

ITEM 15
FINAL STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE

Penal Code Sections 264.2 and 13701
Statutes 1998, Chapters 698 and 702

Domestic Violence Arrests and Victim Assistance
98-TC-14

County of Los Angeles, Claimant

EXECUTIVE SUMMARY

The proposed statewide cost estimate includes eleven fiscal years for a total of **\$11,110,949**. This averages to \$1,010,086 annually in costs for the state. Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
1998-1999	72	\$ 292,553
1999-2000	120	702,303
2000-2001	138	794,975
2001-2002	147	878,282
2002-2003	157	938,406
2003-2004	166	1,027,700
2004-2005	167	1,092,509
2005-2006	176	1,250,928
2006-2007	229	1,310,050
2007-2008	N/A	1,387,343
2008-2009 (estimated)	N/A	1,435,900
TOTAL		\$11,110,949

Summary of the Mandate

Penal Code section 264.2 requires law enforcement officers who investigate and assist victims of specified sex crimes to, among other things, give the victim a Victim of Domestic Violence card (victim card). The test claim statute (Stats. 1998, ch. 698) amends section 264.2 to add two crimes for which a victim card is given: victims of spousal battery, and victims of corporal injury on a spouse or other specified victim.

The Commission on State Mandates (Commission) adopted its Statement of Decision that section 13701, subdivision (c)(9)(D) and (H) (as amended by Stats. 1998, ch. 702), and section 264.2, subdivision (a) (as amended by Stats. 1998, ch. 698), impose a reimbursable state-mandated program on local agencies within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514.

Statewide Cost Estimate

Staff reviewed the claims data submitted by cities and counties and compiled by the SCO. The actual claims data showed that 264 local agencies filed 1,623 claims between fiscal years 1998-1999 and 2007-2008, for a total of \$9,427,679. 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:

- *The actual amounts claimed will not increase for fiscal years 1998-1999 through 2005-2006 because May 2, 2008 was the last day to file late or amended claims for the initial reimbursement period.*
- *The same cities and counties that filed initial reimbursement claims for fiscal year 2005-2006 will file claims for fiscal years 2006-2007 and beyond.*
- *Costs for fiscal years 2006-2007 and beyond may increase if new claimants file reimbursement claims.*
- *Costs for fiscal years 2006-2007 and beyond may decrease over time because statewide, the number of domestic violence calls is decreasing.*
- *There is a wide variation in costs among claimants.*
- *Because of the wide variation in costs claimed, an SCO audit of this program may be conducted.*
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate, because the SCO may reduce any reimbursement claim for this program.*

Methodology

Fiscal Years 1998-1999 through 2006-2007

The proposed statewide cost estimate for fiscal years 1998-1999 through 2005-2006 is based on the actual unaudited reimbursement claims filed with the SCO for these years.

Fiscal Year 2007-2008 and 2008-2009

Staff estimated fiscal year 2007-2008 costs by multiplying the 2006-2007 estimate by the implicit price deflator for 2007-2008 (5.9%), as forecast by Department of Finance. Staff estimated fiscal year 2008-2009 costs by multiplying the 2007-2008 estimate by the implicit price deflator for 2008-2009 (3.5%), as forecast by Department of Finance.

The proposed statewide cost estimate includes eleven fiscal years for a total of **\$11,110,949**. This averages to \$1,010,086 annually in costs for the state.

Staff Recommendation

Staff recommends the Commission adopt the proposed statewide cost estimate of **\$11,110,949** (\$1,010,086 in annual costs) for the costs incurred for complying with the *Domestic Violence Arrest and Victims Assistance* program.

STAFF ANALYSIS

Summary of the Mandate

Penal Code section 264.2 requires law enforcement officers who investigate and assist victims of specified sex crimes to, among other things, give the victim a Victim of Domestic Violence card (victim card). The test claim statute (Stats. 1998, ch. 698) amends section 264.2 to add two crimes for which a victim card is given: victims of spousal battery, and victims of corporal injury on a spouse or other specified victim.

The Commission on State Mandates (Commission) adopted its Statement of Decision that section 13701, subdivision (c)(9)(D) and (H) (as amended by Stats. 1998, ch. 702), and section 264.2, subdivision (a) (as amended by Stats. 1998, ch. 698), impose a reimbursable state-mandated program on local agencies within the meaning of section 6, article XIII B of the California Constitution and Government Code section 17514.

The claimant filed the test claim on May 21, 1999. The Commission adopted the Statement of Decision on December 4, 2004, and the parameters and guidelines on October 26, 2006. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by May 2, 2007, and late claims by May 2, 2008.

Reimbursable Activities

The Commission approved the following reimbursable activities for this program:

A. One-Time Activities

1. Printing victim cards to add the following new information: a) phone numbers and/or local county hotlines of battered-women shelters; and b) a statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime (Pen. Code, § 13701, subd. (c)(9)(H)(i) & (iv)).
2. Adding to the domestic violence response policy two new crimes (Section 243, subd. (e), & 273.5) to those for which a victim card is given out (Pen. Code, § 13701, subd. (c)(9)(H)).
3. Adding the following to the description of the victim card in the domestic violence response policy: a) phone numbers and/or local county hotlines of battered-women shelters; and b) a statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime (Pen. Code, § 13701, subd. (c)(9)(H)(i) & (iv)).

B. Ongoing Activity

1. Providing victim cards to victims for the following crimes (Pen. Code, § 264.2, subd. (a)):
 - a) Penal Code section 243, subdivision (e) - battery against a spouse, a person with whom the defendant is cohabitating, a person who is the parent of the defendant's child, former spouse, fiancé, of fiancée, or a person with who, the defendant has, or previously had, a dating or engagement relationship; and b) Penal Code section 273.5 - willful infliction of corporal injury on a spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child.

Providing victim cards to victims include the following reimbursable activities:

- a. Obtaining the card.
- b. Giving the card to the victim.

- c. Explaining to the victim what the card is and how the victim could use the card.
- d. Addressing questions about the card and shelters.

If necessary, providing an interpreter at the scene to communicate with the victim.

An officer's time for investigating and arresting the accused is not reimbursable.

Statewide Cost Estimate

Staff reviewed the claims data submitted by cities and counties and compiled by the SCO. The actual claims data showed that 264 local agencies filed 1,623 claims between fiscal years 1998-1999 and 2007-2008, for a total of \$9,427,679.¹ 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:

- *The actual amounts claimed will not increase for fiscal years 1998-1999 through 2005-2006 because May 2, 2008 was the last day to file late or amended claims for the initial reimbursement period.*
- *The same cities and counties that filed initial reimbursement claims for fiscal year 2005-2006 will file claims for fiscal years 2006-2007 and beyond.*
- *Costs for fiscal years 2006-2007 and beyond may increase if new claimants file reimbursement claims.*

On average, half of counties (26 out of 58) and cities (238 out of 480) have filed reimbursement claims for this program since 2006-2007. This means that at least some of the remaining cities and counties may file claims in the future. Thus, if any of the remaining cities and counties file reimbursement claims for fiscal years 2006-2007 and beyond, the cost of the program could exceed the proposed statewide cost estimate.

- *Costs for fiscal years 2006-2007 and beyond may decrease over time because statewide, the number of domestic violence calls is decreasing.*

Department of Justice reports that domestic violence calls statewide have decreased from 1994 to 2004 by 26%.²

- *There is a wide variation in costs among claimants.*

There is a wide variation in costs among claimants. For example, for the 2006-2007 fiscal year, the City of Woodland claimed \$2,638 for 336 domestic violence-related service calls. In contrast, the City of Cupertino claimed \$2,786 for only 99 domestic violence-related service calls. Following is a table showing a sample of claimants and their claimed amounts:

¹ Claims data reported as of August 7, 2008.

² Information obtained from Department of Justice's Criminal Justice Center at <http://ag.ca.gov/cjsc/>.

TABLE 1. COMPARISON OF COSTS CLAIMED

City or County	2006-2007 Claim Total	Number of Domestic Violence-Related Service Calls in 2006³
Siskiyou County	\$1,316	106
City of Roseville	\$1,592	297
Calaveras County	\$2,096	167
City of Woodland	\$2,638	336
City of Cupertino	\$2,786	99
City of South Gate	\$4,559	235
Alameda County	\$5,409	1,545
City of Antioch	\$10,821	618
San Bernardino County	\$11,357	2,687
Riverside County	\$17,954	3,849
Sacramento County	\$33,560	3,268

- *Because of the wide variation in costs claimed, an SCO audit of this program may be conducted.*
- *The total amount of reimbursement for this program may be lower than the statewide cost estimate, because 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.

Methodology

Fiscal Years 1998-1999 through 2006-2007

The proposed statewide cost estimate for fiscal years 1998-1999 through 2005-2006 is based on the actual unaudited reimbursement claims filed with the SCO for these years.

Fiscal Year 2007-2008

Staff estimated fiscal year 2007-2008 costs by multiplying the 2006-2007 estimate by the implicit price deflator for 2007-2008 (5.9%), as forecast by Department of Finance.

Fiscal Year 2008-2009

Staff estimated fiscal year 2008-2009 costs by multiplying the 2007-2008 estimate by the implicit price deflator for 2008-2009 (3.5%), as forecast by Department of Finance.

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The proposed statewide cost estimate includes eleven fiscal years for a total of **\$11,110,949**. This averages to \$1,010,086 annually in costs for the state.

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

TABLE 2. BREAKDOWN OF ESTIMATED TOTAL COSTS PER FISCAL YEAR

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1998-1999	72	\$ 292,553
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Comments on Draft Staff Analysis

The draft staff analysis was issued for comment on February 26, 2009. No comments were submitted on the draft staff analysis.

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of **\$11,110,949** (\$1,010,086 in annual costs) for costs incurred in complying with the *Domestic Violence Arrests and Victim Assistance* program.