

# Multiple Agency Fiscal Note Summary

|                                  |                                    |
|----------------------------------|------------------------------------|
| <b>Bill Number:</b> 1087 P 2S HB | <b>Title:</b> Solitary confinement |
|----------------------------------|------------------------------------|

## 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    | No fiscal impact |       |           |       |           |       |
| 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             |
| Criminal Justice Training Commission | .0           | 0                 | 0                 | 0                 | .0           | 0                 | 0                 | 0                 | .0           | 0                 | 0                 | 0                 |
| Department of Corrections            | 301.6        | 78,936,000        | 78,936,000        | 78,936,000        | 388.8        | 98,018,000        | 98,018,000        | 98,018,000        | 388.8        | 98,018,000        | 98,018,000        | 98,018,000        |
| <b>Total \$</b>                      | <b>301.6</b> | <b>78,936,000</b> | <b>78,936,000</b> | <b>78,936,000</b> | <b>388.8</b> | <b>98,018,000</b> | <b>98,018,000</b> | <b>98,018,000</b> | <b>388.8</b> | <b>98,018,000</b> | <b>98,018,000</b> | <b>98,018,000</b> |

| 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    | No fiscal impact |          |       |         |          |       |         |          |       |
| Local Gov. Total    |                  |          |       |         |          |       |         |          |       |

## 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. |                  |                  |            |                  |                  |            |          |          |
| <b>Total \$</b>                      | <b>2.0</b>                                                                                                                     | <b>5,800,000</b> | <b>5,800,000</b> | <b>1.0</b> | <b>2,645,000</b> | <b>2,645,000</b> | <b>0.0</b> | <b>0</b> | <b>0</b> |

| 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    | No fiscal impact |          |       |         |          |       |         |          |       |
| Local Gov. Total    |                  |          |       |         |          |       |         |          |       |

### 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        |  |
| Predesign/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. |                  |  |                  |  |          |  |
| <b>Total \$</b>                                                                                                                | <b>5,800,000</b> |  | <b>2,645,000</b> |  | <b>0</b> |  |

|                                           |                                 |                                           |
|-------------------------------------------|---------------------------------|-------------------------------------------|
| <b>Prepared by:</b> Cynthia Hollimon, OFM | <b>Phone:</b><br>(360) 810-1979 | <b>Date Published:</b><br>Final 2/17/2023 |
|-------------------------------------------|---------------------------------|-------------------------------------------|

# Individual State Agency Fiscal Note

|                                  |                                    |                                                         |
|----------------------------------|------------------------------------|---------------------------------------------------------|
| <b>Bill Number:</b> 1087 P 2S HB | <b>Title:</b> Solitary confinement | <b>Agency:</b> 227-Criminal Justice Training Commission |
|----------------------------------|------------------------------------|---------------------------------------------------------|

## 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: Yvonne Walker | Phone: 360-786-7841   | Date: 02/08/2023 |
| Agency Preparation: Brian Elliott  | Phone: 206-835-7337   | Date: 02/08/2023 |
| Agency Approval: Brian Elliott     | Phone: 206-835-7337   | Date: 02/08/2023 |
| OFM Review: Cynthia Hollimon       | Phone: (360) 810-1979 | Date: 02/08/2023 |

## 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 fiscal impact to the Washington State Criminal Justice Training Commission or the Washington Association of Sheriffs and Police Chiefs.

### 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.*

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

|                                  |                                    |                                              |
|----------------------------------|------------------------------------|----------------------------------------------|
| <b>Bill Number:</b> 1087 P 2S HB | <b>Title:</b> Solitary confinement | <b>Agency:</b> 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          | 214.4      | 388.8      | 301.6      | 388.8      | 388.8      |
| <b>Account</b>           |            |            |            |            |            |
| General Fund-State 001-1 | 29,927,000 | 49,009,000 | 78,936,000 | 98,018,000 | 98,018,000 |
| <b>Total \$</b>          | 29,927,000 | 49,009,000 | 78,936,000 | 98,018,000 | 98,018,000 |

### 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        |
| <b>Total \$</b>  | <b>3,500,000</b> | <b>2,300,000</b> | <b>2,645,000</b> | <b>0</b> | <b>0</b> | <b>0</b> |

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: Yvonne Walker | Phone: 360-786-7841   | Date: 02/08/2023 |
| Agency Preparation: James Cerna    | Phone: (360) 725-8428 | Date: 02/15/2023 |
| Agency Approval: Ronell Witt       | Phone: (360) 725-8428 | Date: 02/15/2023 |
| OFM Review: Cynthia Hollimon       | Phone: (360) 810-1979 | Date: 02/17/2023 |

## 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 PS2 HB Revises the following from the 1087 S:

The intent of this act is to increase social integration programming opportunities, and treatment while minimizing the use of solitary confinement within the state of WA.

Section 3 amends the definition of “correctional facility” and “inmate” for sections 4 through 9 of this bill to only include those incarcerated in the physical custody of the Department of Corrections (DOC). This section expands further on the definition of “Superintendent” and who has the authority to act in the Superintendent’s behalf in regard to sections 4 through 9 of this act. Adds the definitions of “administrative segregation” and “max custody” and what qualifies an incarcerated individual to be housed in those units.

This bill removes the restriction in Section 4 of the previous version which states a person can only be placed in solitary confinement for emergency purposes, medical isolation, or is voluntarily requested.

Section 4 is a new section which requires DOC to prepare an assessment of those placed in solitary confinement more than 120 total days or more than 45 consecutive days in the prior fiscal year (FY) to be submitted to the legislature, governor, and corrections ombuds by July 1, 2024.

Section 5(1) is a new section which requires DOC to submit a plan to eliminate the use of solitary confinement by June 30, 2026. The plan must include staffing needs, capital investments, milestones and necessary resources to achieve, stakeholder process, and wellness and crisis training programs. This plan must be submitted to the legislature, governor, and corrections ombuds by December 1, 2024.

Section 5(2) states that if DOC is unable to reduce administrative segregation, maximum custody, and all other forms of solitary confinement by 75% each before FY2025 a revised plan must be submitted.

Section 6 is a new section which limits the time an incarcerated individual spends in administrative segregation (ad seg) to 15 days, with some exceptions. It doesn’t state if this is total or consecutive days. Details extension authorization. States that the incarcerated will not lose their housing, education, work assignment, or programming due to ad seg placement.

Section 6(1)(c) requires DOC to publish administrative segregation data, to include number of occurrences, duration, and frequency of extensions, on a publicly available website.

Sections 5, 6, and 7 of the previous bill versions were condensed into section 7 of this bill. The medical and out-of-cell cost assumptions remain the same.

Section 8(3) requires individualized assessments be in writing.

Section 9(1) revises the date the secretary shall adopt any rules or policies necessary to implement sections 4 through 8 of this act from January 1, 2024 to January 1, 2025.

Section 10 states the effective date for sections 1, 2, 3, 6, 7, and 8 is July 1, 2024. The effective date for sections 4, 5, and 9 is January 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 most 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 179 custody FTEs (16/7 escort teams) to facilitate all the movement, as well as security during programming. 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. DOC assumes 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 OT) to equal 179 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 major facility and an additional two at the Washington State Penitentiary (WSP) and Monroe Correctional Complex (MCC). Current staffing will cover the 4

camps by expanding standby when there are no ARNP's onsite, due to the limited number of solitary confinement beds the need should be minimal. 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 Provider" under Section 3(34).

- 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 42.0 FTEs for straight time. Relief for the employees will be approximately 11.3 FTEs (calculated at .27 relief factor). This would total approximately 64.0 Advanced Registered Nurse Practitioner FTEs yearly. Calculations can be seen below.

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

$4.2 \text{ FTEs per job class} \times 8 \text{ major facilities} + 2 \text{ for additional staff at WSP and MCC} = 50.4 \text{ FTEs per job class per year}$

$50.4 \text{ FTEs} \times .27 \text{ relief factor} = 13.6 \text{ ARNP FTEs for relief}$

$50.4 \text{ FTEs} + 13.6 \text{ relief FTEs} = 64.0 \text{ total ARNP FTEs.}$

One Physician 3 to provide statewide supervision to 42 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 14.0 FTE's.

One Administrative Assistant 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.

Anticipated costs in FY2024: 46.0 FTEs and \$8,903,000 inclusive of all FTE costs.

Anticipated costs in FY2025 and each fiscal year thereafter: 89.0 FTEs and \$17,315,000 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 at each major 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. 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 8 major facilities, plus one additional Correctional Specialist 3 at Washington State Penitentiary = 17.0 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.

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

DOC would also need additional disciplinary hearings officers to improve response/outcomes from disciplinary actions. This will allow 7 days a week coverage, expediting the hearings process.

Correctional Specialist 3's 1.0 FTE's X 8 at each major facility, plus one additional Correctional Specialist 3 at Washington State Penitentiary due to their larger population = additional 9.0 Correctional Specialist 3's.

Anticipated costs in FY2024: 16.5 FTES and \$1,947,000, inclusive of all FTE costs.

Anticipated costs in FY2025 and each fiscal year thereafter: 33.00 FTEs and \$3,895,000 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.

#### Clerical Support

Additional clerical support positions are being requested to manage documentation and input data to tracking out of cell time to provide information for DOC to compile information for assessments required in section 4(1). DOC is requesting one Office Assistant 3 at all 12 facilities.

Anticipated costs in FY2024: 6.0 FTES and \$454,000 inclusive of all FTE costs.

Anticipated costs in FY2025: and each fiscal year thereafter: 12.0 FTES and \$910,000,

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 as 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 \$3,290,408 (assumed at CO2 overtime rate).

Headquarters Quality Assurance/Data Management/Correctional Operations

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:

Note: The Correctional Specialist 4 listed below was not identified in our initial analysis of the first substitute bill, and is not a result of the amendments included in the second substitute.

- 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.
- 1.0 Correctional Specialist 4 oversight and coordinate activities of Correctional Specialist 3's

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

Anticipated costs for FY2024 and ongoing: 8.0 FTEs and recurring \$923,000 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 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 nurse’s 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 nurse’s 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 21.6 FTES and \$2,038,000 in FY2024, 41.3 FTES and \$3,920,000 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: \$29,927,000 and 214.4 FTES, inclusive of \$2,094,000 one-time cost.

Agency total cost FY2025: \$ \$49,009,000 and 388.8 FTES

Agency total cost FY2026 and each fiscal year thereafter: \$ \$49,009,000 and 388.8 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 such as programming and recreation equipment 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 | 29,927,000 | 49,009,000 | 78,936,000 | 98,018,000 | 98,018,000 |
| <b>Total \$</b> |               |       | 29,927,000 | 49,009,000 | 78,936,000 | 98,018,000 | 98,018,000 |

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

|                                      | FY 2024           | FY 2025           | 2023-25           | 2025-27           | 2027-29           |
|--------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| FTE Staff Years                      | 214.4             | 388.8             | 301.6             | 388.8             | 388.8             |
| A-Salaries and Wages                 | 18,446,000        | 33,049,000        | 51,495,000        | 66,098,000        | 66,098,000        |
| B-Employee Benefits                  | 5,958,000         | 11,051,000        | 17,009,000        | 22,102,000        | 22,102,000        |
| C-Professional Service Contracts     |                   |                   |                   |                   |                   |
| E-Goods and Other Services           | 1,159,000         | 745,000           | 1,904,000         | 1,490,000         | 1,490,000         |
| G-Travel                             | 177,000           | 177,000           | 354,000           | 354,000           | 354,000           |
| J-Capital Outlays                    | 2,149,000         | 67,000            | 2,216,000         | 134,000           | 134,000           |
| M-Inter Agency/Fund Transfers        |                   |                   |                   |                   |                   |
| N-Grants, Benefits & Client Services |                   |                   |                   |                   |                   |
| P-Debt Service                       |                   |                   |                   |                   |                   |
| S-Interagency Reimbursements         |                   |                   |                   |                   |                   |
| T-Intra-Agency Reimbursements        | 2,038,000         | 3,920,000         | 5,958,000         | 7,840,000         | 7,840,000         |
| 9-                                   |                   |                   |                   |                   |                   |
| <b>Total \$</b>                      | <b>29,927,000</b> | <b>49,009,000</b> | <b>78,936,000</b> | <b>98,018,000</b> | <b>98,018,000</b> |

**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 | 32.0         | 64.0         | 48.0         | 64.0         | 64.0         |
| 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              | 87,834  | 16.5         | 33.0         | 24.8         | 33.0         | 33.0         |
| Correctional Specialist 4              | 85,020  | 1.0          | 1.0          | 1.0          | 1.0          | 1.0          |
| 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  | 21.6         | 41.3         | 31.5         | 41.3         | 41.3         |
| Office Assistant 3 - Teamsters         | 52,304  | 13.0         | 26.0         | 19.5         | 26.0         | 26.0         |
| 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          |
| <b>Total FTEs</b>                      |         | <b>214.4</b> | <b>388.8</b> | <b>301.6</b> | <b>388.8</b> | <b>388.8</b> |

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

| Program                                 | FY 2024           | FY 2025           | 2023-25           | 2025-27           | 2027-29           |
|-----------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Administrative & Support Services (100) | 2,192,000         | 4,193,000         | 6,385,000         | 8,386,000         | 8,386,000         |
| Correctional Operations (200)           | 17,874,000        | 26,930,000        | 44,804,000        | 53,860,000        | 53,860,000        |
| Health Services (500)                   | 9,404,000         | 17,429,000        | 26,833,000        | 34,858,000        | 34,858,000        |
| Interagency Payments (600)              | 457,000           | 457,000           | 914,000           | 914,000           | 914,000           |
| <b>Total \$</b>                         | <b>29,927,000</b> | <b>49,009,000</b> | <b>78,936,000</b> | <b>98,018,000</b> | <b>98,018,000</b> |

## 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       |
| <b>Total \$</b> |                                     |       | 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-                                   |           |           |           |           |         |
| <b>Total \$</b>                      | 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                 |           |           |           |           |         |
| <b>Total \$</b>       | 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 |
|----------------------------------|--------|---------|---------|---------|---------|---------|
| Correctional & Custody Officer 2 | 96,000 | 2.0     | 2.0     | 2.0     | 1.0     |         |
| <b>Total FTEs</b>                |        | 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.

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

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.*

The secretary shall adopt any rules or policies necessary to implement sections 4 through 8 of this act.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1087 P 2S HB

**Title:** Solitary confinement

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

## Legislation Impacts:

- Cities:
- Counties:
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

None

## Part III: Preparation and Approval

|                                       |                       |                  |
|---------------------------------------|-----------------------|------------------|
| Fiscal Note Analyst: James Vogl       | Phone: 360-480-9429   | Date: 02/14/2023 |
| Leg. Committee Contact: Yvonne Walker | Phone: 360-786-7841   | Date: 02/08/2023 |
| Agency Approval: Alice Zillah         | Phone: 360-725-5035   | Date: 02/14/2023 |
| OFM Review: Cynthia Hollimon          | Phone: (360) 810-1979 | Date: 02/17/2023 |

## **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 proposed second substitute bill would remove the requirement that jails produce monthly reports between August 1, 2023 and July 31, 2024 with certain specified details concerning the use of solitary confinement in those facilities.

#### **SUMMARY OF CURRENT BILL:**

Section 3 would amend RCW 72.09.015, defining solitary confinement as confinement of an incarcerated person in a cell or similarly confined holding space for 20 hours or more per day under any custody level or placement, under circumstances other than a partial or facility-wide lockdown in response to a public health crisis or declared state of emergency.

This section would also add definitions for administrative segregation, qualified provider, maximum custody, detained person and long-term private detention facility.

Sections 4 through 9 of the bill concern solitary confinement-related requirements for the Department of Corrections and long-term private detention facilities.

### **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 proposed second substitute bill would eliminate the requirement that jails produce monthly reports from August 1, 2023 to July 31, 2024 with certain details on the use of solitary confinement in those facilities. This reporting requirement, and the associated training and additional staff time that it would have required, was the source of all the local government expenditure impact that previous bill versions would have had.

As a result, according to the Washington Association of Sheriffs and Police Chiefs, the proposed legislation would have no impact on jail expenditures. The local government fiscal note for the first substitute version of this bill estimated that the training and staff time costs the reporting requirement would have created would have totaled approximately \$1,725,186 for cities and \$4,575,102 for counties.

#### **EXPENDITURE IMPACT OF CURRENT BILL:**

The proposed legislation would have no impact on local government expenditures.

### **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 for SHB 1087, 2023

Washington Association of Sheriffs and Police Chiefs