

Multiple Agency Fiscal Note Summary

Bill Number: 5051 SB	Title: Peace & corrections officers
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Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	584,000	0	0	464,000	0	0	464,000
Office of Administrative Hearings	0	0	153,971	0	0	307,942	0	0	307,942
Total \$	0	0	737,971	0	0	771,942	0	0	771,942

Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	2.1	0	0	584,000	1.7	0	0	464,000	1.7	0	0	464,000
Office of Administrative Hearings	.6	0	0	153,971	1.1	0	0	307,942	1.1	0	0	307,942
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Criminal Justice Training Commission	13.0	5,582,000	5,582,000	5,582,000	13.0	5,272,000	5,272,000	5,272,000	13.0	5,272,000	5,272,000	5,272,000
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
University of Washington	1.0	125,640	125,640	125,640	1.0	125,640	125,640	125,640	1.0	125,640	125,640	125,640
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Central Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
The Evergreen State College	.0	0	0	0	.0	0	0	0	.0	0	0	0
Western Washington University	.2	65,474	65,474	65,474	.1	20,352	20,352	20,352	.1	20,352	20,352	20,352
State Parks and Recreation Commission	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.2	88,600	88,600	88,600	.2	88,600	88,600	88,600	.2	88,600	88,600	88,600
Total \$	17.1	5,861,714	5,861,714	6,599,685	17.1	5,506,592	5,506,592	6,278,534	17.1	5,506,592	5,506,592	6,278,534

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	.0	0	0	.0	0	0	.0	0	0
Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Final 1/26/2021
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Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 100-Office of Attorney General
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
Legal Services Revolving Account-State 405-1	292,000	292,000	584,000	464,000	464,000
Total \$	292,000	292,000	584,000	464,000	464,000

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	2.1	2.1	2.1	1.7	1.7
Account					
Legal Services Revolving Account-State 405-1	292,000	292,000	584,000	464,000	464,000
Total \$	292,000	292,000	584,000	464,000	464,000

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 01/18/2021
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/18/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 01/21/2021

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.

Section 1 – Amends RCW 43.101.010 changes several definitions.

Section 2 – Amends RCW 43.101.020 regarding the creation a criminal justice training commission.

Section 3 – Amends RCW 43.101.030 regarding the composition of the Criminal Justice Training Commission (CJTC).

Section 4 – Amends RCW 43.101.040 regarding the terms of commission members.

Section 5 – Amends RCW 43.101.060 regarding officers and meetings.

Section 6 –Amends RCW 43.101.080 regarding the powers of the commission.

Section 7 – Amends RCW 43.101.085 regarding additional powers such as contracting, joint efforts, employees and issuance of subpoenas.

Section 8 – Amends RCW 43.101.095 requiring certification of peace officers as a condition of employment and background checks.

Section 9 – Amends RCW 43.101.105 regarding the reasons certification can be suspended, denied or revoked.

Section 10 – Amends RCW 43.101.115 regarding readmission/reinstatement standards.

Section 11 – Amends RCW 43.101.135 regarding communication between employing agencies and commission when an officer separates from employment and what the commission may do with the information obtained.

Section 12 – Amends RCW 43.101.145 regarding complaint procedure.

Section 13 – Amends RCW 43.101.155 regarding charges stemming from a complaint and hearing rights.

Section 14 – Amends RCW 43.101.157 regarding Tribal Governments requests for certifications.

Section 15- Amends RCW 43.101.230 regarding when tribal police may be provided training.

Section 16 - Amends RCW 43.101.390 regarding immunity for commission members.

Section 17 - Amends RCW 43.101.420 regarding training on personal crisis recognition and crisis intervention services.

Section 18 – Amends RCW 34.12.035 regarding designation of Administrative Law Judge.

Section 19 – Amends RCW 40.14.070 regarding records and what must be kept and what may be destroyed.

Section 20 – Amends RCW 43.101.380 regarding procedures for hearings.

Section 21 – Amends RCW 43.101.400 regarding background checks and public disclosure.

Section 22 – New Section adding requirements for a written report from Commission to Governor by December 1, 2022.

Section 21 – New Section which repeals parts for RCW 43.101.

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.

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Criminal Justice Training Commission (CJTC). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

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.

Attorney General's Office (AGO) Agency Assumptions:

1. This bill is assumed effective 90 days after the end of the 2021 legislative session.
2. The AGO Corrections Division (COR) has reviewed this bill and determined the enactment of this bill will not impact the provision of legal services to Department of Corrections (DOC) because the bill's various certification / de-certification and other requirements applicable to corrections officers do not apply to corrections officers employed by state agencies. See Section 1(9). While the bill does apply to Community Corrections Officers (CCOs) who are limited authority Washington peace officers, the changes applicable to CCOs are not likely to drive any appreciable increase in legal services and are assumed to be nominal and costs are not included in this request.
3. The AGO Public Lands and Conservation Division (PLC) has reviewed this bill and determined this bill will not impact the provision of legal services to client agencies related to the Criminal Justice Training Commission (CJTC) or certification issues. Costs are not included in this request.
4. Agency administration support FTEs are included in the tables below, using a Management Analyst 5 as a representative classification.

Assumptions for the AGO Criminal Justice Division's (CRJ) Legal Services for CJTC:

1. The AGO will bill the CJTC for legal services based on the enactment of this bill.
2. The AGO assumes that enactment of this bill will increase requests from CJTC to CRJ for advice on
 - A. The implementation of the many requirements of this new bill.
 - B. Rulemaking required by enactment of this bill.
3. The 0.25 AAG increased workload is anticipated to continue throughout the first biennia as the Assistant Attorney General (AAG) advises CJTC on initial implementation of this bill and rulemaking. Beginning in FY 2024, it is anticipated that these new legal services will no longer be needed.
4. CRJ does not anticipate a significant fiscal impact due to increased decertification hearings under this bill because the bill provides for an Administrative Law Judge, which is new. This bill should generate a significant increase in the number of peace officer decertification proceedings, which increases the number of proceedings in which the CRJ AAG will participate. However, while an AAG from CRJ may need to advise the hearing panel in such cases, and participate in drafting orders reflecting the decisions of the hearing panel, there will be a decrease in the AAG's traditional role in these hearings because they will no longer have to advise the presiding member of the hearing panel because the Administrative Law Judge (ALJ) will assume those duties. The AGO assumes no significant increase or decrease in the CRJ AAG's workload in this limited area.
5. Total workload impact in FY 2022 and FY 2023: 0.25 AAG and 0.13 Legal Assistant (LA) at a cost of \$60,000 per FY.

Assumptions for the AGO Governmental Compliance and Enforcement Division's (GCE) Legal Services for the CJTC:

1. The AGO assume to bill the CJTC for legal services based on the enactment of this bill.
2. GCE currently litigates peace officer certification denials, revocations and reinstatements for CJTC. In 2020, the legislature enacted 2SHB 2499, which created a new requirement for the certification of all municipal and county correctional officers after July 1, 2021. Although there has not yet been any litigation relating to correctional officer certification denials, revocations and reinstatements, GCE will litigate these cases for CJTC after the effective date. CJTC does not currently have authority over reserve police officer certifications.
3. This bill makes numerous changes to the current law relating to peace officer and correctional officer certification actions. Many of the changes would directly impact GCE's workload.
4. The penalties available to be sought in certification actions would be expanded under this bill. Under existing law, the only penalties available in a certification action are the denial or revocation of an officer's certification. Sections 6(2) and 9 of this bill would expand the available penalties for many actions to include the denial, suspension or revocation of a certification, or the requirement of remedial training for peace officers and corrections officers. Section 6(3) would expand the penalties for certain tribal police officers to include the suspension or revocation of a certification.

5. This bill would also substantially expand the types of misconduct upon which CJTC could take action against the certification of a peace officer or correctional officer. It would also permit action against the certification of a reserve officer to the same extent as applied to a peace officer. This bill would create two categories of cases. Section 9(2) identifies those cases for which denial or revocation would be mandatory. Section 9(3) identifies those cases for which there would be discretion to deny, suspend or revoke a certification, or require remedial training, and section 9(4) would also permit additional penalties including reprimand, mandatory retraining, and placement on probation for up to two years.

6. Finally, this bill would substantially increase the number of officers for whom allegations of misconduct would be reported to CJTC. Under existing law, CJTC must be notified of potential misconduct when an officer has been terminated for disqualifying misconduct or has separated or retired in lieu of termination. Section 11 of this bill would require the reporting of misconduct if the officer resigns or retires in lieu of termination. Additionally, this bill would require the employing agency to report an officer to CJTC when the officer is still employed by the agency, whether or not disciplinary proceedings have been concluded, for certain use of force occurrences, when officers has been charged with a crime, and following initial disciplinary decisions for conduct that could form a basis for revocation of certification.

7. As a result of the anticipated increase in the number of misconduct reports and the expansion of the types of misconduct upon which CJTC could take action against an officer's certification, we assume that we would see a substantial increase in the number of litigation referrals from CJTC.

8. During the preceding five year period, GCE has received an average of 17 peace officer certification referrals each year. Additionally, when 2SHB 2499 was enacted in 2020, we assumed that the new authority would generate an additional seven new correctional officer certification referrals each year. As a result, we assume that before factoring in any new work resulting from this bill, we will continue to receive 24 new referrals each year of existing work. Of the exiting referrals, approximately 59 percent of the officers have requested a hearing and the cases have moved forward to litigation, but only 24 percent of the referrals have resulted in an administrative hearing.

9. We assume that this bill would result in a 200 percent increase, or 48 new case referrals each year, beginning FY 2022. Based on past experience, we assume that approximately 28 officers would request a hearing and the cases would move forward to litigation. Because of the expanded penalties available under this bill, we assume that a higher number of cases would resolve by settlement than in the past, which means that a lower percentage would proceed to hearing. As a result, we assume that of the 28 new cases that would move forward to litigation, nine new cases would proceed to a full administrative hearing each year. Therefore, we assume that each year we would receive 20 referrals for which a hearing would never be requested, 19 cases that would proceed to litigation but would resolve prior to hearing, and nine cases that would proceed to a full hearing. Additionally, we assume that we would receive one new judicial review or appeal each year as a result of this bill.

10. Based on our past experience with the services expended in representing CJTC in peace officer certification actions, and assuming an average of 20 new referrals each year that would not move forward to litigation, we assume that each of these new referrals would utilize an average of 15 AAG hours each for review and advice. This would result in an increase of 300 AAG hours (20 x 15) each year for these cases. Additionally, for each of the 19 new cases that would move forward to litigation but would resolve before a hearing, we assume that they would utilize 30 AAG hours each, for a total increase of 570 AAG hours (19 x 30). Of the nine new cases each year moving forward to hearing, and because many of the new types of misconduct actionable under this bill

would result in cases that are more labor intensive to litigation and hearings may be scheduled for multiple days, we assume that each case would utilize an average of 80 AAG hours, for a total increase of 720 AAG hours (9 x 80). Finally, we assume that the one new judicial review or appeal generated by this new work would utilize 80 AAG hours.

11. Section 11(9) of the bill also authorizes CJTC to impose a civil penalty of up to \$10,000 for the failure by an officer or employing agency to timely and accurately report information required in Section 11. We assume that GCE would handle any litigation from challenges to such monetary penalty assessments. We further assume that we would receive only one new case of this type each year, beginning in FY 2020, and that each case would utilize 60 AAG hours to litigate.

12. Therefore, we assume that the new referrals and litigation generated by this bill would utilize 1,730 AAG hours (300 + 570 + 720 + 80 + 60) beginning in FY 2022 and continuing each year thereafter.

13. Total workload impact in FY 2022 and in each FY thereafter: 0.96 AAG and 0.48 LA at a cost of \$232,000 per FY.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
405-1	Legal Services Revolving Account	State	292,000	292,000	584,000	464,000	464,000
Total \$			292,000	292,000	584,000	464,000	464,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	2.1	2.1	2.1	1.7	1.7
A-Salaries and Wages	192,000	192,000	384,000	304,000	304,000
B-Employee Benefits	60,000	60,000	120,000	96,000	96,000
E-Goods and Other Services	34,000	36,000	70,000	56,000	56,000
G-Travel	2,000	2,000	4,000	4,000	4,000
J-Capital Outlays	4,000	2,000	6,000	4,000	4,000
Total \$	292,000	292,000	584,000	464,000	464,000

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
Assistant Attorney General	108,600	1.2	1.2	1.2	1.0	1.0
Legal Assistant 3	54,108	0.6	0.6	0.6	0.5	0.5
Management Analyst 5	88,644	0.3	0.3	0.3	0.2	0.2
Total FTEs		2.1	2.1	2.1	1.7	1.7

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Criminal Justice Division (CRJ)	60,000	60,000	120,000		
Government Compliance & Enforcement Division (GCE)	232,000	232,000	464,000	464,000	464,000
Total \$	292,000	292,000	584,000	464,000	464,000

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 110-Office of Administrative Hearings
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
Administrative Hearings Revolving Account-State 484-1		153,971	153,971	307,942	307,942
Total \$		153,971	153,971	307,942	307,942

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	1.1	0.6	1.1	1.1
Account					
Administrative Hearings Revolving Account-State 484-1	0	153,971	153,971	307,942	307,942
Total \$	0	153,971	153,971	307,942	307,942

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Deborah Feinstein	Phone: 360-407-2717	Date: 01/11/2021
Agency Approval: Deborah Feinstein	Phone: 360-407-2717	Date: 01/11/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 01/17/2021

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.

This bill relates to the oversight and accountability of peace officers and corrections officers. It impacts the Office of Administrative Hearings (OAH) by requiring certain administrative proceedings conducted by the Criminal Justice Training Commission (CJTC) to include an OAH administrative law judge.

Specifically, section 18 adds “decertification hearings conducted under RCW 43.101.380” as a new type of proceedings over which an OAH administrative law judge would serve as presiding officer. Section 20 sets out specific responsibilities of the OAH administrative law judge when serving as the presiding officer to include making legal rulings and preparing a proposed recommendation in the decertification hearing.

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.

As a central service agency, OAH bills referring agencies for its costs and collects the revenue into the Administrative Hearings Revolving Account. Cash receipts are assumed to equal costs. OAH will bill the Criminal Justice Training Commission for the costs related to this proposed legislation.

These cash receipts represent the OAH’s authority to bill and are not a direct appropriation to OAH. Appropriation authority is necessary in OAH’s budget.

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.

This is a new caseload for OAH. The Criminal Justice Training Commission and OAH project that the proposed legislation will result in 20 new appeals being heard at OAH per year beginning in FY 2023.

Based on OAH's experience with similar appeal types including Washington State Patrol trooper disciplinary hearings and other state agencies professional licensing decertification appeals, each appeal will take approximately 40 hours of line administrative law judge time (ALJ) including prehearing conference, hearing, order writing, etc.

Workforce Assumptions:

- * Ratio of 1 line ALJ to .15 Senior ALJ to 0.6 legal support to 0.25 administrative support.
- * Average ALJ salary for line ALJ and senior ALJ used.
- * Legal support staff assumed to be Legal Assistant 2 - range 40 step L.
- * Administrative support used a representative class of Management Analyst 5 - range 64 step L.
- * Benefit rates were analyzed by job class using SPS data.
- * Goods and services, travel and on-going capital outlays were projected based on historical data for each of the job classes.

Total Workload Impact:

FY 2023 and each fiscal year thereafter: 0.57 FTE Administrative Law Judge at a cost of \$87,234; 0.09 FTE

Senior Administrative Law Judge at a cost of \$15,294; 0.34 FTE Legal Assistant 2 at a cost of \$31,695. Agency administrative support is included using 0.14 FTE of a Management Analyst 5 as a representative at a cost of \$19,748. Total cost: \$ 153,971.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
484-1	Administrative Hearings Revolving Account	State	0	153,971	153,971	307,942	307,942
Total \$			0	153,971	153,971	307,942	307,942

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		1.1	0.6	1.1	1.1
A-Salaries and Wages		95,009	95,009	190,018	190,018
B-Employee Benefits		33,762	33,762	67,524	67,524
C-Professional Service Contracts					
E-Goods and Other Services		22,800	22,800	45,600	45,600
G-Travel		1,032	1,032	2,064	2,064
J-Capital Outlays		1,368	1,368	2,736	2,736
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	153,971	153,971	307,942	307,942

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
Administrative Law Judge	98,000		0.6	0.3	0.6	0.6
Legal Assistant 2	48,996		0.3	0.2	0.3	0.3
Management Analyst 5	88,644		0.1	0.1	0.1	0.1
Senior Administrative Law Judge	112,000		0.1	0.1	0.1	0.1
Total FTEs			1.1	0.6	1.1	1.1

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 116-State Lottery
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Part I: Estimates

☒ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: John Iyall	Phone: 360-810-2870	Date: 01/14/2021
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 01/14/2021
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/14/2021

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.

No fiscal impact. HB 1082 grants increased authority to the Criminal Justice Training Center to establish and administer standards and processes related to the certification, suspension, and decertification of peace officer and corrections officers in Washington.

Certain designated Washington's Lottery employees may serve as limited authority Washington peace officers under section 1 of the bill and RCW 67.70.330. However, the agency elects to work closely with fully commissioned law enforcement personnel rather than seeking certification in order to independently exercise its arrest and warrant authority.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 117-Washington State Gambling Commission
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Christopher Stanley	Phone: 360-486-3489	Date: 01/14/2021
Agency Approval: Christopher Stanley	Phone: 360-486-3489	Date: 01/14/2021
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/14/2021

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.

There is no fiscal impact to WSGC. Section 1 of the measure redefines "peace officer" in a way that excludes the Special Agents of the Gambling Commission and redefines those agents as "reserve officers". The additional requirements for hiring reserve officers are already implemented by WSGC.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 160-Office of Insurance Commissioner
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: David Forte	Phone: 360-725-7042	Date: 01/12/2021
Agency Approval: Bryon Welch	Phone: 360-725-7037	Date: 01/12/2021
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 01/13/2021

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.

No fiscal impact to the Office of Insurance Commissioner (OIC). The OIC's Limited Authority WA Peace Officers are considered Reserve Officers under the definitions of this 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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 215-Utilities and Transportation Commission
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Amanda Hathaway	Phone: 360-664-1249	Date: 01/15/2021
Agency Approval: Amanda Hathaway	Phone: 360-664-1249	Date: 01/15/2021
OFM Review: Jenna Forty	Phone: (564) 999-1671	Date: 01/15/2021

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.

There is no fiscal impact to the UTC. The bill establishes a group that certifies, decertifies, and monitors peace officers.

The commission does not designate its employees as peace officers, nor does it enforce criminal law. WUTC employees do not receive certification as criminal justice personnel.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 225-Washington State Patrol
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost 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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Mario Buono	Phone: (360) 596-4072	Date: 01/11/2021
Agency Approval: Walter Hamilton	Phone: 360-596-4046	Date: 01/11/2021
OFM Review: Jenna Forty	Phone: (564) 999-1671	Date: 01/12/2021

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.

This legislation changes personnel records retention requirements.

Section 19(4) requires personnel records for any peace officer or corrections officer to be retained for the duration of the officer's employment and a minimum of 10 years thereafter.

There is an indeterminate fiscal impact to the Washington State Patrol (WSP).

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.

There are no cash receipts to the WSP from this legislation.

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.

There is an indeterminate fiscal impact to the WSP.

Additional server space will be needed to comply with the retention requirements in this legislation. At this time, it is unclear exactly which records may be included in the new retention requirements. Costs could be minimal in the next biennium but will likely increase over time as records are retained for a longer period of time.

If body camera video is included as a record under the new retention requirements, then the costs would be significantly higher. This cost could be up to \$900,000 to \$2,000,000 per year.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost 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
NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 227-Criminal Justice Training Commission
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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	13.0	13.0	13.0	13.0	13.0
Account					
General Fund-State 001-1	2,871,000	2,711,000	5,582,000	5,272,000	5,272,000
Total \$	2,871,000	2,711,000	5,582,000	5,272,000	5,272,000

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 01/14/2021
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/14/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/14/2021

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.

Section 3 alters the commission composition. This will increase the number of commissioners by 1 and five will be private persons. This is expected to increase travel expenses as commissioners are allowed travel expenses and commissioners in the past have rarely claimed travel expenses as they were covered by their agency.

Section 6 adds the following powers to the commission:

Section 6(4) provide for the comprehensive and timely investigation of complaints where necessary to ensure adherence to policy and law, strengthen the integrity and accountability of peace officers and corrections officers, and maintain public trust and confidence in the criminal justice system in the state.

Section 6(17) Issue public recommendations to the governing body of a law enforcement agency regarding the agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters.

Section 9(1) adds to RCW 43.101.105 the commission may suspend an officer's certification or require remedial training.

Section 9(2) lists instances which the commission must deny or revoke certification of peace and corrections officers. This expanded causes for certification revocation will create more decertification cases.

Section 9(3) states the commission may deny, suspend, or revoke certification or require remedial training of an officer. This adds the following cases to the existing law:

Section 9(3)(e) Engaged in a use of force that could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer;

Section 9(3)(f) Committed sexual harassment as defined by state law;

Section 9(3)(g) Through fraud or misrepresentation, has used the position of peace officer or corrections officer for personal gain;

Section 9(3)(h) Following any record relating to an incident in which a finding was made by any law enforcement agency, corrections agency, oversight agency, or other local government agency with authority to investigate that an officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on basis of race, religion, creed, color, national origin, immigration status, disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

Section 9(3)(I) Whether occurring on or off duty, has

(I) been found to have committed a felony, without regard to conviction;

(ii) Engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others, including but not limited to violation of an individual's constitutional rights under the state or federal constitution or a violation of RCW 10.93.160;

(iii) Engaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property; or

(iv) Engaged in any conduct or pattern of conduct that: Indicates an inability to meet the ethical and professional standards required of a peace officer or corrections officer; tends to disrupt, diminish, or otherwise

jeopardize public trust; undermines public confidence in the law enforcement profession and correctional system; or demonstrates an inability or unwillingness to uphold the officer's sworn oath to enforce the constitution and laws of the United States and the state of Washington;

Section 9(3)(j) Has been suspended or discharged, or has resigned or retired in lieu of discharge, for any conduct listed in this section; or

Section 9(3)(k) Has voluntarily surrendered the person's certification as a peace officer or corrections officer.

Section 9(4) In addition to the penalties set forth in subsection (3) of this section, the commission may issue one or more of the following sanctions on the officer: Reprimand, mandatory retraining, and placement on probation for up to two years. The commission may suspend a peace officer or corrections officer certification pending a decertification hearing in appropriate circumstances.

Section 9(5) The commission shall deny certification to any applicant who lost certification as a result of a break in service of more than 24 consecutive months if that applicant failed to comply with the requirements set forth in RCW 43.101.080(15) and 43.101.095(2).

Section 9(6) Any of the misconduct listed in subsections (2) and (3) of this section is grounds for denial, suspension, or revocation of certification of a reserve officer to the same extent as applied to a peace officer.

Section 12 (1) amends RCW 43.101.145 to allow any individual, including commission staff or a member of the commission to submit a written complaint to the commission stating that an officers certificate should be denied, suspended, or revoked, and specifying the grounds for the complaint.

Section 12 (2) adds the requirement that all complaints must be resolved with a written determination, regardless of the decision to investigate.

Section 12 (3)(a) states the commission may initiate an investigation in any instance where there is a pattern of complaints or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate a pattern of similar conduct.

Section 12 (3)(b) states the commission shall initiate an investigation when an officer is the subject of three complaints of excessive use of force in the previous five years.

Section 20 (1) amends RCW 43.101.380. This changes the standard of proof in actions before the commission from clear, cogent, and convincing to a preponderance of the evidence. This creates a lower standard of proof and likely more revocations and hearings.

Section 20 (2) requires in hearings requested under RCW 43.101.133, an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, shall make all necessary rulings in the course of the hearing, and shall issue a proposed recommendation, but is not entitled to vote.

Section 20 (4) states the commission shall maintain a database that is publicly searchable, machine readable, and exportable, and accompanied by a complete, plain-language data dictionary describing the names of officers and employing agencies, all conduct investigated, certifications denied, notices and accompanying information provided by law enforcement and correctional agencies, including the reasons for separation from the agency, decertification or suspension actions pursued, and final disposition and the reasons therefor for at least 30 years

after final disposition of each incident. The dates for each material step of the process must be included. Any decertification must be reported to the national decertification index.

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.

This bill has no cash receipt impact on the Criminal Justice Training Commission.

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.

Section 3 relates to the composition of the commission.

Travel expenses are expected to increase as more commissioner's would be private persons who's travel is not covered by their employing agency. Annual travel expense increase is \$4,416.

Sections 6(4) and 12 allow for any individual to submit a complaint to the commission stating an officer's certificate should be denied, suspended, or revoked and requires the commission to respond and allows the commission to investigate the claims. It is estimated that 50 claims will be investigated annually, but more claims will be received that the commission determines not to investigate. Estimated expenses for a investigative team are as follows:

One investigative supervisor salary and benefits = \$137,500 annually.

Five investigators salary and benefits = \$562,500 annually.

Travel = \$25,000 annually.

Section 9 and 20 significantly increases the anticipated workload and oversight of peace officers relating to certification for the commission. An increase in the number of certification investigations, revocations, and hearings is anticipated. Estimated staff and legal expenses are as follows:

Certification division manager salary and benefits = \$150,000 annually.

Legal advisor salary and benefits = \$144,000 annually.

Two paralegal positions = \$180,000 annually.

Two confidential secretary positions = \$218,000 annually.

Increase in AGO services for case review, hearings, and rule making advice = \$292,000 in fiscal years 2022 and 2023 and \$232,000 each year after. The AGO estimates that new referrals and litigation generated by this bill would utilize 1,730 hours annually. In addition, an increase in hours for advice and rule making is anticipated in fiscal years 2022 and 2023.

Office of Administrative Hearings law judge expense to preside over hearings as identified in section 20(2) = \$154,000 annually.

Section 21(4) requires the commission to maintain a database that is publicly searchable containing various information on peace officers including name, employing agency, all conduct investigated, and any certification actions among other required information. Expenses to create and maintain this database are as follows:

Contractor to create public database = \$50,000 in fiscal year 2022.

Website/database manager salary and benefits = \$101,000 annually.

Other expenses:

Equipment and furniture for the 13 staff at \$6,000 each is \$78,000 in fiscal year 2022.

Indirect administrative overhead is 25% which includes IT support, financial services, human resource services, administration, and facilities.

Fiscal year 2022 subtotal is \$2,296,416.

Indirect administrative overhead of 25% is \$574,104.

Total is \$2,870,520 or \$2,871,000 rounded to the nearest thousand.

Fiscal year 2023 subtotal is \$2,168,416.

Indirect administrative overhead of 25% is \$542,104.

Total is \$2,710,520 or \$2,711,000 rounded to the nearest thousand.

Each year after subtotal is \$2,108,416.

Indirect administrative overhead of 25% is \$527,104.

Total is \$2,635,520 or \$2,636,000 rounded to the nearest thousand.

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	2,871,000	2,711,000	5,582,000	5,272,000	5,272,000
Total \$			2,871,000	2,711,000	5,582,000	5,272,000	5,272,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	13.0	13.0	13.0	13.0	13.0
A-Salaries and Wages	1,179,000	1,179,000	2,358,000	2,358,000	2,358,000
B-Employee Benefits	314,000	314,000	628,000	628,000	628,000
C-Professional Service Contracts	250,000	200,000	450,000	400,000	400,000
E-Goods and Other Services	446,000	446,000	892,000	772,000	772,000
G-Travel	30,000	30,000	60,000	60,000	60,000
J-Capital Outlays	78,000		78,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-9 - Administrative Overhead	574,000	542,000	1,116,000	1,054,000	1,054,000
Total \$	2,871,000	2,711,000	5,582,000	5,272,000	5,272,000

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
Certification Division Manager	120,000	1.0	1.0	1.0	1.0	1.0
Confidential Secretary	84,000	2.0	2.0	2.0	2.0	2.0
Investigation Supervisor	110,000	1.0	1.0	1.0	1.0	1.0
Investigator	90,000	5.0	5.0	5.0	5.0	5.0
IT Data Management-Entry	78,000	1.0	1.0	1.0	1.0	1.0
Legal Advisor	115,000	1.0	1.0	1.0	1.0	1.0
Paralegal 2	69,000	2.0	2.0	2.0	2.0	2.0
Total FTEs		13.0	13.0	13.0	13.0	13.0

III. D - Expenditures By Program (optional)

NONE

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

This bill has no capital budget impact on the Criminal Justice Training Commission.

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 310-Department of Corrections
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Meagan Smith	Phone: 360-725-8957	Date: 01/14/2021
Agency Approval: Michael Steenhout	Phone: 360-725-8270	Date: 01/14/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/14/2021

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.

5051SB relates to state oversight and accountability of peace and corrections officers.

Section 1(1) amends RCW 43.101.010 to include the definition of an applicant as an individual who has received a conditional offer of employment as a peace or corrections officer within a corrections or law enforcement agency.

Section 8(1) amends RCW 43.101.095 to require current correction officers and applicants with conditional employment offers to obtain and maintain certification required by RCW Chapter 43.101 and the rules of the Washington State Criminal Justice Training Commission.

Section 11 amends RCW 43.101.135 to state the Department of Corrections (DOC) must provide the commission notification within 15 days if a correction officers: separates from the DOC for any reason including termination, resignation, or retirement; commits a crime; caused a death or serious injury due to use of force; alleged noncriminal behavior or conduct that results in disciplinary decision by DOC; and disciplinary investigation which could result in officer's suspension or discharge.

Section 19(4) Requires DOC to retain personnel records for any corrections officer for the duration of the officer's employment and a minimum of 10 years thereafter. Records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135.

Effective date is assumed 90 days after adjournment of session in which this bill is passed.

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.

None. All impacts are General Fund State.

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 no fiscal impact to DOC.

This bill relates to state oversight and accountability of peace and corrections officers. The DOC is required to obtain and maintain certification for correction officers to meet statutory compliance, notify the commission of officer separation or disciplinary action, and maintain personnel records for an officer's employment as well as 10 years afterwards. The DOC also conducts pre-employment background checks, psychological evaluations, and polygraph testing consistent with the requirements in the bill.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

None.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 360-University of Washington
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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	1.0	1.0	1.0	1.0	1.0
Account					
General Fund-State 001-1	62,820	62,820	125,640	125,640	125,640
Total \$	62,820	62,820	125,640	125,640	125,640

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Kelsey Rote	Phone: 2065437466	Date: 01/14/2021
Agency Approval: Kelsey Rote	Phone: 2065437466	Date: 01/14/2021
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/16/2021

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.

This bill makes changes to the authority of the Washington Criminal Training Commission, placing more responsibility in maintaining police accountability and having greater authority to deny, revoke or suspend. The bill proposes that the Commission have access to police officer pre-employment records, employment records, and all internal investigations, and requires additional record keeping and retention of records by the UW Police Department.

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.

This bill would require additional accountability measures within the UW Police Department (UWPD) to ensure that pre-hire responsibilities are met in accordance with the law. It will require all internal investigations into allegations of police misconduct be conducted in coordination with the Commission, who will also independently investigate the allegations once the police department's internal investigation has been completed. This will result in more staff time and likely require additional record-keeping responsibilities in both the records department and the internal affairs department, including the requirement for higher records retention limits for police employment files.

The UWPD would require 1.0 FTE Administrative Assistant 3 (annual full-time salary \$45,000, benefits rate 39.6%) beginning in FY22 and for each year thereafter to work with the UW's internal affairs records section and personnel records section on behalf of the Commission and to ensure that our responsibilities and responses to the Commission are timely and accurate. This position would coordinate any administrative hearings called by the Commission as well as the new records retention responsibilities outlined in the bill. The responsibilities are specialized and are not currently performed in the police department.

This would cost a total of \$45,000 in salaries and \$17,820 in benefits for a total of \$62,820 per year starting in FY22.

It is possible there would be labor relations and collective bargaining implications to this bill, and thus additional costs for training, staff for more thorough background checks, or additional work involved in reaching agreements during collective bargaining. However, that cannot be costed or predicted at this time.

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	62,820	62,820	125,640	125,640	125,640
Total \$			62,820	62,820	125,640	125,640	125,640

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	45,000	45,000	90,000	90,000	90,000
B-Employee Benefits	17,820	17,820	35,640	35,640	35,640
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	62,820	62,820	125,640	125,640	125,640

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
Administrative Assistant 3	45,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		1.0	1.0	1.0	1.0	1.0

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 365-Washington State University
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Maggie McFadden	Phone: 509-335-1614	Date: 01/14/2021
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 01/14/2021
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/19/2021

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.

SB 5051 redefines terminology related to peace and corrections officers and the Washington State Criminal Justice Training Commission. For purposes of this fiscal note, WSU assumes that WSU's police officers do fall under the definitions in this legislation but the changes do not cause any fiscal impact. WSU has not been named to be on the Commission therefore there is no fiscal impact related to the Commission.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 370-Eastern Washington University
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Alexandra Rosebrook	Phone: (509) 359-7364	Date: 01/14/2021
Agency Approval: Alexandra Rosebrook	Phone: (509) 359-7364	Date: 01/14/2021
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/16/2021

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.

Proposed SB 5051 Section 11 requires Eastern to report information and employee separations of any officer within 15 days and the reasons and rationale that Eastern has accepted an officer's resignation or retirement in lieu of termination to the newly created commission. Eastern will also be required to report death or serious injury caused by use of force by an officer or anytime an officer is charged with a crime and initial disciplinary decision for alleged behavior or conduct by an officer that is non-criminal but may result in revocation of certification for the officer within 15 days to the newly created commission.

Eastern does not currently track the data points that will be required to be reported to the newly created commission. Eastern will incur minimal costs related to tracking and reporting this data due to the relatively small size of the Eastern Police Department. Eastern will absorb the additional duties within our current staffing levels.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 375-Central Washington University
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Lisa Plesha	Phone: (509) 963-1233	Date: 01/14/2021
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 01/14/2021
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/16/2021

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.

1082 HB and companion bill SB 5051 amend various RCW's related to the Washington state criminal justice training commission which defines the purpose of the commission to include issues of certification, suspension, decertification, and training of peace and correction officers (Section 2). Further amendments define the powers of the commission (Section 6) and who will be represented on the commission (Section 3) and the length of terms (Section 4) for those serving on the commission. Definitions of common terminology used by peace and correction officers are further modified or changed (Section 1). Sections 9 through 13 amend RCW's that inform the authorization of the commission to deny, suspend or revoke certifications, require training and process hearing requests, as well as processes regarding dismissals and withdrawals, disciplinary hearings, complaint procedures and investigations. Sections 14 through 23 revise definitions of tribal officer, address commission member liability, identifies the retention period for personnel records, covers hearing processes and matters of confidentiality on background checks.

In total, the impacts outlined in these companion bills do not represent any additional financial burden as CWU currently practices the requirements outlined in the amendments to this legislation and therefore have no fiscal impact.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 376-The Evergreen State College
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Holly Joseph	Phone: 360-867-6652	Date: 01/25/2021
Agency Approval: Holly Joseph	Phone: 360-867-6652	Date: 01/25/2021
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/26/2021

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.

SB 5051 amends RCW 43.101 to clarify accountability requirements of peace officers and corrections officers.

Section 1 clarifies definitions used within this chapter.

Section 8 contains new requirements for employment of Washington peace officers:

- Section 8.2 specifies requirements for background investigations for peace officer applicants, and requires that employing agencies verify in writing to the commission that they have complied with all background check requirements prior to offers of employment.
- Section 8.2.b contains requirements of the background check, and also requires that agencies that previously employed the applicant must disclose the employment information within 30 days of receiving a written request.

Section 11 outlines expanded requirements for agencies that employ peace officers:

- Agencies must report to the commission any findings from investigations into alleged misconduct if the officer resigns in lieu of termination (11.1.b)
- Notifying the commission of any occurrence of death or serious injury caused by an officer, or any charges of crime. (11.2.a)
- Employing agencies must also have a policy for officers to report criminal charges of convictions to the agency (11.2.a)
- Employing agencies must notify the commission within 15 days of an initial disciplinary decision for alleged behavior misconduct by an officer that may result in loss of certification (11.2.b.)
- The employing agency is required to provide additional information as necessary to the commission to determine grounds for suspension.

Section 11.7 specifies that an employing agency may not enter into an agreement with an officer or union that prevents report of officer conduct or otherwise precludes disclosure of relevant information. The agency must also not enter into an agreement that allows the agency to destroy any personnel records while the officer is employed or for a period of 10 years after employment.

Section 11.9 specifies penalty amounts to an officer or employing agency for failure to accurately report information in a timely manner.

Section 19.4 requires that personnel records for peace officers be retained during the officer's employment and for a minimum of 10 years after employment.

Given the small size of Evergreen's police staff the cost of tracking and reporting this data is minimal and the additional duties will be completed by existing personnel.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 380-Western Washington University
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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	0.3	0.1	0.2	0.1	0.1
Account					
General Fund-State 001-1	55,298	10,176	65,474	20,352	20,352
Total \$	55,298	10,176	65,474	20,352	20,352

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Ted Castro	Phone: (360) 650-4694	Date: 01/14/2021
Agency Approval: Faye Gallant	Phone: 3606504762	Date: 01/14/2021
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/16/2021

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.

SB 5051 amends RCW 43.101 to clarify accountability requirements of peace officers and corrections officers.

Section 1 clarifies definitions used within this chapter. Western assumes that WWU public safety officers fall under the “law enforcement personnel” definition described in section 1.4. Section 1.11.c clarifies the definition of “reserve officer” and specifies that individuals employed as security by public higher education institutions fall within this definition.

Section 8 contains new requirements for employment of Washington peace officers:

Section 8.2 specifies requirements for background investigations for peace officer applicants, and requires that employing agencies verify in writing to the commission that they have complied with all background check requirements prior to offers of employment.

Section 8.2.b contains requirements of the background check, and also requires that agencies that previously employed the applicant must disclose the employment information within 30 days of receiving a written request.

Section 11 outlines expanded requirements for agencies that employ peace officers:

- Agencies must report to the commission any findings from investigations into alleged misconduct if the officer resigns in lieu of termination (11.1.b)
- Notifying the commission of any occurrence of death or serious injury caused by an officer, or any charges of crime. (11.2.a)
- Employing agencies must also have a policy for officers to report criminal charges of convictions to the agency (11.2.a)
- Employing agencies must notify the commission within 15 days of an initial disciplinary decision for alleged behavior misconduct by an officer that may result in loss of certification (11.2.b.)
- The employing agency is required to provide additional information as necessary to the commission to determine grounds for suspension.

Section 11.7 specifies that an employing agency may not enter into an agreement with an officer or union that prevents report of officer conduct or otherwise precludes disclosure of relevant information. The agency must also not enter into an agreement that allows the agency to destroy any personnel records while the officer is employed or for a period of 10 years after employment.

Section 11.9 specifies penalty amounts to an officer or employing agency for failure to accurately report information in a timely manner.

Section 19.4 requires that personnel records for peace officers be retained during the officer’s employment and for a minimum of 10 years after employment.

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.

Foreseen impacts of SB 5051 are as follows:

Section 8.2 lists additional requirements of background checks for candidates of employment. It is estimated that each background check will require an additional five hours of time for a Campus Police Sergeant, with two assumed checks per year. Fiscal impact is estimated at \$482.25 annual salary, plus benefits of \$164 at 34% rate.

The bill also requires that the background check requirements are complete before an offer of employment can be made. Currently, WWU can offer a conditional offer of employment, but under HB 1082 this would no longer be allowed. Because psychological examinations take approximately one month to schedule and complete, we expect an approximate one-month delay to hiring for all new candidates, which would result in additional overtime incurred to cover the shifts left open by the lengthened position vacancy. We estimate that 60% (104 hours) of one-month's shifts would need to be covered with overtime pay (the remainder absorbed within existing officer scheduling). With a typical year including two hiring processes, this would result in 208 hours of overtime, or \$4,544 costs above normal pay plus \$908 in incremental benefits.

In addition, it's anticipated that a Forms and Records Analyst 2 will incur an additional five hours of effort annually in order to provide additional information to other hiring agencies performing background checks on WWU officers seeking employment, and additional effort to retain records for the required ten year period. Fiscal impact is estimated at \$229.57 annual salary plus benefits of \$99 benefits at 43% rate.

It is anticipated that requirements outlined in the bill and resulting changes to current policies/practices associated with disciplinary actions and involvement of the commission (as included in section 9), actions leading to officer decertification by the commission, background checks, training, reporting instances of wrongdoing/excessive force, and conditional offers of employment would result in rebargaining of existing Collective Bargaining Agreements covering public safety officers.

Renegotiation of bargaining agreements would take approximately 7 work days (56 hours; .03 FTE) for each of the following positions, resulting in a total cost of \$24,158:

- Assistant Dir Public Safety, Annual Salary = \$107,898 with a professional staff benefits rate of 34% (\$3,237 in salary; \$1,100 in benefits) for a total cost in FY22 of \$4,337.
- Dir Public Safety/Police Chief, Annual Salary = \$128,593 with a professional staff benefits rate of 34% (\$3,858 in salary, \$1312 in benefits) for a total cost in FY22 of \$5,169.
- Associate Dir Human Resources, Annual Salary = \$100,015 with a professional staff benefits rate of 34% (\$3,000 in salary, \$1020 in benefits) for a total cost in FY22 of \$4,020.
- Employee Labor Relations Specialist, Annual Salary = \$60,433 with a professional staff benefits rate of 34% (\$1,813 in salary, \$616 in benefits) for a total cost in FY22 of \$2,429.
- Campus Police Sergeant, Annual Salary = \$100,308 with a classified staff benefits rate of 43% (\$3,009 in salary, \$1,293 in benefits) for a total cost in FY22 of \$1,303.
- Campus Police Officer, Annual Salary = \$90,888 with a classified staff benefits rate of 43% (\$2,726 in salary, \$1,172 in benefits) for a total cost in FY22 of \$3,899.

This would also require the participation of a chief negotiator to be present during negotiations, at a rate of \$355 per hour, for a total cost of \$19,880 in FY22.

It is anticipated that the bill would result in additional officer training. For estimating purposes, WWU assumes 3 officers per year would require an additional 8 hours of training, at a cost of \$1,049/year plus benefits of \$451 at a 43% rate. To cover the shifts that would normally be worked by these officers, WWU would also incur overtime costs estimated at \$1,574 plus \$677 in benefits at a 43% rate.

Finally, WWU would need to review and update policies and practices where required. It is estimated that this would result in the following costs:

- 7 hours of a Campus Police Sergeant to review and recommend updates, Annual Salary = \$100,308 with a classified staff benefits rate of 43% (\$338 in salary, \$145 in benefits) for a total cost in FY22 of \$483.
- 3 hours of an Assistant Dir Public Safety, Annual Salary = \$107,898 with a professional staff benefits rate of 34% (\$156 in salary; \$53 in benefits) for a total cost in FY22 of \$209.
- 2 hours of a Dir Public Safety/Police Chief, Annual Salary = \$128,593 with a professional staff benefits rate of 34% (\$124 in salary, \$42 in benefits) for a total cost in FY22 of \$166.
- 4 hours of an Associate Dir Human Resources, Annual Salary = \$100,015 with a professional staff benefits rate of 34% (\$192 in salary, \$65 in benefits) for a total cost in FY22 of \$257.

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	55,298	10,176	65,474	20,352	20,352
Total \$			55,298	10,176	65,474	20,352	20,352

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.3	0.1	0.2	0.1	0.1
A-Salaries and Wages	26,330	7,878	34,208	15,756	15,756
B-Employee Benefits	9,088	2,298	11,386	4,596	4,596
C-Professional Service Contracts	19,880		19,880		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	55,298	10,176	65,474	20,352	20,352

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
Assistant Director, Public Safety		0.0		0.0		
Associate Director, Human Resources		0.0		0.0		
Campus Police Officer		0.1	0.1	0.1	0.1	0.1
Campus Police Sergeant		0.0	0.0	0.0	0.0	0.0
Director of Public Safety / Police Chief		0.0		0.0		
Forms and Records Analyst 2		0.0	0.0	0.0	0.0	0.0
Total FTEs		0.3	0.1	0.2	0.1	0.1

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 465-State Parks and Recreation Commission
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost 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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Robert Ingram	Phone: (360) 902-8615	Date: 01/18/2021
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 01/18/2021
OFM Review: Leslie Connelly	Phone: (360) 878-4371	Date: 01/20/2021

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.

SB 5051 provides requirements for state oversight and accountability of peace officers and corrections officers.

Section 6 (5) requires the Criminal Justice Training Commission (CJTC) to establish training curricula for all peace and corrections officers of Washington.

Sec. 8. (2)(a), (b), and (c) requires specific areas to be included as part of the background checks for applicants.

Sec. 9 (6) requires denial of applicants based upon specified prior misconduct.

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.

None

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.

SB 5051 provides requirements for state oversight and accountability of peace officers and corrections officers.

Section 6 (5) requires CJTC to establish training curricula for all peace and corrections officers of Washington. CJTC is not currently responsible for establishing State Parks law enforcement training curricula. The agency currently establishes its own curricula based predominately upon it's own standards, so the fiscal impact is indeterminate at this time as it is dependent upon the specific curricula later established by CJTC

Sec. 8. (2)(a), (b), and (c) requires specific areas to be included as part of the background checks for applicants. The fiscal impact at this time is considered immaterial at the additional requirements add to the current workload though not substantially.

Sec. 9 (6) requires denial of applicants based upon specified prior misconduct. The fiscal impact is expected to be immaterial since workload is potentially impacted though not substantially.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.
--

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost 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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

None

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 477-Department of Fish and Wildlife
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Amy Pizzollo	Phone: 360-791-7858	Date: 01/12/2021
Agency Approval: Amy Pizzollo	Phone: 360-791-7858	Date: 01/12/2021
OFM Review: Leslie Connelly	Phone: (360) 878-4371	Date: 01/12/2021

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.

Section 1(2) "Commission" means the Washington state criminal justice training commission (CJTC). (8) "Peace Officer"... Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter. No fiscal impact.

Section 8 adds a condition "2 (a) ...Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment". This will be a new requirement for WDFW and will require HR procedural documents to be updated. The number of hours to make the update will be nominal and can be absorbed within normal business. All other changes or visions made to 43.101.095 will simply be followed once CJTC implements the changes. No fiscal impact.

Section 11 1(a) Upon separation of a peace officer or corrections officer from an employing agency for any reason, including termination, resignation, or retirement, the agency shall notify the commission within 15 days of the separation date on a personnel action report form provided by the commission. (b) If the employer accepts an officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission, including the findings from any internal or external investigations into alleged misconduct...2 (a) - requires that all "employing agencies must have a policy requiring officers to report any pending criminal charges and any conviction, plea, or other case disposition immediately to their agency...(3) To better enable the commission to act swiftly and comprehensively when misconduct has occurred that may undermine public trust and confidence in law enforcement or the correctional system, if the totality of the circumstances support a conclusion that the officer resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the officer was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer's suspension or discharge, the employing agency shall conduct the investigation and provide all relevant information to the commission as if the officer were still employed by the agency..." This section will require some HR related procedures to be updated, the amount of time would be nominal and can be absorbed within current staffing capacity. Additionally, WDFW law enforcement already has a policy related to that required in sub-section 2 (a). WDFW would need to revise this policy, but the time needed would be minimal and would be absorbed by existing staff capacity. No fiscal impact.

Section 19(4) - Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include..." This would be a change to the existing records retention period, however, the impact of this change in law would be minimal and at most require WDFW law enforcement records retention procedural documents to be updated. The amount of time would be nominal and can be absorbed within normal business hours. No fiscal impact.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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*

NONE

III. D - Expenditures By Program (optional)

NONE

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

Individual State Agency Fiscal Note

Bill Number: 5051 SB	Title: Peace & corrections officers	Agency: 490-Department of Natural Resources
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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	0.2	0.2	0.2	0.2	0.2
Account					
General Fund-State 001-1	44,300	44,300	88,600	88,600	88,600
Total \$	44,300	44,300	88,600	88,600	88,600

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.

Legislative Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Preparation: Elayne Crow	Phone: 360-902-1121	Date: 01/18/2021
Agency Approval: Lenny Young	Phone: 360-902-1744	Date: 01/18/2021
OFM Review: Lisa Borkowski	Phone: (360) 902-0573	Date: 01/18/2021

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.

Section 8 of this bill requires all Washington peace officers to obtain and maintain certification as a peace officer, and to meet training requirements established by the Washington State Criminal Justice Training Commission (CJTC).

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.

Section 8 of this bill requires all Washington peace officers to obtain and maintain certification as a peace officer, and to meet training requirements established by the Washington State Criminal Justice Training Commission (CJTC). Department of Natural Resources (DNR) only hires lateral and retired officers with a current academy training certificate and in good standing.

It is difficult to determine how much, if any training, DNR police officers would need to attend. DNR estimates that it would be no more than 40 hours of annual training per officer. There would also be possible travel and Per Diem expenses associated with required training.

Staffing Assumptions:
Law Enforcement Officers: 11 officers X 40 hours training = 440 hours, 2.5 staff months (0.19 FTE)
Sergeant/Chief: 2 officers X 40 hours training = 80 hours, .5 staff months (.04 FTE)

Goods and services and travel are calculated on actual program averages per person.

Administrative costs are calculated at 31% of staff salary and benefits and staff-related goods and services and travel. For fiscal note purposes, this cost is represented as a Fiscal Analyst 2 position (.08 FTE).

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	44,300	44,300	88,600	88,600	88,600
Total \$			44,300	44,300	88,600	88,600	88,600

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.2	0.2	0.2	0.2	0.2
A-Salaries and Wages	18,900	18,900	37,800	37,800	37,800
B-Employee Benefits	7,200	7,200	14,400	14,400	14,400
C-Professional Service Contracts					
E-Goods and Other Services	2,800	2,800	5,600	5,600	5,600
G-Travel	5,400	5,400	10,800	10,800	10,800
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	10,000	10,000	20,000	20,000	20,000
9-					
Total \$	44,300	44,300	88,600	88,600	88,600

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
Fish & Wildlife Enforcement Sergeant	100,308	0.0	0.0	0.0	0.0	0.0
Law Enforcement Officer	78,408	0.2	0.2	0.2	0.2	0.2
Total FTEs		0.2	0.2	0.2	0.2	0.2

III. D - Expenditures By Program (optional)

NONE

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

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5051 SB	Title: Peace & corrections officers
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Indeterminate costs to coordinate with CJTC investigations; provide overtime staffing and services coverage for a suspended officer; acquiring space, FTEs, and/or technology to handle increased records retention
- ☒ Counties: Indeterminate costs to coordinate with CJTC investigations; provide overtime staffing and services coverage for a suspended officer; acquiring space, FTEs, and/or technology to handle increased records retention
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☒ Variance occurs due to: Local law enforcement agencies differ in current records retention practices and policies

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Length of suspensions peace officers may be given; costs of changes to records systems and practices; exact staff rates of those assigned to coordinate with CJTC investigations

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: David Rosen	Phone: 360-790-3274	Date: 01/14/2021
Leg. Committee Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/11/2021
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/14/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/14/2021

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

This legislation amends, creates, and repeals several sections of RCW 43.101 concerning the structure, powers, responsibilities, and oversight capabilities of the Washington State Criminal Justice Training Commission (CJTC).

Section 1 (8) defines peace officer as having the same meaning as a general authority Washington peace officer as defined in RCW 10.93.020.

Section 6 amends CJTC powers to include that of granting, denying, suspending, or revoking certification of, or requiring remedial training for, peace officers and corrections officers and enables the CJTC to provide for comprehensive and timely investigation of complaints as related the duties described. Section 6 also allows the CJTC to issue public recommendations to the governing body of a law enforcement agency regarding said agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violation of law or policy, unconstitutional policing, or other matters.

Section 8 adds to the required information an employing agency must include in a background check of an applicant who has been offered a conditional offer of employment after July 1, 2021. This new information includes checking the national decertification index, commission records, all disciplinary records by any previous law enforcement or correction employer, and inquiring to the local prosecuting authority in any jurisdiction in which a peace officer has served to determine whether they are on any potential impeachment disclosure lists.

Section 8 also requires law enforcement or correctional agencies that previously employed an applicant to disclose employment information within 30 days of receiving a written request from an employing agency conducting a background investigation. This response must include the reason for the officer's separation from the agency as well as disclose all records of complaints or investigations of misconduct regardless of the result of the investigations or whether said complaint was unfounded.

Section 9 defines offenses and/or findings that require the CJTC to deny or revoke certification of a peace or corrections officer or applicant as well as offenses and/or findings in which the CJTC may deny, suspend, or revoke certification, reprimand, mandatorily retrain, require remedial training, or place on probation for up to two years a peace or corrections officer or applicant.

Section 11 (1) (b) and Section 11 (2) requires employing agencies to do the following:

- Report the reasons and rationale in the information provided, including the findings of any internal or external investigations into alleged misconduct, to the CJTC when accepting an officer's resignation or retirement in lieu of termination
- Notify the commission within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime and requires agencies have a policy requiring officers report any pending criminal charges, convictions, pleas, or other case disposition immediately to their agency
- Notify the commission within 15 days of an initial disciplinary decision for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to RCW 43.101.15.

Section 11 (4) requires employing agencies to provide documentation the CJTC deems necessary to determine whether an event or separation concerning a peace officer is grounds for suspension or revocation of said officer's certification.

Section 11 (7) prohibits employing agencies from entering into agreements or contracts with officers or unions:

- To not report conduct, delay reporting, or preclude disclosure of any relevant information in exchange for allowing an officer to resign or retire or for any other reason
- That allows the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter

Section 11 (9) authorizes the CJTC to impose civil penalties not to exceed \$10,000 for the failure by an officer or an employing agency to timely and accurately report information pursuant to Section 11.

Section 12 (3) (a) allows the commission to initiate investigations into any instance where there is a pattern of complaints or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate a pattern of similar conduct.

Section 12 (3) (b) requires the CJTC to initiate an investigation when an officer is subject of three complaints of excessive use of force in the previous five years.

Section 19 (4) requires that personnel records for any peace or corrections officer must be retained for the duration of the officer's

employment at the employing agency and a minimum of 10 years thereafter.

Section 20 (5) authorizes the CJTC with suspension or revocation of an officer's certificate or require remedial training for an officer regardless of an arbitrator or other appellate decision maker overturning the discipline imposed by an officer's employing agency.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This legislation would have indeterminate expenditure impacts on local governments.

BACKGROUND CHECKS:

Section 8 adds to the required processes local law enforcement agencies must undertake in administering background checks for peace officer applicants. According to the Washington Association of Sheriffs and Police Chiefs (WASPC), the effects of this section would be minimal as best practices already have most agencies meeting the new requirements imposed by this legislation.

CJTC INVESTIGATIONS:

Section 11 requires employing agencies to provide documentation to the CJTC for its investigations. The CJTC assumes 50 such investigations will take place per year. WASPC assumes to provide records for, and coordinate information between internal and CJTC investigations, agencies will need to devote 10 person-hours to any given investigation. The Association of Washington Cities 2020 Salary Survey finds that the average hourly salary of a police/sheriff records clerk is \$24.60. Given these figures, local law enforcement agencies would incur costs of \$19,434 per year to cooperate with CJTC investigations.

$50 \text{ investigations} \times 10 \text{ person-hours} \times \$24.60 \text{ hourly records clerk rate} \times 1.58 \text{ Benefits and Overhead Multiplier} = \$19,434$

The above figures may be higher depending on the staff agencies require to assist with CJTC investigations.

The CJTC also assumes that of the 50 investigations above they will take action on 35 of them per year, which will require hearings. During these hearings, the CJTC is allowed to suspend an officer's certification. This suspension may require local law enforcement agencies to cover a suspended officer's shifts and/or duties with overtime performed by other officers and staff, leading to increased costs in salaries and benefits. Suspension terms and hearing deadlines vary on a case by case basis, making exact expenditure effects due to peace and/or corrections officer certification suspension incalculable at this time.

RECORDS RETENTION:

Section 19 expands the requirements for personnel records retention done by law enforcement agencies for any peace or corrections officer in their employ. This analysis assumes this section applies to all personnel records. As an example of the section's effects, currently, per the Washington Secretary of State Law Enforcement Records Retention Schedule, most internal review-related documents are to be retained for six years after completion of disciplinary action or final disposition. This legislation would change the requirement for said records, and all other personnel records, to the entirety of the officer's employment at the employing agency plus ten years thereafter.

This change in requirements would have varying effects on local law enforcement agencies dependent on their size and their current retention practices. According to WASPC, for departments with 15 or fewer officers and thus less overall records managed, the costs due to expansion of records retention needs would be minimal. However, for larger departments with more police officers and thus more records, the effects of new records retention requirements could amount to substantial costs for acquiring physical space, new FTEs, and/or purchasing digital storage capacity. For this analysis three police departments from large jurisdictions replied to requests for information, one responded it would experience increased costs of around \$1,000 per year for more physical storage, one stated costs would be substantial but could not provide firm figures, and another stated this would have minimal effect as they have already moved most records to a cloud-based system. The effects of this section will vary by department and system used.

Discussions with law enforcement agencies indicate that some agencies currently retain records beyond current state retention schedules. Therefore, effects of this legislation may also vary by department depending on their current records retention and personnel policies and practices.

PUBLIC DISCLOSURE REQUESTS:

Due to the effects of section 19 and the increased volume of records on hand it requires, law enforcement agencies would experience increased complexity in responding to public disclosure requests (PDRs). The Washington Joint Legislative Audit and Review Committee's (JLARC) 2019 Public Records Data Report found the following:

- Agencies spent on average 6,848 hours responding to PDRs
- The average PDR required 3.38 hours of work to respond to
- The average PDR cost an agency \$208

The above report's figures only apply to agencies that spend \$100,000 or more per year to respond to PDRs and only filters down to cities/counties, not specifically law enforcement agencies. The data includes 105 agencies. This data is meant to illustrate the current scope and costs of PDRs within the state. At this time due to the variability in scope of PDRs, the fiscal effects of this increased complexity for local law enforcement agencies cannot be estimated.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This legislation would have no revenue impacts on local governments.

SOURCES:
2020 Local Government Fiscal Note Program Criminal Justice Cost Model
Bellevue Police Department
City of Tacoma
Everett Police Department
Washington Association of Sheriffs and Police Chiefs
Washington Joint Legislative Audit and Review Committee 2019 Public Records Report
Washington Secretary of State Law Enforcement Records Retention Schedule Version 7.2