

# SENATE BILL REPORT

## 2SSB 6187

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As Passed Senate, February 12, 2024

**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:** Human Services: 1/23/24, 1/25/24 [DPS-WM, w/oRec].

Ways & Means: 2/01/24, 2/05/24 [DP2S, w/oRec].

**Floor Activity:** Passed Senate: 2/12/24, 48-0.

### Brief Summary of Second Substitute Bill

- Removes the expiration date of June 30, 2024, for the body scanner pilot program at the Department of Corrections.
- Removes language making the program a pilot.
- Expands the purpose of the body scanner program to include protecting human dignity by reducing or eliminating strip searches.

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## SENATE COMMITTEE ON HUMAN SERVICES

**Majority Report:** That Substitute Senate Bill No. 6187 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Frame, Nguyen, Warnick and Wilson, J..

**Minority Report:** That it be referred without recommendation.

Signed by Senator Boehnke, Ranking Member.

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*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.*

**Staff:** Kelsey-anne Fung (786-7479)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 6187 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Rivers, Assistant Ranking Member, Capital; Boehnke and Braun.

**Staff:** Sarian Scott (786-7729)

**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. With the body scanner, 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.

The body scanner was installed at the visiting area at WCCW. 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 receive a scan.

Expansion of Pilot Program. The Legislature passed legislation in 2021 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 is 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 must 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 while safely and

effectively utilizing the body scanners to create drug-free correctional facilities. DOC must develop a method to track and maintain records on the frequency of body scans to comply with any maximum allowable monthly and annual radiation dosage limits that may be set by DOH.

Incarcerated individuals with a body scan indicating the presence of substance-related contraband must undergo, if appropriate, a comprehensive assessment for substance use disorder and receive relevant substance use disorder treatment services, including medication-assisted treatment. DOC must prioritize treatment services for individuals with symptoms indicating the person is experiencing a substance use disorder.

By December 1st of each year, DOC is required to submit a report to the Governor and Legislature on data related to the body scanners. The pilot program expires 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 Second Substitute Bill:** The June 30, 2024, expiration date for the program is removed. Language that made the program a pilot is removed.

In addition to creating drug-free state correctional facilities, the purpose of the body scanner program is to protect human dignity by reducing or eliminating strip searches.

DOC must develop gender responsive and trauma-informed policies and procedures necessary to establish the body scanner program.

The 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.

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.

**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 on Original Bill (Human Services):** *The committee recommended a different version of the bill than what was heard.* OTHER: The intent of the body scanner is to preserve and protect human dignity. Strip searches are dehumanizing and violate human dignity. Strip searches should be eliminated at the prisons. Language should be added to make this clear in the bill that the program should protect human dignity and create drug-free prisons. Language should be added to make the body scanner policies gender responsive and trauma-informed. The program should be expanded to Mission Creek Corrections Center for Women and a scanner should be added to the receiving room at WCCW. A review of the use of dry cell watches is also needed.

While the body scanners are a great way to reduce drugs coming into facilities and support the goal, when there are new policies instituted, there must be appropriate training, staffing, and infrastructure to carry out these policies. Dry cell watches require a lot more staffing.

**Persons Testifying (Human Services):**

OTHER: Laurie Dawson; Brenda Wiest, Teamsters Local 117.

**Persons Signed In To Testify But Not Testifying (Human Services):** No one.

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: Body scanners provide an effective alternative to body cavity searches and protects the individual's dignity. The bill also requires DOC to produce an annual report, which will be important to evaluate needs.

**Persons Testifying (Ways & Means):** PRO: Senator Rebecca Saldaña, Prime Sponsor; Laurie Dawson.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.