

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 5149 SSB	<b>Title:</b> DV Electronic Monitoring	<b>Agency:</b> 055 – Administrative Office of the Courts (AOC)
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## Part I: Estimates

☐ **No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)		1,959,596	1,959,596	3,808,000	3,808,000
State Subtotal		1,959,596	1,959,596	3,808,000	3,808,000
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>		<b>1,959,596</b>	<b>1,959,596</b>	<b>3,808,000</b>	<b>3,808,000</b>

*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 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.

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OFM Review:	Phone:	Date:

## **Part II: Narrative Explanation**

This bill would modify domestic violence statutes to provide for the imposition of electronic monitoring that would include victim identification technology that can notify a victim if the monitored person is at a prohibited location.

The bill would direct the Administrative Office of the Courts (AOC) to develop a list of vendors or contract with a vendor who can provide Electronic Monitoring with Victim Notification Technology (EMVNT). The AOC would be required to provide outreach to counties regarding EMVNT, and provide informational handouts regarding EMVNT to persons seeking a protection order.

The bill would provide that, subject to appropriation, the AOC would be directed to provide funding to counties for EMVNT for persons who are unable to pay for the costs of electronic monitoring.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

Section 5(1)(a) – Would direct the Administrative Office of the Courts (AOC) to develop a list of vendors or enter into a contract with a vendor that provides EMVNT technology. The AOC would be required to provide outreach to counties as to how courts may access the vendor or vendors.

Section 5(1)(b) – Would direct the AOC to create an informational handout on the opportunity to request electronic monitoring with EMVNT to be provided to persons seeking a protection order and for which EMVNT is available.

Section 5(1)(c) – Subject to appropriation, the AOC would be directed to provide funding to counties to cover the cost of EMVNT when a respondent is unable to pay for the costs of electronic monitoring.

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

None.

### **II.C – Expenditures**

#### Section 5(1)(a) – EMVNT Vendor List / Contract

This bill would require the Administrative Office of the Courts (AOC) to develop a list of vendors that can provide Electronic Monitoring with Victim Notification Technology (EMVNT), or contract with a vendor that provides EMVNT. The AOC would be required to provide outreach to counties as to how courts may access the vendor or vendors.

For purposes of this analysis, and to ensure an efficient and standard level of EMVNT deployment, the AOC assumes that two regional contracts would be procured. If the AOC contracted with an EMVNT vendor, a Request for Proposal (RFP) process would be required. The AOC would need to execute a master contract with more than one vendor that would be made available to the courts. This would likely require regional contracts for courts in Eastern or Western Washington. The AOC would require 1.0 FTE Contract Specialist (Range 59) for six months to manage the RFP process, and implement the program. Cost would be estimated at \$47,596.

#### Section 5(1)(b) – Informational Handouts

The bill would require the AOC to create informational handouts explaining EMVNT to individuals seeking a protection order and for which EMVNT is available. The information would be required to include a description of the technology, requirements for accessing the technology, and limitations on how the technology may or may not assist the person in maintaining the safety of the victim and the victim's family, and how the person may request EMVNT from a court.

The bill does not provide for a specific EMVNT technology, thus a general approach for document development is assumed.

Creation of informational handouts explaining EMVNT would require oversight of at least two judges and two court administrators, one each representing Eastern and Western Washington jurisdictions. Four meetings for document design and development are assumed which would require travel and meeting costs. This cost is estimated at \$10,000.

In addition, creation of the document would include 40 hours at the senior legal analyst level to review vendors' technology information, prepare draft documents, and work with agency support staff and webmasters for final proofreading/editing, and website forms updates. The AOC assumes this cost could be managed within existing resources.

Assuming the informational brochure/handouts would be one-page documents, printing and postage costs are estimated at \$10,500.

#### Section 5(1)(c) – Provide Funding to Counties for EMVNT for Persons Unable to Pay

Subject to appropriation, the AOC may provide funding to counties to cover the cost of EMVNT when a person is unable to pay for the costs of electronic monitoring.

Costs for this section of the bill are **indeterminate**. It is unknown at this time what type of EMVNT technology would be employed or the degree of statewide program/court participation in the program. However, in order to provide an estimate, the following assumptions are used:

- The average number of statewide domestic violence protection orders for the period 2013 – 2017 (five years) is used. This includes all filings in Superior, District, and Municipal courts. The average during this period was 16,658 per year.
- According to the U.S. Census Bureau, 17.5 percent of Washington residents are at or below 125 percent of the federal poverty level. For purposes of this analysis, it is assumed that 17.5 percent of respondents would require funding to pay for EMVNT devices.

Average DV Protection Orders	16,658
Adjust for indigency rate	17.5 percent
Estimated number of persons requiring financial aid	2,915

- The bill does not provide for a specific EMVNT technology, thus the AOC reviewed the use of similar technology in other states. The Office of the Attorney General for the State of New Jersey provided information in a report<sup>1</sup> titled "Availability of Appropriate Technology to Monitor Domestic Violence Offenders and their Victims". In this report, costs were detailed that included:
  - Initial monitoring fee of \$250;

<sup>1</sup> The report in its entirety can be reviewed at this link: <http://www.nj.gov/oag/Final-DV-Monitoring-Report-2014.pdf>

- Operation of GPS monitoring system at \$10 - \$14 per day, per offender; and
- Initial training sessions for all victims, offenders, supervising officers, and other court and law enforcement personnel at \$1,140 per day for six hours of training.

Further, it is assumed that not all persons would request the availability of EMVNT technology. Thus, for purposes of this analysis, the AOC assumes that 10 percent, or 291 persons, will request EMVNT technology and monitoring. Assuming 291 persons per year would require financial assistance for EMVNT technology, costs could be estimated as follows:

Initial monitoring fee:  $291 \times \$250 = \$72,750$

Operation of GPS monitoring per day, per offender:  $291 \times \$14 \times 365 = \$1,487,010$

Initial training sessions:  $291 \times \$1,140 = \$331,740$

Total annual estimated cost would be \$1,891,500. This estimate is most likely low, based on the variability of monitoring and notification costs, and program participation.

**NOTE:** It is possible that there could be additional judicial officer costs depending on program participation and / or availability of EMVNT technology. Cost is indeterminate.

### Summary of Costs

Object	2020	2021	2019 - 2021	2022	2023	2021-2023
FTE		0.5	0.3	-	-	-
Salaries		33,317	33,317			-
Benefits		14,279	14,279			-
Travel		10,000	10,000	10,000		10,000
Handouts		10,500	10,500	15,000		15,000
EMVNT		1,891,500	1,891,500	1,891,500	1,891,500	3,783,000
<b>Total</b>	<b>-</b>	<b>1,959,596</b>	<b>1,959,596</b>	<b>1,916,500</b>	<b>1,891,500</b>	<b>3,808,000</b>