

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5226 S SB	<b>Title:</b> Active warrants priority/DOC
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## 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	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

NONE

<b>Prepared by:</b> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Final 2/21/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5226 S SB	<b>Title:</b> Active warrants priority/DOC	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

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

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Scherry Sinclair	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.*

An act relating to the Department of Corrections (DOC) highest duty to ensure public safety by positively changing lives through the prioritization of open active warrants of persons who have violated the terms of their supervision.; and amending RCW 72.09.010 and 9.94A.704 and 9.94A.631.

Amended with updates as follows:

Section 1 was amended to include DOC's mission and replace "inmates" with modern terminology to state the system should ensure the public safety by positively changing lives. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and those who are incarcerated or under supervision.

Section 2(12) has been added to state that DOC shall make every reasonable effort to pursue active warrants of offenders who have violated the terms of their supervision.

Section 3(3) was amended to remove "where room is available" from the declaration stating if a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail.

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

### 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 Department of Corrections (DOC) assumes this bill will have an indeterminate fiscal impact greater than \$50,000.

The DOC Community Corrections Division performs many functions geared toward instilling behavior change in individuals with the intent of improving public safety to include intake, monitoring court ordered conditions, conducting risk/needs assessments, treatment referrals, drug testing, home contacts, cognitive behavioral interventions, and warrant issuance/apprehensions. Prioritizing open active warrants above all else would have significant operational impacts to the department and may increase DOC's legal exposure to use-of-force complaints and related civil liability.

As a point of reference, in fiscal year (FY) 2020, DOC issued 30,952 warrants for individuals under the jurisdiction of the department, who had absconded or failed to report. This does not include referrals received from outside agencies (city, county, state, federal) for assistance with the apprehension of wanted individuals, service of high-risk warrants both under, or not under, the supervision of DOC and development of criminal investigations for both state and federal prosecution.

DOC would require a significant expansion of the Community Response Unit (CRU) to effectively prioritize and pursue all active warrants without redirecting staff from other critical functions and duties. The current size of the CRU is 32 Specialists, 3 Administrative Assistants, 3 CRU Supervisors and 1 Firearms & Safety admin. The CRU staffing level does

not support the current number of referrals and requests for assistance in addressing active ongoing warrants for arrest. To address this issue, supervisors are currently required to screen referrals and adopt only those cases of the highest priority and pose the greatest danger to the community.

For Illustrative purposes:

DOC would need, at a minimum, to double the current size of the CRU unit to pursue all active warrants of offenders who have violated the terms of their supervision regardless of risk. For illustrative purposes, that would require:

- 3 Full-Time Equivalent (FTE) Office Assistant 3
  - o Salaries \$131,396 and Benefits \$65,883 = \$197,279
  
- 32 Community Specialist 4
  - o Salaries \$2,755,536 and Benefits \$949,016 = \$3,704,552
  
- 3 CRU Supervisors
  - o Salaries \$227,328 and Benefits \$83,330 = \$310,658
  
- 1 Community CRU, Firearms & Safety Admin
  - o Salary \$107,952 and Benefits \$ 33,629 = \$141,581
  
- Corrections Specialist 4 Overtime
  - o Salary \$77,499 and benefits \$14,096 = \$91,595

Totals:

Salaries \$3,300,000

Benefits \$1,146,000

Ongoing Costs \$445,000

One-Time Costs \$354,000

TOTAL \$5,244,308

The DOC request funding for the indirect costs of agency administration of 5.1 FTES and \$478,000 in FY2024 and each year thereafter, for the purpose of implementing this bill. 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 would have additional indeterminate fiscal impacts resulting from the subsequent increase to the violator caseload and records staff. For illustration, the FY2022 average percent of supervised individuals that served jail time and were billed by the local jurisdiction for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$112.07 per day, inclusive of all risk and healthcare costs. The rate is an average and actual rates vary by local correctional facilities.

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

### **Part III: Expenditure Detail**

#### **III. A - Operating Budget Expenditures**

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

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

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

**III. C - Operating FTE Detail:** *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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 5226 S SB

**Title:** Active warrants priority/DOC

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

### Legislation Impacts:

- Cities:
- Counties: Both revenue and expenditures for county jails due to increased number of offenders held.
- 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: Number of offenders who violate the terms of their sentence and are detained in county jails.

### Estimated revenue impacts to:

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

### Estimated expenditure impacts to:

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

## Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/20/2023
Leg. Committee Contact: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Approval: Jordan Laramie	Phone: 360-725-5044	Date: 02/20/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/21/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

Sec. 3 amends RCW 9.94A.631. If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court or authorized department staff, pursuant to a written order.

### **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.*

County jails would see increased costs for offenders arrested and jailed due to removing the consideration that jails have room for these offenders. The average cost of a county jail bed is \$145 per day, according to the Local Government Fiscal Note Program jail cost model. Because the number of offenders is not known, total costs are indeterminate.

### **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.*

County jails would receive reimbursement from the Department of Corrections (DOC) for the anticipated increase to the violator caseload. Because the number of additional offenders is not known, the revenue impacts are indeterminate.

Per the DOC fiscal note, in FY 2022 an average of 2% of supervised individuals served jail time and were billed by the local jurisdiction for violating their conditions of supervision. The current average amount that DOC reimburses jails is \$112.07 per day, although actual rates vary by local correctional facilities.

#### **SOURCES:**

Department of Corrections

Local Government Fiscal Note Program jail cost model, 2023