

Multiple Agency Fiscal Note Summary

Bill Number: 5848 SB	Title: Individuals in DOC custody
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Estimated Cash Receipts

NONE

Local Gov. Courts					
Loc School dist-SPI					
Local Gov. Other					
Local Gov. Total					

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	(84.6)	(27,997,000)	(27,997,000)	(163.9)	(50,367,000)	(50,367,000)	(192.3)	(57,481,000)	(57,481,000)
Total \$	(84.6)	(27,997,000)	(27,997,000)	(163.9)	(50,367,000)	(50,367,000)	(192.3)	(57,481,000)	(57,481,000)

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Trisha Newport, OFM	Phone: (360) 902-0417	Date Published: Final 2/25/2019
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Individual State Agency Fiscal Note

Bill Number: 5848 SB	Title: Individuals in DOC custody	Agency: 101-Caseload Forecast Council
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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: Keri Waterland	Phone: 360-786-7490	Date: 02/06/2019
Agency Preparation: Ed Vukich	Phone: 360-664-9374	Date: 02/21/2019
Agency Approval: Ed Vukich	Phone: 360-664-9374	Date: 02/21/2019
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/25/2019

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.

See the attachment.

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.

None.

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.

See the attachment.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

None.

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.

None.

SB 5848
INDIVIDUALS UNDER THE DEPARTMENT OF
CORRECTION'S JURISDICTION
101 – Caseload Forecast Council
February 21, 2019

SUMMARY

A brief description of what the measure does that has fiscal impact.

Section 3 increases the maximum amount of earned release from 33.3% to 50.0% for offenders in prison who are convicted of an offense that is not classified as a:

- Sex offense;
- Violent offense; or
- Crimes Against Persons.

Given the above provisions:

- Certain offenders will have the opportunity to be released from prison earlier.

EXPENDITURES

Assumptions.

The bed impacts for this bill were calculated under the following assumptions.

- CFC = Caseload Forecast Council
- DOC = Department of Corrections
- FY = Fiscal Year
- Sentences are based on CFC FY18 data and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Alternative sentences are excluded.
- Non-prison sentences are excluded.
- Sentences for sex offenses are excluded.
- Sentences for violent offenses are excluded.
- Sentences for Crimes Against Persons offenses are excluded.
- Length of stay in prison is calculated using figures for average percentage of sentence served in prison, which is based on DOC FY18 data for non-DOSA offenders for the various DOC Crime Categories, and they are calculated by CFC.
- Length of stay in prison is also calculated using figures for average percentage of sentence served in total, which is based on DOC FY18 data for non-DOSA offenders for the various DOC Crime Categories, and they are calculated by CFC.
- Bed impacts are calculated with discount factors (prison sentences versus actual prison admissions), which are based on CFC and DOC FY 2018 data for the various CFC Crime Forecasting Categories in which the offenses in question are categorized, and they are calculated by the CFC.
- Bed impacts are not calculated with a phase-in factor.

Impact on the Caseload Forecast Council.

None.

Impact on prison and jail beds.

This bill:

- Potentially reduces confinement time for certain offenders.

The bill will result in no jail bed impact. Additionally, the bill will result in no prison (DOSA) bed impact and a maximum prison (non-DOSA) bed impact of 1,157 beds, first reached at 115 months after implementation.

**Average Monthly Population Jail and Prison Impacts
 SB 5848 - Individuals Under DOC Jurisdiction
 Caseload Forecast Council
 February 21, 2019**

	Fiscal Year									
	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29
Jail AMP	0	0	0	0	0	0	0	0	0	0
Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Prison AMP (Non-DOSA)	-166	-620	-894	-1,033	-1,101	-1,133	-1,145	-1,152	-1,155	-1,156
Prison AMP (Total)	-166	-620	-894	-1,033	-1,101	-1,133	-1,145	-1,152	-1,155	-1,156

Additionally, there are 4,107 sentences in the analysis. These sentences are comprised of 595 females (14.5%) and 3,512 males (85.5%). These figures discount to 3,173 offenders, which are comprised of 449 females (14.2%) and 2,724 males.

Individual State Agency Fiscal Note

Bill Number: 5848 SB	Title: Individuals in DOC custody	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	(49.3)	(119.8)	(84.6)	(163.9)	(192.3)
Account					
General Fund-State 001-1	(9,102,000)	(18,895,000)	(27,997,000)	(50,367,000)	(57,481,000)
Total \$	(9,102,000)	(18,895,000)	(27,997,000)	(50,367,000)	(57,481,000)

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: Keri Waterland	Phone: 360-786-7490	Date: 02/06/2019
Agency Preparation: Alan Haskins	Phone: 360-725-8264	Date: 02/25/2019
Agency Approval: Michael Steenhout	Phone: 360-725-8270	Date: 02/25/2019
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/25/2019

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(1)(b) amends RCW 9.94A.589 requiring that unless the court expressly orders that the community custody terms run consecutively to each other, such terms shall run concurrently to each other even if the court orders the confinement terms to run consecutively to each other.

Section 1(2)(a) further amends RCW 9.94A.589 clarifying that it is confinement terms that are served consecutive when a person under sentence for a felony commits another felony. It also adds language stating any terms of community custody are served concurrently unless the court expressly orders that the community custody terms run consecutively.

Section 1(3) further amends RCW 9.94A. clarifying that it is confinement terms that are served consecutive when a person is sentenced for a felony that was committed while the person was not under sentence for a felony. It also adds language stating any terms of community custody are served concurrently unless the court expressly orders that the community custody terms run consecutively.

Section 2(3) amends RCW 9.94B.050 to state that community placement shall run concurrently to any period of probation, parole, community supervision, community placement, or community custody previously imposed by any court in any jurisdiction, unless the court pronouncing the current sentence expressly orders that they be served consecutively to each other.

Section 3(3)(e) amends RCW 9.94A.729 adding in case of an individual convicted on or after July 1, 2019, the aggregate earned release time may not exceed 50 percent of the sentence when the conviction is for an offense that is not classified as a: (i) Sex offense; (ii) Violent offense; or (iii) Crime against a person as defined in RCW 9.94A.411.

Section 4(2)(b) amends RCW 9.94A.737 by removing the counting requirements for sanctions that require after a supervised individual has committed and sanctioned for five low level violations, all subsequent violations committed by that individual shall automatically be considered high level violations.

Section 4(3)(a) and (b) amends RCW 9.94A.737 by removing language that specifies low level violations can receive non-confinement sanctions on the first violation, allowing the ability for non-confinement sanctions on any low level violation.

Section 4(5) amends RCW 9.94A.737 by removing this subsection that specifies sanctioning requirements for those on supervision for an underlying offense.

Section 5(3) amends RCW 9.94A.631 by removing specific language regarding sanctioning requirements for those on supervision for an underlying offense.

Section 6(3) amends RCW 9.94A.716 by removing specific language regarding sanctioning requirements for those on supervision for an underlying offense.

Section 7 is a new section that states the legislature declares that the Department of Corrections (DOC) recalculations of community custody terms pursuant to this act do not create any expectations that a particular

community custody term will end before July 1, 2019, and supervised individuals have no reason to conclude that the recalculation of their community custody terms before July 1, 2019, is an entitlement or creates any liberty interest in their community custody term ending before July 1, 2019. In addition, this section authorizes DOC to take the time reasonably necessary to complete the recalculations of community custody terms after the effective date of this section.

Section 8 is a new section that grants DOC the authority to begin implementing this act upon the effective date of this section.

Section 9 is a new section that states sections 1, 2, 4, 5, and 6 of this act applies retroactively and prospectively regardless of the date of a supervised individuals underlying offense.

Section 10 is a new section that states states the maximum percentages of earned release time in RCW 9.94A.729 do not create any expectation that the percentage of earned release time cannot be revised and incarcerated individuals have no reason to conclude that the maximum percentage of earned release time is an entitlement or creates any liberty interest. The legislature retains full control over the right to revise the percentages of earned release time available to incarcerated individuals at any time. This section applies to persons convicted on or after the effective date of this section.

Section 11 is a new section that states this act takes effect July 1, 2019.

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.

None.

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.

We assume this bill will have a fiscal savings to DOC greater than \$50,000 per Fiscal Year (FY).

This bill includes the following provisions:

- (1) Requires multiple terms of community custody run concurrent, unless the courts expressly order terms be served consecutively, regardless of how the term of confinement is ordered;
- (2) Changes the allowable amount of earned time on a sentence from a maximum of 33 percent to a maximum of 50 percent, if the offense was not classified as a violent, sex, or crime against a person offense.
- (3) Allows sanctions for low-level violations to be non-confinement sanctions when appropriate, or not more than three days in custody; and
- (4) Removes requirements for 30 days of sanction time for underlying 21 designation cases.

(1) COMMUNITY CUSTODY: CONCURRENT

Sections 1 and 2 of this bill change current statutes which require sentences that have confinement terms run consecutively must also have supervision terms run consecutively. This proposal would presume supervision terms run concurrently, unless expressly ordered by the court to run consecutively.

This change would be applied both retrospectively (to those individuals currently on supervision) and prospectively (to those releasing on to supervision). Our retrospective and prospective Average Daily Population

(ADP) impacts are based on the review of DOC data of the community supervision caseload as of September 30, 2018.

COMMUNITY SUPERVISION CASELOAD (P300 & P100)

The assumptions used to calculate the community supervision costs and ADP change were estimated by DOC for this bill and include indirect cost savings of agency administration for the purpose of implementing this bill. The approved agency indirect rate and associated cost of administration are calculated based on salaries and benefits of staff conduction back office administrative functions, divided by all remaining salaries and benefits.

In order to review, update and process all retrospective sentencing records, 3.0 project Records Technician/Leads are included in the costs below for FY2020 and FY2021.

The following are the estimated annual impacts (rounded):

FY2020: -665 ADP at a savings of -\$3,316,000 and -39.1 Full Time Equivalentents (FTE's);

FY2021: -1,116 ADP at a savings of -\$5,842,000 and -69.4 FTE's;

FY2022: -1,255 ADP at a savings of -\$6,555,000 and -78.2 FTE's;

FY2023: -1,510 ADP at a savings of -\$7,795,000 and -93.0 FTE's;

FY2024: -1,603 ADP at a savings of -\$8,477,000 and -101.0 FTE's; and

FY2025: -1,644 ADP at a savings of -\$8,557,000 and -102.0 FTE's.

(2) PRISON CASELOAD: EARNED TIME

Section 3 of this bill changes the allowable amount of earned time on a prison sentence from a maximum of 33 percent to a maximum of 50 percent, if the offense was not classified as a violent, sex, or crime against a person offense.

The bill will result in no jail bed impact. Additionally, the bill will result in a maximum prison bed impact of 1,157 beds, first reached at 115 months after implementation.

PRISON CASELOAD IMPACT (P200 & P500)

The assumptions used to calculate the prison ADP change were provided by Caseload Forecast Council (CFC) for this bill. The CFC estimates prison caseload impacts as follows:

FY2020: -166 ADP;

FY2021: -620 ADP;

FY2022: -894 ADP;

FY2023: -1,033 ADP;

FY2024: -1,101 ADP; and

FY2025: -1,133 ADP.

PRISON CASELOAD TOTAL COSTS (P200 & P500)

Total fiscal impact by FY for this proposed legislation for prison ADP impacts are as follows (rounded to the nearest thousand): To reduce prison beds, DOC will require a three month phase-in to successfully achieve the ADP reductions needed based on this legislation.

FY2020: -166 ADP X 75% = 125 ADP X \$14,427 annual average unit cost (AUC) = -\$1,803,000 and -10.2 FTE's;

FY2021: -620 ADP X \$14,427 AUC = -\$8,945,000 and -50.4 FTE's;

FY2022: -894 ADP X \$14,427 AUC = -\$12,898,000 and -72.6 FTE's;

FY2023: -1,033 ADP X \$14,427 AUC = -\$14,903,000 and -83.9 FTE's;

FY2024: -1,101 ADP X \$14,427 AUC = -\$15,885,000 and -89.5 FTE's; and

FY2025: -1,133 ADP X \$14,427 AUC = -\$16,346,000 and -92.1 FTE's.

(3) and (4) COMMUNITY VIOLATOR CASELOAD:

Sections 4 through 6 of this bill allows sanctions for low-level violations to be non-confinement sanctions when appropriate, or not more than three days in custody; and removes requirements for 30 days of sanction time for underlying 21 designation cases.

To estimate the savings for the violator ADP reduction, DOC internal data analytics unit provided data from the Offender Management Network Information (OMNI) system on Swift and Certain (SAC) counts for FY2018.

Counting assumptions:

- Count data includes only low violation behavior, with no mitigating circumstances, that received confinement sanctions for those violators with six or more violations during their time served on community supervision.
- Average sanction length for each SAC count of six or more violations is used to estimate days sanctioned.
- DOC assumes 30% of the violations will remain at the high level violation response for the 6th, 7th, 8th, and 9th violation, 50% for the 10th and 11th violation, and 90% for the 12th and beyond violation count.
- DOC assumes three days will be sanctioned for the low level violation behavior when the SAC count is six or greater.
- The underlying 21 change based on FY2018 data is less than one ADP, no savings is assumed at this time.
- Current funded violator bed rate including medical is \$84.62 per bed per day.
- ADP savings estimated at 133 based on 48,574 net bed days reduced.
 - o $48,574/365=133$ ADP
- Annual savings beginning FY2020 of \$4,108,000 (rounded to the nearest thousand):
 - o $133 \text{ ADP} \times \$84.62 \text{ bed day rate per day} \times 365 \text{ days} = \$4,107,878$.

INFORMATION TECHNOLOGY (IT) IMPACTS (P100)

The following staff will be necessary to complete the development, testing and implementation of the sentencing changes in FY2020:

- A Business Analyst would be needed to interface with the development requirements for the new feature/change.
- A Tester would be needed to test the new functionality to ensure it meets the business requirement and does not break any existing applications.
- A Developer would be needed to code the application.

Cost Calculation Estimate:

Business Analyst | \$80 per hour X 480 hours = \$38,400

Tester | \$80 per hour X 480 hours = \$38,400

Developer | \$100 per hour X 480 hours = \$48,000

Total IT Costs: \$125,000 (rounded to the nearest thousand). One-time costs in FY2020.

TOTAL IMPACT By FY (includes caseload and IT):

FY2020: -\$9,102,000 and -49.3 FTE's;

FY2021: -\$18,895,000 and -119.8 FTE's;

FY2022: -\$23,561,000 and -150.8 FTE's;

FY2023: -\$26,806,000 and -176.9 FTE's;

FY2024: -\$28,470,000 and -190.5 FTE's; and

FY2025: -\$29,011,000 and -194.1 FTE's.

ASSUMPTIONS:

1. The DOC cost estimate for community supervision is calculated using the Community Supervision Workload Model that addresses staffing and costs directly impacted by changes to supervised individual ADP. The risk distribution was adjusted in the model to reflect the estimate for the population addressed in this legislation.

2. We assume an AUC of \$14,427 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison custody staffing on living/housing units, prison direct variable costs, health services direct variable costs, and prison non-custody essential staffing on living/housing units. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The AUC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, and House staff each legislative session.

3. We assume additional impacts will result when ADP caseload changes in prison, community, or violators, and resources will be requested. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law. No assumptions are included for non-confinement option for violations after the 1st offense for Violator ADP

4. The CFC identifies the gender percentage based the specific crime times included in this bill as: Males represent 85.5%, and females represent 14.5% of total prison ADP impacted.

5. No assumptions are included for Community Violator Caseload based on the non-confinement option for violations after the 1st offense.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	(9,102,000)	(18,895,000)	(27,997,000)	(50,367,000)	(57,481,000)
Total \$			(9,102,000)	(18,895,000)	(27,997,000)	(50,367,000)	(57,481,000)

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	(49.3)	(119.8)	(84.6)	(163.9)	(192.3)
A-Salaries and Wages	(2,665,000)	(7,167,000)	(9,832,000)	(20,102,000)	(23,550,000)
B-Employee Benefits	(1,210,000)	(3,281,000)	(4,491,000)	(9,212,000)	(10,773,000)
C-Professional Service Contracts	125,000		125,000		
E-Goods and Other Services	(824,000)	(3,188,000)	(4,012,000)	(9,581,000)	(11,138,000)
G-Travel	(18,000)	(31,000)	(49,000)	(74,000)	(88,000)
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	(4,339,000)	(4,927,000)	(9,266,000)	(10,658,000)	(11,053,000)
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	(171,000)	(301,000)	(472,000)	(740,000)	(879,000)
9-					
Total \$	(9,102,000)	(18,895,000)	(27,997,000)	(50,367,000)	(57,481,000)

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 2020	FY 2021	2019-21	2021-23	2023-25
Community Corrections Supervisor	81,900	(3.0)	(4.9)	(4.0)	(5.8)	(6.8)
Community Corrections Officer 2	62,940	(19.6)	(32.8)	(26.2)	(38.8)	(44.8)
Community Corrections Officer 3	67,764	(8.4)	(14.0)	(11.2)	(16.6)	(19.2)
Correctional Records Technician	44,652	2.0		1.0	(3.5)	(4.5)
Correctional Staffing	75,911	(10.2)	(50.4)	(30.3)	(78.3)	(90.8)
Correctional Specialist 3	61,512		(1.0)	(0.5)	(0.5)	(1.0)
Hearings Officer 3	67,128	(2.0)	(3.0)	(2.5)	(3.5)	(4.0)
Hearings Officer 4	72,240				(0.5)	(1.0)
Human Resource Consultant 3	57,144					(1.0)
Miscellaneous Back Office Staffing	85,000	(2.0)	(3.6)	(2.8)	(4.4)	(5.2)
Support Staff	40,908	(6.1)	(10.1)	(8.1)	(12.1)	(14.1)
Total FTEs		(49.3)	(119.8)	(84.6)	(163.9)	(192.3)

III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Administrative and Support Services (100)	(46,000)	(301,000)	(347,000)	(740,000)	(879,000)
Correctional Operations (200)	(1,488,000)	(7,381,000)	(8,869,000)	(22,941,000)	(26,597,000)
Community Supervision (300)	(7,070,000)	(9,428,000)	(16,498,000)	(21,350,000)	(23,856,000)
Healthcare Services (500)	(451,000)	(1,700,000)	(2,151,000)	(5,132,000)	(5,906,000)
Interagency Payments (600)	(47,000)	(85,000)	(132,000)	(204,000)	(243,000)
Total \$	(9,102,000)	(18,895,000)	(27,997,000)	(50,367,000)	(57,481,000)

Part IV: Capital Budget Impact

NONE

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.