
SECOND SUBSTITUTE SENATE BILL 6064

State of Washington

66th Legislature

2020 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wagoner, Dhingra, and Sheldon)

READ FIRST TIME 02/11/20.

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, and creates health concerns
13 related to drug use and potential overdose caused by internally
14 concealed contraband. In order to preserve, protect, and maintain
15 public safety and the security of correctional facilities, the
16 department of corrections shall attempt to eliminate the introduction
17 of contraband through the installation of state-of-the-art full body
18 scanning devices similar to the pilot program at the Washington
19 corrections center for women. The legislature intends for body
20 scanners to be used as an alternative to strip searches.

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

3 (1) Subject to the availability of amounts appropriated for this
4 specific purpose, the department must purchase and install a state-
5 of-the-art full body scanner at the Monroe correctional complex and
6 the Washington corrections center for women's receiving and intake
7 unit by July 1, 2021. The scanner must be capable of detecting the
8 presence of contraband contained under clothing and within body
9 cavities.

10 (2)(a) The department shall provide appropriate custody and
11 nursing staff levels for any body scanners installed at a state
12 correctional facility. Each department staff must complete
13 appropriate radiation safety and body scanner operation training
14 prior to operating the scanner or reviewing a body scan image for the
15 presence of contraband. Two department employees trained to operate
16 the body scanner and review images produced by the scanner must
17 confirm the suspected presence of contraband before a dry cell watch
18 is approved.

19 (b) Staffing must be adequate to provide for subsequent searches
20 and dry cell watches if a body scan indicates the presence of
21 contraband. If a body scan indicates the presence of contraband, the
22 individual may be placed on a dry cell watch for the purpose of safe
23 recovery of internally concealed contraband. An individual's
24 placement to a dry cell must be concluded within seventy-two hours.
25 Where a body scanner is available and used to detect contraband,
26 another body scan must be completed to determine if any contraband is
27 still detected before ending the dry cell watch. If the scan still
28 shows the presence of contraband, the superintendent or designee with
29 the rank of captain or above may extend the dry cell for an
30 additional twenty-four hours. Third and subsequent twenty-four hour
31 extensions where the presence of contraband is still detected
32 requires the approval of a deputy director or director of prisons.
33 Each extension request must include a medical assessment to determine
34 if continued placement on a dry cell poses any health risks that
35 preclude continuation of the dry cell watch. A medical staff employee
36 must conduct a medical assessment of the individual at least once
37 every eight hours during the time period that the individual is
38 placed on dry cell watch.

39 (3)(a) By July 1, 2021, the department shall develop and
40 implement an alternative to continuing to place the individual on dry

1 cell watch at each state correctional institution with an installed
2 body scanner. When considering alternatives to current conditions of
3 dry cell watch, the department shall consider whether the alternative
4 placement will increase the likelihood of the individual experiencing
5 a possible life-threatening health emergency. Conditions of
6 confinement and the location of an alternative placement must
7 mitigate the potential for reingestion or delivery of the contraband
8 to other incarcerated individuals.

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

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

14 (5) By November 1, 2021, each year, and in compliance with RCW
15 43.01.036, the department shall issue a report to the governor and
16 legislature on the effectiveness of the body scanners in detecting
17 contraband in state correctional facilities. The report must include
18 data on the number of dry cell watches where contraband was not
19 discovered in the past year, the number and length of time
20 individuals have been placed on dry cell watch, the alternative
21 developed by the department under this section, and officer and
22 inmate assaults that occurred before and after the implementation of
23 each body scanner. The report must also include the: (a) Number of
24 strip searches conducted at each facility before and after
25 installation of a body scanner; (b) types of contraband intercepted
26 and seized; and (c) breakdown of methods and body parts used to
27 attempt the introduction of contraband into the facility.

28 (6) For the purposes of this section:

29 (a) "Contraband" as defined in RCW 9A.76.010.

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

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