

ITEM 12
FINAL STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE

Family Code Section 6228

Statutes 1999, Chapter 1022

Crime Victim's Domestic Violence Incident Reports (99-TC-08)

County of Los Angeles, Claimant

EXECUTIVE SUMMARY

Summary of the Mandate

On September 25, 2003, the Commission on State Mandates (Commission) adopted a corrected Statement of Decision finding that Family Code section 6228, as added by Statutes 1999, chapter 1022, mandated a new program or higher level of service for local law enforcement agencies within the meaning of article XIII B, section 6 of the California Constitution, and imposed costs mandated by the state pursuant to Government Code section 17514 for the activity of storing domestic violence incident reports and face sheets for three years (Fam. Code, § 6228, subd. (e)) only.

The claimant filed the test claim on May 15, 2000. The Commission adopted a corrected Statement of Decision on September 25, 2003, and the parameters and guidelines on December 9, 2005. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by June 14, 2006.

Statewide Cost Estimate

Staff reviewed the claims data submitted by 18 cities and 3 counties and compiled by the SCO. The actual claims data showed that 21 local agencies filed 90 claims between fiscal years 1999-2000 and 2004-2005, for a total of \$521,704.¹ A draft staff analysis and proposed statewide cost estimate were issued on August 3, 2006, but no comments were received. Therefore, no substantive changes were made to the proposed statewide cost estimate.

Staff made the following assumptions to develop a statewide cost estimate for this program:

1. The actual claiming data is unaudited but represents a reasonable estimate.
2. The actual amount claimed will increase when late or amended claims are filed. However, staff does not expect any late claims to be filed because most claimants will be unable to meet the \$1,000 minimum threshold for filing reimbursement claims, as this program is limited to two activities.
3. There will be no significant increase in the number of domestic violence incident reports and face sheets stored by claimants in 2004-2005.

¹ Claims data reported as of July 12, 2006.

4. The SCO may reduce any reimbursement claim for this program if it is deemed to be excessive or unreasonable.

The estimate includes nine fiscal years for a total of \$918,998, which averages to \$102,111 annually in costs to the state. The following table details the breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
1999-2000	5	17,154
2000-2001	13	61,043
2001-2002	17	95,021
2002-2003	17	112,187
2003-2004	17	113,581
2004-2005	21	122,718
2005-2006 (estimated)	N/A	127,013
2006-2007 (estimated)	N/A	130,950
2007-2008 (estimated)	N/A	139,331
TOTAL	90	\$ 918,998

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of **\$918,998** (\$102,111 in annual costs) for costs incurred in complying with the *Crime Victim’s Domestic Violence Incident Reports* program. If the statewide cost estimate is adopted, staff will report the estimate to the Legislature.

STAFF ANALYSIS

Summary of the Mandate

On September 25, 2003, the Commission on State Mandates (Commission) adopted a corrected Statement of Decision finding that Family Code section 6228, as added by Statutes 1999, chapter 1022, mandated a new program or higher level of service for local law enforcement agencies within the meaning of article XIII B, section 6 of the California Constitution, and imposed costs mandated by the state pursuant to Government Code section 17514 for the activity of storing domestic violence incident reports and face sheets for three years (Fam. Code, § 6228, subd. (e)) only.

The claimant filed the test claim on May 15, 2000. The Commission adopted a corrected Statement of Decision on September 25, 2003, and the parameters and guidelines on December 9, 2005. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by June 14, 2006.

Reimbursable Activities

The Commission approved the following reimbursable activities for this program:

A. One-Time Activity

1. Revise existing policies and procedures regarding the storage of domestic violence incident reports and face sheets in a readily accessible format to include the *additional* three-year requirement.

B. Ongoing Activity

1. Store domestic violence incident reports and face sheets in a readily accessible hard copy, microfiche, or electronic image format for an *additional* three years. This is limited to the cost of retaining domestic violence incident reports and face sheets in a readily accessible format, including file storage, for the three-year period of time after the pre-existing mandatory two-year retention period provided in Government Code sections 26202 and 34090. Any activities that flow from this previous requirement are not reasonably necessary to carry out this mandate (e.g., scanning reports for archive, reviewing files, transferring or shipping files for storage).

Statewide Cost Estimate

Staff reviewed the claims data submitted by 18 cities and 3 counties and compiled by the SCO. The actual claims data showed that 21 local agencies filed 90 claims between fiscal years 1999-2000 and 2004-2005, for a total of \$521,704.² A draft staff analysis and proposed statewide cost estimate were issued on August 3, 2006, but no comments were received. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program. If the Commission adopts this proposed statewide cost estimate, it will be reported to the Legislature along with staff's assumptions and methodology.

Assumptions

Staff made the following assumptions:

² Claims data reported as of July 12, 2006.

1. *The actual claiming data is unaudited but represents a reasonable estimate.* The 90 actual claims filed by local agencies for fiscal years 1999-2000 through 2004-2005 are unaudited, but staff reviewed nearly all of the claims and calculated an average of about \$0.42 to \$0.43 per year for each domestic violence incident report stored. For the most part, the cost per domestic violence incident report stored each year ranged from \$0.35 to \$0.47. Staff notes that these costs only represent an estimated cost of the program for fiscal years 1999-2000 through 2004-2005.
2. *The actual amount claimed may increase if late or amended claims are filed.* Only 18 cities and 3 counties in California have filed reimbursement claims for this program. Thus, if reimbursement claims are filed by any of the remaining local entities, the amount of reimbursement claims may exceed the statewide cost estimate. For this program, late claims may be filed until June 2007. However, staff does not expect any late claims to be filed because most claimants will be unable to meet the \$1,000 minimum threshold for filing reimbursement claims, as this program is limited to two activities.
3. *There will be no significant increase in the number of domestic violence incident reports and face sheets stored by claimants in 2004-2005.* This assumption is based on data from the Department of Justice on domestic violence-related calls for assistance.
4. *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.

Methodology

Fiscal Years 1999-2000 through 2004-2005

The proposed statewide cost estimate for fiscal years 1999-2000 through 2004-2005 is based on the 90 actual reimbursement claims filed with the SCO for these years. However, staff notes that the claims are unaudited.

Fiscal Years 2005-2006 through 2007-2008

Staff estimated fiscal year 2005-2006 costs by multiplying the 2004-2005 estimate by the implicit price deflator for 2004-2005 (3.5%), as forecast by the Department of Finance. Staff estimated fiscal year 2006-2007 costs by multiplying the 2005-2006 estimate by the implicit price deflator for 2005-2006 (3.1%). Finally, staff estimated fiscal year 2007-2008 costs by multiplying the 2006-2007 estimate by the implicit price deflator for 2006-2007 (6.4%).

The proposed statewide cost estimate includes nine fiscal years for a total of \$918,998. This averages to \$102,111 annually in costs for the state. Following is a breakdown of estimated total costs per fiscal year:

**TABLE 1. BREAKDOWN OF ESTIMATED
TOTAL COSTS PER FISCAL YEAR**

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
1999-2000	5	17,154
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2001-2002	17	95,021
2002-2003	17	112,187
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