

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations
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## Estimated Cash Receipts

NONE

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Fiscal note not available					
Local Gov. Total						

## 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
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	9,900	.0	0	0	3,600	.0	0	0	3,600
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	4.0	375,190	375,190	1,541,752	4.0	325,212	325,212	1,360,818	4.0	325,212	325,212	1,360,818
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Fiscal note not available											
University of Washington	Fiscal note not available											
Washington State University	Fiscal note not available											
Eastern Washington University	Fiscal note not available											
Central Washington University	Fiscal note not available											
The Evergreen State College	Fiscal note not available											
Western Washington University	Fiscal note not available											
State Parks and Recreation Commission	.0	113,500	113,500	113,500	.0	108,000	108,000	108,000	.0	108,000	108,000	108,000
Department of Fish and Wildlife	.0	29,000	29,000	29,000	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	7,500	7,500	7,500	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>4.0</b>	<b>525,190</b>	<b>525,190</b>	<b>1,701,652</b>	<b>4.0</b>	<b>433,212</b>	<b>433,212</b>	<b>1,472,418</b>	<b>4.0</b>	<b>433,212</b>	<b>433,212</b>	<b>1,472,418</b>

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	Fiscal note not available								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
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
Liquor and Cannabis Board	.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
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
University of Washington	Fiscal note not available								
Washington State University	Fiscal note not available								
Eastern Washington University	Fiscal note not available								
Central Washington University	Fiscal note not available								
The Evergreen State College	Fiscal note not available								
Western Washington University	Fiscal note not available								
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
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

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	Fiscal note not available								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Jenna Forty, OFM	<b>Phone:</b> (564) 999-1671	<b>Date Published:</b> Preliminary 3/30/2021
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 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:	Phone:	Date: 03/23/2021
Agency Preparation: John Iyall	Phone: 360-810-2870	Date: 03/24/2021
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 03/24/2021
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 03/28/2021

## 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.*

1223 S HB AMS LAW S2128.1 sets forth recording requirements for custodial interrogations. Section 3 requires a custodial interrogation to be recorded electronically in its entirety if the suspect is a juvenile or if the interrogation relates to a felony crime. Section 15 requires each law enforcement agency that is a Washington state governmental agency to adopt and enforce policies related to custodial interrogations. There is no impact to the Lottery.

Washington's Lottery is a limited law enforcement agency pursuant to RCW 67.70.330. However, Lottery employees are not authorized by the agency to take suspects into custody or conduct custodial interrogations.

### 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

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 117-Washington State Gambling 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:	Phone:	Date: 03/23/2021
Agency Preparation: Christopher Stanley	Phone: 360-486-3489	Date: 03/26/2021
Agency Approval: Christopher Stanley	Phone: 360-486-3489	Date: 03/26/2021
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 03/28/2021



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 15 would require rule-making, which is estimated at 0.1 FTE (20 hours of work is the standard rule-making allowance at the Gambling Commission).

It is unknown how many custodial interrogations WSGC agents perform each year. While our Criminal Enforcement Unit made or assisted with over 60 arrests in 2020, we do not track how many of those resulted in custodial interrogations. To comply with the bill, WSGC agents would need to use facilities of other law enforcement agencies or purchase its own equipment to record interrogations and store those recordings in a secure manner. Because it is unknown at this time how many custodial interrogations may be undertaken in the future, where those instances would be located, and the amount of storage space necessary to retain an as-yet-unknown amount of records, WSGC cannot make a determination as to whether or not we would use space of other law enforcement agencies or procure our own equipment.

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 15 would require rule-making, which is estimated at 0.1 FTE (20 hours of work is the standard rule-making allowance at the Gambling Commission).

While our Criminal Enforcement Unit made or assisted with over 60 arrests in 2020, we do not track how many of those resulted in custodial interrogations. WSGC agents would need to use facilities of other law enforcement agencies. It is unknown at this time how many custodial interrogations may be undertaken, where those instances would be located, and the amount of storage space necessary to retain an as-yet-unknown amount of records.

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

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 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.*

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- ☐ 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:	Phone:	Date: 03/23/2021
Agency Preparation: Michael Walker	Phone: 360-725-7036	Date: 03/24/2021
Agency Approval: Bryon Welch	Phone: 360-725-7037	Date: 03/24/2021
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 03/24/2021

## 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.*

The Office of the Insurance Commissioner (OIC) conducts non-custodial interrogations in a majority of cases, which are rarely associated with juveniles or felonies. In the limited instance, where OIC must complete these interrogations, they can be conducted at other law enforcement facilities, which would provide the requisite recording capabilities. Any resulting model policy will be incorporated by OIC, at no fiscal impact, as routine policy updates are expected within the normal course of business operations.

### 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

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 195-Liquor and Cannabis Board
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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
<b>Account</b>					
Liquor Revolving Account-State 501-1	8,100	1,800	9,900	3,600	3,600
<b>Total \$</b>	8,100	1,800	9,900	3,600	3,600

### 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.*

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- ☒ 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:	Phone:	Date: 03/23/2021
Agency Preparation: Colin O'Neill	Phone: (360) 522-2281	Date: 03/25/2021
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 03/25/2021
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 03/29/2021

## 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 requires electronic recording if the custodial interrogation (including required warnings, advice of the rights of the individual, and waiver of rights) is of a juvenile or relates to a felony crime. "Electronic recording" is defined as "an audio recording or audio and video recording that accurately records a custodial interrogation."

Section 2(3) - "Law enforcement agency" means a general authority Washington law enforcement agency or limited authority Washington law enforcement agency as those terms are defined in RCW 10.93.020.

Section 2(4) - "Law enforcement officer" means a general authority Washington peace officer or limited authority Washington peace officer as those terms are defined in RCW 10.93.020.

Section 2(6) - "Place of detention" means a fixed location under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. The term includes a jail, police or sheriff's station, holding cell, correctional or detention facility, police vehicle, and in the case of juveniles, schools.

Section 3(1) - limits the requirement for video recordings to a jail, police or sheriff's station, holding cell, or correctional or detention facility. A custodial interrogation at any other place of detention must be recorded by audio means at minimum.

Sect 14 - Law enforcement agencies are required to establish and enforce procedures to ensure that the electronic recording of all or part of a custodial interrogation is identified, accessible, and preserved throughout the length of any resulting sentence, including any period of community custody extending through final discharge.

Sect 15 - Each law enforcement agency that is a governmental entity of this state shall adopt and enforce rules to implement this chapter.

This bill takes effect January 1, 2022.

### 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.*

Enforcement Division: The division anticipates it will need to purchase hand recorders. \$50 ea x 126 officers = \$6,300 onetime costs in FY22.

Information Technology Division: The Enforcement Division will require a permanent and secure location to save the data captured from the hand recorders. The agency assumes the information being collected is CAT 4 data, which requires a secure location and would necessitate additional Cloud Storage at a monthly cost of \$150 or \$1,800 annually.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
501-1	Liquor Revolving Account	State	8,100	1,800	9,900	3,600	3,600
Total \$			8,100	1,800	9,900	3,600	3,600

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	8,100	1,800	9,900	3,600	3,600
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-					
<b>Total \$</b>	8,100	1,800	9,900	3,600	3,600

**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

NONE

### III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Enforcement Division (060)	6,300		6,300		
Information Technology Division (070)	1,800	1,800	3,600	3,600	3,600
<b>Total \$</b>	8,100	1,800	9,900	3,600	3,600

## 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

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 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.*

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- ☐ 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:	Phone:	Date: 03/23/2021
Agency Preparation: Amanda Hathaway	Phone: 360-664-1249	Date: 03/24/2021
Agency Approval: Amanda Hathaway	Phone: 360-664-1249	Date: 03/24/2021
OFM Review: Jenna Forty	Phone: (564) 999-1671	Date: 03/24/2021

## 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 on UTC. The bill requires law enforcement to record custodial interrogations when dealing with juveniles or felony crimes. The commission is a limited law enforcement agency but does not commission employees as peace officers, nor does it enforce criminal law. UTC 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.*

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.*

## 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

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 225-Washington State Patrol
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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	4.0	4.0	4.0	4.0	4.0
<b>Account</b>					
General Fund-State 001-1	212,584	162,606	375,190	325,212	325,212
State Patrol Highway Account-State 081-1	648,759	517,803	1,166,562	1,035,606	1,035,606
<b>Total \$</b>	861,343	680,409	1,541,752	1,360,818	1,360,818

### 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.
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- ☐ Capital budget impact, complete Part IV.
- ☒ Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 03/23/2021
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 03/24/2021
Agency Approval: Walter Hamilton	Phone: 360-596-4046	Date: 03/24/2021
OFM Review: Jenna Forty	Phone: (564) 999-1671	Date: 03/25/2021

## 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.*

The amended version modifies definitions. This does not change our fiscal impact stated in the substitute version.

The substitute version specifies that the requirement to electronically record audio and video of specific interrogations applies to a jail, police or sheriff's station, holding cell, or correctional or detention facility. It also specifies that law enforcement officers are required to electronically record, at a minimum, audio of specific interrogations conducted at any other place of detention. These changes decrease our fiscal impact stated in the original version, but still have a fiscal impact.

There will be a fiscal impact to the Washington State Patrol (WSP) due to technology demands and personnel support to electronically record specific interrogations and investigations.

Section 3 requires law enforcement officers to electronically record any custodial interrogations involving a juvenile or investigation of a felony crime. The exceptions to electronic recordings are exigent circumstances, individual's refusal to record, interrogation is conducted by other jurisdiction, officer belief that recording is not required, protection of individual identity, and equipment malfunctions as outlined in Sections 5-10. All exceptions must have written or electronic recording of explanation.

In addition, Section 15 requires the establishment of rules relating to electronic recording.

### 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.*

There will be a significant fiscal impact to the WSP due to technology and personnel needed to electronically record interrogations. Several technology options would be needed to support a variety of investigations conducted in a variety of environments.

Fixed investigations rooms throughout the state can be outfitted with audio and video capabilities to be made available for investigations. If we outfit two rooms in all 36 current WSP offices, we estimate initial costs at \$118,552 and \$60,952 in subsequent years.

Portable audio and video devices will need to be available for all Investigative Assistance Division and Criminal Investigation Division detectives as they are in various environments and it may not be feasible for them to get to a nearby available interrogation room. We estimate 100 detectives will need to be outfitted. Initial costs are estimated at \$1,650 per user and \$850 per user in subsequent years.

The increase in electronically recording interrogations will need additional staff to support and process the additional data. We estimate two Information Technology Customer Service Specialist - Journey, and two Forms and Records Analyst 2 positions will be needed for this additional support. We base estimated salary expenditures on current levels for the positions requested per published salary schedules, plus any applicable incentive or assignment pay. We

compute estimated benefits expenditures based on federal or state mandated rates plus state provided amounts for health insurance and workers' compensation insurance. We assume that any increases in these rates or amounts will be covered by legislation establishing the increase. We compute estimated support expenditures such as supplies and materials, communications, computer costs (hardware and software), vehicle and vehicle operating costs, among others, using average costs to support agency FTEs. We adjust the estimated support costs to reflect the needs of individual divisions or positions within the WSP.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 29.31 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

The funding allocation for this estimate is based on the results of the Joint Legislative Audit and Review Committee cost allocation model approved by both the Transportation and the Omnibus Budget Committees in the 2020 Supplemental Budget. The model analyzes costs and relevant activities (hours, transactions, type of enforcement, etc.) of WSP organizations funded by two or more sources to ensure a consistent and fair use of state resources.

## 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	212,584	162,606	375,190	325,212	325,212
081-1	State Patrol Highway Account	State	648,759	517,803	1,166,562	1,035,606	1,035,606
<b>Total \$</b>			861,343	680,409	1,541,752	1,360,818	1,360,818

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	4.0	4.0	4.0	4.0	4.0
A-Salaries and Wages	270,648	270,648	541,296	541,296	541,296
B-Employee Benefits	104,505	104,505	209,010	209,010	209,010
C-Professional Service Contracts					
E-Goods and Other Services	112,608	108,096	220,704	216,192	216,192
G-Travel	9,600	9,600	19,200	19,200	19,200
J-Capital Outlays	216,800	41,700	258,500	83,400	83,400
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Indirect Costs	147,182	145,860	293,042	291,720	291,720
<b>Total \$</b>	861,343	680,409	1,541,752	1,360,818	1,360,818

### 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
Forms & Records Analyst 2	51,432	2.0	2.0	2.0	2.0	2.0
IT Customer Service - Journey	83,892	2.0	2.0	2.0	2.0	2.0
<b>Total FTEs</b>		4.0	4.0	4.0	4.0	4.0

### 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

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

To meet the requirements of Section 15, the rule-making process will require collaboration between multiple WSP divisions. We assume the meetings can be done within current resources.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 300-Department of Social and Health Services
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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:	Phone:	Date: 03/23/2021
Agency Preparation: Bill Jordan	Phone: 360-902-8183	Date: 03/23/2021
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 03/23/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/28/2021



## 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 Department of Social and Health Services (DSHS).

This bill establishes the requirement for electronic recording of custodial interrogations. While being defined as a Limited Authority Washington Law Enforcement Agency, DSHS does not have any law enforcement officers.

### 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

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 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:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	0.0	0.0	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	59,500	54,000	113,500	108,000	108,000
<b>Total \$</b>	59,500	54,000	113,500	108,000	108,000

### 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:	Phone:	Date: 03/23/2021
Agency Preparation: Robert Ingram	Phone: (360) 902-8615	Date: 03/25/2021
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 03/25/2021
OFM Review: Leslie Connelly	Phone: (360) 878-4371	Date: 03/29/2021

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.

Sec. 2 defines “law enforcement agency” and “law enforcement officer” to include limited authority agencies and officers.

Sec. 3 requires law enforcement officers to electronically record in its entirety all custodial interrogations of juveniles and felony suspects. Such recordings done at detention facilities must include both audio and video, and must at a minimum include an audio recording when done at any other place of detention.

Sec. 14 requires the Agency to establish procedures to electronically preserve such recordings.

Sec. 15 of requires the Agency to adopt policy and procedures related to electronic recordings.

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.

Park rangers are not currently equipped with audio /video recording devices, including any in-car or body-worn cameras. Only 60 out of approximately 120 fully commissioned park ranger positions currently have agency-issued smart phones that could serve as such recording devices. Equipping the remaining half with smart phones would be the most cost effective method of compliance with this legislation.

Section 3 - The total cost per smart phone and requisite service is \$75 per month, times 60 park ranger positions is \$4,500 per month (\$54,000 per fiscal year).

Sections 14 and 15 - The estimated staff time to establish the required policies and procedures is 80 hours of WMS time (\$5,500 one-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	59,500	54,000	113,500	108,000	108,000
Total \$			59,500	54,000	113,500	108,000	108,000

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	0.0	0.0	0.0	0.0
A-Salaries and Wages	4,100		4,100		
B-Employee Benefits	1,400		1,400		
C-Professional Service Contracts					
E-Goods and Other Services	54,000	54,000	108,000	108,000	108,000
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-					
<b>Total \$</b>	59,500	54,000	113,500	108,000	108,000

**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
WMS Band 2	102,500	0.0	0.0	0.0	0.0	0.0
<b>Total FTEs</b>		0.0	0.0	0.0	0.0	0.0

### 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

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 .

Sections 14 and 15 would require policy and procedure changes regarding electronic recordings.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 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:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
<b>Account</b>					
General Fund-State 001-1	29,000	0	29,000	0	0
<b>Total \$</b>	29,000	0	29,000	0	0

### 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:	Phone:	Date: 03/23/2021
Agency Preparation: Amy Pizzollo	Phone: 360-791-7858	Date: 03/26/2021
Agency Approval: Amy Pizzollo	Phone: 360-791-7858	Date: 03/26/2021
OFM Review: Leslie Connelly	Phone: (360) 878-4371	Date: 03/29/2021

## 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 2 states definitions (3) "Law enforcement agency" means a general authority Washington law enforcement agency or limited authority Washington law enforcement agency as those terms defined in RCW 10.93.020.

WDFW Enforcement Officers are general authority peace officers as defined by RCW 10.93.020 and 77.15.075 (1), and enforce all criminal laws, including traffic violations, drugs, and warrants for arrest. On average, WDFW police officers make more than 225,000 enforcement contacts annually.

Section 3 requires that any custodial interrogation, as defined in Section 2 (1), must be recorded electronically in its entirety if the interrogation subject is a juvenile or if the interrogation relates to a felony crime. A custodial interrogation at a jail, police or sheriff's station, holding cell, or correctional or detention facility must be recorded by audio and video means. A custodial interrogation at any other place of detention must be recorded by audio means at minimum. The WDFW Enforcement Program infrequently performs interrogations related to felony crimes. In the cases where they do, and a recording will be required, current equipment such as laptops and iPhones are capable of capturing the recordings. The amount of data created due to these required recordings is not expected to trigger the need for additional storage space and capacity at this time. No fiscal impact.

Section 14 directs law enforcement agencies to establish and enforce procedures to ensure that the electronic recording of custodial interrogation is identified, accessible, and preserved throughout the length of any resulting sentence, including any period of community custody extending through final discharge. WDFW will need to review and update procedural documents. This requirement will be rolled into the new rules and internal policies established per Section 15. No fiscal impact.

Section 15 directs governmental law enforcement agencies to adopt and enforce policies and procedures related to electronic recordings. This section specifies topics to include in the video recording rules and certain standards related to the use of recording devices to ensure accuracy and completeness of recordings. WDFW will need to update internal policies and will likely work with other law enforcement agencies while crafting the new policy and procedures. Once the new policy and procedures are in place, officers will need to be briefed and depending on the complexity of the new procedures, trained on the new procedures.

### 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 15 directs WDFW to develop and adopt a policy and procedure relating to the implementation of custodial interrogations methods as defined by the new Title 10 chapter established by this bill. The implementation of custodial interrogations would require a WDFW in-service training for all commissioned staff. 137 commissioned officers will come together in Olympia for this training. This requires one day of per diem and one night of lodging for 90 percent of the staff traveling from out of area. Per diem =  $(137 \times 90\% \times \$66) = \$8,138$  and lodging =  $(137 \times 90\% \times \$112) = \$13,810$ . One-time travel costs, object G, total \$22,000. An infrastructure and program support rate of 31.82 percent is included in Object T and is calculated based on WDFW's federally approved indirect rate.

Total costs for WDFW are \$29,000 in FY 2022.

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	29,000	0	29,000	0	0
Total \$			29,000	0	29,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel	22,000		22,000		
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	7,000		7,000		
9-					
Total \$	29,000	0	29,000	0	0

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

<b>Bill Number:</b> 1223 S HB AMS LAW S2128.1	<b>Title:</b> Custodial interrogations	<b>Agency:</b> 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
<b>Account</b>					
General Fund-State 001-1	7,500	0	7,500	0	0
<b>Total \$</b>	7,500	0	7,500	0	0

### 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:	Phone:	Date: 03/23/2021
Agency Preparation: Elayne Crow	Phone: 360-902-1121	Date: 03/24/2021
Agency Approval: Lenny Young	Phone: 360-902-1744	Date: 03/24/2021
OFM Review: Lisa Borkowski	Phone: (360) 902-0573	Date: 03/25/2021

## 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 requires electronic recording when an individual is in a place of detention (jail, police or sheriff's station, holding cell, correctional or detention facility, or police vehicle) under the control of a law enforcement agency where individuals are questioned about alleged crimes or status offenses. Statements taken in these locations must be recorded electronically in their entirety if the interrogation subject is a juvenile or if the interrogation relates to a felony crime. A custodial interrogation at a jail, police or sheriff's station, holding cell, or correctional or detention facility must be recorded by audio and video means. Requirements are effective January 1, 2022.

Sections 2(3) and 2(4) of this version of the bill modify the definitions of law enforcement agency and officer to general authority or limited authority agency and officer.

Section 3(1) adds that a custodial interrogation at any other place of detention must be recorded by audio means.

### 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 3 of this bill would require the purchase of both audio and video recording devices for the Department of Natural Resource's (DNR)'s thirteen uniformed officers. It is difficult to predict the exact costs without knowing the style of equipment (makes and models) that the Washington Association of Sheriffs and Police Chiefs would eventually recommend. DNR estimates that the cost could range from \$5,000 to \$10,000 for equipment and maintenance, depending on the equipment chosen.

Section 14 of this bill requires proper handling and preserving of electronic recordings. DNR assumes that the handling and preserving would be performed by Washington State Department of Fish and Wildlife evidence custodians who currently handle all DNR law enforcement evidence and found property. This portion of the bill would have no fiscal impact to DNR.

## 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	7,500	0	7,500	0	0
Total \$			7,500	0	7,500	0	0

### III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	7,500		7,500		
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-					
<b>Total \$</b>	7,500	0	7,500	0	0

**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