# **Multiple Agency Fiscal Note Summary**

Bill Number: 1445 S HB

Title: Law enf. misconduct

## **Estimated Cash Receipts**

NONE

Agency Name	2023-25		2025	-27	2027-29		
	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	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	10.8	3,588,000	3,588,000	3,588,000	10.5	3,488,000	3,488,000	3,488,000	10.5	3,488,000	3,488,000	3,488,000
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Independent Investigations	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	10.8	3,588,000	3,588,000	3,588,000	10.5	3,488,000	3,488,000	3,488,000	10.5	3,488,000	3,488,000	3,488,000

Agency Name	2023-25				2025-27			2027-29		
	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		2023-25			2025-27			2027-29			
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total		
Office of Attorney	.0	0	0	.0	0	0	.0	0	0		
General											
Criminal Justice Training	.0	0	0	.0	0	0	.0	0	0		
Commission											
Office of Independent	.0	0	0	.0	0	0	.0	0	0		
Investigations											
Total \$	0.0	0	0	0.0	0	0	0.0	0	0		

Agency Name		2023-25			2025-27			2027-29		
	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**

Prepared by: Cheri Keller, OFM	Phone:	Date Published:
	(360) 584-2207	Preliminary 2/13/2023

# **Individual State Agency Fiscal Note**

Bill Number: 14	445 S HB	Title:	Law enf. misconduct	Agency:	100-Office of Attorney General
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### Part I: Estimates

No Fiscal Impact

**Estimated Cash Receipts to:** 

NONE

#### **Estimated Operating Expenditures from:**

		FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		11.0	10.5	10.8	10.5	10.5
Account						
General Fund-State	001-1	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000
	Total \$	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000

#### **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:

 $\times$  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:	Jessica Van Horne	Phone: 360-786-7288	Date: 02/07/2023
Agency Preparation:	Chad Standifer	Phone: 3605863650	Date: 02/10/2023
Agency Approval:	Edd Giger	Phone: 360-586-2104	Date: 02/10/2023
OFM Review:	Cheri Keller	Phone: (360) 584-2207	Date: 02/10/2023

# Part II: Narrative Explanation

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

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

Section 1: New Section - Findings and Intent.

Section 2: New Section – Definitions.

Section 3: New Section. Under 43.10.030, the Attorney General's Office (AGO) may investigate and bring an action against a law enforcement agency or local corrections agency for violation of the state Constitution or state law. This includes issuing written civil investigative demands and initiating actions for injunctive or declaratory relief and seeking damages, costs and attorney fees. Provides that if an investigation is initiated, the AGO shall confer with the Office of Independent Investigations (OII).

Section 4: New Section. Sections 2 and 3 are to be liberally construed for remedial purposes and control in the case of conflicts with other laws.

Section 5: New Section. By July 1, 2024, the AGO shall develop and publish model policies for law enforcement and local correction accountability systems. In developing model policies the AGO shall consult with the Criminal Justice Training Commission (CJTC), OII, and other agencies, bodies, and people as specified.

Section 6: New Section. Sections 2-5 of this act are added to chapter 43.10 RCW.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

General Fund-State (GF-S) Account 001-1: Attorney General's Office (AGO) Administration Division's and Civil Rights Division's activities are funded with General Fund-State dollars. No cash receipt impact. There is no client agency to bill for legal services.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Attorney General's Office (AGO) Agency Assumptions:

This bill is assumed effective 90 days after the end of the 2023 legislative session.

Location of staffing is assumed to be in a Seattle office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

The AGO Administrative Division (ADM) assumes that in FY 2024 they will need to draft and complete the model policies, be involved in outreach and communications with law enforcement agencies and local correction agencies. Outreach

includes a wide swath of community advocates, attorneys, and other stakeholders that will take a significant amount of work.

Ongoing advice and communication with stakeholders, law enforcement and local corrections agencies will be needed FY 2025 and, in each FY, thereafter.

Direct costs:

FY 2024: \$32,000 for Special Assistant Attorney General (SAAG) services.

ADM GFS total FTE workload Seattle rates:

FY 2024: \$170,000 for 1.0 Policy Assistant (Exempt) (PA) (this includes \$32,000 in SAAG costs). FY 2025: \$70,000 for 0.5 PA and in every fiscal year thereafter.

Assumptions for the AGO Civil Rights Division (CRD) legal services:

These assumptions are for the enforcement work under Section 3. CRD assumes the model policy work in Section 5 will be estimated separately.

CRD assumes that this work will result in hundreds of contacts and requests for investigation of police departments and jails per year. CRD assumes that the legal assistant staff will need to screen the contacts and requests.

CRD assumes that the AGO will open eight matters per year for initial inquiry and investigation, and that two of those matters will proceed to litigation each year. These matters, by legislative definition, will be complex and involve department-level inquiries and not inquiries of "isolated" incidents. See Section 1.

A team of one AAG, one AGO Senior Investigator (INV), and one LA can handle four of these matters per year, because three will be in varying states of investigation, litigation, negotiation, etc. Two teams are needed and this will require a Managing AAG (MAAG) to supervise them.

These estimates are based on CRD's experience investigating and resolving issues related to police practices in the Cities of Lakewood and Othello, as well as extensively litigating one matter involving the City of Sunnyside. It is also based on our estimates from investigating practices by two jails and three sheriffs' offices. These estimates are also consistent with the estimates shared by the Maryland AGO regarding similar authority that may be extended to that office. Maryland has a similar population to Washington and may expect a similar number of complaints regarding police and jail misconduct.

For each litigated matter (two per year) CRD estimates \$60,000 in litigation costs. This accounts for costs related to process service, travel, expert witness fees, lay witness appearance fees, court reporter fees, deposition transcripts, and postage. These estimates are based off our litigation costs in State v. City of Sunnyside, et al., a pending police misconduct lawsuit.

CRD: Total Seattle workload impact:

FY 2024 and in each FY thereafter: \$1,674,000 for 1.0 MAAG, 4.0 AAG, 2.0 LA, 2.0 INV (this includes litigation costs of \$120,000).

The AGO Government Compliance and Enforcement Division (GCE) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Washington State Gambling Commission (GMB), the Office of the Insurance Commissioner (OIC) and Washington State Patrol (WSP).

GCE provides legal advice to GMB. Although this bill may result in some modest increase in legal advice requests relating to review and revision of policies in response to the model policies adopted by the AGO, it has been determined it would be nominal and costs are not included in this request.

OIC continually updates and modifies their policies and does not anticipate the need for an increase in legal services as a result of the model polices adopted by the AGO under this bill.

GCE provides program-specific litigation support to the WSP. Although section 5 of this bill could increase client advice requests relating to the implementation of the model policies, we assume that work would be handled by the Criminal Justice Division (CRJ).

The AGO Washington State University Division (AGO-WSU) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing Washington State University (WSU).

AGO-WSU assumes it is unlikely that the AGO will conduct an investigation or bring an action against the WSU PD under sections 2-4. In the event legal action is brought, it is assumed the litigation will be handled by a division or entity other than the WSU Division. In the unlikely event of an investigation, it is possible that the WSU Division will provide legal advice to the client during the investigation. It is further assumed that the WSU division will not be involved in the drafting of model polices required by section 5.

The AGO University of Washington Division (UOW) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the University of Washington (UW).

The AGO Public Lands Conservation Division (PLC) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department Natural Resources (DNR) or Washington State Department of Fish and Wildlife (WDWF).

The new requirements in section 3 of the bill do not create a fiscal impact to PLC. Given PLC's role advising WDFW and DNR, any investigations or lawsuits against the agencies would need to be handled by another division.

The AGO Education Division (EDU) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing Eastern Washington University (EWU), Western Washington University (WWU), Central Washington University (CWU), and The Evergreen State College (TESC)

Section 3 may generate requests for advice and/or the need to hire a SAAG, if EDU clients with law enforcement personnel are the subject of an investigation and need legal advice and representation in order to respond to civil investigative demands for documents.

EDU assumes that none of the investigations will result in any cases being filed, and that were a case to be filed, the client would be represented by a SAAG.

EDU assumes that only one of the four institutions of higher education will be subject to investigation in any given year. Ultimately, it is difficult, if not impossible, predict how many investigations might arise and it is noted that the bill is not focused on isolated acts, but alleged patterns or cultures of misconduct.

Section 5 may generate requests for advice relating to implementation of model policies and the need for collective bargaining to implement provisions of the policies.

The AGO Licensing and Administrative Law Division (LAL) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Liquor and Cannabis Board (LCB).

The enactment of this bill will not impact the provision of legal services to the LCB, as it does not impose significant new requirements on LCB. There may be the necessity for additional policy review and legal advice if LCB must modify any policies to be consistent with model policies adopted by the AGO under section 5 of the proposed legislation.

LAL has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the State Lottery Commission (Lottery).

The enactment of this bill will not impact the provision of legal services to Lottery because Lottery does not exercise its law enforcement authority and is not planning on changing this posture. Lottery's legal director reviews and adopts model policies from the AGO when policies are required by statute.

The AGO CRJ has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing WSP.

Sections 2 and 3 create a role for the AGO to investigate police agencies for violations of state law and file civil lawsuits to restrain further misconduct, but those duties are best suited to a division other than CRJ and will have no fiscal impact on CRJ. While these sections subject WSP to possible civil lawsuits brought by the AGO for violations of state law where insufficient accountability, training, and policies lead to such violations.

Section 5 may generate requests for client advice from WSP on implementation of the model policies, but it is not expected to increase the workload.

The AGO Social & Health Services Division (SHO) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Social and Health Services (DSHS).

The enactment of this bill will not impact the provision of legal services to DSHS because DSHS has only a limited law enforcement role with relation to its fraud duties.

The AGO Utilities and Transportation Commission (AGO-UTC) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Washington Utilities and Transportation Commission (UTC).

The enactment of this bill will not impact the provision of legal services to UTC because the AGO-UTC would not likely be the division investigating and prosecuting violations by law enforcement agencies and because the Commission would not likely be investigated.

While the Commission can employ limited law enforcement officers, it has not in many years. It may in the future issue its rail safety staff badges of authority to facilitate their entry into secure rail facilities, but it does not intend for those staff members to enforce criminal laws or make arrests.

The AGO Corrections Division (COR) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Corrections (DOC).

The enactment of this bill will not impact the provision of legal services to DOC because the investigative and enforcement authority granted to the AGO would extend to local correctional and limited authority law enforcement agencies, but not to DOC.

### Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Туре	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000
		Total \$	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	11.0	10.5	10.8	10.5	10.5
A-Salaries and Wages	1,141,000	1,094,000	2,235,000	2,188,000	2,188,000
B-Employee Benefits	357,000	343,000	700,000	686,000	686,000
C-Professional Service Contracts	152,000	120,000	272,000	240,000	240,000
E-Goods and Other Services	184,000	177,000	361,000	354,000	354,000
G-Travel	10,000	10,000	20,000	20,000	20,000
Total \$	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000

**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 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	124,635	4.0	4.0	4.0	4.0	4.0
(AAG)-Seattle						
Legal Assistant 3-Seattle	67,044	2.0	2.0	2.0	2.0	2.0
Management Analyst 5	91,524	1.0	1.0	1.0	1.0	1.0
Managing AAG	125,000	1.0	1.0	1.0	1.0	1.0
Policy Assistant (exempt)	95,000	1.0	0.5	0.8	0.5	0.5
Senior Investigator-Seattle	98,532	2.0	2.0	2.0	2.0	2.0
Total FTEs		11.0	10.5	10.8	10.5	10.5

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Division (ADM)	170,000	70,000	240,000	140,000	140,000
Civil Rights Division (CRD)	1,674,000	1,674,000	3,348,000	3,348,000	3,348,000
Total \$	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000

.

### Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

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

### NONE

## Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

# **Individual State Agency Fiscal Note**

Bill Number: 1445 S HB Title: Law enf. misconduct	Agency: 227-Criminal Justice Training Commission
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### **Part I: Estimates**

X 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:	Jessica Van Horne	Phone: 360-786-7288	Date: 02/07/2023
Agency Preparation:	Brian Elliott	Phone: 206-835-7337	Date: 02/09/2023
Agency Approval:	Brian Elliott	Phone: 206-835-7337	Date: 02/09/2023
OFM Review:	Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/09/2023

# Part II: Narrative Explanation

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

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

This bill has no significant fiscal impact to the Washington State Criminal Justice Training Commission.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

This bill has no cash receipt impact.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

This bill has no expenditure impact.

### Part III: Expenditure Detail

- **III. A Operating Budget Expenditures** NONE
- III. B Expenditures by Object Or Purpose NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals 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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

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

NONE

# Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

# **Individual State Agency Fiscal Note**

Bill Number: 1445 S HB	Title: Law enf. misconduct	Agency: 229-Office of Independent Investigations
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### Part I: Estimates

X 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:	Jessica Van Horne	Phone: 360-786-7288	Date: 02/07/2023
Agency Preparation:	Tracy Sayre	Phone: 3608905279	Date: 02/09/2023
Agency Approval:	Jamie Langford	Phone: (360) 902-0422	Date: 02/09/2023
OFM Review:	Cheri Keller	Phone: (360) 584-2207	Date: 02/10/2023

# Part II: Narrative Explanation

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

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

Sec. 1. The state of Washington and its subdivisions undertake to protect the safety of individuals and to preserve public peace by employing peace officers who are entrusted with the power to arrest, detain, and use force against individuals suspected of violating criminal statutes, and local corrections officers who are responsible for the custody, safety, and security of incarcerated individuals.

• This clarifies existing authority and authorizes the attorney general's office to investigate, and if necessary, bring suit against law enforcement agencies and local correction agencies.

• OII investigates law enforcement officers and/or correction officers, not the law enforcement agency or the correction agency. Therefore, no fiscal impact.

Sec. 2. "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" of any county, city, or town as those terms are defined in RCW 10.93.020.

• OII will employ "limited authority Washington peace officers" and the definition in this bill is consistent with the previously defined definitions and therefore has no impact.

Sec. 3 If an investigation is initiated, the attorney general shall confer with the office of independent investigations to ensure that any investigation under this section will not interfere with or impede an ongoing investigation being conducted by OII.

•This section clarifies that if the Office of the Attorney General does initiate an investigation pursuant to this statute, they must first confer with OII to ensure the initiated investigation is not one of an individual officer use of deadly force. This change does not have a fiscal impact.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished 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: *FTEs listed by classification and corresponding annual compensation. Totals 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

- Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE
- **IV. D Capital FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

## Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.