

Multiple Agency Fiscal Note Summary

Bill Number: 1740 HB	Title: OII expansion/prosecutions
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Estimated Cash Receipts

Agency Name	2025-27			2027-29			2029-31		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	33,000	0	0	22,000	0	0	22,000
Total \$	0	0	33,000	0	0	22,000	0	0	22,000

Agency Name	2025-27		2027-29		2029-31	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.3	0	0	33,000	.3	0	0	22,000	.3	0	0	22,000
Office of Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Independent Investigations	14.5	7,515,300	7,515,300	7,515,300	14.5	5,782,800	5,782,800	5,782,800	14.5	5,782,800	5,782,800	5,782,800
Total \$	14.8	7,515,300	7,515,300	7,548,300	14.8	5,782,800	5,782,800	5,804,800	14.8	5,782,800	5,782,800	5,804,800

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other			10,296			10,296			10,296
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			10,296			10,296			10,296

Estimated Capital Budget Expenditures

Agency Name	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Office of Independent Investigations	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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

Prepared by: Val Terre, OFM	Phone: (360) 280-3073	Date Published: Final 2/17/2025
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Judicial Impact Fiscal Note

Bill Number: 1740 HB	Title: OII expansion/prosecutions	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

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 for 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.

Contact	Phone:	Date: 02/04/2025
Agency Preparation: Chris Conn	Phone: 360-704-5512	Date: 02/10/2025
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/10/2025
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/10/2025

200,888.00

Request # 158-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Section 1 authorizes the Office of independent investigations to have concurrent power with county prosecution attorneys to investigate use of deadly force cases.

Section 2 directs the director of the office of independent investigations to appoint an attorney to serve as a independent prosecutor.

Section 3 details the powers of the independent prosecutor.

Section 4 details appointment of assistant independent prosecutor.

Section 5 authorizes the hiring of legal interns.

Section 6 directs that when the investigating prosecutor declines to file charges after a fatal use of deadly force case to issue a written report to be posted on a public website.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts as this bill does not affect current AOC or court processes.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

200,888.00

Form FN (Rev 1/00)

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

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

NONE

None

Individual State Agency Fiscal Note

Bill Number: 1740 HB	Title: OII expansion/prosecutions	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2026	FY 2027	2025-27	2027-29	2029-31
Legal Services Revolving Account-State 405-1	22,000	11,000	33,000	22,000	22,000
Total \$	22,000	11,000	33,000	22,000	22,000

Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	0.3	0.3	0.3	0.3	0.3
Account					
Legal Services Revolving Account-State 405-1	22,000	11,000	33,000	22,000	22,000
Total \$	22,000	11,000	33,000	22,000	22,000

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- 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:	Phone:	Date: 02/04/2025
Agency Preparation: Cassandra Jones	Phone: 360-709-6028	Date: 02/05/2025
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 02/05/2025
OFM Review: Rayanna Evans	Phone: (360) 902-0553	Date: 02/06/2025

Part II: Narrative Explanation

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

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

Section 1 – New section. Grants the Office of Independent Investigations (OII) concurrent authority and power with county prosecutors to investigate crimes and initiate and conduct prosecutions of use of deadly force by an involved officer cases and other cases under the jurisdiction of the OII including appeals and requests for postconviction relief. Allows the OII to prosecute related offenses and defendants.

Section 2 – New section. Requires the OII Director to appoint an Independent Prosecutor (IP).

Section 3 – New section. Establishes the powers and duties of the IP.

Section 4 – New section. Allows the IP to appoint Assistant Prosecutors (AP) and Special Assistant Prosecutors (SAP).

Section 5 – New section. Allows law students volunteer or clerk for the OII.

Section 6 – New section. Requires the IP to file a report when declining to file charges.

Section 7 – New section. Limits liability for IP's performing their duties in good faith.

Section 8 – Amends RCW 43.102.010 by changing references to OII to Office of Independent Investigations and Prosecutions (OIIP).

Section 9 – Amends RCW 43.102.020 by changing references to OII to OIIP.

Section 10 – Amends RCW 43.102.030 by changing references to OII to OIIP.

Section 11 – New section. Authorizes OII to conduct prosecutions of deadly force cases.

Section 12 – Amends RCW 43.102.050 by changing references to OII to OIIP and modifying the duties of the Director.

Section 13 – Amends RCW 43.102.060 by allowing the IP to enter into contracts as necessary and employ AP's.

Section 14 – Amends RCW 43.102.080 by including prosecutions in the OII's jurisdiction.

Section 15 – Amends RCW 43.102.130 by modifying the name and membership of the OII advisory board.

Section 16 – Amends RCW 43.10.090 to require the OII to investigate and prosecute use of deadly force by an officer cases and other cases at the request of the Governor.

Section 17 – New section. Severability clause.

This bill is assumed effective 90 days after the end of the 2025 legislative session.

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.

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed

through the revolving account to the client agency.

The client agency is the Office of Independent Investigations (OII). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency's fiscal note. Appropriation authority is necessary in the AGO budget.

AGO AGENCY ASSUMPTIONS:

OII will be billed for non-King County rates:

FY 2026: \$22,000 for 0.1 Assistant Attorney General FTE (AAG) and 0.1 Paralegal 1 FTE (PL1)

FY 2027 and in each FY thereafter: \$11,000 for 0.1 AAG and 0.1 PL1

II. C - Expenditures

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

Attorney General's Office (AGO) Agency Assumptions:

This bill is assumed effective 90 days after the end of the 2025 legislative session.

Location of staffing is assumed to be in a non-King County office building.

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

Agency administration support FTE are included in the tables. The Management Analyst 5 FTE (MA) is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

1. Assumptions for the AGO Government Compliance & Enforcement Division (GCE) Legal Services for the Office of Independent Investigations (OII)

The AGO will bill OII for legal services based on the enactment of this bill. This bill would give the OII concurrent authority and power with county prosecutors to investigate crimes and initiate and conduct prosecutions of use of deadly force by an involved officer. This includes other cases under the jurisdiction of OII, such as appeals and requests for postconviction relief, and would allow the OII to prosecute related offenses and defendants. The bill would require the OII Director to appoint an Independent Prosecutor (IP) within nine months of the effective date, provide for the powers and duties of the IP, allow the IP to appoint Assistant Prosecutors (AP) and Special Assistant Prosecutors (SAP) and enter into contracts, require the IP to issue a report when declining to file charges, limit the IP's liability, modify the OII director's duties, and modify the name and membership of the OII advisory board. This bill would also require OII to investigate and prosecute cases under its jurisdiction upon the request of the Governor. This bill would change the name of OII to the Office of Independent Investigations and Prosecutions (OIIP). FY 2026: GCE assumes to provide legal advice relating to contracts and memoranda of understanding, the applicability of the Open Public Meetings Act (OPMA), the Public Records Act (PRA), development of protocols, rulemaking, and general appointment issues. Historically with legal services to newly expanded offices and commissions, GCE assumes these advice requests would generate up to 150 AAG hours of new work. FY 2027 and in each FY thereafter: GCE assumes some utilization of legal services on contracting, and rulemaking issues, as well as review of reports and public records, and that this continuing work would generate up to 75 AAG hours of work. GCE would not be asked to provide any advice relating to criminal prosecutions and would not take the lead in defending any challenges to the new law.

GCE: Total non-King County workload impact:
 FY 2026: \$22,000 for 0.1 AAG and 0.1 PL1
 FY 2027 and in each FY thereafter: \$11,000 for 0.1 AAG and 0.1 PL

2. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the Department of Commerce (Commerce). Commerce would not be given any new authorities or responsibilities under this bill, therefore, no costs are included in this request.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
405-1	Legal Services	State	22,000	11,000	33,000	22,000	22,000
	Revolving Account						
Total \$			22,000	11,000	33,000	22,000	22,000

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	0.3	0.3	0.3	0.3	0.3
A-Salaries and Wages	15,000	8,000	23,000	16,000	16,000
B-Employee Benefits	5,000	2,000	7,000	4,000	4,000
C-Professional Service Contracts					
E-Goods and Other Services	2,000	1,000	3,000	2,000	2,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	22,000	11,000	33,000	22,000	22,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2026	FY 2027	2025-27	2027-29	2029-31
Assistant Attorney General	132,912	0.1	0.1	0.1	0.1	0.1
Management Analyst 5	98,040	0.1	0.1	0.1	0.1	0.1
Paralegal 1	71,148	0.1	0.1	0.1	0.1	0.1
Total FTEs		0.3	0.3	0.3	0.3	0.3

III. D - Expenditures By Program (optional)

Program	FY 2026	FY 2027	2025-27	2027-29	2029-31
Government Compliance & Enforcement Division (GCE)	22,000	11,000	33,000	22,000	22,000
Total \$	22,000	11,000	33,000	22,000	22,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1740 HB	Title: OII expansion/prosecutions	Agency: 105-Office of Financial Management
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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:	Phone:	Date: 02/04/2025
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 02/05/2025
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 02/05/2025
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/07/2025

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.

The bill expands the Office of Independent Investigations (OII) to include prosecutions of criminal conduct within the jurisdiction of the Office of Independent Investigations.

OFM provides direct administrative support to OII. However, any fiscal impacts for additional administrative support costs associated with this legislation will be reflected in OII's fiscal note.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1740 HB	Title: OII expansion/prosecutions	Agency: 229-Office of Independent Investigations
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	14.5	14.5	14.5	14.5	14.5
Account					
General Fund-State 001-1	3,423,900	4,091,400	7,515,300	5,782,800	5,782,800
Total \$	3,423,900	4,091,400	7,515,300	5,782,800	5,782,800

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:	Phone:	Date: 02/04/2025
Agency Preparation: Nicole Martinez	Phone: 360-407-5699	Date: 02/14/2025
Agency Approval: Jamie Langford	Phone: (360) 902-0422	Date: 02/14/2025
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/17/2025

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.

The bill renames the Office of Independent Investigations (OII) to the Office of Independent Investigations and Prosecutions (OIIP).

Sec. 1 amends RCW 43.102 to grant concurrent authority within the OIIP and the county prosecutors to investigate and prosecute use of deadly force by officers. This authority includes appeals and requests for postconviction relief.

Sec. 1(4) states that OIIP shall be responsible for its expert witness fees and other associated costs of prosecution, but is not responsible for defense costs, including defense attorneys' fees, defense expert witness fees, or any other costs related to the defense in a criminal prosecution initiated by the OIIP. Reimbursement of costs is subject to the provisions of RCW 9a.16.046. The county in which the action is filed shall be responsible for court administration costs and public defense costs, if the defendant qualifies.

Sec 2 requires the director to determine compensation and appoint a licensed attorney to serve as OIIP's independent prosecutor. The independent prosecutor has the final decision-making authority to:

- Hire and terminate a deputy independent prosecuting attorneys and related support staff.
- File or decline to file criminal charges after thorough review of cases
- Litigate cases.

Sec. 3 (1) defines the powers and duties of the independent prosecutor and requires them to hire or contract with attorneys and other personnel as necessary to pursue prosecutions conducted by the OIIP.

Sec. 4 allows the independent prosecutor to appoint one or more Assistant Independent Prosecutors and Special Assistant Independent Prosecutors to perform investigations and prosecutions conducted by the OIIP.

Sec. 5 allows law students to volunteer or get paid as legal interns or law clerks for the OIIP.

Sec. 6 requires the independent prosecutor to write a written report if they decline filing charges after reviewing an investigation of a fatal use of deadly force and post the report on the public website.

Sec 12(4) requires the director, in consultation with the advisory board, to implement a plan to review prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation and investigate and prosecute if determined appropriate based on the review.

Sec. 15 increases the membership of the board from 11 members to 13. The two new members include a prosecuting attorney and a member of the public that represents a family impacted by a deadly force incident.

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.

OII will be required to create a new unit to conduct prosecutions of deadly force cases. This adds to the scope of the work

of the original intent of the OII and will require an entire new unit separate from the investigative unit to conduct this work. This will require a firewall between investigative and prosecutorial work. To achieve this, we will require separate facilities and well as staffing to independently conduct this work.

To implement this bill, OII will need to:

- Update signage, documents, and websites with the new name.
- Create a mechanism on allocation and funding provided the differences between expert witness fees for investigations via prosecutions.
- Develop and implement policies, procedures, and protocols to:
 - Address apparent conflicts of the independent prosecutor.
 - Appoint one or more assistant independent prosecutors and special assistant prosecutors who have the same powers as the independent prosecutor.
 - Create an intern and/or volunteer program to assist with the independent prosecutor.
 - Prosecute the prior investigation cases that are investigated by OII that are found to be necessary to be prosecuted.
- Update its current website to include independent prosecution information.

OII requires ongoing funding for 14.5 FTE to implement this bill.

- 1 FTE Senior Independent Prosecutor (Division Chief) \$204,000 per FTE including salary and benefits

The position is responsible for establishing and structuring the division, conducting interviews, and making hiring decisions as outlined in Section 11 of the bill. It involves managing and overseeing the division, providing essential training for staff, and securing necessary resources. Additionally, the role includes conducting performance evaluations and acting as a liaison with law enforcement, county prosecutors, and other stakeholders.

- 1 FTE Public Disclosure Records Manager; \$129,000 per FTE including salary and benefits

The position oversees the entire public records response process and provides guidance to Independent Prosecutor (IP) staff handling Public Records Requests (PRRs). This includes reviewing and redacting IP documents such as correspondence and investigative materials. Additionally, the role involves responding to constituent inquiries and correspondence related to PRRs.

- 5 FTE Independent Prosecutors (IP); \$175,600 per FTE including salary and benefits

These positions are assumed to handle 25-50 cases annually, averaging about 30 cases per year. Duties of these positions include:

- Collaborating with investigators,
- Providing consultation
- Brainstorming investigative strategies
- Reviewing search warrants
- Obtaining necessary court orders
- Conducting Garrity reviews to ensure no compelled statements from police officers are included and assess investigations for potential criminal charges.
- Reviewing investigative reports, lab results, autopsy and medical reports, and witness statements
- Consulting with experts in various fields, such as forensics, use of force, firearms, and toxicology.
- Requesting follow-up investigations, staffing cases with colleagues and supervisors, drafting memos, and preparing reports on decisions to decline charges.
- Preparing charging documents,
- Handling prosecution duties
- Conducting legal research, drafting pleadings, filing motions, and appearing in court for hearings, trials, and appeals.
- Conducting interviews with law enforcement, witnesses, the victims or families, and their staff.

Additionally, travel is required for hearings, interviews, meetings, and trials across all 39 counties, and the role includes responding to post-conviction motions and appeals.

- 1 FTE Contracts Manager; \$143,000 per FTE including salary and benefits

This position is responsible for drafting contracts for expert witnesses, litigation-related services, interpreters, and potential Independent Prosecutors. This role involves contract preparation assistance, review, tracking, data entry, reporting, and payment verification. Additionally, the Contracts Manager ensures all contracts are properly managed and executed in accordance with the necessary guidelines.

- 1 FTE Training Administrator; \$109,000 per FTE including salary and benefits

This position develops and oversees the implementation of all required training for full-time employees (FTEs) within the new Office of Independent Prosecutions (OIP), as mandated by Section 10. This includes both statutorily required training and other ongoing training initiatives.

- 1 FTE Communication Consultant; \$129,000 per FT including salary and benefits

This position handles constituent correspondence and inquiries, ensuring timely and accurate responses. Serve as a liaison with the Governor's Media Relations office and oversee communication management.

- 1 FTE IT Support Technician; \$86,000 per FTE including salary and benefits

This position manages and maintains the security data of business systems used by the Independent Prosecutor's office. Conduct regular IT risk assessments and audits while ensuring compliance with relevant laws, regulations, and statewide security policies related to data sharing with local law enforcement and OII investigators.

- 2.50 FTE Paralegals; \$96,800 per FTE including salary and benefits

These positions support Public Records Requests (PRR) by reviewing and redacting records, ensuring IPs also review and redact records as needed. Coordinate discovery from completed investigations, organize investigative files for independent prosecutor's review, and run criminal histories when necessary. Assist trial prosecutors by managing subpoenas, coordinating witness interviews and court appearances, and using software for trial organization and evidence presentation. Create trial exhibits and provide support during trials, including courtroom technology and witness scheduling.

- 1 FTE Outreach Coordinator; \$97,000 per FTE including salary and benefits

This position connects with local, state, and federal criminal justice partners to promote awareness of the OIIP. Engage with local stakeholders to introduce the OIIP and its services. Establish a consistent schedule for ongoing engagement with interested parties across the state.

Professional Service Contracts:

The Office requires ongoing funding for specialized contract services at \$150,000 per year including contracted interpreter services for witnesses, injured parties, or family of deceased where English is not their first language.

Goods and services:

The Office requires ongoing funding for supplies and materials, communications and telecommunications services, lease space, training, software licensing and maintenance at \$5,200 per year, per FTE.

Travel:

The Office requires ongoing funding for travel to effectively manage caseload, including prosecuting use of force cases and attending necessary legal proceedings statewide at \$7,000 per year, per FTE.

Capital Outlays:

The Office requires one-time funding for the first year to acquire essential office equipment, technology infrastructure, and secure data systems to support the new prosecutorial unit. This includes purchasing computers, office furniture, video conferencing tools, and specialized software for managing case files and communications at \$10,000 per FTE. The office requires ongoing funding per year to cover expenses for maintaining the office's technology, data security systems, and equipment upgrades at \$5,000 per year, per FTE.

In addition, the office requires funding to secure a facility that supports the prosecution of deadly force incidents and houses

the necessary staff and resources to implement the bill. We estimate the need for \$500,000 in the first fiscal year and \$1,200,000 million in the second fiscal year, totaling \$1,700,000 million for construction and tenant improvements. Property acquisition through DES is a fee-based process required before any facility project can begin, and it may take up to six months to complete. The DES architectural design phase is also fee-based and typically takes 3-6 months, starting once property acquisition is finalized. Because it is unknown how long this facility will take to acquire and complete tenant improvements, OII will submit a DP if any unspent funds from the first year needs to be utilized in the second year of the biennium to bring the facility online.

Shared Service Costs: The Office of Financial Management provides administrative support for the Office of Financial Management, Office of the Governor, and Office of Independent Investigations. These services include IT support, budget and accounting services, facilities support, and human resource assistance. To fund these shared services, each budgeted FTE is assessed an ongoing cost of \$30,000 and 0.22 of an FTE. Based on the average salary for those providing these services, we estimate the cost for a new FTE at \$140,000 per year including salary, benefits, equipment, and support costs.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	3,423,900	4,091,400	7,515,300	5,782,800	5,782,800
Total \$			3,423,900	4,091,400	7,515,300	5,782,800	5,782,800

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	14.5	14.5	14.5	14.5	14.5
A-Salaries and Wages	1,528,000	1,558,000	3,086,000	3,116,000	3,116,000
B-Employee Benefits	489,000	499,000	988,000	998,000	998,000
C-Professional Service Contracts	150,000	150,000	300,000	300,000	300,000
E-Goods and Other Services	75,400	75,400	150,800	150,800	150,800
G-Travel	101,500	101,500	203,000	203,000	203,000
J-Capital Outlays	645,000	1,272,500	1,917,500	145,000	145,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	435,000	435,000	870,000	870,000	870,000
9-					
Total \$	3,423,900	4,091,400	7,515,300	5,782,800	5,782,800

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 2026	FY 2027	2025-27	2027-29	2029-31
Communications consultant	129,000	1.0	1.0	1.0	1.0	1.0
Contracts manager	143,000	1.0	1.0	1.0	1.0	1.0
Independent Prosecutor	175,600	5.0	5.0	5.0	5.0	5.0
IT support help desk	86,000	1.0	1.0	1.0	1.0	1.0
Outreach coordinator	97,000	1.0	1.0	1.0	1.0	1.0
Paralegal	96,800	2.5	2.5	2.5	2.5	2.5
Public Disclosure records manager	129,000	1.0	1.0	1.0	1.0	1.0
Senior Independent Prosecutor (Division Chief)	204,000	1.0	1.0	1.0	1.0	1.0
Training Administrator	109,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		14.5	14.5	14.5	14.5	14.5

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: 1740 HB

Title: OII expansion/prosecutions

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

Legislation Impacts:

Cities: Indeterminate local law enforcement expenditures if bill's provisions resulted in additional prosecutions of law enforcement officers

Counties: Same as above, but for counties; approximately \$5,148 annually for additional prosecuting attorney representative to sit on Office of Independent Investigations and Prosecutions advisory board

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: Whether bill's provisions would result in additional prosecutions of law enforcement officers, associated legal costs

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2026	FY 2027	2025-27	2027-29	2029-31
County	5,148	5,148	10,296	10,296	10,296
TOTAL \$	5,148	5,148	10,296	10,296	10,296
GRAND TOTAL \$					30,888

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

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/11/2025
Leg. Committee Contact:	Phone:	Date: 02/04/2025
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/11/2025
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/11/2025

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 1 of the proposed legislation would add a new section to chapter 43.102 RCW, giving the Office of Independent Investigations concurrent authority and power with county prosecuting attorneys to investigate crimes and initiate and conduct prosecutions of use of deadly force by an involved officer cases and other cases under the jurisdiction of the office. The office would be responsible for its expert witness fees and other associated prosecution costs, but would not be responsible for defense costs.

If the Attorney General's Office, a county prosecutor and the independent prosecutor file competing information or indictments charging a defendant with substantially the same offense or offenses, the court would be required, upon motion, to designate the prosecuting authority. The court would be required to determine whose prosecution of the case will best promote the interests of justice and prioritize the public's interest in ensuring a fair and impartial prosecution and trial free from bias or the appearance of bias, and enter an order designating that person as the prosecuting authority in the case, dismissing the information or indictment filed by the person not designated the prosecuting authority.

As a result of its new authority, the Office of Independent Investigations would be re-named to the Office of Independent Investigations and Prosecutions (OIIP).

Section 2 would add a new section to chapter 43.102 RCW, requiring the OIIP director to appoint an independent prosecutor, and setting out the decision-making powers, eligibility criteria and term length of the independent prosecutor.

Section 3 would add a new section to chapter 43.102 RCW, describing the powers and duties of the independent prosecutor.

Section 4 would add a new section to chapter 43.102 RCW, describing provisions for appointing assistant independent prosecutors.

Section 6 would add a new section to chapter 43.102 RCW, requiring the independent prosecutor to produce a public report explaining its decision if it declines to file charges after reviewing an investigation of a fatal use of deadly force.

Section 7 would add a new section to chapter 43.102 RCW, setting out liability provisions for the independent prosecutor.

Section 11 would add a new section to chapter 43.102 RCW, authorizing OIIP to conduct prosecutions of deadly force cases, including any incident involving use of deadly force by an involved officer against or upon a person who is in custody or out of custody.

Section 15 would amend RCW 43.102.130, adding a second prosecuting attorney representative to the existing OII advisory board, which would be re-named to the OIIP advisory board.

Section 16 would amend RCW 43.10.090, specifying that upon the request of the governor, OIIP would be required to investigate and prosecute use of deadly force by an involved officer cases and other cases under the jurisdiction of the office.

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 both determinate and indeterminate impacts on local government expenditures.

According to the Washington Association of Prosecuting Attorneys, the provisions of the bill that would give the Office of

Independent Investigations and Prosecutions (OIIP) concurrent authority and power with county prosecuting attorneys to investigate crimes and initiate and conduct prosecutions of use of deadly force by an involved officer cases and other cases under the jurisdiction of the office would likely have no expenditure impact on county prosecutors.

Section 15 of the proposed legislation would add a second prosecuting attorney representative to the OIIP advisory board. The existing advisory board for the Office of Independent Investigations (OII) includes one prosecuting attorney representative. OII indicates that membership on the advisory board requires a monthly virtual meeting 11 months of the year that generally runs for two hours, at least one in-person work session annually requiring travel (travel costs are reimbursed per statute), sporadic review of OII policies that typically requires two to three hours monthly, and review of applicants for approval of hiring former law enforcement officers who have been out of law enforcement for less than 24 months.

The 2025 Local Government Fiscal Note Program Unit Cost Model estimates that the average annual salary plus benefits and overhead for a county prosecuting attorney is approximately \$117. Assuming that at least 44 hours of time annually is required for members of the OII advisory board (four hours per month X 11 months), and that the additional prosecuting attorney representative required to be added to the OIIP advisory board would be an acting county prosecuting attorney, the annual estimated cost of required staff time would be approximately \$5,148.

The Washington Association of Sheriffs and Police Chiefs indicates that giving OII concurrent authority and power with county prosecuting attorneys to investigate crimes and initiate and conduct prosecutions of use of deadly force by an involved officer cases and other cases under the jurisdiction of the office could result in additional prosecutions of this kind. Any additional such prosecutions would create additional legal costs for local law enforcement agencies, however it is unknown whether additional prosecutions would result from the provisions of the proposed legislation or what the associated legal costs might be, so any resulting local government expenditure impact is indeterminate. OII assumes that under the provisions of the bill, OIIP would pursue 25-50 cases annually, with a likely annual average of approximately 30 cases.

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 3SHB 1579, 2024

Local Government Fiscal Note Program Unit Cost Model, 2025

Washington Association of Prosecuting Attorneys

Washington Association of Sheriffs and Police Chiefs

Washington State Office of Independent Investigations