

Individual State Agency Fiscal Note

Bill Number: 5695 SB	Title: Concerning the body scanner pilot program at the department of corrections.	Agency: 310-Department of Corrections
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	29.9	15.0	26.9	0.0
Account					
General Fund-State 001-1	0	4,390,000	4,390,000	5,364,000	0
Total \$	0	4,390,000	4,390,000	5,364,000	0

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact . Factors impacting the precision of these estimates , and alternate ranges (if appropriate) , are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia , complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Senate Bill 5695, entitled relating to full body scanners pilot program at the Department of Corrections (DOC), addresses facility safety by targeting and reducing attempts by incoming incarcerated individuals, staff, visitors, and volunteers to smuggle/introduce contraband into institutions.

Section 3 requires that DOC “create drug-free state correctional facilities” (as defined in RCW 72.09.015). The proposed language directs DOC to install “state-of-the-art full body scanning devices”, as an alternative to strip searches, to assist in achieving this goal.

Section 3(1) states that DOC must purchase and install a state-of-the-art full body scanners at Washington Corrections Center for Women (WCCW) and a male correctional facility. All persons entering the perimeter of these facilities will be subjected to a body scanner screening.

Section 3(2) states staffing should be sufficient to address workload impacts caused by increased identification of contraband, thereby increasing the number of searches and monitoring required.

Section 3(2)(a) states if an incarcerated individual tests positive for a substance-related contraband they will receive a comprehensive assessment for substance use disorder and treatment, to include medication, if appropriate.

Section 3(2)(b) states if a DOC employee, contractor, visitor, or volunteer tests positive they shall be disciplined in accordance with department policies.

Section 3(4) requires DOC provide an annual report, by the first of December, on the effectiveness of the body scanners in detecting contraband. The data will include the number and type of individual with positive body scans, the disciplinary action taken, the type of contraband detected, the number of confiscated substances in the previous five years, and the number of inmates with positive scans for substance-related contraband who were assessed for substance use disorder and received treatment while incarcerated.

Section 3(6) states this section expires June 30, 2024. An implementation date is not stated in the bill.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

We assume this bill will have a fiscal impact to DOC greater than \$50,000 per Fiscal Year (FY).

This bill attempts to reduce the introduction of contraband by requiring a comprehensive body scanner program at WCCW and a male correctional facility. For the purposes of this fiscal note, DOC assumes the male facility would be our reception center for men, the Washington Corrections Center (WCC). In order for “each person entering the secure perimeter of a state correctional facility” be scanned WCCW will need an additional scanner for employees, visitors, and volunteers and WCC will need two scanners, one at intake for incarcerated individuals and one at the public entrance for employees, volunteers, and visitors. It is anticipated DOC will have the body scanners operational and staffed by January 1 st, 2023.

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. Millimeter Wave technology only scans a few millimeters below an individual's skin which does not detect items concealed internally or hidden in body cavities. Section 3 (1) requires the purchased body scanner to detect contraband hidden in body cavities, thus disqualifying the Millimeter Wave technology. The DOC plans to purchase Low Dose Transmission X-ray scanners which will allow 1,000 scans per person annually. It is unknown at this time how often a single employee enters and exits the secured perimeter, as employees will come into a facility at a minimum of five times per week for their assigned shift, breaks, attending training or meetings, and escorting incarcerated individuals off-site they could be scanned multiple times per day.

The cost to purchase the transmission x-ray body scanner is approximately \$170,000. The first five years of maintenance is included in the cost of the scanner. This warranty includes thorough preventative maintenance and includes all parts, time, travel, and labor. A drug recovery system is needed as a sanitary way to retrieve the contraband found by the body scanner at a cost of \$32,000. In order to comply with Section 3 (3), to "minimize inmate exposure to harmful radiation" as well as ensure compliance with Washington State Department of Health regulations an additional average cost of \$194,000 per location is needed to renovate the location of the body scanner before installation. A one-time cost of \$15,000 is needed for on-site training for staff by the vendor on scanner operation.

To provide "appropriate custody and nursing staff level for each body scanner," per Section 3(2) of the proposed legislation, approximately 44.7 FTEs are required. These staff include 33.7 Corrections and Custody Officer 2 FTEs (15.4 FTEs for dry cell and public access posts and 18.3 for overtime caused by employees body scan wait times), 1.0 Corrections Specialist 2 FTEs, and 10 Registered Nurse 2 FTEs. The FTEs incorporate a relief factor of 2.8 for each 24 /7 post. The relief factor includes coverage for regular days off, annual leave, sick leave, training, and holiday overtime. Staffing assumptions are based on the results of staffing need analysis generated by the body scanner pilot program at WCCW and adjusted by the impacted facility's population. A security specialist (Correctional Specialist 2 job class) is needed per facility to conduct the scans, reduce scanning errors, maintain current data collections, and maximize the safety and security within the body scanner/dry cell areas. An additional public access post is needed per facility to guide visitors through the body scanner.

In the case of contraband being found in an incarcerated individual's body cavity they are placed on dry cell watch. A dry cell watch requires 24/7, one-on-one custody supervision and an hourly check by nursing staff. A dry cell watch involves placing the incarcerated individual in a special 'dry' cell (no accessible toilet) to ensure that when the individual needs to use the toilet, the contents can be captured for examination for contraband by custody staff. During a dry cell watch, the individual is continuously observed by custody staff and searches and escorts must be conducted by two custody staff. 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. Per DOC policy 420.311 the dry cell medical checks require dialogue with the incarcerated individual, rapid physical assessment, taking vital signs, and documentation of every encounter, on the individual, hourly, until the dry cell watch is concluded. For the purposes of this fiscal note, dry cell watches are assumed not to exceed 72 hours.

Section 3(1) of the proposed legislation states all employees are required to be scanned. Per the Teamster Collective Bargaining Agreement employees are to be compensated to go through the scanner and subsequent wait time. In the case that a custody employee tests positive for contraband their posts will need to be covered by overtime FTEs. As DOC has never required employees to use the body scanner it is unknown how many positive cases will occur. The estimated amount may need to be tried-up. It is estimated that between the time it takes to go through the scanner per entrance to the facility and the staff needed to cover the shifts of those testing positive it will take 15 minutes per shift per staff.

The DOC assumes .25 hours of body scanner wait time per shift X 261 (working days a year) X 585 (current custody DOC employees at WCC and WCCW) = 38,171 hours

$38,171 \text{ hours} / 2,088 \text{ hours} = 18.3 \text{ FTEs}$

Annual reoccurring costs for Custody Officers to go through body scanner is 18.3 FTEs \$1,435,000 (assumed at CO2 overtime rate). This FTE total is included in the total CO2 cost listed above.

The DOC has not tested body scanners at a male facility or a camp. It is unknown the amount of contraband that will be found resulting in a dry cell watch. Additional costs for dry cells and staffing may need to be trued-up after implementation of the scanner at the facility.

Section 3(2)(a) states if an incarcerated individual tests positive for a substance-related contraband they will receive a comprehensive assessment for substance use disorder (SUD) and treatment. Based on the number of positive scans for drugs at WCCW from 2019-2021 it is anticipated that two Program Specialist 4 s, at both WCCW and WCC for a total of four, will be need to assist in the increased comprehensive assessments and treatment. It is unknown how many incarcerated individuals will test positive for drug contraband and will choose to take substance use disorder treatment and medication therefore these costs are indeterminate. The cost for treatment services annually, per 60 individuals, is \$245,638 for Inpatient/Therapeutic Community (TC), \$144,674 for Intensive Day Treatment (IDT), and \$80,970 for Intensive Out-Patient (IOP). It is assumed of those that have a positive scan for drug contraband 10% would need IOP, 30% would need IDT, and the remainder would need TC. Dependent on the increased number of individuals in SUD treatment additional programming space, in the form of a portable, may be needed at WCC at a one-time cost of \$791,000. The average individual prescription drug costs for Medical Assisted Treatment (MAT) / Medications for Opioid Use Disorder (MOUD) is \$558. Current DOC procedure is to administer the medication three months prior to the incarcerated individual's release. The DOC assumes the intention of the bill is to provide MAT /MOUD to all incarcerated individuals who are assessed and diagnosed with an SUD for their entire prison sentence. As this is an increase to the current three-month practice additional funding would be required.

Section 3(2)(b) states if an employee has a positive body scan indicating contraband they shall be disciplined in accordance to DOC policies. As DOC has never required employees to use the body scanner it is unknown how many positive cases will occur. Currently there are approximately six employee contraband cases per year that are significant in nature requiring an investigation and disciplinary action. It is estimated that each occurrence consumes 180 hours of Human Resource Consultant 4 staff time which includes investigation, report writing, pre-disciplinary meeting, letter writing to include Assistant Attorney General's (AAG) review, final disciplinary letter with AAG review, and grievance processing including arbitration. As DOC has never required employees to use the body scanner it is unknown how many positive cases will occur. It estimated that 0.5 FTE will be needed at each facility, however, this estimated amount may need to be trued-up dependent on positive scans.

The requested report information listed in Section 3(4) is currently being tracked by DOC employees and creates no additional impact.

Scanner Cost Assumptions:

Transmission X-ray Body Scanners	$\$170,000 \times 3 = \$510,000$
Drug Recovery System	$\$32,000 \times 1 = \$32,000$
Scanner Training	$\$15,000 \times 2 = \$30,000$
Average Installation costs	$\$194,000 \times 3 = \$582,000$

We assume additional impacts will result and additional resources will be necessary. The DOC will "true up" our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

The DOC requests funding for the indirect costs of agency administration, for the purpose of implementing this legislation. The approved agency indirect rate and associated cost of administration are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	4,390,000	4,390,000	5,364,000	0
Total \$			0	4,390,000	4,390,000	5,364,000	0

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		29.9	15.0	26.9	
A-Salaries and Wages		2,117,000	2,117,000	3,835,000	
B-Employee Benefits		706,000	706,000	1,063,000	
C-Professional Service Contracts					
E-Goods and Other Services		681,000	681,000	70,000	
G-Travel		11,000	11,000	18,000	
J-Capital Outlays		651,000	651,000	8,000	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		224,000	224,000	370,000	
9-					
Total \$	0	4,390,000	4,390,000	5,364,000	0

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
CORRECTIONS & CUSTODY OFFICER 2			17.0	8.5	16.9	
CORRECTIONS SPECIALIST 2			0.5	0.3	0.5	
HUMAN RESOURCE CONSULTANT 4			1.0	0.5	0.5	
Management Analyst 5			2.4	1.2	2.0	
PROGRAM SPECIALIST 4			4.0	2.0	2.0	
REGISTERED NURSE 2			5.0	2.5	5.0	
Total FTEs			29.9	15.0	26.9	0.0

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Administration & Support Svcs (100)		354,000	354,000	495,000	
Correctional Operations (200)		2,750,000	2,750,000	2,828,000	
Healthcare Services (500)		829,000	829,000	1,588,000	
Interagency Payments (600)		19,000	19,000	35,000	
Offender Change (700)		438,000	438,000	418,000	
Total \$		4,390,000	4,390,000	5,364,000	

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required