BODY SCANNERS

How do body scanners work and why are they important?

Body scanners are devices that can detect items on a person's body without the need for clothing removal or a physical search. The X-ray type image enables the operator to see any contraband that someone is hiding on or in his/her body. Importantly, these devices can detect both metal and non-metal objects. Thus, this technology is particularly useful in a correctional setting where there is a need to detect contraband that metal detectors cannot detect, including:

- Titanium (e.g. scalpels)
- Non-metal weapons (e.g. ceramic, plastic)
- Metal that is hidden from metal detectors (e.g. small amounts or pieces wrapped in electrical tape)
- Drugs

Since DOC stopped using body scanners in March 2014, monthly stabbings/slashings have more than doubled from an average of 5.3 to an average of 11.3 (as of April 2017).

Why is legislation needed to resume the use of body scanners?

In April of 2014, the State Commission on Correction issued a Commissioner's memorandum noting that the use of body scanning devices was in violation of state public health law. Article 3502 of the Public Health Law, provides that "ionizing radiation" may not be "applied to human beings" except by licensed medical personnel for a medical purpose. There is no waiver or exception provided in the law, so correction departments around the state are seeking a legislative change to allow the use of this technology in a correctional setting. A8002/S.5828 was introduced in June of 2015. S5337/A6838 was introduced in March 2017.

How much radiation is a person (an inmate in a jail setting) exposed to during a scan?

Each scan exposes the inmate to $0.25 \mu SV$.

- This is comparable to the external radiation dose during three minutes of flight on an aircraft.
- 400 scans through the system equals approximately one chest x-ray.

What are the health risks associated with this exposure?

A radiation safety professional (board-certified health physicist) with 25 years of experience with issues relating to radiation safety determined that:

- To be exposed to the lowest radiation dose ever shown to have any measurable short term medical
 impact, 25,000 millirem, a person would need to be scanned approximately two million times in a
 single day.
- To be exposed to the lowest radiation dose ever shown to have any measurable long term medical impact (i.e. a 0.5% increase in a person's odds of developing fatal cancer), a person would need to be scanned over 700,000 times over the course of a lifetime.

What controls will DOC put in place for scanner use in order to ensure inmate health and safety?

DOHMH/SDOH would set regulations for safe use. All usage would adhere to the national standards set by the American National Standards Institute (ANSI). DOC would limit use to 2 scans per day. A.6838/S5337 has specific provisions further limiting the use on 16 and 17 year olds and prohibits the use on pregnant inmates.

During the time that DOC used body scanners, exposure was well within these limits. According to DOC's use records, most inmates were scanned only once. Additionally, of the individual inmates scanned, approximately:

- 93.9% were scanned <1 time per month
- 6.0% were scanned **1-5 times** per month
- 0.1% were scanned **5 or more** per month



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Operator Training

Those permitted to operate the body scanning devices will be trained in proper use and radiation safety. A.6838/S5337 requires that personnel complete training courses as approved by DOHMH/SDOH and operators receive additional training annually.

Improved Electronic Tracking

Prior to March of 2014, DOC monitored the use of scanners to ensure safe operations by recording the identification number of each inmate being scanned into the scanner's computer. To further strengthen protocols, DOC will deploy new technology that will protect against human error in monitoring. DOC would implement the use of a Radio Frequency Identification Device (RFID) technology, so that inmates are automatically identified by scanning an electronic bar code that is embedded in an item, such as an inmate ID card or ID bracelet, and read by the body scanner or another reader. This new technology has not been fully deployed throughout the Department, but is currently being utilized in RNDC (the adolescent facility). Other jurisdictions, including Los Angeles, use this type of tracking in their departments.

- Each inmate will be provided a RFID bracelet/ID card with his/her unique inmate information embedded
- A specific RFID reader will be installed and positioned at entry to each scanning area or physically next to the device
 - o RFID reader will read inmate information, time of scan, and count of scan (both raw and within set time periods)
 - Scanner and RFID reader will automate any flags on overuse (raise flag/alert notification when inmate is about to be scanned but should not be)
- Reader will provide an automated, centrally reviewable list (modifying previous log-book entry procedure) of all inmates scanned, where scanned, and when scanned
 - o Reviews will be made by Bureau Chief of Security on a weekly schedule
- Scanners will be set to ensure they are inoperable beyond preset limits (see below for details about how thresholds will be set to protect against health risks)

What are the reporting requirements?

A.6838/S5337 requires that devices be registered with DOHMH/SDOH and records kept. Additionally, an annual report of use is required to be submitted to the department as well as the speaker of the Assembly, and the Temporary President of the Senate.

Are body scanners being used in other states or localities?

<u>New York State:</u> Both Livingston and Steuben Counties purchased body scanners prior to be notified that their use was prohibited by the NYS Public Health Law.



Nationally: Body scanners are used in at least one county in approximately 28 states and by the federal prison system. In 2016, AZ and NJ authorized the use of body scanners, bringing the total to 30 once their laws go into effect. Over the last few years, several states, including FL and OH, have adopted rules to allow for the use of body scanners in correctional settings. These laws and rules achieve the same goal as set forth in the NY bill.

European Union (EU)

The European Union previously used body scanners in their airports, but use was discontinued in response to political concerns. Their 2012 assessment confirmed that the health risk was negligible.

