

GENERAL DISTRIBUTION

WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION

NUMBER: 308.13

DATE: 01 August 2022

SUBJECT: FULL BODY SECURITY
SCANNING SYSTEM

POLICY DIRECTIVE

PURPOSE:

To maintain guidelines for the use and application of the Full Body Security Scanning System including requirements of the radiation safety program.

REFERENCE:

64CSR23 Title 64 Legislative Rule of the West Virginia Department of Health and Human Resources.

RESPONSIBILITY:

Superintendents shall be responsible for ensuring the requirements of this Policy Directive are included in applicable Post Orders.

CANCELLATION:

Any previous written instruction on the subject, including DCR Policy Directive 308.13, dated 30 September 2021.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR) that have custody of or supervise adult inmates. This Policy is available for general distribution.

DEFINITIONS:

Body Scan Logbook: A permanent logbook or ledger (with un-removeable, numbered pages) that includes chronological entries of inmate's name, OID#, date and time of scan, printed name of staff member conducting scan and results (e.g., positive or negative).

Dosimeter: An instrument for measuring the amount of radiation absorbed in each period.

Effective Dose: Sum of the tissue-weighted equivalent doses in all the tissues and organs of the body.

Inspection Zone: A well defended (demarcated by tape, paint, rope barrier, etc.) area around the personal security scanning system where only the individual being scanned is authorized during the operation of the device. The purpose of the zone is to control radiation exposure.

Operator: Any employee associated with the operation of the system whose responsibilities include at least one of the following; initiating or stopping a scan, verifying the system is operating correctly, providing information and instructions to the scanned individuals, and controlling access to the inspection zone. This does not include other employees, such as individuals who may be remotely viewing the image results but are not directly responsible for the other functions.

Personal Security Scanning System: A full body security scanning system designed for the detection of contraband and weapons concealed on or inside a person (hereinafter referred to as “scanning system” or “system”).

Radiation Safety Officer: An agency employee who has the knowledge and responsibility to apply appropriate radiation protection rules.

Scan: The operation necessary to produce one image (e.g., front view) from one radiation source. In some cases, several scans may be required of the subject.

POLICY:

- I. The Division of Corrections and Rehabilitation (DCR) utilizes full body security scanning systems to enhance and maintain safety and security of facilities and to control contraband. Systems are designed for the detection of contraband and weapons concealed on or inside a person.
 - A. Full body scanners will be utilized during intake for newly arrested inmates who are placed into the custody of the DCR; for inmates who leave and return to the facility and there is suspected contraband (e.g., court, work crews, outside medical appointments, etc.); and for periodic scans of inmates if contraband is suspected. No inmate shall be scanned daily.
 - B. All inmates in the custody of the DCR are subject to being scanned when reasonable suspicion exists that criminal activity would be revealed by the scan.
- II. The DCR Director of Safety will serve as the Radiation Safety Officer for the agency. The agency Radiation Safety Officer shall:
 - A. Obtain any licensures, certifications, or registrations required by outside regulatory agencies for agency scanning systems.

- B. Advise and assist each facility management and personnel in all matters regarding radiation safety.
- C. Formulate, implement, and supervise an active, documented program to keep ionizing radiation doses to levels that are As Low As Reasonably Achievable (ALARA), economic and social factors being considered.
- D. Review current and proposed uses of systems for compliance with applicable regulatory requirements and guidance.
- E. Ensure radiation safety considerations are incorporated into system operating procedures.
- F. Ensure radiation safety surveys are performed in areas around scanning systems upon installation, whenever the system is relocated or non-routine service involving the x-ray source or x-ray shielding is performed.
 - 1. These surveys will verify the effective dose per scan, radiation leakage, the adequacy of the inspection zone, and other parameters specified by the manufacturer.
 - 2. Records of surveys and copies of the physicist's current state radiological health registration will be maintained at the facility where the scanner is located and by the agency Radiation Safety Officer for the life of the system.
- G. Maintain an inventory of radiation producing devices. The WV Department of Health and Human Resources (WVDHHR) Bureau for Public Health must be notified in writing when any scanning system has been rendered inoperable, removed, or sold; along with documentation of the registered service company that performed the removal. Disposal of all hazardous materials, such as cooling, and lead shielding must be handled in accordance with guidelines.
- H. Maintain radiation safety records in accordance with applicable federal regulations and agency policies.
- I. Coordinate investigations and take positive corrective action in the event of any radiation safety related system defects, damage, malfunctions, or violations of radiation safety procedures.
- J. Ensuring the radiation safety program is reviewed at least annually. This review will ensure the program is adequate to ensure the safety of personnel and the program is being followed.
- K. Coordinate with the Bureau of Training and Staff Development (BTSD) regarding a training program covering scanner operation, maintenance, basic radiation protection, and safety procedures.

- III. The DCR Director of Safety, in coordination with the DCR Director of Security Services, will review and approve the location/relocation of scanning systems to ensure compliance with radiation safety criteria and manufacturer's recommendations/specifications.
- A. From a radiation safety standpoint, scanning systems must be installed in locations that are as far as reasonably possible from routinely occupied areas, subject to the operational requirements. Consideration must also be given to the direction of the x-ray beam relative to occupied areas, traffic flow, the number of scans per day, the effective dose per scan, and locations of existing walls or structures that can provide shielding.
 - B. During installation, the area for the Inspection Zone for the scanning system shall be determined, documented, and clearly delineated.
- IV. Facility Superintendents or designee will ensure the following:
- A. The scanning system is physically secured when not in use to prevent tampering or removal by unauthorized personnel.
 - B. The Notice to Employees (**Attachment #1**) provided by the Radiological Health Program, Office of Environmental Health Services is posted in staff areas.
 - C. Designation of an appropriately trained and qualified employee the authority to approve and manage the day-to-day operation of the scanning system. This shall include:
 - 1. The authority to designate operators and issue usernames and passwords.
 - 2. The authority to conduct quarterly performance audits of each operator's proficiency in radiation safety, equipment checks, image interpretation, and emergency procedures. Audits will be documented using the Full Body Scanner Proficiency Evaluation (**Attachment #2**) and maintained for two (2) years from date of audit.
 - D. Each operator receives appropriate training, demonstrates competence in the operation of the device, and demonstrates an understanding of the applicable rules and safety guidelines.
 - E. Radiation dosimeters are utilized as required.
 - F. Routine preventive maintenance is performed in accordance with the manufacturer's recommended maintenance schedule. Technical maintenance will be performed by a trained, qualified technician who is registered with WVDHHR as a vendor. Maintenance records will be maintained for the life of the system.
 - G. The scanning system is cleaned and inspected weekly to include the platform, console, detector column, and x-ray frame. The emergency switch (E-Stop) will be tested once

a week during a test scan. The Body Scanner Cleaning/Inspection Log (**Attachment #3**) will be maintained for documentation purposes.

- H. Ensure the Radiation Safety Officer is notified of any safety concerns regarding the scanning system.
- V. Each operator will be provided with training on the operation and use of the scanning system. At a minimum, this training will include pre-operational checks; operation of the system; subject positioning; interpretation of images; radiation safety training; procedures to follow if the system is damaged or malfunctions; and practical operational experience.
- A. Training will be provided by the manufacturer or vendor of the scanning system, or designated agency staff.
 - B. Training records will be maintained in accordance with the agency's policies and BTSD protocols.
 - C. Periodic updates will be received from the manufacturer as the scanning systems or relevant threats change.
- VI. Female operators, at their option, may use the Declaration of Pregnancy (**Attachment #4**) to officially declare their pregnancy and be issued a dosimetry badge for the unborn fetus/embryo to be worn in the torso/abdominal region of the body.
- A. A female employee is not required to declare pregnancy.
 - B. Under no circumstances will a pregnant employee be involuntarily required to operate the scanning system or alter/adjust her operation of the scanning system.
 - C. Upon completion of the top portion of the Declaration of Pregnancy (**Attachment #4**) by a female operator, the Chief of Security/Chief Correctional Officer or designee shall notify the agency Radiation Safety Officer.
 - D. The Radiation Safety Officer/designee will ensure the checklist is completed with the female operator and order the dosimetry badge for the unborn fetus/embryo.
 - E. The Chief of Security/Chief Correctional Officer/designee will notify the Radiation Safety Officer/designee in writing upon receipt of the dosimetry badge and its issuance to the female operator.
 - F. When the dosimetry badge is no longer needed, the Chief of Security/Chief Correctional Officer/designee shall ensure the Radiation Safety Officer/designee is notified in writing in order to have the service canceled.
- VII. At the beginning of each shift, the operator will perform a visual inspection of the scanning system checking for the following:

- A. The emergency buttons (E-Stop) on the x-ray unit and the console are released.
 - B. There are no obstacles around the platform.
 - C. The cables on the unit are not bent or broken.
 - D. In the event of damage to the system or a system malfunction, the system will be removed from service until appropriate maintenance or repairs can correct the problem.
- VIII. Each inmate subject to scanning will be provided the Scanner Information Sheet (**Attachment #5**) regarding the radiation emitted by the scanning process.
- A. Prior to scanning, each inmate will complete and sign the Pre-Scanning Questionnaire (**Attachment #6**). Based on the responses on the questionnaire, the following conditions will prohibit the inmate from being scanned. Inmates who cannot be scanned due to medical conditions will be subject to a pat search and/or unclothed body searches.
 - 1. Has a pacemaker.
 - 2. Utilizes a wheelchair and is unable to stand unassisted for eight (8) to ten (10) seconds.
 - 3. Undergone chemotherapy/radiation therapy within the past six (6) months immediately preceding. Facility medical staff will attempt to confirm this information. Inmates may still be scanned if approved by the treating physician.
 - 4. Is pregnant.
 - a. Female intakes will be given a pregnancy test before being scanned.
 - b. Female inmates who leave and return to the facility and have not been directly supervised during this time (e.g., furlough, work release, etc.) will be required to be given a pregnancy test every thirty (30) days.
 - B. Forms completed by inmates will be placed in their booking or legal file.
 - C. If the inmate develops any medical condition during this period of incarceration that would change the response to any of the questions, a new form will be completed.
- IX. Prior to scanning an inmate with the scanning system, he/she will be pat and/or unclothed body searched. He or she will be instructed to remove all jewelry, piercings, and items from his or her pockets. He or she will also be instructed to remove any jackets or extra clothing which will be thoroughly searched.

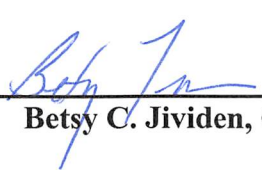
- A. The operator will be responsible for entering all required information into the scanning system to ensure the annual limit of scans is not exceeded and the Body Scan Logbook which includes the result of the scan (e.g., positive or negative).
- B. If suspected contraband is detected on a scan image, the operator will summon the Shift Commander to review the image and verify the suspected presence of contraband.
 - 1. If the contraband is external, the inmate will be immediately searched to recover the contraband.
 - 2. If the contraband is concealed internally (body cavity) the inmate will be asked to voluntarily remove the contraband.
 - 3. The recovered contraband will be placed into an evidence bag and secured pursuant to applicable evidence collection procedures along with proper notification to facility leadership and the DCR Corrections Emergency Operations Center (CEOC). Depending on the type of contraband recovered, the Superintendent or designee will determine if the West Virginia State Police will be notified.
 - 4. If the suspected contraband is recovered by the search or the inmate voluntarily removes it, the inmate will be scanned again to verify there is no longer any presence of contraband on or in the body.
- C. If the inmate is unwilling or unable to remove the suspected contraband, appropriate security measures including placing the inmate in a “dry cell” will be followed to isolate the inmate until the contraband is recovered and/or the body scan results are negative/clear.
 - 1. A “dry cell” is a secure cell/room with a toilet where an inmate may be housed when staff believes he/she has contraband concealed on his/her person.
 - 2. Before placing an inmate in the cell, water will be shut off and the inmate will be under direct supervision of staff at the door or monitored by closed-circuit television (CCTV).
 - 3. Once the inmate has a bowel movement, he/she will be removed from the cell and the contents searched by staff. If contraband is recovered, normal evidence collection procedures will take place along with proper notification to facility leadership and the CEOC. The inmate will be rescanned to ensure no additional contraband remains in the body.
 - 4. In the event of no contraband being found, he/she will be processed through the body scanner until a negative/clear scan is obtained while continuing to follow the above “dry cell” procedure. Daily screenings may occur until resolution.
- D. Inmates who are combative, belligerent or intoxicated will not be scanned until he or she cooperates. Appropriate security measures will be taken until such time.

- X. All images will be stored on the scanning system computer.
- A. The Superintendent will ensure the scans are randomly reviewed for quality control.
 - B. In order to retain both positive and negative scans for evidentiary purposes, all scans will be periodically deleted from the computer system and saved to an external hard drive for a period of five (5) years. This will be based on the number of images stored and the need for electronic space but no less frequently than annually.
 - C. Positive scan images will be printed and attached to the corresponding incident report in the Offender Information System (OIS). Only those staff designated by the Superintendent or designee may copy and print the scan image. The incident report will be completed by the operator and contain the scan number assigned by the scan operator, description, and location of the contraband on the body.
 - D. Scans will not be used for medical diagnosis or treatment.
 - E. The Superintendent will ensure a monthly Positive Scan Report (**Attachment #7**) is submitted to the DCR Director of Security Services.

ATTACHMENT(S):

- #1 Notice to Employees
- #2 Full Body Scanner Proficiency Evaluation
- #3 Body Scanner Cleaning/Inspection Log
- #4 Declaration of Pregnancy
- #5 Scanner Information Sheet
- #6 Pre-Scanning Questionnaire
- #7 Positive Scan Report

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner


Date



NOTICE TO EMPLOYEES

WHAT IS THE RADIOLOGICAL HEALTH PROGRAM?

The Radiological Health Program (RHP) is a regulatory agency in the Radiation, Toxics and Indoor Air Division, Office of Environmental Health Services, Bureau for Public Health, Department of Health and Human Resources, in the State of West Virginia. The RHP is responsible for registration and inspection of devices and sources that produce radiation.

WHAT IS THE PURPOSE OF THE RHP?

The WV Code of State Regulations, Title 64 Chapter 23 establishes the Radiological Health Rule which is a law designed to protect workers and the public from unnecessary exposure to ionizing radiation. The purpose of the RHP is to provide oversight and assistance for users of radiation producing devices and any source of radioactive material which is not produced as a byproduct of nuclear fission.

WHAT IS THE RESPONSIBILITY OF MY EMPLOYER?

A business or individual that is required to be registered for the use of a radiation producing device and/or a radioactive source in West Virginia must comply with all requirements set forth in the Radiological Health Rule (64-CSR-23). If a registrant is found to be in violation of the law, the registration can be modified, suspended or revoked. The user can face fines or penalties for violations which are not corrected. Your employer must inform you of State or federal regulations or the requirements which pertain to your work with radiation sources. The requirements for registration of a source of radiation are found in 64-CSR-23, Sections 5 and 11.

WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how the State regulations relate to your work and you should obey them. If you observe violations of the Radiological Health Rule or a safety concern, you should report them.

WHAT IF I CAUSE A VIOLATION?

If you deliberately engage in misconduct that may cause a violation of the WV Code of State Regulations, Radiological Health Rule, or deliberately provide inaccurate or incomplete information to either the RHP or your employer, you may be subject to enforcement action. If you report such a violation, the RHP will consider the circumstances surrounding your reporting in the determination of appropriate enforcement action, if any.

HOW MUCH RADIATION AM I ALLOWED TO GET?

If you work with a radiation producing device or a source of radioactive material, the amount of radiation exposure that you are permitted to receive may be regulated by the State RHP in sections 64-CSR-23.6.5, 23.6.10, 23.6.11, 23.6.12 or the U.S. NRC regulations in sections 10-CFR-20.1201, 20.1207 and 20.1208, depending on which regulations your employer is subject to. While these are the maximum allowable limits according to the law, your employer should keep your radiation exposure far below the limits "As Low As Reasonably Achievable" (ALARA).

MAY I GET A RECORD OF MY RADIATION EXPOSURE?

Yes. Your employer is required to advise you of your dose to radiation at least annually upon your request according to 64-CSR-23.6.5.1 and in the format described in 64-CSR-23.6.4.6 or 23.6.5.4.b and 23.13.4. In addition, you may request a written report of your radiation exposure when you leave your job.

CAN I BE FIRED FOR REPORTING SAFETY CONCERNS?

Federal and State law prohibits an employer from firing or otherwise discriminating against an employee for bringing safety concerns to their attention or to the regulatory agency because you ask the agency to enforce its rules, refuse to engage in activities that violate the rules, or provide information to your employer or the agency about violations.

MAY I TALK WITH AN INSPECTOR?

Yes. The RHP inspector will want to speak with you if you are worried about radiation safety or have concerns about activities regarding the use of radiation producing devices or radioactive material. Your employer may not prevent you from talking with an inspector. The agency will make every effort to protect your identity where appropriate and possible.

MAY I REQUEST AN INSPECTION?

Yes. If you believe that your employer is not in compliance with the WV Radiological Health Rule for the safe use of radiation producing devices or radioactive material, you may request an inspection. Your request should be addressed to the address below in writing and signed by you or your representative. Your employer may not discharge or discriminate against any worker because they file a complaint, report of a suspected violation, or agree to testify in proceedings afforded by the report or request for inspection.

HOW DO I REPORT SAFETY CONCERNS?

If you believe that violations of State or federal rules for safe use of radiation producing devices or radioactive material, you should report them immediately to your supervisor or the Radiation Safety Officer. If you choose to report directly to the RHP, you should clearly identify the allegation(s).

HOW DO I CONTACT THE RHP?

You can call an inspector or write to:
Radiological Health Program
Office of Environmental Health Services
350 Capitol Street, Room 313
Charleston, WV 25301-3713
Telephone: (304) 558-2981 or
Facsimile: (304) 558-1289 FAX
Internet: <http://www.wvdhhr.org/rtia>

(64-CSR-23.13.2) A copy of this Notice must be posted in sufficient locations to permit individuals, engaged in work with sources of radiation under the registration, to observe it on the way to or from any place of work to which this notice applies. This Notice shall be conspicuous and must be replaced if defaced or altered.

WV Division of Corrections and Rehabilitation

**FULL BODY SCANNER
PROFICIENCY EVALUATION**

Operator's Name: _____

The Operator demonstrated proficiency in following areas during this quarter:

- Radiation Safety
- Equipment Check
- Image Interpretation
- Emergency Procedures

Notes:

Time and date of evaluation: _____

Signature of Evaluator: _____

WV Division of Corrections and Rehabilitation

**FULL BODY SCANNER
DECLARATION OF PREGNANCY**

I, _____, hereby wish to declare my pregnancy to the Radiation
Safety Officer for the Division of Corrections and Rehabilitation. I informed the Chief of
Security/Chief Correctional Officer, _____, in
writing on _____, 20 _____. My estimated conception date is _____.
Print Name Print Name
mm/dd yy mm/yy

The following checklist reflects the issues addressed by the Radiation Safety Officer regarding my pregnancy:

Please Initial

1. I have been advised of the risks of radiation exposure to the embryo/fetus. _____
2. I have reviewed my radiation exposure history with the Radiation Safety Officer. _____
3. I have been advised of radiation protective measures. _____
4. Having been so informed, I wish to continue being an Operator during my pregnancy. _____

I have chosen to declare my pregnancy and requested that the Radiation Safety Officer provide me with information on risks to the embryo/fetus from occupational radiation exposure and review methods that may be used to keep doses low. I understand that for protection of the embryo/fetus of a declared pregnant woman, the dose limit is 0.5 rem (5 mSv) during the remainder of the pregnancy. A monthly fetal radiation monitoring device will be assigned to me to monitor the embryo/fetus dose rate that I have agreed to wear on my waist. This change in monitoring, as well as the associated dose restrictions, remains in effect until it is withdrawn in writing or until I notify the Radiation Safety Officer that I am no longer pregnant.

Signature of Operator

Date (mm/dd/yyyy)

Signature of Radiation Safety Officer/designee

Date (mm/dd/yyyy)

WV Division of Corrections and Rehabilitation

FULL BODY SCANNER INFORMATION SHEET

The full body scanner will be utilized during intake for newly arrested inmates who are placed in the custody of the Division of Corrections and Rehabilitation (DCR); for inmates who leave and return to the facility and there is suspected contraband (e.g., court, work crews, outside medical appointments, etc.); and for periodic scans of inmates if contraband is suspected. Any inmate that is in the custody of DCR could be subject to being scanned when there is reasonable suspicion. The full body scanner is utilized to enhance and maintain safety and security of the facility and to control contraband.

The full body scanner does emit radiation. The amount of radiation that you will be exposed to in the 8-10 seconds is 3uSv. This is less than the 5uSv that someone is exposed to in a one-hour plane ride and much less than the exposure that someone is exposed to by sleeping next to another human being for eight hours, which is 20uSv.

The images obtained from this scan include no physically identifying information such as facial features.

In the event that contraband is found outside the body, it will be confiscated. If the contraband found is internal, you will be given the opportunity to voluntarily remove it. If the contraband cannot be removed voluntarily or you refuse to remove it voluntarily, you will be transported via emergency medical services to an emergency room for treatment.

The full body scanner is not being used for any medical diagnosis or treatment. The scanner is used solely to find contraband on the person being scanned. The machine is not intended for medical imaging and the staff operating the machine are not trained to diagnose any person or to read the resulting image for any medical anomalies with the exception of foreign bodies found on or in the person being scanned.

WV Division of Corrections and Rehabilitation

**FULL BODY SCANNER
PRE-SCANNING QUESTIONNAIRE**

Please read and answer the following questions to the best of your ability.

1. Do you have a pacemaker? _____
2. Can you stand unassisted for eight (8) to ten (10) seconds? _____
3. Do you have any metal joint or bone replacements? _____
4. Do you have any stents that have been surgically placed in your body? _____

5. Do you have a heart condition? _____
6. Have you been diagnosed with cancer? _____
 - a) When was this diagnosis? _____
 - b) Are you in remission? _____
 - c) If not in remission, are you undergoing treatment? _____

If you have a cancer diagnosis and you are not in remission, please provide all treatment information to the medical care providers so there is no interruption to your treatment.

7. Are you pregnant? _____
8. Have you been processed through a body scanner in the past year? If so, at what facility and how many times? _____

I, _____ have been given the Full Body Scanner Information Sheet and have read it and understand it. I further attest that all information provided above is true and accurate to the best of my knowledge.

Signature

Date

WV Division of Corrections and Rehabilitation
POSITIVE SCAN REPORT

Facility: _____ Month/Year: _____

Total Scans Conducted: _____ Total Positive: _____

The following positive scans occurred during the month indicated.

DATE	INMATE NAME	OID#	STAFF NAME	ACTION TAKEN/RESULTS