and security for staff and others within that facility.

A correctional officer is generally a person charged with the responsibility of the supervision, safety, and security of inmates in a prison, jail, or other form of a secure custody.

Body Alarms and Proximity Cards.

A body alarm is a personal alarm that may generally clip to one's waistband, belt, or can be carried inside a pocket or purse. When activated, the alarm sets off a loud sound to summon emergency assistance.

A proximity card includes a built-in reader element. When one of these cards is placed within several inches of a proximity reader, identifying information is read from the card and sent to a controller which will grant or deny access to the area or will provide the last known location of a person.

Pepper Spray.

Pepper spray, also known as OC spray ("Oleoresin Capsicum"), OC gas, and capsicum spray, is a lachrymatory agent (a chemical compound that irritates the eyes to cause tears, pain, and even temporary blindness) that is used in riot control, crowd control, and personal self-defense.

Summary of Substitute Bill:

Statewide Security Advisory Committee.

The DOC must establish a Statewide Security Advisory Committee (Statewide Security or Committee) to review the DOC's security policies and procedures within its prisons. The Committee must include a balance of institutional staff, including, but not limited to, custody staff. At a minimum, the Committee must include:

- the director of prisons;
- a nonsupervisory classified employee or sergeant from each local advisory committee of a major facility and one nonsupervisory classified employee or sergeant representative from a minimum facility;
- a senior-ranking security custody staff member from each major correctional facility and a senior-ranking custody staff member from a minimum correctional facility;
- a senior-ranking community corrections officer; and
- a delegate from the union that represents department employees located at correctional facilities.

The Committee must: (1) develop guidelines for establishing a Local Security Advisory Committee for each DOC prison; and (2) make recommendations to the Secretary of the DOC regarding the ways to provide a consistent application of the security policies and procedures in the prison facilities.

The Committee must annually report to the appropriate committees of the Legislature and the Governor beginning November 1, 2011, with: (1) the issues raised by the Statewide Security or Local Security Advisory Committees; (2) any actions taken by the DOC as a result of recommendations by the committees; and (3) any recommendations for additional resources or legislation needed to address security concerns in the prisons.

Local Security Advisory Committee.

Each Local Security Advisory Committee must consist of a wide range of nonsupervisory classified employees or sergeants from the facility, such as medical staff, class counselors, program staff, and mental health staff. The captain at each major facility and the lieutenant at each minimum security facility must be the chair of its Local Security Advisory Committee.

Multidisciplinary Teams.

The DOC must establish a Multidisciplinary Team at each prison that consists of nonsupervisory classified employees and sergeants from the facility, such as medical staff, class counselors, program staff, and mental health staff. Each team must evaluate offenders' placements in job assignments and custody promotions. Suitable placements for offenders will be based on each offender's risk level, behavior, or other factors considered by the team.

Staff Training Curriculum.

The DOC must develop a training curriculum relating to staff safety issues at prisons. The training must address security routines, physical plant layouts, offender movement and program area coverage, and situational awareness and de-escalation techniques. The DOC must seek the input of both the Statewide Security and Local Security Advisory Committees in developing the curriculum. The new training must be delivered to applicable correctional staff at in-service training by July 1, 2012.

Body Alarms and Proximity Cards.

The DOC may, within available resources, pilot the use of body alarms and proximity cards. The DOC must hire a consultant to study the feasibility of implementing a statewide system for staff safety using body alarms and proximity cards for prison staff. At a minimum, the report must include: (1) recommendations for the use of body alarms by security level; (2) recommendations for specific positions that should require the use of body alarms; (3) the technological and infrastructure requirements needed for body alarms and proximity cards; (4) the training requirements for body alarms; (5) lessons learned from any pilot project the DOC may implement; and (6) the estimated cost for the alarms, proximity cards, and needed supporting infrastructure, staffing, and training requirements.

The consultant must seek the input of both the Statewide Security and Local Security Advisory Committees in preparing its report. The consultant must report his or her findings to the appropriate committees of the Legislature and the Governor by November 1, 2011.

Video Monitoring Cameras.

The DOC must hire a consultant to study and make recommendations regarding the deployment of video monitoring cameras. In addition to studying the positioning and use of video monitoring cameras in prisons, the report must include recommendations regarding:

- the use of video monitoring cameras by security level;
- specific locations within a prison facility which would benefit from the use of video monitoring cameras;
- the information technological and infrastructure requirements needed for effective use of video monitoring cameras;
- how video monitoring cameras would best be deployed in current prison facilities;
- about how video monitoring cameras should be incorporated into future prison construction to insure consistency in camera use systemwide; and
- the estimated cost of the video monitoring cameras, supporting infrastructure needed, and staffing required by the prison facility.

The consultant must seek the input of both the Statewide Security and Local Security Advisory Committees in preparing its report. The report consisting of the Committee's findings and recommendations must be submitted to the appropriate committees of the Legislature and the Governor by November 1, 2011.

Pepper Spray.

The DOC must develop a plan, in consultation with both the Statewide Security and Local Security Advisory Committees, for the use of pepper spray (also known as Oleoresin Capsicum) as a security measure available to prison staff. The DOC may initiate a pilot project, within available resources, to expand the deployment of Oleoresin Capsicum aerosol products within prisons. The plan must include any findings from the pilot project, recommendations regarding limitations for the use of pepper spray, any necessary training, estimated costs, and an implementation schedule.

The DOC must report its recommendations, including costs, to the Legislature and the Governor by November 1, 2011.

Substitute Bill Compared to Original Bill:

The amendment requires that the Committee include the following members: (1) a nonsupervisory classified employee and/or sergeant from a major and a minimum facility; (2) a senior-ranking custody staff member from a major and minimum correctional facility; (3) a delegate from the union that represents department employees located at correctional facilities; and (4) a community corrections officer. The Statewide Security must provide annual reports (instead of one report) to the Governor and the appropriate committees of the Legislature on the DOC's security policies and procedures.

The membership of the Local Security Advisory Committees is clarified to consist of nonsupervisory classified employees and/or sergeants from the facility.

The membership of the Multidisciplinary Teams is clarified and expanded to include representation from nonsupervisory classified employees and facility sergeants, such as medical staff, class counselors, program staff, and mental health staff. The reference to correctional industry staff being on the Multidisciplinary Teams is eliminated.

The DOC and the hired consultants must include input from both the Statewide Security and the Local Security Advisory Committees as new security measures and training curriculums are being considered. All new training must be provided to correctional staff at in-service training by July 1, 2012.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Following the murder of a corrections officer, the Governor and the DOC requested that the National Institute of Corrections review the safety policies and procedures at the Monroe facility. Their report included 15 recommendations. This bill is not the only item that the DOC will be using to respond to the tragic murder of Jayme Biendl; however, it will create immediate action to enhance the safety at the facilities. It ensures that front-line staff is included in the process and that everyone is working together to ensure that safety issues are taken seriously.

This bill is essential to how the DOC will implement the entire action plan in general by creating security advisory teams. It changes the DOC's classification system by adding a mental health professional and a security staff person to the table when making important decisions about an offender. The training curriculum for correction officers is enhanced, and it authorizes a consultant to work with the committees regarding the options of deploying body alarms and proximity cards in the institutions. The bill provides provisions for

developing standards for installing more cameras in the institutions as well as how and where the cameras should be installed. Lastly, the bill has provisions for developing policies for the use of pepper spray in the prisons.

The committees created in the bill will mainly be responsible for discussing safety and security within the prisons so the amendment that adds a community corrections officer to the security committee may be outside the scope of the bill.

(Neutral) The National Institute of Corrections reviewed Monroe Correctional facility's policies, procedures, protocols, and practice to see if there was some factor that related to the incident that occurred on January 29. Their report provided 15 recommendations which included reviewing such items as looking at the balance of security versus programs, training enhancements, programming for inmates, staffing, and staff accountability in terms of complacency. In the end, it was found that the Monroe Reformatory is a well-run facility. Staff complacency seems to be one item that is common among all correctional jurisdictions in general. The goal of the audit is to help enhance security and safety in all the DOC's institutions across the state.

(With concerns) One of the concerns that correctional employees have is in regards to how closed in they are within the prison confines of dangerous criminals. Correction officers are basically voluntarily spending their lives in prison. However, one concern of the officers is that they want to make sure that front-line staff have a real voice and are not just part of an advisory committee. They want an enforcement mechanism to ensure that their voices are heard and implemented in the state. They want to make sure that anything that relates to officer safety is part of a process that is meaningful and has some enforcement mechanisms. This bill does not allow for correctional officers to bring safety issues to the bargaining table to ensure that their safety is paramount.

Also, the giving of state funds to a consultant is another concern. Two years ago the State of Washington paid \$500,000 to a consultant to study whether or not all the facilities in the state were needed. None of those recommendations was ever implemented. Money that is being used to hire a consultant should be used for implementing safety procedures and improving equipment now.

Another concern in the bill is that it does not include community corrections officers. The DOC has two components to it which includes the prison side and the community corrections side of the agency. The common link to both sides is the incarcerated offenders that will eventually be released to community corrections. In the past there was a community corrections officer that was attacked with a bomb. In another incident, an offender shot at a community corrections officer. The scope of the bill should not affect a need to look at the entire system. Community corrections officers are also concerned about their safety. The amendment being offered in committee will give the community corrections officers a seat at the table.

(Opposed) None.

Persons Testifying: (In support) Representative Pearson, prime sponsor; John Lane, Office of the Governor; and Eldon Vail, Department of Corrections.

(Neutral) Joan Palmodeer, National Institute of Corrections.

(With concerns) Anna Jancewicz, Teamsters 117; and Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.