

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2559 S HB	<b>Title:</b> Corrections officer cert
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## Estimated Cash Receipts

Agency Name	2003-05		2005-07		2007-09	
	GF- State	Total	GF- State	Total	GF- State	Total
<b>Total \$</b>						

Local Gov. Courts *						
Local Gov. Other **	Fiscal note not available					
Local Gov. Total						

## Estimated Expenditures

Agency Name	2003-05			2005-07			2007-09		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Criminal Justice Training Commission	.0	0	0	1.0	0	206,400	1.0	0	206,400
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
<b>Total</b>	0.0	\$0	\$0	1.0	\$0	\$206,400	1.0	\$0	\$206,400

Local Gov. Courts *									
Local Gov. Other **	Fiscal note not available								
Local Gov. Total									

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<b>Prepared by:</b> Garry Austin, OFM	<b>Phone:</b> 360-902-0564	<b>Date Published:</b> Preliminary 2/ 6/2004
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2559 S HB	<b>Title:</b> Corrections officer cert	<b>Agency:</b> 227-Wa St Criminal Justice Train Comm
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2004	FY 2005	2003-05	2005-07	2007-09
FTE Staff Years	0.0	0.0	0.0	1.0	1.0
<b>Fund</b>					
Public Safety and Education Account-State 02V-1	0	0	0	206,400	206,400
<b>Total \$</b>	0	0	0	206,400	206,400

*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: 02/03/2004
Agency Preparation: Brian Elliott	Phone: 360-486-2436	Date: 02/05/2004
Agency Approval: Brian Elliott	Phone: 360-486-2436	Date: 02/05/2004
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 02/06/2004

## Part II: Narrative Explanation

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

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

This measure will grant to the Criminal Justice Training Commission the authority to grant, deny, or revoke certification of corrections officers. To accomplish this task, the Criminal Justice Training Commission would require an additional staff person to process all certification requests and potential decertifications.

### II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

### II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

One FTE would be required to perform the duties associated with processing all certification requests and potential decertifications. Salary and benefits is estimated to be \$60,000 per year. A quarter of an Assistant Attorney General FTE per month for legal services is estimated to be \$42,000 per year. Miscellaneous office expenses are estimated to be \$1,200 per year. These expenses will not start until the 05-07 biennium as the Department of Corrections has agreed to provide one FTE for Corrections Certification starting July of 2004.

## Part III: Expenditure Detail

### III. A - Expenditures by Object Or Purpose

	FY 2004	FY 2005	2003-05	2005-07	2007-09
FTE Staff Years		0.00		1.0	1.0
A-Salaries and Wages				96,000	96,000
B-Employee Benefits				24,000	24,000
C-Personal Service Contracts					
E-Goods and Services				86,400	86,400
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					
<b>Total:</b>	\$0	\$0	\$0	\$206,400	\$206,400

**III. B - 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 2004	FY 2005	2003-05	2005-07	2007-09
WMS Band 1	48,000				1.0	1.0
<b>Total FTE's</b>					1.0	1.0

## Part IV: Capital Budget Impact

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

This act grants the Criminal Justice Training Commission the authority to grant, deny, or revoke certification of corrections officers. This act also describes the proper process and procedures for the certification and decertification of corrections officers.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2559 S HB	<b>Title:</b> Corrections officer cert	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

☒ **No Fiscal Impact**

*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: 02/03/2004
Agency Preparation: Trent Howard	Phone: 360-753-1559	Date: 02/04/2004
Agency Approval: Tracy Guerin	Phone: 360-753-1158	Date: 02/04/2004
OFM Review: Randi Warick	Phone: 360-902-0570	Date: 02/04/2004

## Part II: Narrative Explanation

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

*Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 1 of RCW 43.101.085 is amended to include corrections officers to which the commission has authority and power to grant, deny, or revoke certification.

Section 2 of RCW 43.101.010 is amended to define “state juvenile services personnel” as any employee or volunteer who by state statute has responsibility of juveniles remanded to state custody whose civil rights have been limited in some way by legal sanction. Section is also amended to include corrections officers in the definition of “convicted”, as used in chapter 43.101. Section 2 is also amended to add corrections officers to the explanation of “Discharged for disqualifying misconduct”. A corrections officer is terminated under “discharged for disqualifying misconduct” when a conviction occurs for any crime committed under color of authority as a corrections officer, any crime involving dishonesty or false statement within the meaning of Evidence Rule 609 (a) or (c), the unlawful use or possession of a controlled substance, conduct that would constitute any of the crimes addressed above in this subsection, or knowingly making material false statements during disciplinary investigations, where the false statements are sole basis for the termination. Color of authority is denied as when the officer’s acts or omissions were, or were purported to be, pursuant to powers granted to a corrections officer performing the officers assigned responsibilities. This section further adds corrections officer to subsection 8 in which an officer is “discharged for disqualifying misconduct” when the totality of the circumstance support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of subsection 8 of this section. This section additionally adds corrections officer to the definition of “final”. This section also adds the definition of “corrections officer”, meaning any corrections personnel subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. Section 2 is also amended to exempt state juvenile services personnel that are required to adhere to an evidence-based model for service delivery from the certification process if requested by the employing agency.

New section 3 is added to RCW 43.101 stating conditions of employment needed to maintain continued employment and directing the commission to certify corrections officers who have satisfied the requirements of this new section by January 1, 2005. This section also gives the commission authority, after this date, to revoke certification pursuant to this chapter. To be certified by the commission all Washington state corrections officers will need to obtain certification as corrections officers or exemption therefrom all requirements of RCW 43.101.220 and maintain the basic certification as corrections officers. This section also directs the commission to allow a corrections officer to retain status as a certified corrections officer as long as the officer has met the basic corrections officer training requirements or is exempted therefrom, in whole or in part, under RCW 43.101.250 or under rule of the commission in a timely manner, meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission, is not denied certification by the commission under this chapter, and has not had certification revoked by the commission. This new section further allows the commission access to officer’s personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission as a prerequisite to certification. These documents will be obtained through the authorization of the officer on a form devised or adopted by the commission.

New section 4 is added to RCW 43.101 determining who will request and when the commission may deny or revoke certification of any corrections officer. Request to deny or revoke certification will be made by the corrections officer employer or the commission itself. The commission may deny or revoke certification of any corrections officer after written notice and hearing, if a hearing is timely requested by the corrections officer under section 9 of this act, based on the corrections officer failure to timely meet all requirements for obtaining a certificate of basic corrections training or a certificate of exemption from the training, the corrections officer has knowingly falsified or omitted material information on an application for training or certification to the commission, the corrections officer has been convicted at any time of

a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state, unless felony occurred before being employed as a corrections officer and the corrections officer fully disclosed this prior to the officer being hired, in which case certification can only be revoked if employing corrections agency agrees, the corrections officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2005, the corrections officer's certificate was previously issued by administrative error on the part of the commission, or the corrections officer has interfered with an investigation or action for denial or revocation of certificate by knowingly making a materially false statement to the commission or in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

New section 5 is added to RCW 43.101 outlining eligibility requirements after denial or revocation of certification has occurred. A person denied certification based upon dismissal or withdrawal from a basic corrections academy for any reason not involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission. A person denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, which could include a probationary period of certification. A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time. A corrections officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction may petition the commission for reinstatement five years from revocation or denial. A hearing will be held on the petition to consider reinstatement and the commission may allow reinstatement based upon standards established in rules of the commission, which could include a probationary period of certification. A corrections officer whose certification is revoked based solely upon criminal conviction may petition the commission for reinstatement immediately upon reversal of the conviction. A hearing will be held on request for reinstatement and the commission may allow reinstatement based on standards established in rules of the commission, which could include a probationary period of certification.

New section 6 is added to RCW 43.101 to lapse a corrections officer's certification when there is a break of more than twenty-four months. This new section also allows for the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury to not be counted towards the twenty-four month break. This section further allows for a petition for reinstatement by the officer. In the case of petition the commission shall determine under this chapter and any applicable rules of the commission if the corrections officer's certification status is to be reinstated and the commission shall also determine any requirements which the officer must meet for reinstatement. This new section also allows the commission to adopt rules establishing requirements for reinstatement.

New section 7 is added to RCW 43.101 to direct agencies of termination to notify the commission within fifteen days of a corrections officer termination on a commission supplied personnel action report. This section further directs the agency of termination to supply, upon request of the commission, additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 4. This new section also directs the commission to retain these notices in a permanent file. This new section further directs agencies employing state juvenile services personnel to follow the same procedures of this section to assist the commission with the oversight of certified correctional officers.

New section 8 is added to RCW 43.101 allowing a corrections officer or duly authorized representative of a corrections agency to submit a written complaint to the commission charging that a corrections officer's certification should be denied or revoked. This new section also allows for the commission to have sole discretion on investigative matters relating to certification or denial or revocation of certification on any other basis without restriction as to the source or the existence of a complaint. This new section further allows the person filing the complaint in good faith under this section to be immune from suit or any civil action related to the filing.

New section 9 is added to RCW 43.101 to outline process for denial or revocation of certification under section 4 of this act. If the commission finds probable cause to deny or revoke a corrections officer's certification under section 4 of this act, the commission must prepare and serve upon the officer a statement of charges. The service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed or served on the agency of

termination or the current corrections employer. Accompanying the statement of charges must be a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement charges request a hearing before the appointed hearings board. If the officer does not request a hearing within the sixty-day period it constitutes a default, whereupon the commission may enter an order under RCCW 34.05.440. If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after communication of statement of charges to the officer. The one hundred eighty-day period may be extended with mutual agreement of both parties or for good cause. Written notice of the hearing will be given by the commission at least twenty days prior to the hearing.

Section 10 of RCW 43.101.380 is amended to add section 9 of this act to all hearings requested under RCW 43.101.155. This section is also amended to include the board on corrections training standards and education as eligible hearing panel members. This section further adds the requirements of the panel for a decertification of a Washington corrections officer. The panel shall consist of two heads of either a city or county corrections agency or facility or of a Washington state department of corrections facility, two corrections officers who are at or below the level of first line supervisor, who are from city, county, or state corrections agencies, and who have at least ten years experience as correctional officers, and one person who is not currently a corrections officer and who represents a community college or four-year college or university. This section adds corrections officer to the process associated with the hearings panel for officers where the revocation or denial was based on the officer being “discharged for disqualifying misconduct” or “has been convicted at any time of a felony offense”. This section further adds the new section reference of section 4 (4) to the process associated with the hearings panel for officers where the revocation or denial was based on the officer being “discharged for disqualifying misconduct” or “has been convicted at any time of a felony offense”.

Section 11 of RCW 43.101.400 is amended to add documents referenced in section 3 and 7 of this act making the documents exempt from public disclosure. This section also adds corrections agencies to the allowable persons that may review and copy these reports exempted in subsection 1 of this section. This section further adds corrections agencies to the allowable persons that may inspect these reports at the offices of the commission.

New section 12 is added to RCW 43.101 stating that any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

New section 13 is added to RCW 43.101 stating that sections 3 through 9 are added to chapter 43.101.

New section 14 is added to RCW 43.101 stating an effective date of January 1, 2005.

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

## **II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

This legislation does not change the current practices of the Department and will not create a fiscal impact.

## **Part III: Expenditure Detail**

## **Part IV: Capital Budget Impact**



**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*