



# Body Scanner Pilot: An Alternative to Strip Searches of Incarcerated Individuals

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## 2019 Report to the Legislature

*As required by Engrossed Substitute Senate Bill 6032, Section 220(2)(i), 2018*

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This Department of Corrections report to the Legislature was directed by ESSB 6032 [2018] and contains information on the pilot of a body scanner as an alternative to strip searches at the Washington Corrections Center for Women.

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# Body Scanner Pilot

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## **Foreword**

*“\$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to install a body scanner at the Washington corrections center for women as a pilot project to reduce strip searches. The department must collect data on its change in practices, the benefits or issues with utilizing body scanners in the prison, and provide a report to the legislature and the appropriate fiscal committees of the legislature by October 15, 2019.”*

Engrossed Substitute Senate Bill 6032, Section 220(2)(i), [2018]

## Executive Summary

### Background

The Department of Corrections (DOC) is a public safety organization charged with the custody and care of individuals sentenced to confinement in a state correctional facility. The DOC is responsible for enhancing public safety through the operation of safe and secure facilities, ensuring the health and safety of incarcerated individuals, and maintaining environments that reinforce safe and humane correctional practices. Safer operations are generated through continuous performance of sound correctional policies, practices, and procedures.

One of the greatest risks to operating safe and secure facilities is the introduction and movement of contraband. Dangerous contraband is an operational safety and security challenge requiring constant attention, whether it be weapons designed to cause bodily harm, tools used to aid escape attempts, or illegal drugs that disrupt normal operations and cause health and safety concerns. Contraband management is a core correctional practice and is considered a basic security routine in any correctional system. Searches of individuals are one of the most important contraband management practices, serving to both detect contraband and deter the introduction and movement of contraband.

### Report Overview

The DOC began using the body scanner to search incarcerated individuals at the Washington Corrections Center for Women (WCCW) on March 27, 2019. In this report to the Legislature, DOC is required to review the body scanner pilot at the WCCW and address whether the pilot provided information on the benefits or issues with utilizing this technology as a viable alternative to strip searches of incarcerated individuals.

In summary, the body scanner pilot was successful and the technology is instrumental in detecting and deterring contraband while significantly reducing the number of strip searches performed. However, the success of the pilot led to several unexpected costs as a result of a large number of positive scans indicating the presence of contraband.

## Individual Searches

The DOC conducts multiple types, levels, and varying frequency of facility and individual searches designed to ensure safety and security systems are intact and operational, verify the health and welfare of all individuals, and prevent/deter the introduction and movement of contraband. Individual searches can include a metal detector and/or pat search for incarcerated individuals, facility visitors and guests, and employees. For incarcerated individuals, in addition to routine pat searches, strip searches are conducted as required by DOC policy.

### Strip Search

Strip searches, (defined by RCW 10.79.070 as *“having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person”*), are conducted to detect and deter the introduction and movement of contraband. Although more intrusive than a pat search, strip searches allow for a greater visual certainty that the individual is not concealing contraband on their person or in/under their clothing. Strip searches are most often conducted when incarcerated individuals have had contact with the public, such as after visiting and community work crews, before transportation, and during placement in segregation or close observation areas. Strip searches are also conducted when incarcerated persons work in areas of the facility where access to items presenting an elevated or significant risk are maintained (e.g. tools, equipment, supplies, etc.).

Besides contraband detection, strip searches also serve to identify health and safety concerns that may otherwise go unnoticed. Viewing the unclothed body of an individual allows employees to discover signs of fighting/assault, new tattoos, security threat group (gang) involvement, self-harm behavior, or illegal drug use. Although no individual would be subject to a strip search for only this purpose (some other behavior or intelligence would be needed to support this type of search), strip searches certainly offer secondary health, security and safety benefits that support safer operations and environments.

Per DOC policy, strip searches must be conducted by two employees of the same gender as the individual being searched. Two employees are required so that a single employee is not in a position to engage in alleged misconduct and a secondary staff serves as a witness to support or refute allegations of alleged misconduct. In limited situations, a female employee may serve as the second employee when searching a male individual. If a female employee is present, they are not to directly observe the incarcerated individual being searched. In this case, the female employee only observes the male employee conducting the strip search. Similar to pat searches, no male employees may participate in a strip search of a female incarcerated individual except in extreme emergent situations.

Strip searches involve employees viewing the unclothed body of an individual and include a visual inspection of body cavities. Individuals are never physically touched during a strip search. As individuals remove an article of clothing, it is handed to an employee for examination. Once all clothing is searched and the visual strip search is completed, the individual is immediately instructed to dress. If contraband is found (or suspected) during a strip search, a supervisor is contacted for further instructions.

In areas such as visiting or transportation, multiple incarcerated individuals may be strip-searched at the same time by two or more employees, in which case privacy is created to the extent possible. Most often, strip searches are conducted in areas that are designed to create a level of privacy while not isolated to enhance safety for staff and incarcerated individuals.

In addition to ensuring an individual does not have contraband hidden on their body or in their clothing, strip searches also include a visual inspection of the genitals, buttocks, anus, mouth and ears. Inspecting these areas for signs of obvious contraband that may be hidden internally further reduces the risk associated with contraband introduction. Although contraband hidden internally may not be easily detected through visual inspection, employees are trained to look for signs of attempts to conceal hidden contraband, such as a guarded stance, hesitation to show private areas, body posturing, or lubrication. If employees suspect contraband may be present, a supervisor is notified based on reasonable suspicion.

## Body Scanners

Body scanning technology that is commercially available and currently in use by other entities includes *Backscatter X-ray*, *Millimeter Wave*, and *Transmission X-ray*. For correctional use, specific to conducting body scans of incarcerated individuals, Transmission X-ray technology was chosen as the preferred option for the pilot.

Transmission X-Ray technology uses general X-rays that pass through an individual's body and produce the familiar black and white images of the skeleton and body cavities. Transmission X-ray technology is the same standard X-ray equipment used in the medical and dental fields. In contrast to backscatter technology, transmission X-rays do not produce an image with anatomical features.

Transmission X-ray technology is best suited for correctional environments as it detects contraband in virtually all forms that may be concealed under an individual's clothing (to include shoes) as well as items that may be hidden in body cavities. In addition to people, this technology could also be used to scan packages, boxes, and other large items for contraband. This technology has been in use in the Cowlitz County Jail since September 2017 and since that time, several other jails are now using the same technology.

## Cost of Technology

The cost to purchase the body scanner for use at WCCW was approximately \$135,000. An additional \$25,000 was needed to renovate the installation location as well as ensure compliance with Washington State Department of Health regulations for x-ray equipment installation and use. Although additional physical plant renovations were identified but not able to be completed within the fiscal year, these changes would have improved the scanning procedures and processes (i.e., easier movement to and from scanner location) and were not necessary to install and operate the body scanner.

## Change in Practices

Prior to using the body scanner, incarcerated individuals at WCCW were subject to strip searches per DOC policy. The most frequent use of strip searches was following visiting as contact with the public is one of the most common ways to attempt to introduce contraband as well as individuals returning from work in the community. In order to both reduce the frequency of strip searches, as well as target areas with a higher rate of attempted contraband introductions, the visiting area was the location chosen to install and pilot the use of the body scanner at WCCW.

Once the scanner was installed, operational, and employees were trained in using the equipment and reading the results, WCCW stopped conducting strip searches of incarcerated individuals following visiting and used only the body scanner. Once operational practices and processes were fully established, WCCW expanded the

use of the body scanner and stopped strip searching individuals returning from community work crews, upon reception/intake, and prior to transportation.

Today, the only time a strip search is performed is based on a positive/suspicious body scan, individuals being placed into restricted housing (i.e., maximum security, segregation) or a mental health unit (to ensure for the individual’s safety), or in an emergent situation where time and circumstances do not allow an individual to be transported to the scanner location in a safe and secure manner.

The table below lists the average number of strip searches conducted monthly in 2018 compared to the average number of strip searches conducted monthly since the implementation of the body scanner. In addition, the amount of time (in employee hours) to complete the searches (based on average of 5 minutes each) is provided for reference. While the employee time for strip searches decreased, there were increases in other areas that will be discussed later in the report.

**Table 1. Average Monthly Strip Searches**

| Year                        | Average Monthly Searches | Average Employee Time |
|-----------------------------|--------------------------|-----------------------|
| 2018                        | 1989                     | 166 hours             |
| 2019<br>(April 1 – Sept 30) | 152                      | 13 hours              |

## Benefits of Using the Body Scanner

The greatest benefit realized since WCCW began piloting the use of the body scanner is a much more effective, thorough search is now performed because strip searches generally do not detect contraband concealed in body cavities unless it is protruding or the individual is using body posturing or other mechanisms to limit physical inspection of body openings. In addition, WCCW now has the ability to discover concealed contraband without the need for incarcerated individuals to undress in front of employees.

The table below lists the total number of body scans conducted since March 27 through September 30, 2019. In addition, the reason for the scan is provided. It should be noted, without the body scanner, these would have been mandatory strip searches.

**Table 2. Total Body Scans by Reason**

| Reason for Scan            | Number of Scans |
|----------------------------|-----------------|
| After Visiting             | 4351            |
| Work Crew                  | 1477            |
| Special Event              | 805             |
| Reception/Intake           | 485             |
| Dry Cell Placement         | 174             |
| Suspicion                  | 114             |
| After Ext. Family Visiting | 43              |
| After Funeral Trip         | 1               |
| <b>Total</b>               | <b>7450</b>     |

Although DOC anticipated an increase in the discovery of contraband after implementing the body scanner, the sheer amount of positive scans and type and quantity of contraband that has been discovered, retrieved,

and disposed of is significant. In 2018, the number of contraband discoveries averaged two (2) per month. In 2019, this number increased significantly to an average of ten (10) per month, or an increase of 500%. Further, DOC assumed as individuals incarcerated at WCCW learned of the use of the scanner, a reduction in attempted introduction of contraband would be realized. In fact, the number of positive scans and attempts to introduce contraband increased slightly over the first five months of implementation, but has been declining since August.

The table below lists the number of positive body scans (indicates the presence of concealed contraband) by month since implementation of the body scanner.

**Table 3. Number of Positive Body Scans by Month**

| Month (2019) | Positive Scans |
|--------------|----------------|
| March 27-31  | 3              |
| April        | 9              |
| May          | 12             |
| June         | 30             |
| July         | 34             |
| August       | 26             |
| September    | 15             |
| <b>Total</b> | <b>129</b>     |

The importance of the scanner and the contraband discoveries cannot be understated. Had the incarcerated individuals' not been subject to the body scanner (only strip-searched), it is assumed large amounts of narcotics/drugs discovered only through the body scanner would have otherwise been introduced into the facility. By discovering and preventing dangerous contraband from entering the facility, not only has the safety and security of the facility been enhanced, DOC believes lives have been saved. Contraband in the form of dangerous narcotics has been identified as the cause of death of several incarcerated individuals by overdose.

The table below represents the types (and in some cases the amount) of both dangerous contraband (narcotics and possible weapons) and nuisance/unauthorized contraband. It should be noted, in several instances, although the body scanner revealed the presence of contraband, it was not able to be retrieved for various reasons.

**Table 4. Type/Amount of Contraband Discovered**

| Contraband          | Amount        |
|---------------------|---------------|
| Suboxone Strips     | 98            |
| Hair Ties           | 58            |
| Carbamazepine Pills | 57            |
| Body Jewelry        | 35            |
| Hydrochloride Pills | 32            |
| Methamphetamine     | 17.45 (grams) |
| Nuisance Contraband | 17            |
| Heroin              | 14.02 (grams) |

|                             |              |
|-----------------------------|--------------|
| Wellbutrin Pills            | 14           |
| Ear Plugs                   | 12           |
| Contaminated/Unable to Test | 11           |
| Instant Coffee              | 8            |
| Antipsychotic Medication    | 7            |
| Xanax Pills                 | 4            |
| Morphine Pills              | 4            |
| Gabapentin Pills            | 3            |
| Cymbalta Pills              | 3            |
| Lighter                     | 3            |
| Antibiotic Pills            | 3            |
| Shampoo bottle              | 2            |
| Ink Pens                    | 2            |
| Suboxone - Crushed          | 1.94 (grams) |
| Chewing Tobacco             | 1            |
| Finger Nail Clippers        | 1            |
| Razor                       | 1            |

Another advantage is the time to complete a search has been reduced from an average of 5 minutes to just seconds per individual. Multiple incarcerated individuals can be scanned in the time it used to take to complete one complete strip search. The time saved by using the scanner in lieu of strip searches allows custody employees to focus their attention on other critical safety and security aspects of prison operations.

Finally, WCCW employees have benefited from not having to perform multiple strip searches, frequently viewing naked individuals, and handling used clothing. Incarcerated individuals have benefited from not having to remove their clothes and allow visual inspection of their most private areas in front of employees.

## Issues Experienced Using the Body Scanner

Although there are several advantages, the pilot revealed several issues worth noting.

In 2017, the Legislature asked if body scanners could reduce the frequency of strip searches in a correctional setting. While the answer to this question is yes based on the pilot at WCCW, body scanners cannot replace the requirement to conduct strip searches in limited circumstances. Although WCCW was able to significantly reduce the average number of monthly strip searches overall, there were still 152 instances where strip searches were required. In addition, individuals known to be pregnant would not be subject to a body scan and would continue to require a strip search.

The pilot revealed that body scan technology is not a guaranteed method for detecting contraband. In the vast majority of scans, employees could reasonably determine that the individual was attempting to conceal contraband. However, depending on the scan, the size of the object, location of concealed contraband, or employee subjectivity, some individuals scanned required additional screening such as a strip search,

placement on a dry cell watch, urinalysis, and/or medical assessment to confirm contraband was or was not present.

Another disadvantage noted in the pilot was the fact the body scanner equipment is permanently installed in one location. Incarcerated individuals must be escorted to and from the location of the scanner to receive a scan. This created operational challenges in WCCW's movement schedules, keep separate concerns, additional staffing to conduct escorts, and the potential for loss or destruction of contraband during movement.

The biggest challenge the pilot presented was how to deal with a large number of incarcerated individuals whom had contraband confirmed or suspected following a body scan. If the individual did not voluntarily retrieve the contraband, DOC Policy 420.311 Dry Cell Search/Watch requires the individual be placed on dry cell watch status for up to 84 hours or three bowel movements with 24-hour extensions granted and documented as needed.

**Table 5. Dry Cell Watch Placements**

| <b>Month (2019)</b> | <b>Dry Cell Watch Placements</b> |
|---------------------|----------------------------------|
| March               | 1                                |
| April               | 9                                |
| May                 | 11                               |
| June                | 15                               |
| July                | 17                               |
| August              | 22                               |
| September           | 12                               |
| <b>Total</b>        | <b>87</b>                        |

A dry cell watch involves placing the incarcerated individual in a special 'dry' cell (no standard toilet or no accessible toilet) to ensure that when the individual needs to use the toilet, the contents can be captured for examination for contraband by employees. During a dry cell watch, the individual is continuously observed by an employee who must be the same gender as the individual on watch and searches and escorts must be conducted by two employees. Upon initial placement on dry cell watch status, the individual receives a medical assessment by health care employees. In addition, health care employees conduct hourly medical checks on the individual until the dry cell watch is concluded.

Because of differences between male and female anatomy, a typical dry cell watch for a male individual is within the policy stated 84 hours (the time it generally takes to produce three bowel movements and typically recover contraband through biological processes). During the pilot at WCCW, primarily due to females being able to conceal contraband in the vaginal area, the policy driven 84 hours or three bowel movements did not facilitate the body's biological contraband recovery processes.

Although the average number of days an individual spent on dry cell watch status was four days (84 hours), on multiple occasions up to five individuals were on dry watch status at the same time for multiple days. In addition to the high number of individuals on watch status, several individuals required numerous time extensions up to 7 days. On the high end, one individual spent 11 days on watch and another spent 19 days on watch. These two extremes were due to continued positive scans and the individual's refusal to voluntarily retrieve the contraband despite continued positive body scans.

The pilot challenged the facility's operational ability to conduct multiple, long-term dry cell watches. The 87 incarcerated individuals placed on dry cell watches accounted for 1,390 hours of required extra posts and over 1,000 overtime hours. Although the benefits of having a body scanner to be able detect and possibly recover contraband before its introduced into the correctional facility far outweigh the issues of having to manage individuals in a special way until contraband can be recovered, the additional FTEs and associated costs required must be considered by the Legislature to continue body scanner operations at WCCW and in any expansion of the body scanner to other facilities. Additionally, expansion to other facilities may require one-time capital improvements, or other funding for other costs unique to each location.

### **Further Implementation (Expansion)**

The DOC supports the use of transmission X-ray body scanners as an alternative to strip searches in the majority of situations for incarcerated individuals. After piloting this technology at WCCW, DOC is able to ascertain this is a viable option to reduce (although not eliminate) strip searches of incarcerated individuals.

To purchase and install body scanners at every prison facility to search incarcerated individuals and reduce the need to conduct strip searches requires funding to purchase the body scanners, additional funding for installation costs that would vary by facility, and additional FTEs associated with the expected increase in dry cell watches following positive scans.

However, it should be noted if DOC was to use body scanners to screen employees, visitors, and guests before entering a prison, a transmission x-ray machine would not be the preferred option. For public access areas, millimeter wave technology (same as the TSA/Airport) machines would be the best option at a slightly higher cost per machine. In addition, to conduct screening at public access areas, several facilities would require additional FTEs to staff public access areas.