

**ITEM 21**  
**FINAL STAFF ANALYSIS**  
**PROPOSED STATEWIDE COST ESTIMATE**

Government Code Section 27521.1

Statutes 2000, Chapter 284

*Postmortem Examinations: Unidentified Bodies, Human Remains* (00-TC-18)

County of Los Angeles, Claimant

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**EXECUTIVE SUMMARY**

**Summary of the Mandate**

The *Postmortem Examinations: Unidentified Bodies, Human Remains* program requires local law enforcement agencies investigating the death of an unidentified person to report the death to the Department of Justice (DOJ), in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement is not required for “children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213.”

The claimant filed the test claim on June 29, 2001. The Commission adopted the Statement of Decision on September 25, 2003, and the parameters and guidelines on July 29, 2004. Eligible claimants were required to file initial reimbursement claims with the State Controller’s Office (SCO) by February 1, 2005. The SCO provided the unaudited claims totals to the Commission on February 16, 2005, which included only six claims filed by two of the state’s 58 counties.

Staff made the following assumptions:

1. The unaudited claiming data is inaccurate because the County of Los Angeles’ claims include non-reimbursable costs. Thus, staff only included the county’s claimed amounts for “Filing reports to DOJ,” a total of \$84,600, in the proposed statewide cost estimate. The county also reported a greater number of cases than DOJ claims to have received; however, staff does not have sufficient evidence to further reduce the total claimed by the County of Los Angeles.
2. The actual amount claimed will increase if late or amended claims are filed. However, staff does not expect any late claims to be filed because most counties will be unable to meet the \$1,000 minimum threshold for filing reimbursement claims, as this program is limited to one activity.
3. The SCO may reduce any reimbursement claim for this program.
4. For future year projections, only the costs to carry out the reimbursable activity will increase.

Staff used the unaudited claims data to develop this proposed statewide cost estimate. It includes six fiscal years for a total of **\$142,139**, which averages to \$23,690 annually in costs to the state. Staff issued a draft staff analysis on June 11, 2005, but no comments were received.

Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Claim Totals
2000-2001	1	\$ 11,532
2001-2002	1	24,425
2002-2003	2	25,984
2003-2004	2	25,920
2004-2005 (est.)	N/A	26,672
2005-2006 (est.)	N/A	27,606
<b>TOTALS</b>	<b>6</b>	<b>\$ 142,139</b>

### Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$142,139 for costs incurred in complying with the *Postmortem Examinations: Unidentified Bodies, Human Remains* program. If the Commission adopts this statewide cost estimate, the estimate, including staff's assumptions and methodology, will be reported to the Legislature.

## STAFF ANALYSIS

### Summary of the Mandate

On September 25, 2003, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that Government Code section 27521.1 imposes a reimbursable state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The mandate is for local law enforcement agencies investigating the death of an unidentified person to report the death to the Department of Justice (DOJ), in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement is not required for “children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213.”

The claimant filed the test claim on June 29, 2001. The Commission adopted the Statement of Decision on September 25, 2003, and the parameters and guidelines on July 29, 2004. Eligible claimants were required to file initial reimbursement claims with the State Controller’s Office (SCO) by February 1, 2005. The Commission uses these initial claims to develop the statewide cost estimate.

### Reimbursable Activity

The Commission approved the following reimbursable activity performed by local law enforcement personnel:

1. Initial reporting of the death of an unidentified person to the DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement is not required for “children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213.”<sup>1</sup> Reimbursement is limited to submitting the following mandatory information to DOJ to complete the 10-day report:
  - a. Originating agency case number
  - b. Originating agency identification number
  - c. Date subject’s body was found
  - d. Cause and manner of subject’s death
  - e. Subject’s estimated date of death
  - f. Subject’s eye color
  - g. Subject’s hair color
  - h. Subject’s race or ethnicity
  - i. Subject’s sex
  - j. Subject’s height
  - k. Subject’s approximate weight

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<sup>1</sup> This exclusion from the mandate refers to children under 12, or certain persons who have been reported missing and subsequently found. These are excluded because law enforcement is already required to report them to the DOJ.

- l. Subject's approximate age range
- m. Status of subject's body parts
- n. Subject's fingerprint classification
- o. Availability of subject's dental chart/x-rays
- p. Availability of subject's body/skeletal x-rays
- q. Availability of subject's footprint
- r. Identification of any scars, marks, or tattoos on subject

**Statewide Cost Estimate**

Staff reviewed the claims data submitted by the claimants and compiled by the SCO. Initial reimbursement claims were due to the SCO by February 1, 2005, and were provided to the Commission on February 16, 2005. Staff made the following assumptions and used the following methodology to develop a statewide cost estimate of the program. If the Commission adopts this statewide cost estimate, the estimate, including staff's assumptions and methodology, will be reported to the Legislature.

Assumptions

- 1. *The claiming data is unaudited and inaccurate.* The statewide cost estimate is based on six unaudited, actual claims filed by two local agencies for fiscal years 2000-2001 through 2003-2004.<sup>2</sup>
  - a. *The County of Los Angeles' claims include non-reimbursable costs.* The County of Los Angeles' claims account for over 99 percent of total claims filed on the *Postmortem Examinations: Unidentified Bodies, Human Remains* program.<sup>3</sup> Table 1 below shows the County of Los Angeles' claimed costs by fiscal year.

**TABLE 1. Costs Claimed by the County of Los Angeles**

<b>Fiscal Year</b>	<b>Claimed Cost</b>
2000-2001	\$ 243,898
2001-2002	506,833
2002-2003	525,131
2003-2004	520,620
Total	\$ 1,796,482

After reviewing the claims and the adopted parameters and guidelines, staff determined that the County of Los Angeles' claims include costs that the Commission determined to be non-reimbursable. Table 2 below shows a breakdown of the county's claims as evidenced by the documentation submitted with their reimbursement claims.

<sup>2</sup> Claims data reported by the SCO as of February 16, 2005.

<sup>3</sup> The total amount of claims filed with the SCO for this program is \$1,799,743.

**TABLE 2. Breakdown of Costs Claimed by the County of Los Angeles**

<b>Fiscal Year</b>	<b>Description of Expenses</b>	<b>Claimed Cost</b>
2000-2001	Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Scene death	\$ 188,234.96
	Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Hospital death	44,131.50
	Filing reports to DOJ	11,531.95
2001-2002	Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Scene death	431,457.72
	Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Hospital death	50,951.37
	Filing reports to DOJ	24,425.26
2002-2003	Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Scene death	434,196.70
	Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Hospital death	66,410.76
	Filing reports to DOJ	24,523.07
2003-2004	Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Scene death	474,485.38
	Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Hospital death	22,015.20
	Filing reports to DOJ	24,120.16

The parameters and guidelines for this program only provide reimbursement for the initial reporting of the death of an unidentified person to the DOJ. The Commission expressly found that conducting medical examinations and completing the final report of investigation pursuant to Health and Safety Code section 102870 and Government Code section 27521 are not reimbursable because these activities are a result of the coroner’s discretionary autopsy.<sup>4</sup>

Therefore, staff only included the county’s claimed amounts for “Filing reports to DOJ,” a total of \$84,600, in the proposed statewide cost estimate.

- b. *The County of Los Angeles claims a greater number of cases reported than DOJ claims to have received.* Staff notes that the County of Los Angeles reported a greater number of reports made to DOJ than DOJ claims to have received from all counties. In February 2005, staff requested DOJ to provide the number of 10-day

<sup>4</sup> Exhibit A, Statement of Decision.

reports it received pursuant to the *Postmortem Examinations: Unidentified Bodies, Human Remains* program. Table 3 below shows “the [number of] reports of unidentified persons entered into the Department of Justice, Missing and Unidentified Persons System”<sup>5</sup> versus the number of cases reported by the County of Los Angeles, as indicated in their reimbursement claims.

**TABLE 3. Number of Cases Reported Versus Number of Reports Received**

County of Los Angeles		Department of Justice	
Fiscal Year	Cases Reported	Calendar Year	Reports Received
2000-2001	153	2000	159
2001-2002	305	2001	142
2002-2003	295	2002	180
2003-2004	284	2003	193
		2004	266

In support of its numbers, the County of Los Angeles stated, “...the Coroner counted the number of persons who were identified just before the 10-day period was expired as unidentified... [S]ince they had performed all the requirements of the 10-day report...they felt that they were eligible for reimbursement.”<sup>6</sup>

However, despite the discrepancy, staff does not have sufficient evidence to further reduce the total claimed by the County of Los Angeles because it is unclear whether DOJ counts reports made for bodies that are later identified. Also, staff notes that the County of Los Angeles reported the number of cases reported in a *fiscal* year, whereas DOJ entered reports into their Missing and Unidentified Persons System by *calendar* year. DOJ was not able to provide a breakdown of reports made by month or by county.

2. *The actual amount claimed will increase if late or amended claims are filed.* The claims data includes only six claims filed by two of the state’s 58 counties. While late claims may be filed for this program until February 2006, additional claims are not expected because most counties will be unable to meet the \$1,000 minimum threshold for filing reimbursement claims, as this program is limited to one activity.
3. *The SCO may reduce any reimbursement claim for this program.* If the SCO audits this program and deems any reimbursement claim to be excessive or unreasonable, it may be reduced. Therefore, the total amount of reimbursement for this program may be lower than the statewide cost estimate.
4. *For future year projections, only the costs to carry out the activity will increase.* For purposes of projecting fiscal years 2004-2005 and 2005-2006, staff assumes that no other counties will file claims and that the number of reports made will not increase. Future costs are projected using the implicit price deflator as forecast by the Department of Finance.

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<sup>5</sup> Exhibit B.

<sup>6</sup> Exhibit C.

Methodology

*2000-2004 Costs*

The proposed statewide cost estimate for fiscal years 2000-2001 through 2003-2004 is based on six unaudited, actual reimbursement claims. However, Commission staff adjusted the total claimed by the County of Los Angeles to eliminate non-reimbursable activities, as described above.

*2004-2006 Projected Costs*

Staff projected totals for fiscal year 2004-2005 by multiplying the total for 2003-2004 reimbursement claims by the implicit price deflator for 2003-2004 (2.9%), as forecast by the Department of Finance. Staff projected totals for fiscal year 2005-2006 by multiplying the estimate for 2004-2005 by the implicit price deflator for 2004-2005 (3.5%), as forecast by the Department of Finance.

The proposed statewide cost estimate includes six fiscal years for a total of **\$142,139**. This averages to \$23,690 annually in costs to the state. Staff issued a draft staff analysis on June 11, 2005, but no comments were received.

Following is a breakdown of estimated total costs per fiscal year:

**Table 4. Estimated Total Costs per Fiscal Year**

Fiscal Year	Number of Claims Filed with SCO	Claim Totals
2000-2001	1	\$ 11,532
2001-2002	1	24,425
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