

HOUSE BILL REPORT

2SSB 6187

As Reported by House Committee On:
Community Safety, Justice, & Reentry

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

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

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Hasegawa, Torres, Trudeau, Valdez and Wilson, C.).

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 2/19/24, 2/20/24 [DP].

Brief Summary of Second Substitute Bill

- Makes permanent the Body Scanner Pilot Program at the Department of Corrections.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Lena Langer (786-7192).

Background:

Contraband.

"Contraband" refers to any article or thing which a person confined in a correctional facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court. Introducing contraband into a correctional facility is a criminal offense. The degree or

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classification of the offense depends on the type of contraband.

Searches.

The Department of Corrections (DOC) conducts multiple searches of correctional facilities including types and levels varying in frequency and persons designated to ensure: (1) safety and security systems are intact and operational; (2) the verification of health and welfare of all persons; and (3) prevention and determent of the introduction and movement of contraband. This includes, for example, metal detector searches, pat searches, or canine searches of incarcerated persons, visitors, and employees. In addition, strip searches of incarcerated persons are required in certain circumstances.

Dry cell watch is the placement of an incarcerated person in a secure room or cell for the safe recovery of internally concealed contraband.

Body Scanner Pilot Program.

In the 2017-19 Supplemental Operating Budget, the state appropriated funding for the DOC to install a body scanner at the Washington Corrections Center for Women (WCCW) as a pilot program to reduce strip searches. In 2022 the Legislature required the DOC to establish a comprehensive body scanner program at the WCCW and at a state correctional facility serving male incarcerated persons as part of an expanded pilot program to create drug-free state correctional facilities.

Under the pilot program, the DOC must:

- use a body scanner that is capable of detecting the presence of contraband contained under clothing and within body cavities and meets applicable federal and state radiation and safety standards;
- develop policies and procedures to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated persons, and other persons entering the secure perimeter of the correctional facility;
- provide appropriate custody and nursing staff levels for body scanners, including adequate staffing for subsequent searches and dry cell watches occurring when a body scan indicates the presence of contraband;
- prioritize substance use disorder treatment services for incarcerated persons with cognitive, behavioral, and physiological symptoms indicating the incarcerated person is experiencing a substance use disorder;
- discipline, in accordance with DOC policies, any employee, contractor, visitor, or volunteer with a body scan indicating the presence of contraband;
- provide appropriate radiation safety and body scanner operation training to all staff who will administer body scans;
- develop policies, in consultation and collaboration with the Department of Health (DOH), on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure;
- develop a method to track and maintain records on the frequency of body scans conducted on any person in order to comply with any maximum allowable monthly

- and annual radiation dosage limits; and
- adopt any rules and policies necessary to implement the pilot program.

Alternative search methods must be used for persons who are minors, persons who are health compromised, persons with disabilities, persons who may be pregnant, and persons who may meet the maximum allowable monthly or annual radiation dosage limit specified by the DOH.

An incarcerated person with a body scan indicating the presence of substance-related contraband must undergo, if appropriate, a comprehensive substance use disorder assessment and receive relevant substance use disorder treatment services, including medication-assisted treatment.

By December 1 of each year, the DOC must submit a report to the Governor and the Legislature on data related to the body scanners. The Body Scanner Pilot Program expires on June 30, 2024.

Summary of Bill:

The June 30, 2024, expiration date for the Body Scanner Pilot Program is removed. Language referring to the program as an expanded pilot is removed. The purpose of the program is expanded to include protecting human dignity by reducing or eliminating strip searches. The DOC is required to develop gender-responsive and trauma-informed policies and procedures necessary for the program.

Language is added specifying that the "scanner for incarcerated individuals", rather than the "scanner", 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.

Alternative search methods must be used for persons who are likely to, rather than may, meet the maximum allowable monthly or annual radiation dosage limit specified by the DOH.

The DOC must develop policies, in accordance with DOH rules for the use of body scanners, on scanner use and screening procedures, including frequency and radiation exposure limits, to minimize harmful radiation exposure while safely and effectively utilizing the body scanners to create drug-free correctional facilities.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The bill removes the expiration date of a program that has proved its purpose of preventing contraband from entering into correctional facilities and preserving the dignity of individuals by decreasing strip searches. Some work has been done on the bill to allow the DOC to continue to use the equipment they have already invested in, and make sure that the staff has the correct training. The integration of body scanners and other alternatives to strip searches offer enhanced security measures while upholding human dignity. One of the greatest risks to safe and secure correctional facilities is the introduction of contraband to the facility. Contraband management is a core security practice, including the search of individuals. The DOC first began using the body scanner at WCCW in March of 2019. The program was expanded in 2022 to include a male correctional facility, as well as to include contractors, visitors, and volunteers coming into the facility. The experience the DOC had with using the body scanners during the pilot program shows that this is an effective tool as part of the broader contraband management program.

(Opposed) None.

Persons Testifying: Senator Rebecca Saldaña, prime sponsor; Laurie Dawson; and Tomas Fithian, Washington State Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.