
SUBSTITUTE SENATE BILL 6064

State of Washington

66th Legislature

2020 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Wagoner, Dhingra, and Sheldon)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to full body scanners and dry cell watches at
2 state correctional institutions; adding a new section to chapter
3 72.09 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the department
6 of corrections is responsible for enhancing public safety through the
7 operation of safe and secure facilities, ensuring the health and
8 safety of incarcerated individuals, and maintaining environments that
9 reinforce safe and humane correctional practices. Safer operations
10 are generated through continuous performance of sound correctional
11 policies, practices, and procedures. Contraband is a risk to
12 correctional officer and inmate safety. In order to preserve,
13 protect, and maintain public safety and the security of correctional
14 facilities, the department of corrections shall attempt to eliminate
15 the introduction of contraband through the installation of state-of-
16 the-art full body scanning devices similar to the pilot program at
17 the Washington corrections center for women.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09
19 RCW to read as follows:

1 (1) Subject to the availability of amounts appropriated for this
2 specific purpose, the department must purchase and install a state-
3 of-the-art full body scanner at the Monroe correctional complex by
4 July 1, 2021. The scanner must be capable of detecting the presence
5 of contraband contained under clothing and within body cavities.

6 (2)(a) The department shall provide appropriate custody and
7 nursing staff levels for any body scanners installed at a state
8 correctional facility. Each department staff must complete
9 appropriate radiation safety and body scanner operation training
10 prior to operating the scanner or reviewing a body scan image for the
11 presence of contraband. A department employee who operates the
12 scanner may not be the same department employee who interprets the
13 scan for the presence of contraband.

14 (b) Staffing must be adequate to provide for subsequent searches
15 and dry cell watches if a body scan indicates the presence of
16 contraband. If a body scan indicates the presence of contraband, the
17 individual may be placed on a dry cell watch for the purpose of safe
18 recovery of internally concealed contraband. An individual's
19 placement to a dry cell may not exceed seventy-two hours from the
20 time of the body scan. A medical staff employee must conduct a
21 medical assessment of the individual at least once every eight hours
22 during the time period that the individual is placed on dry cell
23 watch.

24 (3)(a) By July 1, 2021, the department shall develop and
25 implement an alternative to continuing to place the individual on dry
26 cell watch at each state correctional institution with an installed
27 body scanner.

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

30 (c) The department shall use the alternative developed under this
31 subsection when an individual has been placed on dry cell watch for
32 seventy-two hours and the department has reason to believe the inmate
33 continues to possess internally concealed contraband.

34 (4) The department must seek to minimize inmate exposure to
35 harmful radiation and use recognized best practices when conducting
36 full body scans in a state correctional facility.

37 (5) By November 1, 2021, each year, and in compliance with RCW
38 43.01.036, the department shall issue a report to the governor and
39 legislature on the effectiveness of the body scanners in detecting
40 contraband in state correctional facilities. The report must include

1 data on the number of false positives that occurred in the past year,
2 the number and length of time individuals have been placed on dry
3 cell watch, the alternative developed by the department under this
4 section, and officer and inmate assaults that occurred before and
5 after the implementation of each body scanner.

6 (6) For the purposes of this section:

7 (a) "Contraband" means any item that is capable of being used to
8 endanger the safety or security of a correctional facility or any
9 individual. This includes a substantial probability that the item may
10 be used in a manner that may cause death, cause serious injury, be
11 used to facilitate an escape, or cause other major threats.
12 "Contraband" includes, but is not limited to, knives, tools, cell
13 phones, razor blades, unauthorized drugs or narcotics, chemicals,
14 lighters, guns or gun parts, and explosives.

15 (b) "Dry cell watch" means the placement of an inmate in a secure
16 room or cell for the safe recovery of internally concealed contraband
17 to ensure the facility's security and the inmate's health and safety.

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