

SENATE BILL REPORT

SB 5256

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, February 19, 2015

Title: An act relating to requiring reasonable suspicion before allowing strip searches of juveniles in juvenile detention facilities.

Brief Description: Requiring reasonable suspicion before allowing strip searches of juveniles in juvenile detention facilities.

Sponsors: Senators Darneille, Rolfes and Chase.

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 1/26/15, 2/19/15 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

Staff: Lindsay Erickson (786-7465)

Background: Under current law, no person in custody at a holding, detention, or local correctional facility may be strip searched without a warrant unless:

- there is a reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other thing concealed on the body of the person to be searched, that constitutes a threat to the security of a holding, detention, or local correctional facility;
- there is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security; or
- there is a reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.

A reasonable suspicion is deemed present in such circumstances when the person to be searched has been arrested for:

- a violent offense as defined in RCW 9.94A.030 or any successor statute;

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- an offense involving escape, burglary, or the use of a deadly weapon; or
- an offense involving possession of a drug or controlled substance under chapter 69.41, 69.50, or 69.52 RCW or any successor statute.

Summary of Bill (Recommended Substitute): In order to strip search a juvenile who is in custody at a holding, detention, or local correctional facility, reasonable suspicion requires an individualized determination. Reasonable efforts must be made to use other less-intrusive means of conducting a search.

The correctional facility conducting the search may consider a juvenile's past behavior with the facility when it determines whether or not to authorize a strip search.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, MENTAL HEALTH & HOUSING COMMITTEE (Recommended Substitute): The reasonable suspicion requirements for juveniles provided in the underlying bill also applies to juveniles incarcerated by order of a court for noncriminal offenses.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: An individualized assessment should be used when determining whether or not to conduct a strip search of a juvenile. This process needs to be standardized because strip searches are occurring unnecessarily. Youth who have committed status offenses should not be subject to strip searches. The juvenile justice system is rehabilitative, so the intrusion of a strip search, especially for low-level crimes, would not meet the current law.

OTHER: The safety of the youth in juvenile detention facilities is of primary importance. Strip searches are one way to ensure that when a youth enters the facility, the youth is not carrying anything dangerous into the facility. Cross-gender strip searches or pat-down searches are not conducted in the King County facility. This bill would require the facility to use all alternative methods first, before conducting a strip search and this would result in additional staff time and resources. Some of those searches may not detect contraband or weapons in the same way strip searches can.

Persons Testifying on Original Bill: PRO: Senator Darneille, Prime Sponsor.

OTHER: April Putney, King County; Mike West, King County Dept. of Adult & Juvenile Detention.