

Multiple Agency Fiscal Note Summary

Bill Number: 6189 S SB	Title: Jail system
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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
Office of the Governor	Fiscal note not available											
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	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
Office of the Governor	Fiscal note not available								
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

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

Estimated Capital Budget Breakout

NONE

Prepared by: Val Terre, OFM	Phone: (360) 280-3973	Date Published: Preliminary 1/30/2024
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Individual State Agency Fiscal Note

Bill Number: 6189 S SB	Title: Jail system	Agency: 227-Criminal Justice Training Commission
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Part I: Estimates

☒ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

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: 01/25/2024
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 01/25/2024
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/25/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/27/2024

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 on the 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.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 6189 S SB	Title: Jail system
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Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Indeterminate but potentially significant expenditure impact on jails as a result of inputting data into statewide jail reporting system, complying with information and facility access requirements
- ☒ Counties: Same as above, but for 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: Statewide uniform jail reporting system format, required data fields, reporting frequency; how monitoring visits and information requests may be implemented

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 01/30/2024
Leg. Committee Contact: Sarian Scott	Phone: 360-786-7729	Date: 01/25/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/30/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/30/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

This fiscal note analyzes the local government impact of SSB 6189, comparing it to the impact of SB 6189.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

Section 4 of the proposed substitute would add two additional members to the proposed jail oversight board: an additional member with lived experience being incarcerated in a Washington jail and a member who is a current or former jail employee.

Section 8 would require that, in addition to reporting on compliance with other requirements, rules, regulations and policies, the board must report on Washington jails' compliance with local standards at least once every three years.

Section 9 would require the board to consult with organizations representing jail employees in developing the uniform jail reporting system.

Section 11 would add a specification that nothing in this section shall be deemed to reduce or modify the contractual, statutory, or due process rights of any jail employee with respect to any proceeding related to employee discipline, employee licensing or certification, or criminal prosecution. The additions to this section would also require the director of the board to contact a jail employee and their bargaining unit representative before reporting the results of an investigation that reveals information warranting possible sanctions or corrective action about a jail employee.

These changes would not impact the local government expenditure or revenue impacts below.

SUMMARY OF CURRENT BILL:

The proposed legislation would establish an independent jail oversight board.

Section 3 would create the jail oversight board within the Office of the Governor.

Section 4 would establish appointment and removal procedures for board members. The board would be required to include a current or former jail administrator and jail employee.

Section 5 would give the board power to establish advisory councils that may include jail administrators of urban and rural jails from both the east and west side of the state, jail employees, representatives from law enforcement, prosecutors, defense attorneys, judicial officers, among others.

Section 6 would specify that board and advisory council members shall be compensated per RCW 43.03.240, and 43.03.220, respectively, and that board and advisory council members shall be reimbursed for work-related travel expenses per RCW 43.03.050 and 43.03.060.

Section 8 would outline the powers and duties of the board. These would include administering a statewide uniform jail reporting system for the collection and reporting of information relating to jails, and maintaining a database of information maintained in the statewide uniform jail reporting system. The board would also be required to monitor each Washington jail at least once every three years to monitor and report on jail compliance with local standards, and applicable state and federal legal and constitutional requirements, rules, regulations, policies, and best practices, and publish reports following these monitoring visits, among other investigative and technical assistance duties.

Section 9 would create a new section establishing the statewide uniform jail reporting system, which the board would be required to develop and administer for the reporting and dissemination of jail data. Such data may include but is not limited to information relating to:

-- Medical, mental health, or dental care;

- operational policies;
- population trends and capacity;
- commissary, visitation, or telecommunications;
- discipline;
- grievance procedures;
- use of force and assault incidents;
- deaths in custody;
- self-harm and suicidality;
- staffing, training, or supervision;
- programming and reentry services;
- substance use disorder services;
- restrictive housing; and
- incidents of sexual assault and harassment.

The board would be required consult with interested stakeholders including jail administrators and organizations representing jail employees to develop the uniform jail reporting system, and could, consistent with its general authority and sections 1 through 12 of the proposed legislation, provide assistance to jail administrators to develop new sources of data and to compile and effectively report data.

Section 10 would create a new section that establishes rules for accessing facilities, incarcerated individuals and information.

The director of the board and the director's designees would be required to have:

- Reasonable access to all areas of jails accessible to or used by incarcerated individuals. Access by such individuals may be subject to reasonable security and background investigation requirements of the jail. Any initial background investigation of an individual under this section must be completed within 48 hours, and any subsequent investigation of the same individual must be performed 24 promptly and shall not result in a delay of more than two hours;
- Reasonable opportunity to survey or interview privately and confidentially any incarcerated individual, jail employee, or other persons by mail, telephone, and in person;
- The ability to make audio and visual recordings of areas of jails accessible to or used by incarcerated individuals, provided that such visual recordings shall not depict the location or angles of security cameras; and
- The right to access, inspect, and copy any information, records, or documents in the possession or control of jail administrators, their agents, or a state or local government agency that the board considers necessary to carry out its purpose or to support its recommendations.

Following a written demand from the director or the director's designees for access to information, records, or documents, the entity from whom information is requested would be required to provide the information not later than 20 business days after the written demand. Where information pertains to a death, threats of bodily harm including, but not limited to, sexual or physical assaults, or the denial of necessary medical treatment, the information would be required to be provided within five days.

Subsection 10 (3) would require a jail administrator or their designee to provide a written response to a monitoring report issued by the board within one month of receiving the report.

Subsection 10 (4) would require a jail administrator or their designee to provide accurate, complete, and timely information and data for the uniform jail reporting system.

Section 11 would establish the board as a “health oversight agency” so that jails, health care providers and others would

not be precluded from providing information required by this section when requested by the board. Jails, health care providers and others would not be required to seek or obtain consent from incarcerated individuals prior to providing the information required by this section.

Section 13 would amend RCW 70.48.510, requiring a city or county department of corrections or chief law enforcement officer responsible for the operation of a jail to add the director of the jail oversight board or their designee to the required members of an “unexpected fatality review team” when the death of an individual confined in jail is unexpected.

Section 14 would specify that sections 1 through 12 would constitute a new chapter in Title 43 RCW.

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.

The proposed legislation would have an indeterminate, but potentially substantial expenditure impact on city and county jails.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), the most significant expenditure impact of the proposed legislation would come from inputting data into the statewide uniform jail reporting system that section 9 would establish. It is unknown what form this reporting system may take, what data points would need to be regularly reported, or what the frequency of required reporting might be, and WASPC indicates that the amount of staff time required for data input could vary widely based on the breadth of the reporting requirements and the size of the jail facility. Accordingly, the statewide expenditure impact of inputting data into the statewide jail reporting system is indeterminate.

However, for illustrative purposes, WASPC indicates that if data input included all of the illustrative categories listed in subsection 9 (1), and was required monthly, approximately 40 hours of correctional officer time would be required per jail facility per month. According to the 2022 Washington Jail Statistics Report, there are 53 city and county jails in Washington. According to the 2024 Local Government Fiscal Note Program Criminal Justice Cost Model, the average hourly salary plus benefits and overhead for a corrections officer employed by a city or county is \$49. Given those figures, the annual costs to input data into the statewide jail reporting system would be approximately \$1,246,560 statewide, as illustrated below.

40 hours of correctional officer time per month X \$49 average hourly salary plus benefits and overhead X 12 months = \$23,520 annual reporting cost per jail facility

\$23,520 annual reporting cost per jail facility X 16 city jails = \$376,320

\$23,520 annual reporting cost per jail facility X 37 county jails = \$870,240

\$376,320 city reporting costs + \$870,240 county reporting costs = \$1,246,560 annual reporting costs statewide

WASPC also indicates that it is difficult to estimate what the cost impact of complying with the information and facility access requirements of section 10 related to monitoring visits might be without knowing the details of how these visits and information requests may be implemented, and are accordingly indeterminate.

For illustrative purposes, WASPC indicates that doing so could require an additional 10 hours of staff time, assuming the statewide reporting system included all of the illustrative categories listed in subsection 9 (1). Section 8 would require the board to monitor each jail in the state at least once every three years. Accordingly, at a minimum, one-third of jail facilities would be monitored annually. Given those figures, the annual statewide costs to comply with the access requirements of section 10 would be approximately \$8,657, as illustrated below.

10 hours of correctional officer time X \$49 average hourly salary plus benefits and overhead X (53/3) monitoring visits annually = \$8,657 annual section 10 compliance costs statewide

Summing the estimated annual statewide reporting costs with the estimated annual statewide section 10 compliance costs gives a total estimated annual statewide cost impact to jails of \$1,255,217.

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 proposed legislation would have no impact on local government revenues.

SOURCES:

Local government fiscal note for HB 1087, 2023

Local government fiscal note for SB 6083, 2024

Local Government Fiscal Note Program Criminal Justice Cost Model, 2024

Washington Association of Sheriffs and Police Chiefs

Washington Jail Statistics Report, 2022