

Multiple Agency Fiscal Note Summary

Bill Number: 1087 S HB	Title: Solitary confinement
-------------------------------	------------------------------------

Estimated Cash Receipts

NONE

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
Criminal Justice Training Commission	.0	135,000	135,000	135,000	.0	0	0	0	.0	0	0	0
Department of Corrections	299.4	79,183,000	79,183,000	79,183,000	386.2	100,908,000	100,908,000	100,908,000	386.2	100,908,000	100,908,000	100,908,000
Total \$	299.4	79,318,000	79,318,000	79,318,000	386.2	100,908,000	100,908,000	100,908,000	386.2	100,908,000	100,908,000	100,908,000

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			6,300,288						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			6,300,288						

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	2.0	5,800,000	5,800,000	1.0	2,645,000	2,645,000	.0	0	0
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Total \$	2.0	5,800,000	5,800,000	1.0	2,645,000	2,645,000	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. Total									
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								

Estimated Capital Budget Breakout

Agency Name	2023-25	2025-27	2027-29
	Total	Total	Total
Department of Corrections			
Construction	4,300,000	2,645,000	0
Pre-design/Design	1,500,000	0	0
In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.			
Total \$	5,800,000	2,645,000	0

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Final 2/13/2023
-------------------------------------------	---------------------------------	-------------------------------------------

Individual State Agency Fiscal Note

Bill Number: 1087 S HB	Title: Solitary confinement	Agency: 227-Criminal Justice Training Commission
-------------------------------	------------------------------------	---------------------------------------------------------

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
Account					
General Fund-State 001-1	89,000	46,000	135,000	0	0
Total \$	89,000	46,000	135,000	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: Martha Wehling	Phone: 360-786-7067	Date: 01/22/2023
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 01/23/2023
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/23/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/01/2023

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 11 (1) states, subject to the availability of amounts appropriated for this specific purpose, the Washington Association of Sheriffs and Police Chiefs shall collect, on a monthly basis, the information submitted under section 10 of this act. The collected information must be compiled in a report summarizing the information by county and type of facility. An initial report must be submitted, in compliance with RCW 43.01.036, to the governor and the appropriate committees of the legislature by December 1, 2023. A final report must be submitted, in compliance with RCW 43.01.036, to the governor and the appropriate committees of the legislature by December 1, 2024.

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 on the Washington State Criminal Justice Training Commission.

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.

Expenses provided by the Washington Association of Sheriffs and Police Chiefs (WASPC) are as follows:

Part time program coordinator:

Fiscal year 2024 = \$72,597.

Fiscal year 2025 = \$37,255.

Equipment in fiscal year 2024 = \$5,000.

Supplies = \$1,000 in fiscal years 2024 and 2025.

Communications expense = \$1,620 in fiscal year 2024 and \$810 in fiscal year 2025.

Travel = \$5,000 in fiscal years 2024 and 2025.

WASPC administrative expense: 5% of office space, utilities, etc.

Fiscal year 2024 = \$4,261.

Fiscal year 2025 = \$2,203.

Totals rounded to nearest thousand:

Fiscal year 2024 = \$89,000

Fiscal year 2025 = \$46,000

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	89,000	46,000	135,000	0	0
Total \$			89,000	46,000	135,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	89,000	46,000	135,000		
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	89,000	46,000	135,000	0	0

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: 1087 S HB	Title: Solitary confinement	Agency: 310-Department of Corrections
-------------------------------	------------------------------------	----------------------------------------------

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	212.5	386.2	299.4	386.2	386.2
Account					
General Fund-State 001-1	28,729,000	50,454,000	79,183,000	100,908,000	100,908,000
Total \$	28,729,000	50,454,000	79,183,000	100,908,000	100,908,000

Estimated Capital Budget Impact:

	2023-25		2025-27		2027-29	
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Predesign/Design	1,500,000	0	0	0	0	0
Construction	2,000,000	2,300,000	2,645,000	0	0	0
Grants/Loans	0	0	0	0	0	0
Staff	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total \$	3,500,000	2,300,000	2,645,000	0	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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: Martha Wehling	Phone: 360-786-7067	Date: 01/22/2023
Agency Preparation: James Cerna	Phone: (360) 725-8428	Date: 02/13/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/13/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/13/2023

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.

Proposed substitute 1087 S Revises the following from the original HB 1087:

Section 2 adds the intent of the act is to create programming opportunities, and treatment and limiting the use of solitary confinement to emergent or necessary situations, for the safety of all persons including staff, and incarcerated individuals.

Section 3 The definition of solitary confinement updated to use Department of Corrections' (DOC) current terminology and adds the following definitions:

(39) Administrative Segregation

(40) Disciplinary Segregation

(41) Protective Custody

(42) Other Segregation

Section 3 (20)(b) Modifies postpartum recovery medical staff to include certified nurse midwives.

Section 3 (36)(e) Specifies the degree of hearing and auditory and visual impairment for a vulnerable person.

Section 5(3)(b) Changes the limit on use of Solitary confinement from 45 days in a one-year period to 20 days in a 60-day period, and only allows longer use of solitary confinement when a decision by the Secretary of DOC has determined the incarcerated individual has escaped, caused, or attempted to cause serious injury or death to another person. Clarifies that required notification to ombuds, a transition plan that is individualized.

Section 5(3)(C)(iii) directs DOC to maximize the opportunity for social engagement while an incarcerated individual in extended solitary confinement and provides increased discretion to DOC to choose medical personnel in addressing staffing concerns.

Section 5(3)(d) exempts certain circumstances of a partial or facility wide lockdown from the rules on solitary confinement.

Section 5(3)(d)(ii) Prohibits one escape or injury incident to be used as a basis for multiple extensions and requires DOC to report on the use of extended confinement.

Section 6 (3) changes a person cannot be placed in solitary confinement for more than 20 consecutive days in a 60-day period.

Section 9 (2)(b) Requires DOC establish and official website for monthly reports. Additional information must be included in the number of individuals held in extended solitary confinement per Section 5(3)(d) with the reasons for each extended placement.

Section 15 states Sections one through eight of this act takes effect July 1, 2024.

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.

The fiscal impact of this bill is greater than \$50,000 per Fiscal Year (FY).

This bill establishes guidelines for use of solitary confinement and elaborates on classification of the types, limits, and requirements to justly use solitary confinement. This bill expands on the definition of “solitary confinement” by classifying it as any sort of close confinement for more than 20 hours per day. Due to requirements of using solitary confinement in this bill, most of the 600 to 800 individuals on average in solitary confinement would need to be escorted to other programming, recreation, or requirements listed in the bill for at least four hours per day to comply as a majority of individuals will not qualify for solitary confinement supervision under this bill. The bill would greatly restrict how solitary confinement is used in our prison system. The major financial impacts to DOC are summarized in the following list:

- Incarcerated individuals must receive medical/mental health evaluations before solitary confinement unless it is unsafe. If it is unsafe, an evaluation must be done within 24 hours of moving to solitary confinement (health services staffing).
- The DOC staff must provide daily mental and physical health examinations by qualified medical providers for each incarcerated individual in solitary confinement in a confidential setting outside of cell whenever possible (health services and custody staffing and Capital impacts).
- The DOC must maximize amount of time an individual held in solitary confinement spends outside of the cell by providing, as appropriate, indoor and outdoor recreation, education, treatment therapies, skill-building, and social interaction (Capital impacts for renovating cells and recreation yards, as well as custody and programming staff).
- The DOC must provide cells or holding spaces used for solitary confinement to be properly ventilated, appropriately lit, temperature-monitored, clean, and equipped with functioning sanitary fixtures (Capital impacts for renovating cells).
- The DOC must perform an in-person clinical review no less frequently than every 12 hours and as clinically indicated for individuals in medical isolation. They must be placed in a unit designed for this purpose, designated by the secretary (health services staffing and Capital impacts for renovation of designated spaces).
- The secretary must adopt regulations to effectuate the provisions listed in the subsections of this bill. Along with listed regulations, the bill requires mandatory training for all staff working with incarcerated individuals in solitary confinement to include assistance from appropriate professionals:
 - o Standards for solitary confinement.
 - o Identification of incarcerated persons in need of physical accommodations who have been referred to solitary confinement.

The DOC currently has 642 Segregation (SEG) beds and 394 Intensive Management Unit (IMU) beds system wide. On any given day, the number of beds occupied can range significantly. On average, 600-800, or 58-77% of the beds are filled. For DOC to comply with the requirements of this bill, DOC must be able to adhere to such requirements if all those beds were filled on any given day. The impacts of such adherence are listed in the following sections:

Custody Staffing Impact

Due to language in the bill, DOC would need additional staffing to facilitate escorts between medical evaluation, recreation, programming, and other requirements listed. The DOC does not have additional capacity to take on this added requirement as the escort staff needs to be available 24 hours a day, 7 days a week (24/7). Based on DOC’s Custody staffing models, we would need additional shift posts to comply with requirements. We have considered current staffing levels and current out of cell time. Often these staff are responding to emergent situations which need to be triaged and unfortunately escorting incarcerated in and out of their cells becomes a lower priority due to health and safety concerns. With the unique nature of these units and the incarcerated housed in these units incidents are common. Additional staffing, we are requesting would ensure there are adequate resources to comply with the four hours out of cell each day as required in this bill.

To meet the required four hours of out-of-cell time, DOC would need 175. custody FTEs (16/7 escort teams) to facilitate all the movement, as well as security during programing. To ensure DOC complies with 4 hours of out of cell time we are assuming that it requires 120 minutes per day to escort/provide security to an incarcerated individual who is in solitary confinement it requires two escort staff to take an incarcerated individual out of cell to medical appointments, programming, and yard time.

House bill 1087 assumes that DOC would be able to meet the need for 4 additional hours of out of cell time for an average population of 700 it will require additional staffing to provide out of cell time by escorting to medical appointments, programming, and yard time. To receive 4 hours out of cell time, the assumption is that DOC would require 2 additional hours per Incarcerated population consisting of a team of 2 correctional staff for the 700 ADP equals an additional 1,400 hours coverage daily. This equates to 45 additional 16/7 post, which requires 3.9 FTEs per shift (including overtime) to equal 175.5 FTE's

The post calculations are based off the following assumptions:

- 700 incarcerated individuals impacted,
- 8 hour shifts per custody FTE.
- Each team is assumed to be comprised of two Correctional Officer 2 (CO2s) requiring 3.7 FTEs and an additional 0.2 FTE for overtime (DOC standard for 16/7 post).
- Medical assessments require 30 minutes of movement and 30 minutes on average for the assessments.
- Daily programming requires 30 minutes of movement and 90 minutes on average for the session.
- Trips to recreation yards require 30 minutes of movement and 90 minutes on average for the duration of stay.
- DOC assumes incarcerated individuals would need one medical trip, one programming trip and two trips to the recreation yard to meet the 4 hour out-of-cell minimum.
- Escort custody staff must be present the entirety of the medical appointment, but not during the duration of stays in the recreation yard and programming

For illustration purposes 2 hours of out of cell time x 700 ADP = 1,400 hours/ 8 hours per shift equals = 45 additional posts = 166.5 regular FTEs including relief.

In addition to the regular FTE's there is a standard factor per of 0.2 FTE for overtime (DOC 16/7 post), which equates to 9.0 overtime FTEs.

Anticipated costs in FY2024: 87.8 FTEs and \$8,753,000 inclusive of all FTE costs.

Anticipated costs in FY2025 and each fiscal year thereafter: 175.5 FTEs and \$17,498,000 per year, inclusive of all FTE costs.

Note: The DOC is assuming a six-month phase-in for custody staff in FY2024 for hiring and training.

Health Services Staffing Impact

Currently, DOC employs Health Services staff capable of the required evaluations of the bill, but due to the time constraints of the different evaluations, Health Services staff would need to expand as they are only available during normal business hours (Monday – Friday, 8am-5pm). Given the short time frames Health Services staff would need to complete these required evaluations and monitoring of individuals, Health Services would need to expand staffing significantly. Health Services would require the following minimums:

- One 24/7 Psychiatric Advanced Registered Nurse Practitioner (ARNP) at each location; two at the Washington State Penitentiary (WSP) and Monroe Correctional Complex (MCC). These dedicated FTEs will be responsible for the different physical and medical health evaluations required. Each facility must have these 24/7 posts to complete the required

assessments in the time limit amended by the bill. WSP and MCC require two posts of ARNPS as each facility has more than 200 SEG/IMU beds per facility. It is assumed DOC will be able to meet the need of the required evaluations in the mandated time constraint with these resources as the Psychiatric Advanced Registered Nurse Practitioner meets the criteria for “Qualified Medical Provider” under Section 3(33).

- One Psychology Associate at the six major facilities with the highest usage of SEG/IMU beds. These FTEs would satisfy the requirements under Section 5(4) and Section 9 to offer mental health treatment and programming for individuals.

To have 24/7 coverage of ARNPs, it would require 8,770 FTE hours, or approximately 4.0 FTEs, which equates to 58.8 FTEs for straight time. Relief for the aforementioned employees will be approximately 15.9 FTEs (calculated at .27 relief factor). This would total approximately 74.7 Advanced Registered Nurse Practitioner FTEs yearly. Calculations can be seen below.

$8,770 \text{ working hours for 24/7 coverage} / 2,088 \text{ annual hours per FTE} = 4.2 \text{ FTEs}$

$4.2 \text{ FTEs per job class X (12 facilities + 2 for additional staff at WSP and MCC)} = 58.8 \text{ FTEs per job class per year}$

$58.8 \text{ FTEs X .27 relief factor} = 15.9 \text{ ARNP FTEs for relief}$

$58.8 \text{ FTEs} + 15.9 \text{ relief FTEs} = 74.7 \text{ total ARNP FTEs.}$

6.0 Psychology Associates

The staffing listed below were not identified in our initial analysis of the original bill and are not a result of the amendments included in the substitute.

- One Physician 3 to provide statewide supervision to 58 FTE’s related to ARNP’s on the units.
- One Office Assistant 3 (OA3) at each facility and an additional OA3 at WSP and MCC, total 14 FTE’s.
- One Administrative 3 for each RN4 at WSP and MCC to help with hiring and personnel basics while on boarding (may be temporary), total of 2.0 FTE’s.
- One Patient Services Representative at WSP and MCC due to the large SC population of these facilities. Current staffing levels will be adequate to absorb the additional workload. Requesting 2.0 FTE’s.
- The 19.0 FTE’s bulleted above have been added to the updated fiscal note, not previously included in the original fiscal note.

Total Health Services of 99.7 FTE’s.

Anticipated costs in FY2024: 51.4 FTEs and \$ \$10,142,000 inclusive of all FTE costs.

Anticipated costs in FY2025 and each fiscal year thereafter: 99.7 FTEs and \$19,792,000 per year, inclusive of all FTE costs.

Note: The DOC is assuming a six-month phase-in for Health Care staff except for the Physician 3 and two Administrative Assistant 3 FY2024 for hiring and training. It has been extremely challenging to hire staff, especially those in the medical field. DOC is assuming the Physician 3 and two Administrative Assistant 3’s to be hired on July 1, 2023. This will allow the Physician 3 to prepare for supervision of the ARNP’s as well as attending mandatory training. The Administrative Assistance 3’s will be hired early to attending mandatory training and after completing the mandatory training assist the

RN4's with hiring and other personnel duties.

Programming/Transition Impact

This bill requires DOC to maximize available programming, recreation, education, and therapy along with other amended activities for incarcerated individuals in solitary confinement, which expands on the need for FTEs to facilitate such activities. The DOC does not possess the incremental staff to provide the additional activities stated in the amendments for the 600 to 800 individuals currently in solitary confinement. At a minimum, DOC would need Correctional Specialist 3's, 2.0 FTEs per facility to assist in such required programming, plus an additional Correctional Specialist 3 FTE at Washington State Penitentiary due to the larger population. The DOC did not have a matrix to quantify/calculate the requested staffing. This bill requires DOC to maximize available programming, recreation, education, and therapy along with other amended activities for incarcerated individuals in solitary confinement, which expands on the need for FTEs to facilitate such activities. The DOC does not possess the incremental staff to provide the additional activities stated in the amendments for the 600 to 800 individuals currently in solitary confinement. At a minimum, DOC would need Correctional Specialist 3's, 2.0 FTEs per facility to assist in such required programming, plus an additional Correctional Specialist 3 FTE at Washington State Penitentiary due to the larger population. These positions will complete evaluations of incarcerated individuals related to cognitive behavior intervention, social interaction, increased education, skill building small pod socialization, or programming for substance abuse, restorative justice, or behavioral needs training. These positions will be responsible to implement and coordinate programming treatment to maintain expected levels of safety for staff and incarcerated individuals. Lastly ensure compliance with policies created to comply with this bill, as well as prepare analysis of data.

Correctional Specialist 3's, 2.0 FTEs X 12 facilities, plus one additional Correctional Specialist 3 at Washington State Penitentiary = 25.0 total Correctional Specialist 3 FTEs.

The DOC would also need additional Transition Specialists to manage the investigative and intelligence work, manage the transition housing network or placement of individuals, and to facilitate the incremental work with moving more individuals from max custody to lower levels of confinement. The DOC would need two FTEs per major facility due to the size and population that would be subject to the requirements in this bill at those locations.

Correctional Specialist 3's, 1.0 FTEs x 6 Major facilities with IMU, plus one additional Correctional Specialist 3 at Washington State Penitentiary due to their larger population = additional 7.0 Correctional Specialist 3 FTEs.

Anticipated costs in FY2024: 16.0 FTES and \$1,888,000, inclusive of all FTE costs.

Anticipated costs in FY2025 and each fiscal year thereafter: 32.0 FTEs and \$3,776,000 per year, inclusive of all FTE costs.

Note: The DOC is assuming a six-month phase-in for programing staff in FY2024 for hiring and training.

Training Impact

The mandated training in section 9(2)(c) requires cross training from professionals, such as DSHS. The training will expand on the CO's ability to accommodate and identify members of vulnerable populations as defined in Section 3. This training is assumed to necessitate a contract between DOC and DSHS that will demand in-service training to recur on a regular basis. The DOC does not have any current estimates as this would be a specialized contract with DSHS, but it is anticipated to be more than \$50,000 annually. DOC will be utilizing the Mental Health First Aid is an established curriculum for law enforcement personnel. It is a two-day training, DSHS was not consulted. For illustrative purposes, if DOC implemented an annual in-service training of 16 hours, the impact can be calculated as the following:

16 hours of in-service training X (3,346 current custody DOC employees + 176.0 requested custody FTEs = 56,352 hours of training

56,352 training hours / 2,088 hours = 27.0 FTEs for in-service training relief

Anticipated costs in FY2024 and each fiscal year thereafter: 27.0 FTEs or \$3,290,000 (assumed at CO2 overtime rate).

Headquarters Quality Assurance/Data Management

Due to the complexity of the bill and the requirements set forth in Section 12, DOC will need additional staff consolidated at Headquarters to facilitate the following requirements:

- Coordination of mental health programming.
- Coordination of operations and classifications of incarcerated individuals.
- Quality assurance.
- Auditing processes and policies.
- Regulation revisions.
- Data analysis
- Capital studies; and
- To be in accordance with the effective dates listed in Sections 14 and 15.

Currently, DOC does not have the capacity to dedicate employees to such projects as it will be an expansive and lengthy process to adhere to all mandated changes in sections 1 through 8. The DOC is requesting a team at headquarters to consist of the following for this purpose:

- 1.0 Exempt to coordinate the mental health portion;
- 1.0 WMS band 2 to coordinate operations and classification;
- 1.0 WMS band 2 to coordinate the quality assurance/audits;
- 3.0 Administrative Assistant 3 FTEs to support the above staff; and
- 1.0 Management Analyst 4 to support data analysis needs.

Funding is requested for these staff effective July 1, 2023, in order to hire and train, and then manage the requirements in Sections 8, 9 and 12.

Anticipated costs for FY2024 and ongoing: 7.0 FTEs and \$808,000 inclusive of all FTE costs.

Funding is requested to purchase a data management software system to comply with required reporting and data gathering of this bill.

Estimated FY2024 cost: \$400,000

Estimated FY2025 cost and each fiscal year thereafter: \$109,000

Business Services

The business services payroll staff listed below were not identified in our initial analysis of the original bill and were not a result of the amendments included in the substitute.

The DOC is requesting additional business services FTE's above and beyond those included in the standard indirect rate to process payroll for the additional nursing staff. Due to the complexity and rules associated with processing nurses payroll, it takes much more time than other staff. Nursing staff have very complex shift differential rules which add to the normal time to process their payroll. In addition to this factor, there are additional auditing steps required, which often results in questions to the and employee or their supervisor, to ensure leave and payroll is processed accurately. This involves an Excel timesheet that is filled out by the employee and mostly a manual process after that, as there is no electronic system to manage the initial data gathering, prior to entering the leave and payroll information into the payroll system. The staff being requested are above the normal indirect impact due to the extraordinary work required for nurses payroll. In-order to process the additional 75 nurses' payroll accurately and timely DOC is requesting 3 Fiscal Analyst 1.

Anticipated costs in FY2024: 1.5 FTEs and \$134,000, inclusive of all FTE costs.

Anticipated costs in FY2025 and each fiscal year thereafter: 3.0 FTEs and \$268,000 per year, inclusive of all FTE costs.

Indirect FTE impact

The DOC requests funding for the indirect costs of agency administration, for the purpose of implementing this legislation. Based on the size and FTE impact of this bill, indirect FTEs will be greatly impacted by the additional human resources, payroll, administrative work, managing of establishing and hiring the positions, and such. With hiring hundreds of employees to fill such specialized roles, it would necessitate every bit of the approved indirect rate that DOC is requesting, as seen below.

The approved agency indirect rate and associated cost of administration are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

The DOC requests funding for the indirect costs of agency administration which includes 21.8 FTEs and \$2,068,000 in FY2024, 42.0 FTEs and \$3,993,000 in FY2025, and ongoing, for the purpose of implementing this legislation. The approved agency indirect rate and associated cost of administration are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

Total Agency impact

Agency total cost FY2024: \$ 28,729,000 and 212.5 FTEs, inclusive of \$2,034,000 one-time cost.

Agency total cost FY2025: \$ 50,454,000 and 386.2 FTEs

Agency total cost FY2026 and each fiscal year thereafter: \$ 50,454,000 and 386.2 FTEs.

Assumptions:

1. Due to complexity of this bill, the previously mentioned costs are by no means an all-encompassing inclusive list of costs. The DOC is likely to experience additional costs related to this bill that have not been identified in preliminary analysis and will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	28,729,000	50,454,000	79,183,000	100,908,000	100,908,000
Total \$			28,729,000	50,454,000	79,183,000	100,908,000	100,908,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	212.5	386.2	299.4	386.2	386.2
A-Salaries and Wages	17,577,000	34,201,000	51,778,000	68,402,000	68,402,000
B-Employee Benefits	5,731,000	11,233,000	16,964,000	22,466,000	22,466,000
C-Professional Service Contracts					
E-Goods and Other Services	1,276,000	708,000	1,984,000	1,416,000	1,416,000
G-Travel	151,000	151,000	302,000	302,000	302,000
J-Capital Outlays	1,926,000	168,000	2,094,000	336,000	336,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	2,068,000	3,993,000	6,061,000	7,986,000	7,986,000
9-					
Total \$	28,729,000	50,454,000	79,183,000	100,908,000	100,908,000

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
Administrative Assistant 3	505,558	3.0	3.0	3.0	3.0	3.0
Advanced Registered Nurse Practitioner	164,861	37.4	74.7	56.1	74.7	74.7
Aministrative Assistant 3 Teamsters	59,168	2.0	2.0	2.0	2.0	2.0
Correctional & Custody Officer 2	68,603	114.8	202.5	158.7	202.5	202.5
Correctional Specialist 3	70,267	16.0	32.0	24.0	32.0	32.0
Director Mental Health	160,000	1.0	1.0	1.0	1.0	1.0
Fiscal Analyst 1	63,735	1.5	3.0	2.3	3.0	3.0
Management Analyst 4	82,901	1.0	1.0	1.0	1.0	1.0
Management Analyst 5	91,525	21.8	42.0	31.9	42.0	42.0
Office Assistant 3 - Teamsters	52,304	7.0	14.0	10.5	14.0	14.0
Operations and Classification Manager	103,428	1.0	2.0	1.5	2.0	2.0
Patient Services Representative	54,887	2.0	2.0	2.0	2.0	2.0
Physician 3	258,270	1.0	1.0	1.0	1.0	1.0
Psychology Associate - Teamster	104,358	3.0	6.0	4.5	6.0	6.0
Total FTEs		212.5	386.2	299.4	386.2	386.2

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative & Support Services (100)	2,222,000	4,266,000	6,488,000	8,532,000	8,532,000
Correctional Operations (200)	15,501,000	25,812,000	41,313,000	51,624,000	51,624,000
Health Services (500)	10,549,000	19,919,000	30,468,000	39,838,000	39,838,000
Intra-Agency Reimbursements (600)	457,000	457,000	914,000	914,000	914,000
Total \$	28,729,000	50,454,000	79,183,000	100,908,000	100,908,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
057-1	State Building Construction Account	State	3,500,000	2,300,000	5,800,000	2,645,000	0
Total \$			3,500,000	2,300,000	5,800,000	2,645,000	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

IV. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.0	2.0	2.0	1.0	
A-Salaries and Wages	134,000	134,000	268,000	134,000	
B-Employee Benefits	58,000	58,000	116,000	58,000	
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays	3,308,000	2,108,000	5,416,000	2,453,000	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	3,500,000	2,300,000	5,800,000	2,645,000	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

Construction Estimate	FY 2024	FY 2025	2023-25	2025-27	2027-29
Predesign/Design	1,500,000		1,500,000		
Construction	2,000,000	2,300,000	4,300,000	2,645,000	
Grants/Loans					
Staff					
Other					
Total \$	3,500,000	2,300,000	5,800,000	2,645,000	

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Corrections and Custody Officer 2	96,000	2.0	2.0	2.0	1.0	
Total FTEs		2.0	2.0	2.0	1.0	0.0

There are numerous Capital impacts brought forth in this bill. Potential capital impacts can be listed as the following:

- Section 8(1) would require increasing yard and recreational capacities at all DOC prisons. DOC currently has a funded Capital project at the Monroe Correctional Complex (MCC) and Washington State Penitentiary (WSP) Intensive Management Unit (IMU) recreation yards to meet the requirements determined by the 9th circuit of the Supreme Court. Additional funding would be needed to renovate the recreation yards at remaining IMU facilities
- Section 8(1) also would require DOC to provide cells or holding spaces used for solitary confinement to be properly ventilated, appropriately lit, temperature-monitored, clean, and equipped with functioning sanitary fixtures. This shall require certain cells to be renovated as not all cells have these features. This section would require DOC to provide access to programming and health care service space as well.

Recreation Yard Renovations

The DOC has a capital project in its ten-year plan to renovate recreation yards at its IMU facilities. The DOC was appropriated \$1,500,000 by the legislature in the 2017-19 enacted capital budget to renovate the recreation yards at MCC and was appropriated \$1,500,000 in the Governor’s proposed 2021-23 capital budget to renovate the recreation yards at WSP (total of \$3,000,000 for these two facilities). The DOC is planning to initiate the renovations of recreation yards at

additional facilities in future biennia pending a future appropriation for that work.

There are currently five prisons that house incarcerated males in IMU facilities, and there are no IMU beds at female facilities. The remaining three facilities with IMU beds for males would most likely have to be renovated to meet the requirements of this bill if passed. To accurately determine the scope and costs to renovate the remaining IMU recreation yards, DOC would need to select a consultant to conduct site assessments and a project design before contracting out the construction phase. These costs are indeterminate at this moment, but for illustrative purposes, if DOC was to apply the facility average from the first two facilities being renovated to the remaining three facilities, it would cost approximately \$6,000,000 to retrofit the yards at the remaining facilities: Clallam Bay Corrections Center (CBCC), Stafford Creek Correction Center (SCCC), and Washington Correction Center (WCC). We assume that design and construction could be completed over a two-year period.

$\$3,000,000 \text{ funding} / 2 \text{ facilities} = \$1,500,000 \text{ per facility}$ (\$1,500,000 funded in 2017-19 (MCC) and \$1,500,000 requested in 2021-23 (WSP))

Note: this estimate has been updated to account for escalation costs as compared to previously funded Statewide IMU Recreation Yard Improvement project construction costs. We have been seeing cost of projects escalate anywhere between 10% to 20% in a year right now with long lead times on items and especially on electrical, cameras and anything electronic. Given these trends we are estimating the construction costs to increase beyond the FY24 costs incrementally in FY25 and FY26.

$\$2,000,000 \times 1 \text{ (CBCC)} = \$2,000,000 \text{ FY24}$
 $\$2,000,000 \times 1.15 \text{ (WSP)} = \$2,300,000 \text{ FY25}$
 $\$2,000,000 \times 1.15 \times 1.15 = \$2,645,000 \text{ FY26}$

Additionally, every prison facility has segregation beds that would meet the solitary confinement definition, and all seven remaining facilities would need to be evaluated and costs estimated by conducting a review to determine what renovations to recreation space would be needed.

Retrofitting Cells

There would be significant additional capital costs associated with renovating IMU and Segregation cells and units used for solitary confinement, but DOC does not have sufficient information to provide an estimate at this time. In order to determine the scope of this work and accurately estimate the cost of the required improvements, DOC would recommend hiring a consultant to perform a predesign study. This would be a major project that includes all 12 prison facilities statewide that operate IMU and/or segregation housing cells. The bill only has operating impacts at eight prison facilities because the minimum-security camps have sufficient staffing to cover the rare occurrences they would be affected by the requirements of the bill. If this bill is enacted, DOC would need to submit true capital budget requests in future budget cycles to address these requirements.

Health Services Reviews

There would be significant additional capital costs associated with renovations required for mental health assessment areas and for medical evaluations, but DOC does not have sufficient information to provide an estimate at this time and therefore are indeterminate. To determine the scope of this work and accurately estimate the cost of the required improvements, DOC would recommend hiring a consultant to perform a predesign study. This would be a major project that includes all 12 prison facilities statewide that operate IMU and/or segregation housing cells. The bill only has operating impacts at eight prison facilities because the minimum-security camps have sufficient staffing to cover the rare occurrences they would be affected by the requirements of the bill. If this bill is enacted, DOC would need to submit true capital budget requests in future budget cycles to address these requirements.

Programming Areas

There would be significant additional capital costs associated with renovations and possible expansions required for programming space, but DOC does not have sufficient information to provide an estimate at this time and therefore are indeterminate. To determine the scope of this work and accurately estimate the cost of the required improvements, DOC would recommend hiring a consultant to perform a predesign study. This would be a major project that includes all 12 prison facilities statewide that operate IMU and/or segregation housing cells. The bill only has operating impacts at eight prison facilities because the minimum-security camps have sufficient staffing to cover the rare occurrences they would be affected by the requirements of the bill. If this bill is enacted, DOC would need to submit true capital budget requests in future budget cycles to address these requirements.

Statewide Predesign Study to Determine Costs of Retrofitting Cells, Health Service Evaluation Space and Programming Space

As stated above, in-order to better understand the scope and scale of improvements required if this bill passes, DOC recommends hiring a consultant to conduct a statewide predesign that would include all 12 prison facilities that operate IMU and/or segregation beds that meet the definition of solitary confinement. Similar predesign studies of this magnitude that DOC has conducted over the years have been in the cost range of \$500,000 to \$1,500,000. For the purposes of this fiscal note, we estimate the cost of a statewide predesign to be \$1,500,000.

We recognize that every prison facility is different, and that while some facilities will require extensive study and significant renovations, other facilities such as minimum-security work camps may require only minimal improvements. The costs for facility renovations of cells, health service evaluation areas and programming areas will vary significantly and could range from \$1 to 2 million for each camp and up to \$15 million or more for each major close custody prison. For illustrative purposes only, the total costs to complete all of these statewide projects is estimated to range from \$80M to \$120M or more. If this bill passed, we anticipate very expensive Capital budget requests taking place over multiple biennia to complete.

Assumptions:

1. For the purposes of this fiscal note, we are not assuming any changes to current sentencing laws or future caseload forecasts. These estimates and analyses are independent of any potential impacts that could change the average daily population of incarcerated individuals in the DOC prison system.
2. The costs of current funded projects referenced in this section include design studies, construction, and other soft costs. Future construction costs references are estimated to account for the cost of escalation we are experiencing.
3. The DOC does not assume the current requested funding will be appropriated, nor that the requested funding will cover the entirety of the renovations of the yards. Using the facility average is a gross estimate, but it is the most current information we can use, as scope assessments have not been done at the remaining sites. Each recreation yard poses unique features and challenges that may cost more or less than the assumed \$2,000,000 per facility and this will be identified in the design phase of each recreation yard.
4. Completing a predesign study to conduct site assessments, determine scope of work and calculate the costs of design and construction is estimated to be \$1,500,000. While the total capital costs related to this bill are indeterminate, we can safely assume that it will be a major capital project.
5. The IMU Recreation Yard Renovation project at MCC was completed in the 2019-21 biennium. For the purposes of this fiscal note, WSP yards have been designed and construction should be complete in the second quarter of FY24. We assume that phase 3 of this project will be completed in the 2023-25 biennium. The DOC is requesting design and construction funding in 2023-25 to provide design and construction for the IMU Recreation Yard improvements at the Washington Corrections Center (WCC). Phase 4 is the final phase of this project and will be completed in the 2025-27 biennium. The DOC will be requesting design and construction funding in 2025-27 that will provide design and construction for the remaining two IMU Recreation Yards at CBCC and SCCC.

6. For the purposes of this fiscal note, we assume that a statewide predesign would be conducted to determine the scope of renovations needed to meet the requirements of this bill. We assume the predesign cost of \$1,500,000 would be fully funded and conducted in the 2023-25 biennium.

7. We are not attempting to estimate what future construction costs might be as they will be determined in a predesign study.

Part V: New Rule Making Required

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

Section 9 mandates the secretary develop policies and procedures for review of incarcerated individuals placed in solitary confinement and a plan for providing step-down and transitional units, program, and staffing patterns to accommodate persons in solitary confinement and those receiving intermediate sanction in lieu. Due to the provisions in the bill, there will likely be extensive restructuring of policy and procedures for not only dealing with solitary confinement, but also less restrictive alternatives and methods of enactment.

Section 13 grants the Secretary the ability to make the necessary rule changes to effectuate the requirements in the bill.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1087 S HB

Title: Solitary confinement

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

Cities: Costs for city jails to train staff and collect information.

Counties: Same as above but for county jails.

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs: Costs for training and solitary confinement reporting at city and county jails

Legislation provides local option:

Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	1,581,517	143,669	1,725,186		
County	4,194,066	381,036	4,575,102		
TOTAL \$	5,775,583	524,705	6,300,288		
GRAND TOTAL \$					6,300,288

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/09/2023
Leg. Committee Contact: Martha Wehling	Phone: 360-786-7067	Date: 01/22/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/09/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/10/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The substitute bill would remove the definition of solitary confinement of confinement of an incarcerated person in a cell or similarly confined holding space for 20 hours or more per day under circumstances other than a partial or facility-wide lockdown from section 10 of the original bill.

SUMMARY OF CURRENT BILL:

Section 3 would amend RCW 72.09.015. Solitary confinement is defined as confinement of an incarcerated person in a cell or similarly confined holding space for 20 hours or more per day pursuant to disciplinary segregation, administrative segregation or protective custody, under circumstances other than a partial or facility-wide lockdown in response to a public health crisis or declared state of emergency.

Section 10 would add a new section.

Subsection 10 (1) would require a governing unit operating one or more jails to compile a monthly report from August 1, 2023 until July 31, 2024 that includes the following information with respect to each jail they operate:

- i. Number of times solitary confinement was used.
- ii. Circumstances leading to each use of solitary confinement.
- iii. For each instance of solitary confinement:
 - a. Whether the imposition of solitary confinement was the result of a disciplinary segregation, administrative segregation, or protective custody.
 - b. Length of time individual remained in solitary confinement.
 - c. Whether or not a review of the following occurred and if it was documented:
 - d. Supervisory review of the solitary confinement.
 - e. For disciplinary segregation, a due process hearing.
 - f. Medical assessment or review and a mental health assessment or review.
 - g. Whether the affected person was afforded full access to education, programming, and ordinary necessities such as medication, meals, and reading material during the term of solitary confinement.

Subsection 10 (2) would require information collected and compiled into a report under subsection 10 (1) to be submitted to the Washington Association of Sheriffs and Police Chiefs (WASPC).

Subsection 10 (3) states section 10 would expire on December 31, 2024.

Subsection 11 (1) would require, “subject to availability of amounts appropriated for this specific purpose,” that WASPC collect the information submitted under section 10 of this act.

Section 15 states that sections 1 through 8 of the bill would take effect on July 1, 2024.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The substitute bill would eliminate the definition of solitary confinement from section 10 that the original bill included. King County indicated that the threshold of 20 hours per day of total confinement in that previously included definition would be the source of significant additional expenditures since the county's jail IT system uses the federal threshold for solitary confinement of 22 hours per day of total confinement. This discrepancy would have required King County to report on many more instances where there was not a deliberate decision made to place a person in restrictive housing and track

time out of cell for every person incarcerated in its jails in order to comply with the requirements of section 10.

Since the substitute would eliminate the 20-hour definition of solitary confinement from section 10, it is assumed that King County would not incur additional costs tied directly to that definition. Those additional costs were indeterminate, however.

EXPENDITURE IMPACT OF CURRENT BILL:

This legislation would have significant determinate and indeterminate expenditure impacts on city, county and regional jails due to the training and new staff that would be needed to comply with the reporting requirements of section 10.

Cities would incur one-time costs totaling approximately \$1,725,186. County jails would incur one-time costs totaling approximately \$4,575,102 as a result of this legislation. These cost estimates are based on the Washington Association of Sheriff and Police Chiefs' (WASPC) estimates for training time and additional FTEs required to comply with the reporting requirements in section 10 of the proposed legislation, however it should be noted that King County (KC) anticipates a significantly higher cost impact. KC has a significantly higher jail population than other counties, with an average daily population of nearly 1,500 people in 2022, according to the county's December 2022 Detention and Alternatives Report. Since KC would be required to produce a significantly higher volume of solitary confinement reports, the county anticipates their costs will be significantly higher than in counties with smaller jail populations. A discussion of KC's expenditure impacts as well as costs which can be estimated are described below. For the purposes of this fiscal note, costs based on WASPC's training and FTE estimates are reflected in the expenditure grid.

Cities and counties would have one-time costs for training, totaling \$3,816. According to WASPC, training on the new reporting protocols will require an hour of time for a sergeant. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the average hourly salary plus benefits and overhead for a sergeant is approximately \$72, resulting in total training costs of \$3,816 ($\$72 \times (16 \text{ city jails} + 37 \text{ county jails})$).

WASPC estimates that for jails with more than 50 beds, one FTE would be required to comply with the reporting requirements of the bill from August 1, 2023 to July 31, 2024 (31 facilities). Jails with fewer than 50 beds would require less staff time to comply with the new reporting requirements. WASPC estimates that these facilities would require 0.5 FTE for the one-year reporting period (22 facilities).

Seven municipal jails and 24 county jails have more than 50 beds. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the average annual salary, including benefits and overhead, for a sergeant is approximately \$149,916. Therefore, total costs for these facilities would be \$4,647,396 ($\$149,916 \times (7 \text{ city jails} + 24 \text{ county jails})$). Nine city jails and 13 county jails have fewer than 50 beds. Total costs for these facilities would equal \$1,649,076 ($\$149,916 \times (9 \text{ city jails} + 13 \text{ county jails}) \times 0.5 \text{ FTE}$).

TOTAL LOCAL GOVERNMENT COSTS:

Cities would have one-time costs for training (\$1,152) and reporting (\$1,724,034), totaling \$1,725,186.

Counties would have one-time costs for training (\$2,664) and reporting (\$4,572,438), totaling \$4,575,102.

KING COUNTY'S COSTS:

Despite the proposed legislation striking the 20-hour definition of solitary confinement from section 10, KC would still incur outsized costs compared with other counties due to its high jail population. The county indicates that a manual reporting step will still be needed to add the data elements associated with each instance of solitary confinement, and the medical reporting requirements in section 10 would create additional medical support costs.

The county's jails had an average daily population of nearly 1,500 people in 2022, according to KC's December 2022 Detention and Alternatives Report.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The legislation would have no impact on local government revenues.

Sources:

Local government fiscal note for 2SHB 1756, 2022

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

King County Department of Adult and Juvenile Detention

King County Detention and Alternatives Report, December 2022

Washington Association of Sheriffs and Police Chiefs