Hearing: May 27, 2010
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ITEM 8

PROPOSED PARAMETERS AND GUIDELINES

FINAL STAFF ANALYSIS

Penal Code Sections 13730, Subdivision (c)(3), 12028.5;
Statutes 2001, Chapter 483, Statutes 2002, Chapter 833

Crime Victims' Domestic Violence Incident Reports II
02-TC-18

County of Los Angeles, Claimant

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Crime Victims' Domestic Violence Incident Reports II

02-TC-18

County of Los Angeles, Claimant

EXECUTIVE SUMMARY

Background

The test claim statutes address Penal Code sections 13730 and 12028.5, which require additional information on the domestic violence incident report form regarding the presence of firearms or weapons at the scene. The statutes also require officers "at the scene of a domestic violence incident involving a threat to human life or a physical assault" to take temporary custody of firearms or weapons in plain sight or discovered pursuant to a consensual or other lawful search, and provide a procedure for return or disposal of the weapon.

Analysis

On December 14, 2009, the claimant submitted revised parameters and guidelines that allow eligible claimants to file reimbursement claims by either claiming actual costs incurred to perform the mandated program or by using claimant's proposed reasonable reimbursement methodology (RRM). (Exhibit E.) The proposed RRM is in section V of the claimant's proposed parameters and guidelines (Claim Preparation and Submission), and identifies standard unit times to perform the one-time and the ongoing activities for this program. (See Schedule A to claimant's proposed parameters and guidelines.) Under the proposed RRM, reimbursement for direct and indirect costs is calculated by multiplying the proposed RRM unit time with the "blended hourly rate of the involved employees."

The proposed RRM contains unit times based on factual scenarios developed by the claimant. The factual scenarios were included in a "standard time survey questionnaire" that was sent by the claimant to 48 local agencies. Ten (10) counties and two (2) cities responded to the questionnaire. The claimant then took the average times reported by the twelve (12) respondents to come up with the proposed unit times.

Government Code section 17518.5, subdivision (c), requires that a proposed RRM satisfy the following requirements: (1) the methodology considers the variation of costs among

local agencies and school districts to implement the mandate, and (2) the methodology reimburses local agencies or school districts for implementing the mandate in a "cost-efficient manner." Staff finds that the proposed RRM does not satisfy the requirements of Government Code section 17518.5 for the following reasons:

- The activities identified in claimant's factual scenarios supporting the proposed RRM for the ongoing activities do not correspond to the activities found by the Commission in the Statement of Decision to be reimbursable under article XIII B, section 6 of the California Constitution.
- The unit times proposed may not be representative of the costs incurred by the eligible claimants in the state to implement the mandated program. Survey results were received from only two of the 480 cities in the state.
- There are large disparities in the times reported by the local agencies to perform the proposed activities identified in claimant's survey.

Thus, staff recommends that the Commission adopt the attached proposed parameters and guidelines that contain the mandated activities identified in the Statement of Decision that can be claimed based on actual costs. Language is included in section IV of the parameters and guidelines to allow claimants to use time studies, as requested by claimant, to support salary and benefit costs when the activity is task-repetitive as follows:

> Claimants may use time studies to support salary and benefit costs when the activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office.

This time study language has been recently adopted by the Commission in other parameters and guidelines.

In addition, the attached proposed parameters and guidelines clarifies in section II that eligible claimants are "any county, city, or city and county."

Conclusion

Staff recommends that the Commission adopt the proposed parameters and guidelines, beginning on page 17.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

STAFF ANALYSIS

Claimant

County of Los Angeles

Chronology

09/27/07	Statement of Decision adopted[1]
10/18/07	Claimant submits draft parameters and guidelines and proposed reasonable reimbursement methodology (RRM)[2]
10/25/07	Claimant's draft parameters and guidelines and proposed RRM issued for comment
11/14/07	Department of Finance files comments on claimant's draft parameters and guidelines and proposed RRM[3]
09/23/09	Draft staff analysis and draft proposed parameters and guidelines issued for comment[4]
12/14/09	Claimant submits *revised* proposed parameters and guidelines and proposed RRM[5]
01/20/10	Department of Finance files comments on revised proposed parameters and guidelines and proposed RRM[6]
02/18/10	State Controller's Office files comments on revised proposed parameters and guidelines and proposed RRM[7]
03/25/10	Informal conference conducted pursuant to Title 2, California Code of Regulations, section 1183.131 to discuss claimant's revised proposed parameters and guidelines and proposed RRM
04/16/10	Notice of hearing issued, Final Staff Analysis and Proposed Parameters and Guidelines issued

Background

The test claim statutes address Penal Code statutes that require additional information on the domestic violence incident report form regarding the presence of firearms or weapons at the scene. The statutes also require officers "at the scene of a domestic violence incident involving a threat to human life or a physical assault" to take temporary custody

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[1] Exhibit A.

[2] Exhibit B.

[3] Exhibit C.

[4] Exhibit D.

[5] Exhibit E.

[6] Exhibit F.

[7] Exhibit G.

of firearms or weapons in plain sight or discovered pursuant to a consensual or other lawful search, and provide a procedure for return or disposal of the weapon. The Commission approved the test claim as follows:

> Effective January 1, 2002, Penal Code section 13730, subdivision (c)(3) (Stats. 2001, ch. 483) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for local agencies, on all domestic violence-related calls for assistance:
>
> - To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3).
>
> Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, *when firearms or other deadly weapons are discovered during any other lawful search* at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes but is not limited to the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (2) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene.
>
> - To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, § 12028.5, subd. (b).)
> - To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b).)
> - To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is

retained because of a court petition filed pursuant to subdivision (f) of section 12028.5. (Pen. Code, § 12028.5, subd. (b).)

- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code, § 12028.5, subd. (e).)
- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code, § 12028.5, subd. (f).)
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code, § 12028.5, subd. (g).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (h).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, § 12028.5, subd. (i).)

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, for local agencies, *when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.*

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

The claimant submitted draft parameters and guidelines in 2007, with the activities listed above as reimbursable activities under section IV of the proposed parameters and guidelines, and a proposed reasonable reimbursement methodology (RRM) under section V, Claim Preparation and Submission, of the proposed parameters and guidelines. For the proposed RRM, the claimant proposed unit times and costs to perform "mandated tasks," based on the County's average time spent performing activities listed in five factual scenarios. The "mandated tasks" included the activities found by the Commission to be state-mandated and activities the claimant contends are the most reasonable methods of complying with the mandated activities pursuant to section 1183.1 of the Commission's regulations.

On September 23, 2009, a draft staff analysis and draft proposed parameters and guidelines were issued. The draft staff analysis recommended that the Commission not adopt the proposed RRM because the proposed RRM did not satisfy the requirements of Government Code section 17518.5, was based on activities that go beyond the scope of the mandate, and was not supported by evidence in the record that the proposed activities are necessary to carry out the mandated program as required by section 1183.1 of the Commission's regulations. Staff recommended that the Commission adopt parameters and guidelines based on actual costs incurred and that allowed eligible claimants to use time studies to support salary and benefit costs when the activity is task-repetitive.

On December 14, 2009, the claimant submitted revised parameters and guidelines and a new proposed RRM to be included in section V of the parameters and guidelines, Claim Preparation and Submission, for the one-time and ongoing activities. For reimbursement of the ongoing activities, the revised proposed RRM contains unit times based on the

same five scenarios proposed in the claimant's 2007 filing. To support the proposed RRM, the claimant submits the results of a "standard time survey questionnaire" sent to 48 eligible claimants. Ten (10) counties and two (2) cities responded to the questionnaire. The claimant then took the average times reported by the twelve (12) respondents to come up with the proposed unit times. Under the proposed section V of the parameters and guidelines, reimbursement for all direct and indirect costs could be claimed by either multiplying the proposed RRM time with the "blended hourly rate of the involved employees," or by claiming actual costs.

The Department of Finance and the State Controller's Office oppose the proposed RRM.

Claimant's Position

The claimant's revised proposed parameters and guidelines (section V, Claim Preparation and Submission) allows eligible claimants to file reimbursement claims by either claiming actual costs incurred or by using the proposed RRM of unit times. (Exhibit E.) Reimbursement using the proposed RRM would be claimed by multiplying the standard times for each scenario with the "blended hourly rate of the involved employees." The proposed RRM for the ongoing and one-time activities is described below.

Ongoing Activities

1. Scenario – Deputy asks the victim, the suspect, or the witness if firearms are present and no firearms are present.

Proposed Activities	**Proposed Unit Time Based Survey Average**
Inquire if firearms are at scene	
Document inquiry on incident report	
Incident report reviewed and approved by supervisor	
Total average minutes:	**15 minutes**

2. Scenario – Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is released to the suspect.

Proposed Activities	**Proposed Unit Time Based on Survey Average**
Inquiry if firearms at scene	
Retrieves firearm	
Renders firearm safe	
Processing firearm	

Document inquiry on incident report	
Incident report reviewed and approved by supervisor	
Enter firearm info to DOJ/AFS	
Verify info/temporary storage of firearm	
Court or Release update records	
Prepare paperwork and firearm for transfer to P&E	
Verify info upon receipt of firearm and P&E	
Storing firearms at P&E	
Enter info to database/file docs at P&E	
Verify court/release to owner update records	
Update evidence database & DOJ/AFS	
Release firearm	
Supervisor's review and signature for release of firearm	
Total average minutes:	**133 minutes**

3. Scenario - Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Proposed Activities	**Proposed Unit Time Based on Survey Average**
Inquiry if firearms at scene	
Retrieves firearm	
Renders firearm safe	
Processing firearm	

Document inquiry on incident report	
Incident report reviewed and approved by supervisor	
Enter firearm info to DOJ/AFS	
Verify Info/temporary storage of firearm	
Court or Release update records	
Prepare paperwork and firearm for transfer to P&E	
Verify info upon receipt of firearm at P&E	
Storing firearm at P&E	
Enter info to database/file docs at P&E	
Prepare petition for retention of firearm	
Notification to suspect of petition for retention of firearm	
Release of Firearm:	
Verify court/release to owner update records	
Update evidence database & DOJ/AFS	
Release firearm	
Supervisors review and signature for release of firearm	
Total minutes if firearm is released	**141 minutes**
Destruction of firearm:	
Input and file the property paperwork	
Create disposal authorization	
Mail disposal authorization	

Make determination if firearm is ready to dispose	
Retrieve the property paperwork and attach disposal authorization	
Destroy/crush firearm	
Update computer regarding destruction and file property paperwork	
Total minutes if firearm destroyed	**260 minutes**

4. Scenario - Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request return of the firearm and the firearm is destroyed.

Proposed Activities	**Proposed Unit Time Based on Survey Average**
Inquire if firearms are at scene	
Retrieves firearm	
Renders firearm safe	
Processing the firearm	
Document inquiry on incident report	
Incident report approved by supervisor	
Enter info to DOJ/AFS	
Verify firearm info/temporary storage of firearm	
Court or Release update records	
Prepare paperwork and firearm for transfer to P&E	
Verify info upon receipt of firearm at P&E	
Storing firearms at P&E	
Enter info to database/file docs at	

P&E	
Create disposal authorization	
Mail disposal authorization	
Make determination if firearm is ready to dispose	
Retrieve the property paperwork and attach disposal authorization	
Destroy/crush firearm	
Update computer regarding destruction and file property paperwork	
Total Average Minutes	**220 minutes**

5. Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

Proposed Activities	**Proposed Unit Time Based on Survey Average**
Inquire if firearms are at scene	
Document inquiry on incident report	
Incident report approved by supervisor	
Total Average Minutes:	**32 minutes**

One-Time Activity

The claimant also proposes the following RRM for the one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)

Proposed Activities	**Proposed Unit Time Based on Survey Average**
Amend receipt	
Supervisor's approval of receipt	

Agency's approval of receipt	
Print/download receipt	
Total Minutes	**56 minutes**

In the event a consensus RRM cannot be reached, the claimant proposes alternative time study language permitting claimants to time study the reimbursable activities.

Position of the Department of Finance

The Department of Finance opposes the revised RRM proposed by the claimant on the following grounds:

- Some activities may not be reasonably necessary to carry out the mandate.
- The proposed parameters and guidelines lack information showing how the proposed activities related to Penal Code section 12028.5 when a weapon or firearm is discovered pursuant to other lawful searches.
- The standard time surveys lack sufficient data or information to support the proposed RRM. For example, tasks related to petitions for a second hearing are absent.

Finance does not oppose the proposed time study language.

Position of the State Controller's Office

The State Controller's Office opposes the proposed RRM and the proposal to allow a claimant to choose to file a reimbursement claim based on actual costs or an RRM. The Controller's Office argues as follows:

- The State Controller's Office opposes providing a claimant the option of choosing a method to file. By allowing a claimant to choose the most beneficial claiming method, the cost of the mandate to the state will be increased.
- The proposed RRM may include activities that go beyond the scope of the mandate. The actions proposed for each scenario are vague and not cross-referenced to the reimbursable activities.
- The number of sample units included in the unit time determination may not be representative of eligible claimants. Twelve respondents is not representative of all the cities and counties in the state. In addition, there is a large disparity in times submitted by the cities and counties surveyed. Moreover, one respondent's survey is based on estimates, rather than actual time spent on the activities.

Discussion

Staff reviewed the claimant's revised proposed parameters and guidelines, the proposed RRM, and the comments received. Issues raised by the parties with respect to section II, Eligible Claimants, and section V and the proposed RRM, are discussed below.

Section II, Eligible Claimants

Section II of the proposed parameters and guidelines lists the eligible claimants as "any county or city and county." The proposed language leaves out cities. City police are mandated to comply with the reimbursable activities. The attached proposed parameters and guidelines clarifies that eligible claimants are "any county, city, or city and county."

Section V, Proposed RRM

Section V of the claimant's proposed parameters and guidelines allows eligible claimants to file reimbursement claims by either claiming actual costs incurred or by using the claimant's proposed RRM of unit times for the one-time and the ongoing activities. The RRM for ongoing costs is based on five factual scenarios. (See Schedule A to claimant's revised proposed parameters and guidelines.) Under each scenario, the claimant proposes unit times to perform the ongoing "mandated tasks." The unit times are calculated based on average times reported by the twelve (12) counties and cities to perform the "mandated tasks" identified in the factual scenarios proposed in claimant's survey.

Government Code section 17557, subdivision (b), states that the Commission may adopt an RRM when adopting parameters and guidelines. Government Code section 17518.5, as amended by AB 1222 (Stats. 2007, ch. 329, eff. Jan. 1, 2008), defines an RRM to "mean a formula for reimbursing local agencies and school districts for costs mandated by the state ..." It requires that two elements be met: (1) that the methodology considers the variation of costs among local agencies and school districts to implement the mandate, and (2) that the methodology reimburses local agencies or school districts for implementing the mandate in a "cost-efficient manner." (Gov. Code, § 17518.5, subd. (c).) The Commission's regulations, section 1183.13, subdivision (d), states that proposed reasonable reimbursement methodologies "shall include any documentation or assumption relied upon to develop the methodology."

For the reasons below, staff finds that the proposed RRM does not satisfy the elements required by Government Code section 17518.5, subdivision (c).

First, the activities identified in claimant's scenarios that support the proposed RRM do not correspond to the activities found by the Commission in the Statement of Decision to be reimbursable under article XIII B, section 6 of the California Constitution. The activities are overly broad and go beyond the scope of the mandate. For example, under claimant's Scenarios 2, 3, and 4, firearms or other deadly weapons are present, seized, and either the firearm or weapon is released to the owner, held pending a court petition, or destroyed. The Commission, on pages 27-33 of the Statement of Decision, found that performing these activities mandated a new program or higher level of service *only when* the firearm or weapon is discovered during "any other lawful search," and not when the firearm or deadly weapon is found in plain sight or during a consensual search. Page 27 of the Statement of Decision describes "any other lawful search" as follows:

> The 2002 amendment to section 12028.5 (Stats. 2002, ch. 833, § 1.5) adds the following underlined text to subdivision (b):
>
> > [Law enforcement officers] shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered

> pursuant to a consensual <u>or other lawful</u> search as necessary for the protection of the peace officer or other persons present.
>
> Sponsored by the City of Santa Rosa, the legislative history of this amendment indicates that its purpose was "to add any "lawful" search to the existing "plain sight or consensual" search required in domestic violence circumstances for the mandated seizure of firearms and weapons." Adding "any lawful search" to the consensual or plain sight searches already in the statute means that firearm or weapon confiscation is now also required for searches incident to arrest, or of people the officer has legal cause to arrest, or searches pursuant to a warrant, or searches based on statements of persons who do not have authority to consent but have indicated to law enforcement that a weapon is present at the scene. (Footnotes omitted.)

Seizure of firearms or other deadly weapons found in plain sight or during consensual searches, and the activities that follow the seizure under these circumstances, were required by prior law and are not reimbursable here. [8]

Second, the claimant's proposed RRM does not include reimbursement for the following activities found by the Commission to be reimbursable when a firearm or other deadly weapon is taken during a lawful search:

- Giving the owner or person in lawful possession of the firearm or other deadly weapon a receipt pursuant to Penal Code section 12028.5, subdivision (b).
- Selling the firearm or other deadly weapon taken into custody and held longer than 12 months and not recovered by the owner pursuant to Penal Code section 12028.5, subdivision (e).
- Notifying the owner of the firearm or other deadly weapon that the local agency plans to initiate a petition in court to determine if the firearm or other deadly weapon should be returned, and advising the owner of the process in court pursuant to Penal Code section 12028.5, subdivisions (f) and (g).
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a court hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or person reporting the assault or threat pursuant to Penal Code section 12028.5, subdivision (h).
- If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default pursuant to Penal Code section 12028.5, subdivision (i).

In addition, the claimant's RRM does not contain a proposal for the reimbursement of the activities and costs required pursuant to Penal Code section 12028.5, subdivision (j). The

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[8] See Penal Code section 12028.5, subdivision (f), as last amended by Statutes 2001, chapter 254.

Commission found that when the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search, the following activities and costs are reimbursable, beginning January 1, 2003:

> If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j)

Third, the unit times proposed may not be representative of the costs incurred by the eligible claimants in the state to implement the mandated program. Survey results were received by only two of the 480 cities in the state.

Finally, the proposal does not reimburse local agencies for implementing the mandated program in a cost efficient manner. There are large disparities in the times reported by the local agencies to perform the proposed activities. The range of times submitted in the survey to perform the ongoing activities in claimant's proposed scenarios are listed in the following table:

Scenarios	Range of Times Submitted	Claimant's Proposed Average Time
Scenario 1 (deputy asks if weapon present, no weapons present, document inquiry on incident report)	5 – 30 minutes	15 minutes
Scenario 2 (weapon present, officer takes custody of weapon, weapon released)	61 – 240 minutes	133 minutes
Scenario 3 (weapon present, officer takes custody of weapon, court petition filed, and weapon either released or destroyed)		
Release of firearm	78 – 254 minutes	141 minutes
Destruction of firearm	62 – 500 minutes	260 minutes

Scenario 4 (weapon present, officer takes custody of weapon, weapon destroyed)	65 – 623 minutes	220 minutes
Scenario 5 (deputy asks is weapon present, suspect refuses to relinquish weapon, document inquiry on incident report)	7 – 140 minutes	32 minutes

The range of times reported to perform the one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" also varied from a low of 8 minutes to a high of 420 minutes.

Accordingly, staff recommends that the Commission not adopt claimant's proposed RRM. Instead, staff recommends that the Commission adopt the attached draft proposed parameters and guidelines that contain the mandated activities identified in the Statement of Decision that can be claimed based on actual costs. Language is included in section IV of the parameters and guidelines to allow claimants to use time studies to support salary and benefit costs when the activity is task-repetitive as follows:

> Claimants may use time studies to support salary and benefit costs when the activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office.

This time study language has been recently adopted by the Commission in other parameters and guidelines.

Conclusion

Staff recommends that the Commission adopt the draft proposed parameters and guidelines, beginning on page 17.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

PROPOSED PARAMETERS AND GUIDELINES

Penal Code Sections 13730, Subdivision (c)(3), 12028.5;

Statutes 2001, Chapter 483, Statutes 2002, Chapter 833

Crime Victims' Domestic Violence Incident Reports II

02-TC-18

I. SUMMARY OF THE MANDATE

On September 27, 2007, the Commission adopted a Statement of Decision, finding that effective January 1, 2002, Penal Code section 13730, subdivision (c)(3) (Stats. 2001, ch. 483) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for local agencies, on all domestic violence-related calls for assistance:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission found that the activities listed below are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, when firearms or other deadly weapons are discovered during any other lawful search at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes but is not limited to the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (3) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene.

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, § 12028.5, subd. (b).)
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b).)
- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is

not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of section 12028.5.[1] (Pen. Code, § 12028.5, subd. (b).)

- To sell or destroy, as provided in subdivision (c) of Section 12028,[2] any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code, § 12028.5, subd. (e).)
- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code, § 12028.5, subd. (f).)
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code, § 12028.5, subd. (g).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm

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[1] Subdivision (f) of section 12028.5 authorizes, within 60 days of seizure, the law enforcement agency to initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned in cases "in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat." This provision also requires notifying the owner.

[2] Section 12028, subdivision (c) requires specified weapons to be surrendered to law enforcement and authorizes disposal of them by sale at public auction or (in subd. (d)) by destruction.

or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (h).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, § 12028.5, subd. (i).)

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission found that the following activities are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

II. ELIGIBLE CLAIMANTS

Any county, city, or city and county.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The County of Los Angeles filed the test claim on April 2, 2003, establishing eligibility for reimbursement beginning July 1, 2001. However, Penal Code section 13730, subdivision (c)(3), as amended by Statutes 2001, chapter 483, became effective and operative on January 1, 2002. Therefore, the costs incurred for compliance with the mandated activities found in Penal Code section 13730, subdivision (c)(3), are reimbursable on or after January 1, 2002. Penal Code section 12028.5, as amended by Statutes 2002, chapter 833, became operative and effective on January 1, 2003. Therefore, the costs incurred for compliance with the mandated activities found in Penal Code section 12028.5 are reimbursable on or after January 1, 2003.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.

2. Pursuant to Government Code section 17561, subdivision (d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560, a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. In the event that revised claiming instructions are issued by the Controller pursuant to Government Code section 17558, subdivision (c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim.
5. If the total costs for a given fiscal year do not exceed $1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564.
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any given fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices and receipts.

Evidence corroborating the source documents may include, but is not limited to, time sheets, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, calendars, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise reported in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below.

Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office.

For each eligible claimant, the following activities are eligible for reimbursement:

<u>One-Time Activity</u>

A. *Beginning January 1, 2003*, the one-time activity of amending the receipt for a confiscated firearm or other deadly weapon taken at the scene of a domestic

violence incident to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)

Ongoing Activities

A. *Beginning January 1, 2002*, for all domestic violence-related calls for assistance, the following activity is reimbursable:

Include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3).)

B. *Beginning January 1, 2003*, the following activities are reimbursable when firearms or other deadly weapons are discovered during any other lawful search at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes but is not limited to the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (3) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene.[3]

1. To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, § 12028.5, subd. (b).)
2. To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b).)
3. To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
4. To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and

[3] The activities listed in Section IV B are not reimbursable when firearms or other deadly weapons are found in *plain sight* or during *consensual searches*. Seizure of firearms or other deadly weapons found in plain sight or during consensual searches, and the activities that follow the seizure under these circumstances, were required by prior law and do not constitute a new program or higher level of service.

not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code, § 12028.5, subd. (e).)

5. If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code, § 12028.5, subd. (f).)

6. To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code, § 12028.5, subd. (g).)

7. If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (h).)

8. If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, § 12028.5, subd. (i).)

C. *Beginning January 1, 2003*, the following activity is reimbursable when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and <u>the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search</u>:

If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the

local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for the reimbursable activities identified in section IV of this document. Each reimbursable cost must be supported by source documentation as described in section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services were also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and invoices with the claim and a description of the contract scope of services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the

rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include (1) the overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the 2 CFR Part 225 (Office of Management and Budget (OMB) Circular A-87). Claimants have the option of using 10% of labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B)) and the indirect shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B).) However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distributions base may be (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.), (2) direct salaries and wages, or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in 2 CRF Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B)) shall be accomplished by (1) classifying a department's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should e expressed as a percentage which the total amount allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B)) shall be accomplished by (1) separate a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected.

VI. RECORDS RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter[4] is subject to the initiation of an audit by the State Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any federal, state or non-local source shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1)(A), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon the request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

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[4] This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

Exhibit A

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:	**Case No.:** 02-TC-18
Family Code Section 6228 and Penal Code Sections 12028.5 and 13730	*Crime Victims' Domestic Violence Incident Reports II*
Statutes 1984, Chapter 901; Statutes 2001, Chapter 483; Statutes 2002, Chapters 377, 830 and 833	STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5. ARTICLE 7
Filed on April 2, 2003	
By County of Los Angeles, Claimant	*(Adopted on September 27, 2007)*

STATEMENT OF DECISION

The attached Statement of Decision of the Commission on State Mandates is hereby adopted in the above-entitled matter

Paula Higashi

PAULA HIGASHI, Executive Director

October 3, 2007
Date

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM ON:	**Case No.:** 02-TC-18
Family Code Section 6228 and Penal Code Sections 12028.5 and 13730 Statutes 1984, Chapter 901; Statutes 2001, Chapter 483; Statutes 2002, Chapters 377, 830 and 833 Filed on April 2, 2003 By County of Los Angeles, Claimant	*Crime Victims' Domestic Violence Incident Reports II* STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted September 27, 2007*)

STATEMENT OF DECISION

The Commission on State Mandates ("Commission") heard and decided this test claim during a regularly scheduled hearing on September 27, 2007. Hasmick Yaghobyan and Suzie Ferrell appeared on behalf of claimant County of Los Angeles. Carla Castaneda and Donna Ferebee appeared on behalf of Department of Finance.

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the staff analysis to partially approve the test claim at the hearing by a vote of 7-0.

Summary of Findings

The Commission finds that effective January 1, 2002,[1] Penal Code section 13730, subdivision (c)(3) (Stats. 2001, ch. 483) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for local agencies, on all domestic violence-related calls for assistance:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3).

[1] Government Code section 17556, subdivision (e).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, when firearms or other deadly weapons are discovered during any other lawful search at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes but is not limited to the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (3) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene.

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, § 12028.5, subd. (b).)
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b).)
- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of section 12028.5.[2] (Pen. Code, § 12028.5, subd. (b).)
- To sell or destroy, as provided in subdivision (c) of Section 12028,[3] any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing

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[2] Subdivision (f) of section 12028.5 authorizes, within 60 days of seizure, the law enforcement agency to initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned in cases "in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat." This provision also requires notifying the owner.

[3] Section 12028, subdivision (c) requires specified weapons to be surrendered to law enforcement and authorizes disposal of them by sale at public auction or (in subd. (d)) by destruction.

process as provided in subdivision (j) of section 12028.5. (Pen. Code, § 12028.5, subd. (e).)

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code, § 12028.5, subd. (f).)
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code, § 12028.5, subd. (g).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (h).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, § 12028.5, subd. (i).)

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of

> the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

The Commission also finds that Family Code section 6228 (Stats. 2002, ch. 377) and Penal Code section 12028.5 (Stats. 1984, ch. 901 & Stats. 2002, ch 830)[4] are not a reimbursable state mandated program within the meaning of article XIII B, section 6 and Government Code section 17514 because they do not mandate a new program or higher level of service.

BACKGROUND

This test claim alleges activities based on Penal Code sections 13730 (Stats. 2001, ch. 483), 12028.5 (Stats. 1984, ch. 901; Stats. 2002, chs. 830 & 833), and Family Code section 6228 (Stats. 2002, ch. 377). These statutes add weapons information to the domestic violence incident report form, require giving a copy of the form to the victim's representative, as defined, if the victim is deceased, and require law enforcement officers at the scene of a domestic violence incident "involving a threat to human life or a physical assault"[5] to take temporary custody of weapons, including a process for their return or disposal.

Test Claim Statutes

Penal Code section 13730: This section was originally added by Chapter 1609, Statutes of 1984, and requires local law enforcement agencies to develop a system for recording all domestic violence-related calls for assistance. Subdivision (c) requires law enforcement agencies to develop an incident report form for the domestic violence calls, with specified content. It was amended (Stats. 2001, ch. 483) in subdivision (c) to add the following to the form:

> (3) A notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. Any firearm or other deadly weapon discovered by an officer at the scene of a domestic violence incident shall be subject to confiscation pursuant to Section 12028.5.

Family Code section 6228: This section requires giving, without charging a fee, a copy of the domestic violence incident report or the incident report face sheet, or both, to the victim. The test claim statute (Stats. 2002, ch. 377) amended this section to require giving a copy of the report to a representative of the victim, as defined, if the victim is deceased. Specifically, it was amended to add the underlined text as follows:

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[4] Statutes 2002, chapter 833 was double joined to Statutes. 2002, chapter 830, but only chapter 833 amended section 12028.5 because it was chaptered last (Gov. Code, § 9605).

[5] Penal Code section 12028.5, subdivision (b).

(a) State and local law enforcement agencies shall provide, without charging a fee, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, to a victim of domestic violence, or to his or her representative if the victim is deceased, as defined in subdivision (g), upon request. For purposes of this section, "domestic violence" has the definition given in Section 6211.[6]

Other subdivisions of section 6228 were amended similarly. Subdivision (d), which specifies that the person requesting copies of the incident report must present identification, was amended to require the representative to present a certified copy of the death certificate of the victim at the time of the request. Subdivision (g) defines the representative of the victim as any of the following:

(1) (A) The surviving spouse.
(B) A surviving child of the decedent who has attained 18 years of age.
(C) A domestic partner, as defined in subdivision (a) of Section 297.
(D) A surviving parent of the decedent.
(E) A surviving adult relative.
(F) The public administrator if one has been appointed.

(2) A representative of the victim does not include any person who has been convicted of murder in the first degree, as defined in Section 189 of the Penal Code, of the victim, or any person identified in the incident report face sheet as a suspect. Domestic violence incident report face sheets may not be provided to a representative of the victim unless the representative presents his or her identification, such as a current, valid driver's license, a state-issued identification

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[6] Family Code section 6211 defines domestic violence as "abuse perpetrated against any of the following persons:
(a) A spouse or former spouse.
(b) A cohabitant or former cohabitant, as defined in Section 6209.
(c) A person with whom the respondent is having or has had a dating or engagement relationship.
(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).
(e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
(f) Any other person related by consanguinity or affinity within the second degree."

Family Code section 6203 defines abuse as any of the following:
"(a) Intentionally or recklessly to cause or attempt to cause bodily injury.
(b) Sexual assault.
(c) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
(d) To engage in any behavior that has been or could be enjoined pursuant to Section 6320."

card, or a passport and a certified copy of the death certificate or other satisfactory evidence of the death of the victim at the time of the request.

The purpose of Family Code section 6228 is to assist domestic violence victims to obtain a temporary restraining order against the accused.[7] The amendment regarding the victim representative was in response to a case in which a domestic violence victim committed suicide, and the victim's mother had difficulty obtaining the incident report when seeking custody of her grandchildren.[8]

Penal Code section 12028.5: This section was enacted in 1984 and has been amended several times. The original 1984 statute authorized a law enforcement officer to take temporary custody of a firearm "at the scene of a domestic violence incident involving a threat to human life or a physical assault."[9] The original statute also defined domestic violence, abuse, and family household member.[10]

Statutes 1999, chapter 662, not pled by claimant, amended section 12028.5 to require law enforcement officers to take temporary custody of any firearm or other deadly weapon[11] at a domestic violence[12] scene involving a threat to human life or a physical assault. Section 12028.5 also includes definitions of domestic violence and abuse, and specifies a procedure for making the firearm or other deadly weapon available to the owner, or disposing of it.

Statutes 2002, chapter 833 was double joined to Statutes. 2002, chapter 830, but only chapter 833 amended section 12028.5 because it was chaptered last.[13] This amendment to section 12028.5 pled by claimant adds "other lawful searches" (to preexisting plain sight or consensual search) during which law enforcement officers must confiscate firearms or other deadly weapons at the scene of a domestic violence incident. The amendment requires including on the receipt for the confiscated firearm or weapon "the time limit for recovery as required by this section."[14] It expands the maximum time the firearm or weapon can be held from 72 hours to five days (the minimum time remained 48 hours).[15] It also lengthens the time local government has to file a

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[7] Assembly Committee on Judiciary, Analysis of Assem. Bill No. 403 (1999-2000 Reg. Sess.) as amended on March 18, 1999, page 2.

[8] Senate Committee on Public Safety, Analysis of Senate Bill No. 1265 (2001-2002 Reg. Sess.) as amended on April 2, 2002, page 4.

[9] Former Penal Code section 12028.5, subdivision (b) (Stats. 1984, ch. 901).

[10] The definitions were amended by Statutes 1992, chapter 1136 and Statutes 1993, chapter 1098. These amendments were not pled by claimant, so the Commission makes no findings on them.

[11] "Deadly weapon means any weapon, the possession or concealed carrying of which is prohibited by Section 12020." (Pen. Code, § 12028.5, subd. (a)(3)).

[12] Penal Code section 12028.5, subdivision (b).

[13] Government Code section 9605.

[14] Penal Code section 12028.5, subdivision (b).

[15] *Ibid.*

petition to determine whether the firearm or weapon should be returned, extending it from 30 to 60 days after the seizure, or from 60 to 90 days with extensions.[16] In addition, the amendment lowered the standard of evidence needed to keep the firearm or weapon from being returned to the owner, from clear and convincing to a preponderance of evidence "that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat."[17]

The 2002 amendment also added a provision requiring the court to order returning the firearm or weapon to the owner, and to award reasonable attorney's fees to the prevailing party if there is a petition for a second hearing, "unless it is shown by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat."[18]

Prior Commission Decisions

CSM 4222: In 1987, the Commission approved a test claim on Penal Code section 13730, as added by Statutes 1984, chapter 1609 (*Domestic Violence Information*). The parameters and guidelines for *Domestic Violence Information* authorize reimbursement for local law enforcement agencies for the "costs associated with the development of a Domestic Violence Incident Report form used to record and report domestic violence calls," and "for the writing of mandated reports which shall include domestic violence reports, incidents or crime reports directly related to the domestic violence incident."

Beginning in fiscal year 1992-93, the Legislature suspended Penal Code section 13730 (as added by Stats. 1984, ch. 1609) pursuant to Government Code section 17581. Suspending a statute means the Legislature assigns a zero-dollar appropriation to the program and makes it optional.

CSM 96-362-01: In February 1998, the Commission considered a test claim on the 1995 amendment to Penal Code section 13730 (*Domestic Violence Training and Incident Reporting*).

In 1995, the Legislature amended Penal Code section 13730, subdivision (c) (Stats. 1995, ch. 965) to require law enforcement agencies to include in the domestic violence incident report information relating to the use of alcohol or controlled substances by the alleged abuser, and any prior domestic violence responses to the same address.

The Commission determined that the additional information on the domestic violence incident report was not mandated by the state because the suspension of the statute under Government Code section 17581 made the completion of the incident report optional, so the additional information under the test claim statute came into play only after a local agency elected to complete the incident report.

Based on the language of the suspension statute (Gov. Code, § 17581), the Commission determined, however, that during periods when the state operates without a budget, the original suspension of the mandate would not be in effect. Thus, for the periods when the state operates

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[16] Penal Code section 12028.5, subdivision (f).

[17] *Ibid.*

[18] Penal Code section 12028.5, subdivision (j).

without a budget until the Budget Act is chaptered and makes the domestic violence incident reporting program optional under Government Code section 17581, the Commission determined the activities required by the 1995 amendment to Penal Code section 13730 are reimbursable.

In 1998, Government Code section 17581 was amended to close the gap and continue the suspension of programs during periods when the state operates without a budget.[19] The *Domestic Violence Information and Incident Reporting* program has been suspended in every Budget Act since 1992 except for 2003-2004.[20]

99-TC-08: The current test claim was originally submitted as an amendment to (and severed from) test claim 99-TC-08, *Crime Victims' Domestic Violence Incident Reports,* which the Commission decided on May 29, 2003 (corrected decision issued in September 2003).[21] The Commission found it had no jurisdiction over Penal Code section 13730 (Stats. 1984, ch. 1609, Stats. 1995, ch. 965) because it had already adjudicated the statute in CSM 4222, *Domestic Violence Information,* and in CSM 96-362-01, *Domestic Violence Training and Incident Reporting.* The Commission also found that the mandate had been suspended by the Legislature every year since 1992-1993, making the activities discretionary on the part of local government.

Also decided in 99-TC-08 was Family Code section 6228 (Stats. 1999, ch. 1022), which the Commission found is a reimbursable mandate for storing domestic violence incident reports and face sheets for three years (Fam. Code, § 6228, subd. (e)). The Commission also found that section 6228 does not mandate or require local law enforcement agencies to prepare a domestic violence incident report or a face sheet, and that other activities related to providing the incident reports to victims were already required under Government Code section 6254 of the California Public Records Act, and were therefore not reimbursable.

Test claim 99-TC-08 did not include Penal Code section 12028.5, which is part of this claim.

Claimant Position

Claimant alleges that the test claim statutes impose a reimbursable state mandate under article XIII B, section 6 of the California Constitution. Claimant requests reimbursement for local law

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[19] Government Code section 17581, subdivision (a), now states the following: "No local agency shall be required to implement or give effect to any statute or executive order, or portion thereof, during any fiscal year *and the for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year* . . ." (Emphasis added.)

[20] 2006-2007 Budget Act (Stats. 2006, chs. 46 & 47) Item 8885-295-0001, Schedule (3) (aa); 2005-2006 Budget Act (Stats. 2005, chs. 38 & 39) Item 8885-295-0001, Schedule (3) (hh); 2004-2005 Budget Act (Stats. 2004, ch. 208) Item 9210-295-0001, Provision 3, Schedule (5); 2002-2003 Budget Act (Stats. 2002, ch. 379), Item 9210-295-0001, Provision 3, Schedule (8); 2001-2002 Budget Act (Stats. 2001, ch. 106), Item 210-295-0001, Provision 3, Schedule (8); 2000-2001 Budget Act (Stats. 2000, ch. 52), Item 210-295-0001, Provision 3, Schedule (8); 1999-2000 Budget Act (Stats. 1999, ch. 50), Item 210-295-0001, Provision 2, Schedule (8).

[21] To avoid confusing this test claim with the original *Crime Victims' Domestic Violence Incident Reports,* this test claim is renamed *Crime Victims' Domestic Violence Incident Reports II.*

enforcement agencies to do the following based on Statutes 2001, chapter 483 that added subdivision (c)(3) to Penal Code section 13730:[22]

1. When "necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser or both, whether a firearm or other deadly weapon was present at the location."
2. To report if an inquiry was made "whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether the inquiry disclosed the presence of a firearm or other deadly weapon."
3. To confiscate "[a]ny firearm or other deadly weapon discovered by an officer at the scene of a domestic violence incident … pursuant to Section 12028.5"

Claimant requests reimbursement for local law enforcement agencies to do the following based on Penal Code section 12028.5:[23]

1. A peace officer "… shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present." (§ 12028.5 (b).)
2. "Upon taking custody of a firearm or other deadly weapon, the officer shall give the owner or person who possessed the firearm a receipt. The receipt shall describe the firearm or other deadly weapon and list any identification or serial number on the firearm. The receipt shall indicate where the firearm or other deadly weapon can be recovered, the time limit for recovery as required by this section, and the date after which the owner or possessor can recover the firearm or other deadly weapon. (§ 12028.5 (b).)
3. The confiscated "… firearm or other deadly weapon shall be held [not less than] 48 hours." (§ 12028.5 (b).)
4. "[T]he firearm or other deadly weapon shall be made available to the owner or person who was in lawful possession [as specified] 48 hours after the seizure or as soon thereafter as possible, but no later than 5 business days after the seizure." (§ 12028.5 (b).)
5. A "peace officer, as defined in subdivisions (a) and (b) of Section 830.32, who takes custody of a firearm or deadly weapon pursuant to this section shall deliver the firearm within 24 hours to the city police department or county sheriff's office in the jurisdiction where the college or school is located." (§ 12028.5 (c).)
6. Any "firearm or other deadly weapon that has been taken into custody that has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the firearm or other deadly weapon and proof of ownership." (§ 12028.5 (d).)

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[22] Test Claim 02-TC-18, pages 2-3.

[23] Test Claim 02-TC-18, pages 7-10

7. Any "firearm or other deadly weapon taken into custody and held by police, university police, or sheriff's department or by a marshal's office, by a peace officer of the Department of the California Highway Patrol, as defined ... for longer than 12 months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of Section 12028." (§ 12028.5 (e).)

8. "In those cases in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency shall advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned." (§ 12028.5 (f).)

9. "The law enforcement agency shall inform the owner or person who had lawful possession of the firearm or other deadly weapon, at the person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. For the purposes of this subdivision, the person's last known address shall be presumed to be the address provided to the law enforcement officer by that person at the time of the family violence incident. In the event the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the agency, the agency shall make a diligent, good faith effort to learn the whereabouts of the person and to comply with these notification requirements." (§ 12028.5 (g).)

10. Local law enforcement agencies and the district attorney shall participate in hearings "... if the person requests a hearing" in which case, "... the court clerk shall set a hearing no later than 30 days from receipt of that request. The court clerk shall notify the person, the law enforcement agency involved, and the district attorney of the date, time, and place of the hearing. Unless it is shown by a preponderance of the evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, the court shall order the return of the firearm or other deadly weapon and shall award reasonable attorney's fees to the prevailing party." (§ 12028.5 (h).)

11. Local law enforcement agencies and the district attorney shall participate in hearings "...[i]f there is a petition for a second hearing, and, "... unless it is shown by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat," the duty of local law enforcement agencies to "... return of the firearm or other deadly weapon" and, as specified, pay "... reasonable attorney's fees to the prevailing party." (§ 12028.5 (j).)

Claimant also requests reimbursement for local law enforcement agencies to, based on Family Code section 6228, to prepare and provide domestic violence incident reports for the "representatives" of domestic violence victims, as provided in statute.[24]

Claimant alleges that the duty to provide requested domestic violence incident reports and face sheets to victims and their representatives under Family Code section 6228 is not excused even if the general duty to prepare such reports and face sheets under Statutes 1984, chapter 1609 is made optional by the Legislature's suspension of the mandate pursuant to Government Code section 17581. Claimant submits that it has no reasonable alternative but to prepare the incident report or face sheet.

Claimant also submitted a declaration that it will incur "costs well in excess of $1,000 during the 2002-03 fiscal year to implement" the test claim statutes.[25] Another declaration includes the time required for the alleged activities: "on average, an additional 5 minutes to inquire of the victim whether a firearm or other deadly weapon is present, an additional 30 minutes to search for and obtain the weapon; an additional 5 minutes to report the results, and, where the weapon is confiscated pursuant to Penal Code Section 12028.5, an additional 90 minutes to perform" the duties listed in nos. 1-11 above.[26]

Claimant submitted comments concurring with the draft staff analysis.

State Agency Position

The Department of Finance, in comments filed August 20, 2007, concurs in part with the draft staff analysis. Finance disagrees with the discussion of Penal Code 13730, subdivision (c)(3), and argues that the finding should conform to the Commission's decision in CSM-96-362-01. Finance also disagrees that activities in Penal Code section 12028.5, subdivisions (f) and (i), should be reimbursable because, according to Finance, they are discretionary. These comments are further detailed and addressed below.

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[24] Test Claim 02-TC-18, pages 10-12.

[25] Test Claim 02-TC-18, Exhibit 8, Declaration of Bernice Abram, page 1; Exhibit 9, Declaration of Wendy Watanabe, page 1.

[26] Test Claim 02-TC-18, Exhibit 8, Declaration of Bernice Abram, page 2; Exhibit 9, Declaration of Wendy Watanabe, page 2.

Discussion

The courts have found that article XIII B, section 6 of the California Constitution[27] recognizes the state constitutional restrictions on the powers of local government to tax and spend.[28] "Its purpose is to preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose."[29] A test claim statute or executive order may impose a reimbursable state-mandated program if it orders or commands a local agency or school district to engage in an activity or task.[30]

In addition, the required activity or task must be new, constituting a "new program," or it must create a "higher level of service" over the previously required level of service.[31]

The courts have defined a "program" subject to article XIII B, section 6, of the California Constitution, as one that carries out the governmental function of providing public services, or a law that imposes unique requirements on local agencies or school districts to implement a state policy, but does not apply generally to all residents and entities in the state.[32] To determine if the program is new or imposes a higher level of service, the test claim legislation must be compared with the legal requirements in effect immediately before the enactment of the test claim

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[27] Article XIII B, section 6, subdivision (a), (as amended in Nov. 2004) provides:

> (a) Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service, except that the Legislature may, but need not, provide a subvention of funds for the following mandates: (1) Legislative mandates requested by the local agency affected. (2) Legislation defining a new crime or changing an existing definition of a crime. (3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

[28] *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, 735.

[29] *County of San Diego v. State of California (County of San Diego)*(1997) 15 Cal.4th 68, 81.

[30] *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 174.

[31] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 878 (*San Diego Unified School Dist.)*; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835-836 (*Lucia Mar*).

[32] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 874, (reaffirming the test set out in *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Lucia Mar, supra,* 44 Cal.3d 830, 835.)

legislation.[33] A "higher level of service" occurs when the new "requirements were intended to provide an enhanced service to the public."[34]

Finally, the newly required activity or increased level of service must impose costs mandated by the state.[35]

The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.[36] In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[37]

Issue 1: Does Penal Code section 13730, as amended by Statutes 2001, chapter 483, constitute a reimbursable state-mandated program?

Section 13730 requires local law enforcement agencies to develop and complete incident report forms for all domestic violence calls. As stated in subdivision (c) "In all incidents of domestic violence, *a report shall be written* and shall be identified on the face of the report as a domestic violence incident." [Emphasis added.] The report is required to include notations of officer observations regarding (in subd. (c)(1)) whether the alleged abuser was under the influence of alcohol or a controlled substance, and (in subd. (c)(2)) whether any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.

It was amended (Stats. 2001, ch. 483) in subdivision (c)(3) to add the following to the form:

> A notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. Any firearm or other deadly weapon discovered by an officer at the scene of a domestic violence incident shall be subject to confiscation pursuant to Section 12028.5.

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[33] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 878; *Lucia Mar, supra,* 44 Cal.3d 830, 835.

[34] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 878.

[35] *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284 (*County of Sonoma*); Government Code sections 17514 and 17556.

[36] *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

[37] *County of Sonoma, supra,* 84 Cal.App.4th 1265, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

Read together, the plain language of subdivisions (c) and (c) (3) requires local law enforcement agencies to include this firearm information on the domestic violence incident report form. Moreover, it constitutes a program within the meaning of article XIII B, section 6 because it carries out the governmental function of providing a service to the public[38] by adding information to the domestic violence incident report form. It is also an activity that is unique to local government.

For a statute that had not been suspended by the Legislature, the above criteria would be enough to determine that the 2001 amendment is a state mandate subject to article XIII B, section 6. The 1984 version of section 13730 (Stats. 1984, ch. 1609) however, has been suspended by the Legislature. Thus, the issue is whether the 2001 requirement to include firearm and weapon information on the domestic violence incident form is a state mandate in light of the Legislature's annual budget-act suspension of Statutes 1984, chapter 1609.

The 1984 version of section 13730, subdivision (c), includes the following sentence: "In all incidents of domestic violence, a report shall be written and shall be thus identified on the face of the report as a domestic violence incident." This was determined to be a reimbursable activity in the Commission's decision CSM 4222, as discussed above.

As provided in Government Code section 17581, subdivisions (a) and (b), before suspending a statute, the following criteria must be met:

> (a) No local agency shall be required to implement or give effect to any statute or executive order, or portion thereof, during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year if all of the following apply:
>
> (1) The statute or executive order, or portion thereof, has been determined by the Legislature, the commission, or any court to mandate a new program or higher level of service requiring reimbursement of local agencies pursuant to Section 6 of Article XIIIB of the California Constitution.
>
> (2) The statute or executive order, or portion thereof, or the commission's test claim number, has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year.
>
> (b) Notwithstanding any other provision of law, if a local agency elects to implement or give effect to a statute or executive order described in subdivision (a), the local agency may assess fees to persons or entities which benefit from the statute or executive order. Any fee assessed pursuant to this subdivision shall not exceed the costs reasonably borne by the local agency.

The requirement in subdivision (c) of section 13730 to prepare a written domestic violence incident report has been suspended each year,[39] except for fiscal year 2003-2004,[40] since fiscal

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[38] *County of Los Angeles, supra,* 43 Cal.3d 46, 56.

[39] 2006-2007 Budget Act (Stats. 2006, chs. 46 & 47) Item 8885-295-0001, Schedule (3) (aa); 2005-2006 Budget Act (Stats. 2005, chs. 38 & 39) Item 8885-295-0001, Schedule (3) (hh); 2004-

year 1992-1993. The Legislature specifically identified Statutes 1984, chapter 1609 in the Budget Act and assigned a zero dollar appropriation to it. By suspending Statutes 1984, chapter 1609, the Legislature made preparing the written domestic violence incident report form an optional activity for local government.

Statutes 1993, chapter 1230 added the following to subdivision (a) of section 13730: "All domestic violence related calls for assistance shall be supported with a written incident report, as described in subdivision (c), identifying the domestic violence incident." This 1993 amendment has never been determined by the Legislature, the Commission, or any court to mandate a new program or higher level of service requiring local agency reimbursement, as required by Government Code section 17581. In sum, the 1993 amendment is not eligible for suspension.

This means, in essence, that the provisions of subdivision (c) in section 13730, when suspended by the Budget Act, are permissive, but the plain language of the 1993 amendment requires a written incident report for all domestic violence calls for assistance in subdivision (a). When statutory provisions conflict in this way, the Commission, like a court, relies on the following rule of statutory construction: "[W]hen two laws, upon the same subject, passed at different times, are inconsistent with each other, the one last passed must prevail."[41] Accordingly, the 1993 amendment to subdivision (a) prevails over the suspension of subdivision (c).[42] Thus, preexisting law requires that every domestic violence related call for assistance be supported with a written domestic violence incident report. Consequently, the Commission finds that including the firearm and weapon information in the domestic violence incident report form, as required by the 2001 amendment to Penal Code section 13730, subdivision (c), is state-mandated.

Finance disagrees. In comments filed August 30, 2007, Finance argues that this conclusion is inconsistent with the Commission's February 1998 decision in the *Domestic Violence Training and Incident Reporting* test claim (CSM-96-362-01) in which the Commission found that additional information on the domestic violence incident report was not mandated because the suspension of the statute made completion of the incident report optional, so the additional information under the test claim statute came into play only after a local agency elected to complete the incident report. Finance indicates in its comments that the Commission's 1998 decision "found that the 1993 amendment to Penal Code section 13730 (a), (Stats. 1993, ch.

2005 Budget Act (Stats. 2004, ch. 208) Item 9210-295-0001, Provision 3, Schedule (5); 2002-2003 Budget Act (Stats. 2002, ch. 379), Item 9210-295-0001, Provision 3, Schedule (8); 2001-2002 Budget Act (Stats. 2001, ch. 106), Item 210-295-0001, Provision 3, Schedule (8); 2000-2001 Budget Act (Stats. 2000, ch. 52), Item 210-295-0001, Provision 3, Schedule (8); 1999-2000 Budget Act (Stats. 1999, ch. 50), Item 210-295-0001, Provision 2, Schedule (8).

[40] 2003-2004 Budget Act (Stats. 2003, ch. 157) Final Change Book, p.655, Item 9210-295-0001, Provision 3.

[41] *People v. Kuhn* (1963) 216 Cal.App.2d 695, 700.

[42] This does not mean that the suspensions in the Budget Acts are idle acts of the Legislature, since there were other findings in the Commission's decision (CSM 4222) that are suspended.

1230) 'merely clarifies' the reporting requirement of subdivision (c) rather than mandating a new or additional requirement."

The Commission acknowledges that the analysis herein departs from the 1998 Commission decision. However, the plain language of the 1993 amendment to Penal Code section 13730, subdivision (a), requires a written incident report for all domestic violence calls. This amendment has never been the subject of a test claim, has never been determined by the Legislature or any court to mandate a new program or higher level of service, and is not pled here. Thus, it has not met the requirements of Government Code section 17581 to suspend a statute.

Moreover, since 1953, the California Supreme Court has held that the failure of a quasi-judicial agency to consider and apply prior decisions on the same subject is not a violation of due process and does not constitute an arbitrary action by the agency.[43] In *Weiss v. State Board of Equalization*, the plaintiffs brought mandamus proceedings to review the refusal of the State Board of Equalization to issue an off-sale beer and wine license at their premises. Plaintiffs contended that the action of the board was arbitrary and unreasonable because the board granted similar licenses to other businesses in the past. The California Supreme Court disagreed with the plaintiffs' contention and found that the board did *not* act arbitrarily. The Court stated:

> [P]laintiffs argument comes down to the contention that because the board may have erroneously granted licenses to be used near the school in the past it must continue its error and grant plaintiffs' application. That problem has been discussed: *Not only does due process permit omission of reasoned administrative opinions but it probably also permits substantial deviation from the principle of stare decisis.* Like courts, agencies may overrule prior decisions or practices and may initiate new policy or law through adjudication. (Emphasis added.) [44]

In 1989, the Attorney General's Office issued an opinion, citing the *Weiss* case, agreeing that claims previously approved by the Commission have no precedential value. Rather, "[a]n agency may disregard its earlier decision, provided that its action is neither arbitrary nor unreasonable [citing *Weiss, supra*, 40 Cal.2d. at 777]."[45] While opinions of the Attorney General are not binding, they are entitled to great weight.[46]

The Commission finds, therefore, that existing law in Penal Code section 13730, subdivision (a), requires a written incident report for each domestic violence call. Therefore, including the firearm and weapon information in the domestic violence incident report form, as required by the 2001 amendment to Penal Code section 13730, subdivision (c)(3), is state-mandated.

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[43] *Weiss v. State Board of Equalization* (1953) 40 Cal.2d 772, 776-777.

[44] *Id.* at page 776.

[45] 72 Opinions of the California Attorney General 173, 178, footnote 2 (1989).

[46] *Rideout Hospital Foundation, Inc. v. County of Yuba* (1992) 8 Cal.App.4th 214, 227.

The next issue is whether the provision in subdivision (c)(3) is a new program or higher level of service. To determine this, the test claim statute is compared to the legal requirements in effect immediately before enacting the test claim statute.[47]

Although preexisting law required filing an incident report for all domestic violence incident-related calls, as discussed above, preexisting law did not require the incident report to contain the following:

> A notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen. Code, § 13730, subd. (c)(3).)

Therefore, the Commission finds that the following is a new program or higher level of service within the meaning of article XIII B, section 6: including on the domestic violence incident report form a notation of whether the officer who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon.

The final issue is whether the 2001 amendment to section 13730 imposes costs mandated by the state,[48] and whether any statutory exceptions listed in Government Code section 17556 apply to the claim. Government Code section 17514 defines "cost mandated by the state" as follows:

> [A]ny increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

In the test claim exhibits,[49] claimant declares that it will incur costs in excess of $1,000 during the 2002-2003 fiscal year to implement the claim statutes.[50] Therefore, the Commission finds that section 13730, subdivision (c)(3) (Stats. 2001, ch. 483) imposes costs mandated by the state within the meaning of Government Code section 17514, and that no exceptions to reimbursement in Government Code section 17556 apply.

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[47] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 878; *Lucia Mar, supra,* 44 Cal.3d 830, 835.

[48] *Lucia Mar, supra*, 44 Cal.3d 830, 835; Government Code section 17514.

[49] Test Claim 02-TC-18, Exhibit 8, declaration of Bernice K. Abram, and Exhibit 9, declaration of Wendy Watanabe.

[50] Government Code section 17564.

All the elements having been met, the Commission finds that Penal Code section 13730, subdivision (c)(3), as amended (by Stats. 2001, ch. 483), is a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, for all domestic violence-related calls for assistance, to include the following on the domestic violence incident report: A notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon.

Issue 2: Does Family Code section 6228, as amended by Statutes 2002, chapter 377, constitute a reimbursable state-mandated program?

Family Code section 6228 requires the local law enforcement agency to provide, without charging a fee, one copy of a domestic violence incident report face sheet, or one copy of a domestic violence incident report, or both, to a victim of domestic violence. The test claim statute amended this section to also require providing a copy to the victim's representative if the victim is deceased. The victim representative is defined as any of the following:

(A) The surviving spouse.
(B) A surviving child of the decedent who has attained 18 years of age.
(C) A domestic partner, as defined in subdivision (a) of Section 297.
(D) A surviving parent of the decedent.
(E) A surviving adult relative.
(F) The public administrator if one has been appointed.

Claimant alleges that section 6228 requires law enforcement agencies to prepare the incident report or face sheet.

The plain language of Family Code section 6228, however, does not mandate or require local law enforcement agencies to prepare a domestic violence incident report or a face sheet. Rather, the express language states that local law enforcement agencies "shall *provide*, without charging a fee, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, to a victim of domestic violence, or to his or her representative if the victim is deceased, as defined in subdivision (g), upon request." [Emphasis added.]

Therefore, the Commission finds that Family Code section 6228 is a state mandate for a local law enforcement agency to provide upon request, without charging a fee, one copy of the domestic violence incident report face sheet, or one copy of the domestic violence incident report, or both, to the victim's representative, as defined, if the victim is deceased.

Doing so, however, is not a new program or higher level of service.

The Public Records Act, in Government Code section 6254, subdivision (f) requires giving a copy of a police report "to the victim of an incident or *an authorized representative thereof* ..." [Emphasis added.] And one California appellate court held, with respect to records of law enforcement investigations, that "While the general public is denied access to this information

such is not true with respect to parties involved in the incident or others who have a proper interest in the subject matter."[51]

Moreover, subdivision (f) of Government Code section 6254 requires the following:

> [S]tate and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:
>
> (1) The full name, current address, and occupation of every individual arrested by the agency, the individual's physical description ..., the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, ... all charges the individual is being held upon ....
>
> (2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by an agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, ...

Because preexisting Government Code section 6254, subdivision (f), requires releasing the same information as the domestic violence incident report to persons who would be authorized representatives, the Commission finds that providing the report or face sheet to the authorized victim representative (as required by Fam. Code, § 6228) is not a new program or higher level of service within the meaning of article XIII B, section 6.

Family Code section 6228 differs from the Public Records Act in one major aspect. Under the Public Records Act, local governments may charge a fee to recover the costs of making the police report information available, whereas the test claim statute prohibits charging a fee for the information. Increased costs alone, however, without the test claim statute mandating a new program or higher level of service to the public does not require reimbursement under article XIII B, section 6.[52]

Accordingly, the Commission finds that Family Code section 6228 (Stats. 2002, ch. 377) does not constitute a new program or higher level of service for a local law enforcement agency to provide, without charging a fee, one copy of the domestic violence incident report face sheet, or one copy of the domestic violence incident report, or both, to the victim's representative, as defined, if the victim is deceased.

Therefore, the Commission finds that that Family Code section 6228, as amended (Stats. 2002, ch. 377) is not a reimbursable state mandated program within the meaning of article XIII B, section 6 and Government Code section 17514.

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[51] *Vallejos v. California Highway Patrol* (1979) 89 Cal.App.3d 781, 786.

[52] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 877. *Kern High School Dist., supra,* 30 Cal.4th 727, 735.

Issue 3: Does Penal Code section 12028.5 constitute a reimbursable state-mandated program?

This section describes the procedure for a law enforcement officer to confiscate a firearm or other deadly weapon at the scene of a domestic violence incident "involving a threat to human life or a physical assault"[53] and describes the procedure for the destruction or return of the weapon. Although Section 12028.5 has been amended almost annually since 1984,[54] claimant pled only the 1984 version (Stats. 1984, ch. 901), and the 2002 amendment (Stats. 2002, chs. 830 & 833), so this analysis is limited to only those two versions of the statute.[55]

The 1999 amendment (Stats. 1999, ch. 662) to section 12028.5 stands out because it changed the "may take temporary custody" phrase in subdivision (b) to "shall take temporary custody." But because neither the 1999 amendment, nor any of the others before 2002 were pled by claimant, the Commission makes no findings on them.

A. Does Penal Code section 12028.5 (Stats. 1984, ch. 901) impose a state-mandated program?

As originally enacted in 1984, section 12028.5 read as follows:

> (a) As used in this section, the following words have the following meanings:[56]
>
> (1) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another.
>
> (2) "Domestic Violence" is abuse perpetrated against a family or household member.
>
> (3) "Family or household member" means a spouse, former spouse, parent, child, any other person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the last six months, regularly resided in the household.

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[53] Penal Code section 12028.5, subdivision (b).

[54] Statutes 1985, chapter 311, Statutes 1987, chapters 131 & 1362, Statutes 1989, chapters 850 & 1165, Statutes 1990, chapter 1695, Statutes 1991, chapter 866, Statutes 1992, chapters 163 & 1136, Statutes 1993, chapters 219 & 1098, Statutes 1994, chapters 871 & 872, Statutes 1996, chapter 305, Statutes 1998, chapter 606, Statutes 1999, chapters 659 & 662, Statutes 2000, chapter 254.

[55] Subdivision (c) of section 12028.5 (as amended by Stats. 1999, ch. 659) requires a community college or school district peace officer who takes custody of a firearm or deadly weapon pursuant to this section to deliver it within 24 hours to the city police department or county sheriff's office in the jurisdiction where the college or school is located. Because there is no community college or school district claimant and college declaration alleging increased costs in this test claim, the Commission does not discuss or make any findings on this provision in subdivision (c).

[56] The definitions were amended by Statutes 1992, chapter 1136 and Statutes 1993, chapter 1098. The Commission makes no findings on those amendments.

(b) A sheriff, undersheriff, deputy sheriff, or police officer of a city at the scene of a domestic violence incident involving a threat to human life or a physical assault *may* take temporary custody of any firearm described in Section 12001 in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present. Upon taking custody of a firearm, the officer shall give the owner or person who possessed the firearm a receipt. The receipt shall describe the firearm and identification or serial number on the firearm. The receipt shall indicate where the firearm can be recovered and the date after which the owner or possessor can recover the firearm. No firearm shall be held less than 48 hours. If a firearm is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than 72 hours after the seizure. [Emphasis added.]

(c) Any firearm which has been taken into custody which has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the firearm and proof of ownership.

(d) Any firearm taken into custody and held by a police or sheriff's department for longer than 12 months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of Section 12028.

Because the plain language in subdivision (b) of the 1984 version is permissive as to taking custody of the firearm, the Commission finds that local agencies are not legally compelled to take custody of a firearm at the scene of a domestic violence incident involving a threat to human life or a physical assault. The Commission also finds that local agencies are not practically compelled to take custody of a firearm under those circumstances. The statute on its face does not impose "certain and severe penalties such as double taxation or other draconian consequences"[57] for not confiscating the firearm. And there is no evidence in the record that local agencies are practically compelled to confiscate the firearm. Rather, under the 1984 statute, taking a firearm at the scene of a domestic violence incident was a policy decision of the local agency. Therefore, the Commission finds that confiscating the firearm under the circumstances described in subdivision (b) of section 12028.5 (Stats. 1984, ch. 901) is not a state mandate.

As to the remaining downstream activities in the 1984 statute, the issue is whether they are state mandated (e.g., giving a receipt, holding the weapon for 48 to 72 hours, returning it to the owner if stolen, and final disposal if unclaimed) if the triggering event is not state mandated.

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[57] *Kern High School Dist., supra,* 30 Cal.4th 727, 751. In another part of the opinion, the court stated an example of practical compulsion as a substantial penalty (independent of the program funds at issue) for not complying with the statute. (*Id.* at p. 731).

In the *Kern High School Dist.* case,[58] the California Supreme Court considered whether school districts have a right to reimbursement for costs in complying with statutory notice and agenda requirements for various education-related programs that are funded by the state and federal government. The court held that in eight of the nine programs at issue, the claimants were not entitled to reimbursement for notice and agenda costs because district participation in the underlying program was voluntary. As the court stated, "if a school district elects to participate in or continue participation in any underlying *voluntary* education-related funded program, the district's obligation to comply with the notice and agenda requirement related to that program does not constitute a reimbursable mandate."[59]

Therefore, based on the plain language of the statute and the reasoning in *Kern High School Dist.*, the Commission finds that there is no legal compulsion in section 12028.5, as added by Statutes 1984, chapter 901, for law enforcement officer to perform the downstream activities related to confiscating a firearm at a domestic violence scene (e.g., giving a receipt, holding the weapon for 48 to 72 hours, returning it to the owner if stolen, and final disposal if unclaimed). Absent any evidence in the record, the Commission also finds that there is no practical compulsion to perform these activities. Therefore, the Commission finds that section 12028.5, as added by Statutes 1984, chapter 901, is not a state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

B. Does Penal Code section 12028.5 (Stats. 2002, ch. 833) impose a state-mandated new program or higher level of service?

We begin by summarizing the 2002 amendments to section 12028.5 (Stats. 2002, ch. 833, § 1.5). Subdivision (b) was amended as follows:

> [Law enforcement officers] shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present. Upon taking custody of a firearm, the officer shall give the owner or person who possessed the firearm a receipt. The receipt shall describe the firearm and identification or serial number on the firearm. The receipt shall indicate where the firearm can be recovered, and the time limit for recovery as required by this section, and the date after which the owner or possessor can recover the firearm. No firearm or other deadly weapon shall be held less than 48 hours. Except as provided in subdivision (f), if a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm or other deadly weapon shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than ~~72 hours~~ 5 business days after the seizure. In any civil action or proceeding for the return of firearms or ammunition or other deadly weapon seized by any state or local law enforcement agency and not returned

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[58] *Id.*.

[59] *Id.* at page 743. Emphasis in original.

> within ~~72 hours~~ 5 business days following the initial seizure, except as provided in subdivision (d), the court shall allow reasonable attorney's fees to the prevailing party.

Subdivision (f) was amended to extend law enforcement deadlines as follows:

> In those cases ~~where~~ in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency shall advise the owner of the firearm or other deadly weapon, and within ~~30~~ 60 days of the date of seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. The law enforcement agency may make an ex parte application stating good cause for an order extending the time to file a petition. Including any extension of time granted in response to an ex parte request, a petition must be filed within ~~60~~ 90 days of the date of seizure of the firearm or other deadly weapon.

Subdivision (h) was amended to lower the standard of proof required to prevent owners or possessors from recovering their firearms or weapons, as follows:

> If the person requests a hearing, the court clerk shall set a hearing no later than 30 days from receipt of that request. The court clerk shall notify the person, the law enforcement agency involved, and the district attorney of the date, time, and place of the hearing. Unless it is shown by ~~clear and convincing~~ a preponderance of the evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, the court shall order the return of the firearm or other deadly weapon and shall award reasonable attorney's fees to the prevailing party.

Subdivision (j) authorizes the owner or possessor to petition the court a second time if the court does not order the return of the firearm or other deadly weapon to the owner or person who had lawful possession. The 2002 amendment added the following:

> If, at the hearing, the court does not order the return of the firearm or other deadly weapon to the owner or person who had lawful possession, that person may petition the court for a second hearing within 12 months from the date of the initial hearing. If there is a petition for a second hearing, unless it is shown by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, the court shall order the return of the firearm or other deadly weapon and shall award reasonable attorney's fees to the prevailing party. If the owner or person who had lawful possession does not petition the court within this 12-month period for a second hearing or is unsuccessful at the second hearing in gaining return of the firearm or other deadly weapon, the firearm or other deadly weapon may be disposed of as provided in Section 12028.

As a preliminary matter, the Commission finds that section 12028.5 constitutes a program within the meaning of article XIII B, section 6 because firearm or weapon confiscation is a

governmental service to the public, insofar as it is "necessary for the protection of the peace officer or other persons present."[60]

1. Firearms or other deadly weapons taken in plain sight or during a consensual search

Amending the receipt for confiscated weapon: Penal Code section 12028.5, subdivision (b) requires law enforcement, on taking custody of the firearm or other deadly weapon at the scene of a domestic violence incident, to give the owner or person in possession a receipt. The receipt describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, and the date after which the owner or possessor can recover it (Pen. Code, § 12028.5, subd. (b)). The 2002 amendment requires the receipt to include information regarding "the time limit for recovery as required by this section."

Adding "the time limit for recovery as required by this section" to the information on the receipt is a new requirement. As such, the Commission finds that this is a state mandate, and a new program or higher level of service for law enforcement to make a one-time amendment to the receipt to include this information for a firearm or other deadly weapon confiscated at the scene of a domestic violence incident. (Pen. Code, § 12028.5, subd. (b), Stats. 2002, ch. 833.)).

Extending the period to make the firearm or weapon available after seizure: Subdivision (b) of section 12028.5 was amended further as follows:

> Except as provided in subdivision (f), [61] if a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm or other deadly weapon shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than ~~72 hours~~ 5 business days after the seizure. In any civil action or proceeding for the return of firearms or ammunition or other deadly weapon seized by any state or local law enforcement agency and not returned within ~~72 hours~~ 5 business days following the initial seizure, except as provided in subdivision (d), the court shall allow reasonable attorney's fees to the prevailing party.

Preexisting law (before the 2002 amendment) required making the firearm or weapon available to the owner or person in lawful possession 48 hours after seizure or as soon thereafter as possible, but no later than 72 hours after the seizure. The Commission finds that extending the period before a firearm or other deadly weapon may be made available from 72 hours to five business days does not mandate a new program or higher level of service. Although this may

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[60] Penal Code section 12028.5, subdivision (b).

[61] Subdivision (f) of section 12028.5 authorizes, within 60 days of seizure, the law enforcement agency to initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned in cases "in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat." This provision also requires notifying the owner.

result in longer storage of the firearm or weapon, the storage is at the discretion of the local agency since nothing prevents making the firearm or weapon available within the 48 hours after seizure. Therefore, the Commission finds that this amendment does not mandate a new activity on a local agency within the meaning of article XIII B, section 6.

Extending the time to initiate a petition in court to determine if weapon should be returned: Subdivision (f) was amended by Statutes 2002, chapter 833 to extend law enforcement deadlines as follows:

> In those cases ~~where~~ in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency shall advise the owner of the firearm or other deadly weapon, and within ~~30~~ 60 days of the date of seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. The law enforcement agency may make an ex parte application stating good cause for an order extending the time to file a petition. Including any extension of time granted in response to an ex parte request, a petition must be filed within ~~60~~ 90 days of the date of seizure of the firearm or other deadly weapon.

The Commission finds that the 2002 amendment increasing the time from 30 to 60 days to initiate a petition, and from 60 to 90 days if the court grants an extension to file the petition, does not mandate a new program or higher level of service because the amendment gives the local law enforcement agency *more* time than in preexisting law to initiate the petition, but does not require a new activity of a local agency.

Lowering the standard of evidence to deny returning the firearm or weapon: Subdivision (h) of section 12028.5 was amended by the test claim statute to lower the standard of proof required to prevent owners or possessors from recovering their firearms or weapons, as follows:

> If the person requests a hearing, the court clerk shall set a hearing no later than 30 days from receipt of that request. The court clerk shall notify the person, the law enforcement agency involved, and the district attorney of the date, time, and place of the hearing. Unless it is shown by ~~clear and convincing~~ a preponderance of the evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, the court shall order the return of the firearm or other deadly weapon and shall award reasonable attorney's fees to the prevailing party.

The Commission finds that the 2002 amendment does not mandate a new program or higher level of service. The amendment lowers the standard of proof from clear and convincing to a preponderance of the evidence that the local government is required to show in order to keep the firearm or weapon from being returned to the owner or person in lawful possession. This amendment does not, however, require a new activity of the local agency, or increase the level service for an existing activity. Therefore, the Commission finds that the 2002 amendment to subdivision (h) that lowers the standard of proof does not mandate a new program or higher level of service.

Petition for second hearing and attorney's fees: Subdivision (j) states (with the 2002 amendments shown) the following:

> If, at the hearing, the court does not order the return of the firearm or other deadly weapon to the owner or person who had lawful possession, that person may petition the court for a second hearing within 12 months from the date of the initial hearing. If there is a petition for a second hearing, unless it is shown by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, the court shall order the return of the firearm or other deadly weapon and shall award reasonable attorney's fees to the prevailing party. If the owner or person who had lawful possession does not petition the court within this 12-month period for a second hearing or is unsuccessful at the second hearing in gaining return of the firearm or other deadly weapon, the firearm or other deadly weapon may be disposed of as provided in Section 12028.

Although this provision in subdivision (j) does not expressly contain mandatory language, the local agency would have a duty to respond to the owner's or possessor's petition to return the firearm or weapon if the facts present themselves. Subdivision (f) of section 12028.5 requires the local agency to file the petition to prevent the return of the firearm if "a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat." This statutory duty in (f) to keep the weapon from being returned to a dangerous owner or possessor carries over to the petition for a second hearing in subdivision (j). This is consistent with the general duty of local law enforcement and district attorneys to protect the public.[62] Therefore, in cases where the firearm or weapon owner or possessor petitions for a second hearing within 12 months of the date of the initial hearing, the Commission finds that it is a state mandate for the local agency to show by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat.

As to attorney's fees, the Commission also finds that this is a mandate, since the court is required to impose them, and the local agency is required to pay them, if the local agency does not prevail in keeping the firearm or other deadly weapon from being returned to the owner or person who was in lawful possession after the second petition. Therefore, the Commission finds that paying the attorney's fees in subdivision (j) to the prevailing party is a state mandate upon order of the court.

Preexisting law (before the 2002 amendment) authorizes the owner or person in possession to petition the court a second time for return of the firearm or other deadly weapon. Preexisting law also authorizes local law enforcement to dispose of the firearm or other deadly weapon if the person does not petition the court or is unsuccessful at the second hearing in gaining the return of the firearm or other deadly weapon. Preexisting law did not, however, require a local government to show by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or

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[62] *Fagan v. Superior Court* (2003) 111 Cal.App.4th 607, 615.

threat, nor did it require the local agency to pay attorney's fees on order of the court. Therefore, if the facts so dictate, the Commission finds that these activities are a new program or higher level of service if there is a petition for a second hearing for firearms or other deadly weapons confiscated in plain sight or during a consensual search.

2. Firearms or other deadly weapons taken during "other lawful searches"

Firearm or weapon seizure: The 2002 amendment to section 12028.5 (Stats. 2002, ch. 833, § 1.5) adds the following underlined text to subdivision (b):

> [Law enforcement officers] shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present.

Sponsored by the City of Santa Rosa, the legislative history of this amendment indicates that its purpose was "to add any "lawful" search to the existing "plain sight or consensual" search required in domestic violence circumstances for the mandated seizure of firearms and weapons."[63] Adding "any lawful search" to the consensual or plain sight searches already in the statute means that firearm or weapon confiscation is now also required for searches incident to arrest, or of people the officer has legal cause to arrest,[64] or searches pursuant to a warrant, or searches based on statements of persons who do not have authority to consent but have indicated to law enforcement that a weapon is present at the scene.[65]

The Commission finds that the plain language of this subdivision mandates a law enforcement officer at a domestic violence scene involving a threat to human life or a physical assault to take temporary custody of any firearm or other deadly weapon during an "other lawful search" as necessary for the protection of the peace officer or other persons present (Pen. Code, § 12028.5, subd. (b)).

Adding "or other lawful search" to subdivision (b) also creates a new program or higher level of service by increasing the quantity of searches during which taking temporary custody of the weapon is required. Adding "other lawful search" to the statute means that firearm or weapon confiscation is now also required for searches incident to arrest, or of people the officer has legal cause to arrest,[66] or searches pursuant to a warrant, or searches based on statements of persons who do not have authority to consent but have indicated to law enforcement that a weapon is present at the scene.[67]

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[63] Senate Committee on Public Safety, Analysis of Sen. Bill No. 1807 (2001-2002 Reg. Sess.) as introduced, page 2.

[64] Penal Code section 833.

[65] Senate Committee on Public Safety, Analysis of Sen. Bill No. 1807 (2001-2002 Reg. Sess.) as introduced, page 6.

[66] Penal Code section 833.

[67] Senate Committee on Public Safety, Analysis of Sen. Bill No. 1807 (2001-2002 Reg. Sess.) as introduced, page 6.

Therefore, the Commission finds that Penal Code section 12028.5, subdivision (b), is a new program or higher level of service for law enforcement to take temporary custody of a firearm or other deadly weapon at a scene of domestic violence, as defined in section 12028.5, subdivision (a), if the firearm or weapon is confiscated during any "other lawful search."

The remainder of the analysis of section 12028.5 is limited to conditions of "other lawful searches" which, for purposes of this analysis, is defined as searches that are not plain sight or consensual.

Give receipt for confiscated weapon: The next activity in Penal Code section 12028.5, subdivision (b) is, upon taking custody of the firearm or deadly weapon at the scene of domestic violence, giving the owner or person in possession a receipt for the item. The receipt describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it (Pen. Code, § 12028.5, subd. (b)). Based on the plain language of this provision, the Commission finds that giving a receipt to the owner or person in lawful possession of the firearm or other deadly weapon, with contents as specified, is a state mandate.

Preexisting law requires, when a weapon or personal property is taken from an arrested person, giving a receipt to the person for the property taken.[68] And there is a similar requirement for arrested persons for property alleged to have been stolen or embezzled.[69] Although these statutes indicate that law enforcement officers have a longstanding duty to give a receipt to arrested persons for confiscated property, the receipt requirement for weapons taken at the scene of a domestic violence incident in the test claim statute is different in that more detail is required regarding the firearm or other deadly weapon seized.

The Commission finds that the entire content of the receipt is a new program or higher level of service for other lawful searches, because no confiscation or receipt was required for those searches under preexisting law.

Therefore, the Commission finds that, upon taking custody of the firearm or other deadly weapon at the scene of domestic violence during any other lawful search, it is a new program or higher level of service to give the owner or person in possession a receipt for the firearm or other deadly weapon. The receipt must contain a description of the firearm or deadly weapon and list any identification or serial number on the firearm, and must indicate where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b)).

Hold and make firearm or weapon available to owner: Subdivision (b) requires local law enforcement to make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but "no later than five business days" following the seizure (Pen. Code, § 12028.5, subd. (b)). Returning the firearm or weapon is not required if it is retained for use as evidence related to criminal charges as a result

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[68] Penal Code section 4003.

[69] Penal Code section 1412. This apparently refers to property, alleged to have been stolen or embezzled (see Pen. Code, § 1407).

of domestic violence incident, or it is retained because it was illegally possessed, or if the law enforcement agency files a petition to prevent returning the firearm or weapon because the agency has reasonable cause to believe the return would endanger the victim or person reporting the assault. The Commission finds that, based on the language in subdivision (b), it is a state mandate to make the firearm or other deadly weapon available to the owner or person who was in lawful possession between 48 hours and five business days after the seizure.

Preexisting law did not require holding firearms or other deadly weapons for weapons seized under section 12028.5 during other lawful searches.

The Commission finds, therefore, it is a new program or higher level of service for local law enforcement, for firearms or other deadly weapons confiscated during any other lawful search, to make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure (Pen. Code, § 12028.5, subd. (b)). This finding does not apply if the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident, or is retained because it was illegally possessed, or is retained because of a court petition filed pursuant to subdivision (f) of section 12028.5.[70]

Return stolen firearm: Subdivision (d) of section 12028.5 requires any stolen firearm or other deadly weapon to be returned to its lawful owner, as soon as its use for evidence has been served, upon proof of ownership. The Commission finds that the plain language of subdivision (d) makes this provision a state mandate to return a stolen firearm.

Preexisting law, in Penal Code sections 1407 and 1408, requires stolen property in the custody of a peace officer to be returned to its owner "on the application of the owner and on satisfactory proof of his ownership of the property." More specifically, preexisting Penal Code section 12028, subdivisions (c) and (f) require returning a stolen firearm to its owner.

Because returning a stolen firearm or weapon to its owner is a preexisting duty of law enforcement, regardless of the type of search under which it is confiscated, the Commission finds that returning a stolen firearm or other deadly weapon to its owner is not a new program or higher level of service.

Dispose of firearm or weapon: Subdivision (e) of Penal Code section 12028.5 requires:

> Any firearm or other deadly weapon taken into custody and held by ...[law enforcement] for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody, shall be considered a

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[70] Subdivision (f) of section 12028.5 authorizes, within 60 days of seizure, the law enforcement agency to initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned in cases "in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat." This provision also requires notifying the owner.

> nuisance and sold or destroyed as provided in subdivision (c) of Section 12028.[71] Firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j), are not subject to destruction until the court issues a decision, and then only if the court does not order the return of the firearm or other deadly weapon to the owner.

The Commission finds that the plain language in the first sentence of subdivision (e) makes it a state mandate to sell or destroy a firearm held for longer than 12 months as specified. The second sentence regarding firearms or weapons not recovered "due to an extended hearing process" prevent destruction of the firearm or weapon until the court issues a decision on a second petition to prevent the return of the firearm or other deadly weapon as specified in subdivision (j). Subdivision (j), as discussed below, authorizes destruction of the firearm or other deadly weapon after the petition process is complete and if the court does not order the firearm or other deadly weapon returned to the owner or person in lawful possession.

Preexisting law did not require firearms or other deadly weapons confiscated, at the scene of a domestic violence incident involving a threat to human life or a physical assault, during any other lawful search, and held for 12 months, to be sold or destroyed as provided in subdivision (c) of section 12028. Therefore, the Commission finds that this activity is a new program or higher level of service.

Advise owner and petition court: Subdivision (f) of section 12028.5 states in part:

> In those cases in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency shall advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned.

Because of the plain language of this subdivision, the Commission finds that this is a state mandate to notify the owner and petition the court as specified if the agency has reasonable cause to believe that the return of the firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat.

Preexisting law did not require notice to the owner or the initiation of a court petition in cases where a firearm or other deadly weapon was taken at the scene of a domestic violence incident during any other lawful search.

Therefore, the Commission finds that it is a new program or higher level of service, for firearms or other deadly weapons confiscated during any other lawful search, if the law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for a local law enforcement agency to advise the owner of the firearm or other deadly weapon, and

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[71] Section 12028, subdivision (c) requires specified weapons to be surrendered to law enforcement and authorizes disposal of them by sale at public auction or (in subd. (d)) by destruction.

within 60 days of the date of seizure (or 90 days if an extension is granted) to initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned.

Ex parte application: Subdivision (f) of section 12028.5 also states in part:

> The law enforcement agency may make an ex parte application stating good cause for an order extending the time to file a petition. Including any extension of time granted in response to an ex parte request, a petition must be filed within 90 days of the date of seizure of the firearm or other deadly weapon.

The Department of Finance, in comments filed August 30, 2007, argues that the language that the local agency "may make an ex parte application stating good cause for an order extending the time to file a petition" in subdivision (f) is permissive and this is therefore not a state mandate.

The Commission finds that, based on its plain language, this ex parte application provision in subdivision (f) is discretionary and not a state mandate.

Notify owner: Subdivision (g) of section 12028.5 requires the law enforcement agency to inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. The agency is also required, if the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the agency, to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g). The Commission finds that the plain language of subdivision (g) requires these activities, so the owner notification and effort to learn the owner's whereabouts, as specified, impose a state mandate.

Preexisting law did not require these activities. Therefore, the Commission finds that it is a new program or higher level of service for firearms or other deadly weapons confiscated during any other lawful search, for a law enforcement agency to inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon.

It is also a new program or higher level of service, for firearms or other deadly weapons confiscated during any other lawful search, if the owner or possessor whose firearm or other deadly weapon was seized does not reside at the last address provided to the law enforcement agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the owner or possessor and to comply with the notification requirements in subdivision (g) of section 12028.5.

Court hearing and attorney's fees: Subdivision (h) requires the court clerk, if the owner or possessor of the firearm or weapon requests a hearing, to set a hearing no later than 30 days from the receipt of the request, and requires the clerk to notify the owner or possessor, law enforcement agency, and district attorney of the date, time and place of the hearing. If the owner or possessor requests a hearing, the local agency must show by a preponderance of evidence that

the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. The court is required to award attorney's fees to the prevailing party.

Although the language in subdivision (h) for this activity is not expressly mandatory, law enforcement and district attorneys have a duty to make this showing regarding return of the firearm or weapon if the facts present themselves. Subdivision (f) of section 12028.5 requires the local agency to file the petition to prevent the return of the firearm if "a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat." If the owner requests a hearing, the duty in subdivision (f) to file the petition is extended to responding to the request for a hearing in subdivision (h). Therefore, the Commission finds that making the showing by a preponderance of the evidence regarding the return of the weapon is a state mandate.

As to awarding attorney's fees, the Commission also finds that is a mandate, since the court is required to impose them, and the local agency is required to pay them, if it does not prevail in keeping the firearm or other deadly weapon from being returned to the owner or person who was in lawful possession. Therefore, the Commission finds that paying the attorney's fees in subdivision (h) to the prevailing party is a state mandate upon order of the court.

Because this was not previously required for firearms or weapons confiscated at a scene of domestic violence during any other lawful search, the Commission also finds that this provision is a new program or higher level of service. Specifically, for firearms or other deadly weapons confiscated during any other lawful search, the Commission finds that it is a new program or higher level of service to show at a hearing by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. The Commission also finds, since it was not previously required for any other lawful search, that it is a new program or higher level of service for the local agency to pay attorney's fees to the owner or person in lawful possession if the court orders the firearm or other deadly weapon returned to the owner or person who was in lawful possession (Pen. Code, § 12028.5, subd. (h.).

Petition for default and disposal of firearm or weapon: Subdivision (i) states that if the person does not request a hearing or does not respond within 30 days of receipt of the notice, the local law enforcement agency may file a petition for an order of default and to dispose of the firearm or other deadly weapon as provided in section 12028.

The Commission finds that subdivision (i) is a state mandate to file the default petition, as an extension of the agency's duty in subdivision (f) to petition the court to not return the firearm or other deadly weapon if it "has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat."

In its August 30 comments on the draft staff analysis, Finance argues that filing a petition for an order of default is discretionary because the statute states that the local agency *may* do so, but does not require filing the petition. According to Finance, if no default petition is filed, after 12 months the weapons are disposed of pursuant to subdivision (e), which authorizes a weapon or

firearm held by law enforcement for longer than 12 months and not recovered by the owner or possessor to be sold or destroyed, as specified.

The Commission disagrees. Under subdivision (f), the law enforcement agency has already "initiat[ed] a petition in superior court to determine if the firearm or other deadly weapon should be returned." And the required notice must include, according to subdivision (g), that "failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon." Also, under subdivision (e), "firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j), are not subject to destruction until the court issues a decision." In other words, once the petition is filed, the court must make a decision regarding the firearm or weapon and it cannot simply be disposed of after 12 months. Thus, the Commission finds that subdivision (i) is a state mandate to file a petition for an order of default.

The Commission also finds that since filing a default petition was not previously required, it is a new program or higher level of service for any other lawful searches. Therefore, for firearms or other deadly weapons confiscated pursuant to any other lawful search, the Commission finds that it is a new program or higher level of service for local agencies, if the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not otherwise respond within 30 days of the receipt of the notice, to file a petition for an order of default. (Pen. Code, § 12028.5, subd. (i).)

As to disposal of the firearm or other deadly weapon, the permissive language in subdivision (i) indicates that the local agency is not required to do so. Although other statutes govern disposal of firearms or weapons (e.g., Pen. Code, §§ 12032 or 12028) the Commission finds that the test claim statute does not require a local agency to dispose of them.

Petition for second hearing, dispose of firearm or weapon, attorney's fees: Subdivision (j) authorizes the person (owner) to petition the court a second time if the court does not order the return of the firearm or other deadly weapon to the owner or person who had lawful possession. Subdivision (j) requires the court to award reasonable attorney's fees to the prevailing party.

In the analysis above of subdivision (h), the Commission found that this provision is a new program or higher level of service, if there is a petition for a second hearing, to show by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, and to pay attorney's fees to the prevailing party upon the order of the court. The same reasoning applies here.

Therefore, if there is a petition for a second hearing for firearms or other deadly weapons confiscated during any other lawful search, it is a mandated new program or higher level of service to show by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat, and to pay attorney's fees to the prevailing party upon the order of the court.

Subdivision (j) also authorizes law enforcement to dispose of the firearm or weapon if the person does not petition the court or is unsuccessful at the second hearing in gaining the return of the firearm or other deadly weapon. Because the language regarding disposal of the firearm or weapon is permissive, the Commission finds that disposing of the firearm or weapon is not a state mandate.

C. Does section 12028.5 impose costs mandated by the state?

Having discussed whether all the state mandated provisions of section 12028.5 constitute a new program or higher level of service, the final issue is whether they impose costs mandated by the state within the meaning of Government Code sections 17514 and 17556.

Claimant submitted a declaration that it will incur "costs well in excess of $1,000 during the 2002-03 fiscal year to implement" the test claim statutes.[72] Another declaration includes the time required for the alleged activities: "on average, an additional 5 minutes to inquire of the victim whether a firearm or other deadly weapon is present, an additional 30 minutes to search for and obtain the weapon; an additional 5 minutes to report the results, and, where the weapon is confiscated pursuant to Penal Code Section 12028.5, an additional 90 minutes to perform the other duties in the statute.[73]

The Commission finds, therefore, that section 12028.5 imposes costs mandated by the state within the meaning of Government Code section 17514. The Commission also finds that no exceptions to reimbursement in Government Code section 17556 apply.

All the elements having been met, the Commission finds that Penal Code section 12028.5, as amended by Statutes 2002, chapter 833, is a reimbursable state mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, for the activities listed above.

Issue 4: What is the period of reimbursement for the test claim?

The period of reimbursement for an approved test claim is the fiscal year before the fiscal year in which the claim is filed.[74] As for a test claim amendment: "The claimant may thereafter amend the test claim at any time, *but before the test claim is set for a hearing*, without affecting the original filing date as long as the amendment substantially relates to the original test claim."[75]

The original test claim, 99-TC-08, was filed May 15, 2000 (reimbursement period beginning July 1, 1998), and this test claim amendment was filed in April 2003. The test claim was set for hearing when the draft staff analysis for 99-TC-08 was issued on March 6, 2003. The claimant, however, amended the test claim in April 2003, *after* the test claim was set for a hearing. Because the amendment was not filed before the test claim was set for a hearing, as required by Government Code section 17557, subdivision (e), the period of reimbursement does not go back to the original reimbursement period of 99-TC-08. Thus, the Commission finds that the test claim amendment is deemed filed in April 2003, and claimants are eligible for reimbursement beginning July 1, 2001 (or later, depending on the effective date of the test claim statutes).

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[72] Test Claim 02-TC-18, Exhibit 8, Declaration of Bernice Abram, page 1; Exhibit 9, Declaration of Wendy Watanabe, page 1.

[73] Test Claim 02-TC-18, Exhibit 8, Declaration of Bernice Abram, page 2; Exhibit 9, Declaration of Wendy Watanabe, page 2.

[74] Government Code section 17557, subdivision (e).

[75] *Ibid.* [Emphasis added.] At the time this amendment was filed, this same provision was in Government Code section 17557, subdivision (c).

CONCLUSION

In sum, the Commission finds that effective January 1, 2002, Penal Code section 13730, subdivision (c)(3) (Stats. 2001, ch. 483) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for local agencies, on all domestic violence-related calls for assistance:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, when firearms or other deadly weapons are discovered during any other lawful search at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes but is not limited to the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (3) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene.

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, § 12028.5, subd. (b).)
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b).)
- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of section 12028.5.[76] (Pen. Code, § 12028.5, subd. (b).)

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[76] Subdivision (f) of section 12028.5 authorizes, within 60 days of seizure, the law enforcement agency to initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned in cases "in which a law enforcement agency has reasonable cause to believe

- To sell or destroy, as provided in subdivision (c) of Section 12028,[77] any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code, § 12028.5, subd. (e).)
- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code, § 12028.5, subd. (f).)
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code, § 12028.5, subd. (g).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (h).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, § 12028.5, subd. (i).)

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that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat." This provision also requires notifying the owner.

[77] Section 12028, subdivision (c) requires specified weapons to be surrendered to law enforcement and authorizes disposal of them by sale at public auction or (in subd. (d)) by destruction.

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

The Commission also finds that Family Code section 6228 (Stats. 2002, ch. 377) and Penal Code section 12028.5 (Stats. 1984, ch. 901 & Stats. 2002, ch 830)[78] are not a reimbursable state mandated program within the meaning of article XIII B, section 6 and Government Code section 17514 because they do not mandate a new program or higher level of service.

[78] Statutes 2002, chapter 833 was double joined to Statutes. 2002, chapter 830, but only chapter 833 amended section 12028.5 because it was chaptered last (Gov. Code, § 9605).

Original List Date: 4/22/2003
Last Updated: 7/7/2006
List Print Date: 10/03/2007
Claim Number: 02-TC-18
Issue: Crime Victims' Domestic Violence Incident Reports

Mailing Information: Notice of adopted SOD

Mailing List

Related Matter(s)

99-TC-08 Crime Victims' Domestic Violence Incident Reports

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

April 24, 2007, I served the:

RE: Adopted Statement of Decision
Crime Victims' Domestic Violence Incident Reports II, 02-TC-18
Family Code Section 6228;
Penal Code Sections 12028.5 and 13730;
Statutes 1984, Chapter 901; Statutes 2001, Chapter 483; Statutes 2002, Chapters 377, 230, and 833;
County of Los Angeles, Claimant

By placing a true copy thereof in an envelope addressed to:

County of Los Angeles
Mr. Leonard Kaye, Esq.
Auditor-Controller's Office
500 W. Temple Street, Room 603
Los Angeles, CA 90012

Ms. Ginny Brummels
State Controller's Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

State Agencies and Interested Parties (See attached mailing list);

and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully paid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 3, 2007 at Sacramento, California.

_____
Lorenzo Duran Jr.

Exhibit B

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

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J. TYLER McCAULEY
AUDITOR-CONTROLLER

WENDY L. WATANABE
CHIEF DEPUTY

RECEIVED
OCT 15 2007
COMMISSION ON STATE MANDATES

October 12, 2007

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Dear Ms. Higashi:

Los Angeles County
Draft Parameters and Guidelines
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

We herein file parameters and guidelines [Ps&Gs], in accordance with Government Code section 17557 and the California Code of Regulations, title 2, section 1183.1 et seq., which detail reimbursable and reasonably necessary activities in accordance with Commission's funding decision, adopted on September 27, 2007.

In addition, a 'reasonable reimbursement methodology', permitted under Government Code section 17518.5, is recommended in order to simplify the administrative claiming process and reduce costs.

Leonard Kaye, of my staff, is available at (213) 974-8564 to answer questions in this matter. Thank you.

Very truly yours,

J. Tyler McCauley

J. Tyler McCauley
Auditor-Controller

JTM:JN:LK
Enclosures

"To Enrich Lives Through Effective and Caring Service"

Los Angeles County
Parameters and Guidelines [Ps&Gs] Narrative
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

The County of Los Angeles [County] herein files parameters and guidelines [Ps&Gs], in accordance with the California Code of Regulations, title 2, section 1183.12, subdivisions (b) and (c), for the Crime Victims Domestic Violence Incident Reports II reimbursement program. These Ps&Gs address specific reimbursable activities which are reasonably necessary in performing mandatory duties and which are encompassed by the Commission on State Mandates [Commission] funding decision, adopted on September 27, 2007.

In addition, a 'reasonable reimbursement methodology', permitted under Government Code section 17518.5[1], is recommended in order to simplify the administrative claiming process and reduce costs. In the alternative, language permitting claimants to time study specified reimbursable activities is recommended[2].

Commission's Decision

Regarding responses to domestic violence-related calls for assistance, as specified in Penal Code Section 13730(c)(3), (Stats. 2001, ch. 483), the Commission found that, effective January 1, 2002, reimbursement is required, under article XIII B, section 6 of the California Constitution and Government Code section 17514, for the following new duties:

- On the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it

[1] Section 17518.5 defines a "Reasonable reimbursement methodology" as "... a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions: (1) The total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner. (2) For 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner".

[2] In this event, time study language is included in the attached Ps&Gs under section IV. Reimbursable Activities: "Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to review and audit conducted by the State Controller's Office".

necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen. Code. Sec. 13730(c)(3)).

In addition the Commission found the costs of compliance with new domestic violence-related firearm procedures, as specified in Penal Code Section Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 to be reimbursable, effective January 1, 2003, for the following duties:

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present (Pen. Code. Sec. 12028.5(b)).

- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code. Sec. 12028.5(b)).

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or 2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b)).

- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12

months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e)).

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date or seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f)).

- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code. Sec. 12028.5(g)).

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h)).

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i)).

Effective January 1, 2003, reimbursement is required for costs incurred when firearms or other deadly weapons are taken into temporary custody at the scene of

a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search in accordance with Penal Code Section 12028.5, (Stats. 2002, ch. 833), as follows:

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5 (Pen. Code, sec. 12028.5 (b)).

- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j)).

The County has developed five possible scenarios in implementing the subject law and detailed unit times and costs required to perform specific activities under each scenario[3]. The five scenarios are:

1. Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present.

2. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is released to suspect.

3. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

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[3] See the attached declaration of Suzie Ferrell, Deputy, Field Operations Support Services, Sheriff's Department, County of Los Angeles,

4. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

5. Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

Standard times and unit costs have been computed for each of the [above] five scenarios as follows:

Scenario	Standard Time [Minutes]	Unit Cost
1.	9	$ 13.95
2.	126	144.17
3.	292	411.31
4	111	111.02
5.	9	13.95

Accordingly, a 'reasonable reimbursement methodology' [RRM], permitted under Government Code section 17518.5, which simplifies the administrative claiming process and reduces costs would be based upon the protocols for the [above] five scenarios. Prior to Statewide application of the standard times and/or unit costs set forth above, it is anticipated that local and state agencies will comment on and perhaps modify the RRM presented herein.

In the event that a consensus RRM can not be reached, alternative time study language, permitting claimants to time study specified reimbursable activities has also been included, in the attached Ps&Gs under section IV. Reimbursable Activities:

> "Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to review and audit conducted by the State Controller's Office".

Finally, it should be noted that the County's computation of the one-time activity of developing an amended Receipt for [Firearm] Property is found in Schedule A of the attached declaration of Deputy Suzie Ferrell of the Los Angeles County Sheriff's Department.

The County's recommended parameters and guidelines for the Crime Victims' Domestic Violence Incident Reports II reimbursement program immediately follow this Narrative section.

Los Angeles County
Parameters and Guidelines [Ps&Gs]
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

I. SUMMARY OF THE MANDATE

On September 27, 2007 the Commission on State Mandates adopted its Statement of Decision that Penal Code Section 13730, Subdivision (c)(3) and Family Code Section 6228 constitute reimbursable state-mandated programs upon local governments within the meaning of article XIIB, section 6 of the California Constitution and Government Code section 17514.

The Commission decided that local agencies should be reimbursed for implementing certain provisions of the pertinent ['test claim'] legislation. On pages 1-4 of Commission's 'Statement of Decision', these reimbursable provisions were grouped into 11 general categories, as follows:

Effective January 1, 2002, Penal Code Section 13730, subdivision (c)(3) imposes the following reimbursable state-mandated activity:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon . (Pen Code Sec. 13730(c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are reimbursable state-mandated activities:

- To take a temporary custody of and firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, Sec. 12028.5, sub.(b).)

- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date

after which the owner or possessor can recover it. (Pen. Code, Sec. 12028.5, sub.(b).)

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or 92) if the firearm or other deadly weapon is retained because of illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b).)

- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e).)

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date or seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f).)

- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good

faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5(g).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would be endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i).)

Effective January 1, 2003, in accordance with Penal Code Section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are r reimbursable state-mandated program within the Meaning of the article XIII B, section 6 and Government Code Section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required by section 12028.5 (Pen. Code, sec. 12028.5 (b).)

- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to then owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j).)

II. ELIGIBLE CLAIMANTS

The eligible claimants are any county or city and county.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557, subdivision (c), as amended by Statutes of 1998, Chapter 681 (effective September 22, 1998), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for "Crime Victim's Domestic Violence Incident Reports II" was filed as an amendment to an earlier test claim, Crime Victims' Domestic Violence Incident Reports, 99-TC-08 by the County of Los Angeles in April 2003, establishing eligibility for fiscal year 2002-03. However, the test claim statute was not in effect on July 1, 1998. Therefore, reimbursement claims may be filed for costs incurred pursuant to Statutes of 1984, Chapter 901; Statutes of 2001, Chapter 483; Statutes of 2002, and Chapters 377, 830 and 833 on or after January 1, 2002 for the costs of including a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both whether firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon.

The costs of compliance with new domestic violence-related firearm procedures as well as the costs incurred when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident, as both specified in Penal Code Section Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 are reimbursable, effective January 1, 2003

Actual costs for one fiscal year shall be included in each claim. Estimated costs of the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of initial year's costs shall be submitted within 120 days of notification by the State Controller of the issuance of claiming instructions.

Government Code Section 17564, subdivision (a), prior to its amendment by Statutes of 2002, Chapter 1124, an urgency statute, (effective September 30, 2002)

provides that if the total costs for a given year do not exceed $200, no reimbursement shall be allowed. Section 17564, subdivision (a) as amended by Statutes of 2002, Chapter 1124, provides that if the total costs for a given year do not exceed $1,000, no reimbursement shall be allowed. Therefore, for the 2002-03 fiscal year and subsequent claims, if the total costs for a given year do not exceed $1,000, no reimbursement shall be allowed.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs incurred to implement the mandated activities. Actual costs may be traceable and supported by source documents that show the validity of such costs, when they are incurred, their relationship to the reimbursable activities. A source document is a document created at or near the time actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in-sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

In alternative, claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Officer.

Claimants may elect to use the reasonable reimbursement methodology [RRM] in claiming their costs of on-going activities as specified in section IVB. The RRM's standard times for performing five scenarios in implementing the test claim legislation are found in Schedule A attached hereto. The standard times are multiplied by productive hourly rates of those performing the scenarios. The products are then multiplied by the number of times each scenario occurs. The

resulting costs for each scenario are added and represent the total claim for on-going activities.

If claimants elect not to use the RRM, either actual costs for performing the duties as set forth in Section IVB, or a time study based on the duties as set forth in Section IVB, may be used. Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to review and audit conducted by the State Controller's Office.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following activities are eligible for reimbursement unless made optional under Government Code Section 17581.

A. One Time Activities

1. The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5 (Pen. Code sec. 12028.5(b))

B. Ongoing Activities

Effective January 1, 2002, Penal Code Section 13730, subdivision (c)(3) imposes the following reimbursable state-mandated activity:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon . (Pen Code Sec. 13730(c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are reimbursable state-mandated activities:

- To take a temporary custody of and firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, Sec. 12028.5, sub.(b).)

- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, Sec. 12028.5, sub.(b).)

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or 92) if the firearm or other deadly weapon is retained because of illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b).)

- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e).)

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date or seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f).)

- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5(g).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would be endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i).)

Effective January 1, 2003, in accordance with Penal Code Section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are r reimbursable state-mandated program within the Meaning of the article XIII B, section 6 and Government Code Section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders

the firearm or other deadly weapon returned to then owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j).)

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activity by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report

the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and invoices with the claim and a description of the contract scope of services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element V.A Salaries and Benefits, for each applicable reimbursable activity.

6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element V.A., Salaries and Benefits, and V.B., Materials and Supplies. Report the cost of consultants who

conduct the training according to the rules of cost element V.C., Contracted Services. This data, if too voluminous to be included with the claim, may be reported in a summary. However, supporting data must be maintained as described in Section VI.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include (1) the overhead costs of the unit performing the mandate or (2) the indirect costs of administering reimbursable contract(s), or (3) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the Office of Management and Budget (OMB) Circular A-87. Claimants have the option of using 10% of labor, excluding fringe benefits, or, where applicable, 10% of the amount of reimbursable contract(s), if 50% or more of all reimbursable services are provided under contract, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in OMB A-87 Attachments A and B). However unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

In calculating an ICRP, the claimant shall have the choice of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by (1) classifying a department's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A and B) shall be accomplished by (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim of actual costs filed by a local agency or school district pursuant to this chapter is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to the claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initiate payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUE AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, any Office of Criminal Justice Planning grants or other grant funding from a successor agency, service fees collected, federal funds, and other state funds, shell be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. RMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIUDELINES

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

Schedule A

Scenario #1:

Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present -

Mandated Task	Duration	Position	Cost
Inquiry of firearms	2 minutes	Deputy	$ 1.52
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Total minutes	9 minutes		
Employee Benefits			3.52
Indirect Costs			3.15
Total cost			**$13.95**

Scenario #2:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is release to suspect.

Mandated Task	Duration	Position	Cost
Inquiry of firearm	2 minutes	Deputy	$ 1.52
Retrieves firearm	5	Deputy	3.80
Renders firearm safe	2	Deputy	1.52
Booking	20	Deputy	15.20
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Enter info to DOJ/AF[4]	5	SSCII	1.90
Verify Info/store	5	LET	2.15
Court or Release update records	20	LET	8.60
Prepare to transfer to CP&E[5]	5	LET	2.15
Verify info upon receipt of firearm	5	EPCIII	2.15
Storing of firearms	5	EPCIII	2.15
Enter info to data base/file docs	5	ITC	1.60
Verify Court/relse to owner update rec.	10	EPCIII	4.30
Update evidence data base & DOJ/AFS	10	EPCIII	4.30
Release of firearm	15	Deputy B1	12.30
Lt's review & sig. for release of firearm	5	Lieutenant	5.85

Scenario #2 continued:

Total minutes	126 minutes	$ 75.25
	Employee Benefits	36.40
	Overhead	32.52
	Total cost	**$ 144.17**

Scenario #3:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Mandated Task	Duration	Position	Cost	
Inquiry of firearms	2 minutes	Deputy	$ 1.52	
Retrieves firearm	5	Deputy	3.80	
Renders firearm safe	2	Deputy	1.52	
Booking	20	Deputy	15.20	
Document inquiry on incident report	5	Deputy	3.80	
Incident report approved	2	Sergeant	1.96	
Enter info to DOJ/AFS	5	SSCII[6]	1.90	
Verify Info/store	5	LET	2.15	
Court or Release update Records	20	LET	8.60	
Prepare to transfer to CP&E	5	LET		2.15
Verify info upon receipt of firearm	5	EPCIII		2.15
Storing of firearms	5	EPCIII		2.15
Enter info to data base/file Docs	5	ITC		1.60
Prepare petition for retention of firearm	15	Deputy B1	12.30	
Notification to suspect of petition for retention of firearm	10	SSCII		3.80
Subtotals	111 minutes			$ 64.60

Add for Release of firearm:

Verify Court/release to owner Update records	10	EPCIII	4.30
Update evidence data base and DOJ/AFS	10	EPCIII	4.30
Release of firearm	15	Deputy B1	12.30
Lt's review and sign for release of firearm	5	Lieutenant	5.85
Subtotals	40 minutes		$ 26.75

Add for destruction of firearm:			
Input & file the property card	5	ITC	1.60
Make disposal authorization	5	SEPC	2.40
Mail disposal authorization	5	ITC	1.60
Make determination if firearm is ready to dispose	2	SEPC	.96
Retrieve the property card and attach disposal authorization	5	ITC	1.60
Destroy/crush firearm	3	EPCIII	1.29
Update computer re destruction and file property card	5	ITC	1.60
			$ 11.05

Total Minutes for Release	151 minutes	$ 91.35
Add for destruction of firearm:		
Employee Benefits		44.19
Overhead		39.48
Sub-Total Cost		$ 175.02
Total Minutes for Destruction	141 minutes	$ 75.65
Employee Benefits		36.59
Overhead		32.70
Sub-Total Cost		$ 144.94
Grand Total Cost		$ 319.96

Scenario #4:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Mandated Task	Duration	Position	Cost	
Inquiry of firearms	2 minutes	Deputy	1.52	
Retrieves firearm	5	Deputy	3.80	
Renders firearm safe	2	Deputy	1.52	
Booking	20	Deputy	15.20	
Document inquiry on incident report	5	Deputy	3.80	
Incident report approved	2	Sergeant	1.96	
Enter info to DOJ/AFS	5	SSCII		1.90
Verify Info/store	5	LET		2.15
Court or Release update Records	20	LET	8.60	
Prepare to transfer to CP&E	5	LET		2.15
Verify info upon receipt of firearm	5	EPCIII		2.15
Storing of firearms	5	EPCIII		2.15
Input & file the property Card	5	ITC		1.60
Make disposal authorization	5	SEPC		2.40
Mail disposal authorization	5	TC		1.60
Make determination if firearm is				
Retrieve the property card and attach disposal authorization	5	ITC	1.60	
Destroy/crush firearm	3	EPCIII		1.29
Update computer re destruction and file property card	5	ITC	1.60	
Total Minutes 111 minutes			$	57.95
Employee Benefits				28.03
Overhead				25.04
	Total Cost		**$**	**111.02**

Scenario #5:

Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

Mandated Task	Duration	Position	Cost
Inquiry of firearms	2 minutes	Deputy	$ 1.52
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Total minutes	9 minutes		

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
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J. TYLER McCAULEY
AUDITOR-CONTROLLER

WENDY L. WATANABE
CHIEF DEPUTY

Los Angeles County
Parameters and Guidelines [Ps&Gs]
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I Leonard Kaye, SB 90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims, reviews of State agency comments, Commission staff analysis, and for proposing parameters and guidelines (P's& G's) and amendments thereto, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the subject parameters and guidelines.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs as set forth in the subject test claim, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

> " ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

10/12/07, Los Angeles, CA — Leonard Kaye

Date and Place — Signature

Los Angeles County
Draft Parameters and Guidelines
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

Declaration of Suzie Ferrell

Suzie Ferrell makes the following declaration and statement under oath:

I, Suzie Ferrell, Deputy, Field Operations Support Services, Sheriff's Department, County of Los Angeles, am responsible for developing and implementing methods and procedures to comply with new State-mandated requirements in responding to and reporting domestic violence incidents, including requirements imposed under the subject law.

I declare that, effective January 1, 2002, in accordance with Penal Code Section 13730(c)(3), (Stats. 2001, ch. 483), the Sheriff's Department is required to include the following information on all domestic violence-related calls for assistance:

- On the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen. Code. Sec. 13730(c)(3).)

I declare that, effective January 1, 2003, in accordance with Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 has created new duties for the Sheriff's Department as follows:

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present (Pen. Code. Sec. 12028.5(b).)

- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code. Sec. 12028.5(b).)

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or 2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b).)

- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e).)

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date or seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f).)

- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code. Sec. 12028.5(g).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court

orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i).)

I declare that, effective January 1, 2003, in accordance with Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 has created new duties for the Sheriff's Department when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search, as follows:

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5 (Pen. Code, sec. 12028.5 (b).)

- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j).)

I declare that it is my information and belief that there are four scenarios when the Sheriff responds to and reports domestic violence incidents pursuant to the subject law:

1. Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present.

2. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is release to suspect.

3. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

4. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

5. Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

I declare that I have prepared the attached Schedule A which details the time, and cost incurred, to perform tasks reasonably necessary in complying with the subject law under each of the [above] five scenarios and the one-time activity of developing an amended Receipt for [Firearm] Property.

It is my information or belief that the time and cost information reported on Schedule A is representative of Los Angeles County's efforts in implementing the subject law.

It is my information or belief that the time and cost information reported on Schedule A to implement the subject law, may be revised, after input from other jurisdictions and further analysis, to represent the time and cost of other jurisdictions throughout the State.

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and to those matters, I believe them to be true.

10/12/07 @ Monterey Park, CA.
Date and Place

Signature

Schedule A

Scenario #1:

Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present -

Mandated Task	Duration	Position	Cost
Inquiry of firearms	2 minutes	Deputy	$ 1.52
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Total minutes	9 minutes		
Employee Benefits			3.52
Indirect Costs			3.15
Total cost			**$13.95**

Scenario #2:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is release to suspect.

Mandated Task	Duration	Position	Cost
Inquiry of firearm	2 minutes	Deputy	$ 1.52
Retrieves firearm	5	Deputy	3.80
Renders firearm safe	2	Deputy	1.52
Booking	20	Deputy	15.20
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Enter info to DOJ/AF[1]	5	SSCII	1.90
Verify Info/store	5	LET	2.15
Court or Release update records	20	LET	8.60
Prepare to transfer to CP&E[2]	5	LET	2.15
Verify info upon receipt of firearm	5	EPCIII	2.15
Storing of firearms	5	EPCIII	2.15
Enter info to data base/file docs	5	ITC	1.60
Verify Court/relse to owner update rec.	10	EPCIII	4.30
Update evidence data base & DOJ/AFS	10	EPCIII	4.30
Release of firearm	15	Deputy B1	12.30
Lt's review & sig. for release of firearm	5	Lieutenant	5.85

Scenario #2 continued:

Total minutes	126 minutes	$ 75.25
	Employee Benefits	36.40
	Overhead	32.52
	Total cost	**$ 144.17**

Scenario #3:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Mandated Task	Duration	Position	Cost	
Inquiry of firearms	2 minutes	Deputy	$ 1.52	
Retrieves firearm	5	Deputy	3.80	
Renders firearm safe	2	Deputy	1.52	
Booking	20	Deputy	15.20	
Document inquiry on incident report	5	Deputy	3.80	
Incident report approved	2	Sergeant	1.96	
Enter info to DOJ/AFS	5	SSCII[3]	1.90	
Verify Info/store	5	LET	2.15	
Court or Release update Records	20	LET	8.60	
Prepare to transfer to CP&E	5	LET		2.15
Verify info upon receipt of firearm	5	EPCIII		2.15
Storing of firearms	5	EPCIII		2.15
Enter info to data base/file Docs	5	ITC		1.60
Prepare petition for retention of firearm	15	Deputy B1	12.30	
Notification to suspect of petition for retention of firearm	10	SSCII		3.80
Subtotals	111 minutes			$ 64.60

Add for Release of firearm:

Verify Court/release to owner			
Update records	10	EPCIII	4.30
Update evidence data base and DOJ/AFS	10	EPCIII	4.30
Release of firearm	15	Deputy B1	12.30
Lt's review and sign for release of firearm	5	Lieutenant	5.85
Subtotals	40 minutes		$ 26.75

Add for destruction of firearm:			
Input & file the property card	5	ITC	1.60
Make disposal authorization	5	SEPC	2.40
Mail disposal authorization	5	ITC	1.60
Make determination if firearm is ready to dispose	2	SEPC	.96
Retrieve the property card and attach disposal authorization	5	ITC	1.60
Destroy/crush firearm	3	EPCIII	1.29
Update computer re destruction and file property card	5	ITC	1.60
			$ 11.05

Total Minutes for Release	151 minutes	$ 91.35
Add for destruction of firearm:		
Employee Benefits		44.19
Overhead		39.48
Sub-Total Cost		$ 175.02
Total Minutes for Destruction	141 minutes	$ 75.65
Employee Benefits		36.59
Overhead		32.70
Sub-Total Cost		$ 144.94
Grand Total Cost		$ 319.96

Scenario #4:

Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Mandated Task	Duration	Position	Cost	
Inquiry of firearms	2 minutes	Deputy	1.52	
Retrieves firearm	5	Deputy	3.80	
Renders firearm safe	2	Deputy	1.52	
Booking	20	Deputy	15.20	
Document inquiry on incident report	5	Deputy	3.80	
Incident report approved	2	Sergeant	1.96	
Enter info to DOJ/AFS	5	SSCII		1.90
Verify Info/store	5	LET		2.15
Court or Release update Records	20	LET	8.60	
Prepare to transfer to CP&E	5	LET		2.15
Verify info upon receipt of firearm	5	EPCIII		2.15
Storing of firearms	5	EPCIII		2.15
Input & file the property Card	5	ITC		1.60
Make disposal authorization	5	SEPC		2.40
Mail disposal authorization	5	TC		1.60
Make determination if firearm is				
Retrieve the property card and attach disposal authorization	5	ITC	1.60	
Destroy/crush firearm	3	EPCIII		1.29
Update computer re destruction and file property card	5	ITC	1.60	
Total Minutes 111 minutes			$	57.95
Employee Benefits				28.03
Overhead				25.04
Total Cost			**$**	**111.02**

Scenario #5:

Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

Mandated Task	Duration	Position	Cost
Inquiry of firearms	2 minutes	Deputy	$ 1.52
Document inquiry on incident report	5	Deputy	3.80
Incident report approved	2	Sergeant	1.96
Total minutes	9 minutes		

Employee Benefits	3.52
Indirect Costs	3.15
Total cost	**$13.95**

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Mandated Task	Duration	Position	Cost
Amend receipt	240 minutes	Deputy	182.40
Approve receipt	30	Sergeant	29.40
Approve receipt	30	Lieutenant	35.10
Convert receipt to OMNI[4]	120	SIT[5]	$ 55.20

Total Minutes 420 minutes	$302.10
Employee Benefits	146.13
Overhead	130.57
Sub-Total Cost	**$ 578.80**
Salary	$ 609.58
Employee Benefits	294.85
Overhead	263.46
Sub-Total Cost	**$ 1,167.89**
Gran-Total Cost	**$ 1,746.69**

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Post-it® Fax Note 7671	Date 10/12/07	# of pages ▸ 37
To Paula Higashi	From Leonard Kaye	
Co./Dept. CSM	Co.	
Phone #	Phone # 213-974-8564	
Fax # 916-445-0278	Fax #	

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

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J. TYLER McCAULEY
AUDITOR-CONTROLLER

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Liane Tiet states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 12th day of October 2007, I served the attached:

Documents: Los Angeles County, Draft Parameters and Guidelines, Crime Victims' Domestic Violence Incident Reports II [02-TC-18], including *a 1 page letter of J. Tyler McCauley dated 10/12/07, a 24 page narrative, a 1 page declaration of Leonard Kaye ,and 9 page declaration of Suzie Ferrell now* pending before the Commission on State Mandates.

upon all Interested Parties listed on the attachment hereto and by

[X] by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. Commission on State Mandates FAX as well as mail of originals.

[ ] by placing [ ] true copies [ ] original thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.

[X] by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.

[ ] by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

PLEASE SEE ATTACHED MAILING LIST

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of October, 2007, at Los Angeles, California.

Liane Tiet

Liane Tiet

EXHIBIT C

DEPARTMENT OF FINANCE
OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEGGER, GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

November 9, 2007

RECEIVED
NOV 14 2007
COMMISSION ON
STATE MANDATES

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Higashi:

As requested in your letter of October 25, 2007, the Department of Finance (Finance) has reviewed the proposed parameters and guidelines submitted by Los Angeles County (claimant) for Test Claim No. CSM-02-TC-18 "Crime Victims' Domestic Violence Incident Reports II."

Finance opposes the parameters and guidelines as submitted by claimant because they go beyond the scope of the statute imposing a reimbursable mandate. The portion of Penal Code Section 12028.5 that imposes a reimbursable mandate requires a law enforcement officer who is at the scene of a domestic violence incident involving a threat to human life or a physical assault, to take temporary custody of any firearm or other deadly weapon discovered pursuant to "other lawful searches."

The claimant's parameters and guidelines proposed a unit cost per time spent by specified classifications as a method to reimburse for activities completed under five scenarios; however, some activities appeared to be internal department procedures not related to the mandate. The proposed activities should reference tasks involving the additional notation and the firearm or deadly weapon taken at the domestic violence scene, if discovered pursuant to other lawful searches. Finance recommends changes to the proposed parameters and guidelines on page 7 as follows:

> Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, Ch. 833) the Commission finds that the activities listed below are reimbursable state-mandated activities *when firearms or other deadly weapons are discovered during any other lawful search at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes, but is not limited to, the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (2) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene. Plain sight and consensual searches are not "other lawful searches."*

The claimant also recommended a reimbursement methodology based on a standard time and unit cost for each scenario. Finance finds that these unit costs are not supported with sufficient data to be a reasonable reimbursement methodology for all eligible claimants. The data lacks number of cases petitioned in court, costs of private attorneys' fees, and supporting information from other agencies.

Further, Finance would consider that an average unit cost be presented for domestic violence calls involving weapons pursuant to other lawful searches, but actual costs should be used for the one-time activity and reimbursement for attorney's fees. If a reasonable reimbursement rate for a domestic violence call cannot be reached, then Finance would recommend that reimbursement for this claim be based on actual costs. Finance shall review submitted claims on an on-going basis and, in the interest of streamlining the claims process, may coordinate with the test claimant in the development of a reasonable reimbursement methodology.

As required by the Commission's regulations, a "Proof of Service" has been enclosed indicating that the parties included on the mailing list which accompanied your October 25, 2007 letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact Carla Castañeda, Principal Program Budget Analyst at (916) 445-3274, extension 3090.

Sincerely,

Diana L. Ducay
Program Budget Manager

Enclosure

Enclosure A

DECLARATION OF CARLA CASTANEDA
DEPARTMENT OF FINANCE
CLAIM NO. CSM-02-TC-18

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

January 9, 2007
at Sacramento, CA

Carla Castañeda

PROOF OF SERVICE

Test Claim Name: Crime Victims' Domestic Violence Incident Reports II
Test Claim Number: CSM-02-TC-18

I, the undersigned, declare as follows:
I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 12th Floor, Sacramento, CA 95814.

On November 9, 2007, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 12th Floor, for Interagency Mail Service, addressed as follows:

A-16
Ms. Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Facsimile No. 445-0278

Mr. Allan Burdick
MAXIMUS
4320 Auburn Boulevard, Suite 2000
Sacramento, CA 95841

A-15
Ms. Carla Castaneda
Department of Finance
915 L Street, 12th Floor
Sacramento, CA 95814

Ms. Julia F. Gmur
MAXIMUS
2380 Houston Avenue
Clovis, CA 93611

Mr. Steve Shields
Shields Consulting Group, Inc.
1536 36th Street
Sacramento, CA 95816

B-08
Mr. Jim Spano
State Controller's Office
Division of Audits
300 Capitol Mall, Suite 518
Sacramento, CA 95814

B-08
Ms. Ginny Brummels
State Controller's Office
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Mr. J. Bradley Burgess
Public Resource Management Group
1380 Lead Hill Boulevard, Suite 106
Roseville, CA 95661

Mr. Glen Everroad
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92659

Ms. Beth Hunter
Centration, Inc.
8316 Red Oak Street, Suite 101
Rancho Cucamonga, CA 91730

Mr. Mark Sigman
Riverside County Sheriff's Office
4095 Lemon Street
P.O. Box 512
Riverside, CA 92502

Ms. Bonnie Ter Keurst
County of San Bernardino
Office of the Auditor/Controller/Recorder
222 West Hospitality Lane
San Bernardino, CA 92415

Mr. David Wellhouse
Wellhouse and Associates
9175 Kiefer Boulevard, Suite 121
Sacramento, CA 95826

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 9, 2007, at Sacramento, California.

Kelly Montelongo

Kelly Montelongo

September 23, 2009

Mr. Leonard Kaye
County of Los Angeles
Auditor, Controller's Office
500 W. Temple Street, Room 603
Los Angeles, CA 90012

And Interested Parties and Affected State Agencies (See Enclosed Mailing List)

RE: Draft Staff Analysis, Draft Proposed Parameters and Guidelines, and Hearing Date
Crime Victims' Domestic Violence Incident Reports II, 02-TC-18
Penal Code Sections 13730; Subdivision c)(3); 12028.5
Statutes 2001, Chapter 483; Statutes 2002, Chapters 833
County of Los Angeles, Claimant

Dear Mr. Kaye:

The draft staff analysis and draft proposed parameters and guidelines for this matter are enclosed for your review and comment.

Written Comments

Any party or interested person may file written comments on the draft staff analysis by Wednesday, **October 14, 2009**. You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. (Cal. Code Regs., tit. 2, § 1181.2.) If you would like to request an extension of time to file comments, please refer to section 1183.01, subdivision (c)(1), of the Commission's regulations.

Hearing

This test claim is set for hearing on **Friday, October 30, 2009**, at 9:30 a.m. in Room 447, State Capitol, Sacramento, CA. The final staff analysis will be issued on or about October 19, 2009. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01, subdivision (c)(2), of the Commission's regulations.

Please contact Camille Shelton at (916) 323-8215if you have any questions.

Sincerely,

PAULA HIGASHI
Executive Director

Enclosures

Hearing: October 30, 2009
j:mandates/2002/02tc18/psgs/dsa

ITEM __

DRAFT STAFF ANALYSIS

PROPOSED PARAMETERS AND GUIDELINES

Penal Code Sections 13730, Subdivision (c)(3), 12028.5;

Statutes 2001, Chapter 483, Statutes 2002, Chapter 833

Crime Victims' Domestic Violence Incident Reports II

02-TC-18

County of Los Angeles, Claimant

EXECUTIVE SUMMARY

Background

This test claim addresses Penal Code sections 13730 and 12028.5, which require additional information on the domestic violence incident report form regarding the presence of firearms or weapons at the scene. The statute also requires officers "at the scene of a domestic violence incident involving a threat to human life or a physical assault" to take temporary custody of firearms or weapons in plain sight or discovered pursuant to a consensual or other lawful search, and provides a procedure for return or disposal of the weapon.

Analysis

The claimant submitted draft parameters and guidelines, proposing a reasonable reimbursement methodology (RRM) pursuant to Government Code section 17518.5 based on five factual scenarios. (See Schedule A to claimant's proposed parameters and guidelines.) Under each scenario, the claimant proposes unit times and costs to perform "mandated tasks." The "mandated tasks" include the activities found by the Commission to be state-mandated and activities the claimant contends are the most reasonable methods of complying with the mandated activities pursuant to section 1183.1 of the Commission's regulations.

The Department of Finance opposes the proposed RRM.

Staff finds that the proposed RRM does not satisfy the requirements of Government Code section 17518.5, is based on activities that go beyond the scope of the mandate, and is not supported by evidence in the record that the proposed activities are necessary to carry out the mandated program as required by section 1183.1 of the Commission's regulations.

Staff recommends that the Commission adopt the attached draft proposed parameters and guidelines that contain the mandated activities identified in the Statement of Decision that can be claimed based on actual costs. Language is included in Section IV of the

parameters and guidelines to allow claimants to use time studies to support salary and benefit costs when the activity is task-repetitive as follows:

> Claimants may use time studies to support salary and benefit costs when the activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office.

This time study language has been recently adopted by the Commission in other parameters and guidelines.

Conclusion

Staff recommends that the Commission adopt the draft proposed parameters and guidelines, beginning on page 15.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

STAFF ANALYSIS

Claimant

County of Los Angeles

Chronology

09/27/07	Statement of Decision adopted
10/18/07	Claimant submits draft parameters and guidelines
10/25/07	Claimant's draft parameters and guidelines issued for comment
11/14/07	Department of Finance files comments on claimant's draft parameters and guidelines

Background

This test claim addresses Penal Code statutes that require additional information on the domestic violence incident report form regarding the presence of firearms or weapons at the scene. The statute also requires officers "at the scene of a domestic violence incident involving a threat to human life or a physical assault" to take temporary custody of firearms or weapons in plain sight or discovered pursuant to a consensual or other lawful search, and provides a procedure for return or disposal of the weapon. The Commission approved the test claim as follows:

> Effective January 1, 2002, Penal Code section 13730, subdivision (c)(3) (Stats. 2001, ch. 483) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for local agencies, on all domestic violence-related calls for assistance:
>
> - To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3).
>
> Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, when firearms or other deadly weapons are discovered during any other lawful search at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes but is not limited to the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (2) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene.

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, § 12028.5, subd. (b).)
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b).)
- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code, § 12028.5, subd. (e).)
- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code, § 12028.5, subd. (f).)
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the

whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code, § 12028.5, subd. (g).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (h).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, § 12028.5, subd. (i).)

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

The claimant submitted draft parameters and guidelines, with the activities listed above as reimbursable activities. The claimant also proposed a reasonable reimbursement methodology (RRM) pursuant to Government Code section 17518.5 with proposed unit times and costs for the activities required by Penal Code sections 13730, subdivision (c)(3), and 12028.5. The proposed RRM includes activities that the claimant contends are activities that are reasonably necessary to comply with the mandated activities. The claimant's proposal is described below.

Claimant's Position

The claimant is proposing an RRM for this program and has developed the RRM based on five scenarios. (See Schedule A of the claimant's proposed parameters and guidelines, and Declaration of Deputy Suzie Ferrell, Field Operations Support Services, Los Angeles County Sheriff's Department.) Under each scenario, the claimant proposes unit times and costs based on "mandated tasks," which include the activities found by the Commission to be state-mandated and those the claimant contends are the most reasonable methods of complying with the mandated activities pursuant to section 1183.1 of the Commission's regulations. The five scenarios, the requested activities, and the proposed unit times and costs are provided below:

1. Scenario – the deputy asks the victim, the suspect, or the witness if firearms are present and no firearms are present.

Mandated Task	Duration	Position	Cost
Inquiry of firearms	2 minutes	Deputy	$1.52
Document inquiry on incident report	5 minutes	Deputy	$3.80
Incident report approved	2 minutes	Sergeant	$1.96
Total minutes:	**9 minutes**		$7.28
Employee Benefits			$3.52
Indirect Costs			$3.15
Total Costs:			**$13.95**

2. Scenario – Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is released to the suspect.

Mandated Task	Duration	Position	Cost
Inquiry of firearms	2 minutes	Deputy	$1.52
Retrieves firearm	5 minutes	Deputy	$3.80
Renders firearm safe	2 minutes	Deputy	$1.52
Booking	20 minutes	Deputy	$15.20
Document inquiry on incident report	5 minutes	Deputy	$3.80
Incident report approved	2 minutes	Sergeant	$1.96
Enter info to DOJ/AFS	5 minutes	SSCII	$1.90
Verify Info/store	5 minutes	LET	$2.15
Court or Release update records	20 minutes	LET	$8.60

Prepare to transfer to CP&E	5 minutes	LET	$2.15
Verify info upon receipt of firearm	5 minutes	EPCIII	$2.15
Storing firearms	5 minutes	EPCIII	$2.15
Enter info to database/file docs	5 minutes	ITC	$1.60
Verify court/release to owner update rec.	10 minutes	EPCIII	$4.30
Update evidence database & DOJ/AFS	10 minutes	EPCIII	$4.30
Release firearm	15 minutes	Deputy B1	$12.30
Lts. Review and signature for release of firearm	5 minutes	Lieutenant	$5.85
Total minutes:	**126 minutes**		$75.25
Employee Benefits			$36.40
Indirect Costs			$32.52
Total Costs:			**$144.17**

3. Scenario - Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Mandated Task	**Duration**	**Position**	**Cost**
Inquiry of firearms	2 minutes	Deputy	$1.52
Retrieves firearm	5 minutes	Deputy	$3.80
Renders firearm safe	2 minutes	Deputy	$1.52
Booking	20 minutes	Deputy	$15.20
Document inquiry on incident report	5 minutes	Deputy	$3.80
Incident report approved	2 minutes	Sergeant	$1.96
Enter info to DOJ/AFS	5 minutes	SSCII	$1.90
Verify Info/store	5 minutes	LET	$2.15
Court or Release update records	20 minutes	LET	$8.60
Prepare to transfer to CP&E	5 minutes	LET	$2.15

Verify info upon receipt of firearm	5 minutes	EPCIII	$2.15
Storing firearms	5 minutes	EPCIII	$2.15
Enter info to database/file docs	5 minutes	ITC	$1.60
Prepare petition for retention of firearm	15 minutes	Deputy B1	$12.30
Notification to suspect of petition for retention of firearm	10	SSCII	$3.80
Subtotal	**111 minutes**		**$64.60**
Add for Release of Firearm:			
Verify court/release to owner update rec.	10 minutes	EPCIII	$4.30
Update evidence database & DOJ/AFS	10 minutes	EPCIII	$4.30
Release firearm	15 minutes	Deputy B1	$12.30
Lts. Review and signature for release of firearm	5 minutes	Lieutenant	$5.85
Subtotal for Release of Firearm	**40 minutes**		**$26.75**
Add for destruction of firearm:			
Input and file the property card	5 minutes	ITC	$1.60
Make disposal authorization	5 minutes	SEPC	$2.40
Mail disposal authorization	5 minutes	ITC	$1.60
Make determination if firearm is ready to dispose	2 minutes	SEPC	$ .96
Retrieve the property card and attach disposal authorization	5 minutes	ITC	$1.60
Destroy/crush firearm	3 minutes	EPCIII	$1.29
Update computer regarding destruction and file property card	5 minutes	ITC	$1.60
			$11.05

Total minutes for release	**151 minutes**		**$91.35**
Add for destruction of firearm:			
Employee Benefits			$44.19
Overhead			$39.48
Subtotal Cost			**$175.02**
Total minutes for destruction	**141 minutes**		$75.65
Employee Benefits			$36.59
Overhead			$32.70
Subtotal Cost			**$144.94**
Grand Total Cost			**$319.96**

4. Scenario - Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request return of the firearm and the firearm is destroyed.

Mandated Task	**Duration**	**Position**	**Cost**
Inquiry of firearms	2 minutes	Deputy	$1.52
Retrieves firearm	5 minutes	Deputy	$3.80
Renders firearm safe	2 minutes	Deputy	$1.52
Booking	20 minutes	Deputy	$15.20
Document inquiry on incident report	5 minutes	Deputy	$3.80
Incident report approved	2 minutes	Sergeant	$1.96
Enter info to DOJ/AFS	5 minutes	SSCII	$1.90
Verify Info/store	5 minutes	LET	$2.15
Court or Release update records	20 minutes	LET	$8.60
Prepare to transfer to CP&E	5 minutes	LET	$2.15
Verify info upon receipt of firearm	5 minutes	EPCIII	$2.15
Storing firearms	5 minutes	EPCIII	$2.15
Input and file the property card	5 minutes	ITC	$1.60

Make disposal authorization	5 minutes	SEPC	$2.40
Mail disposal authorization	5 minutes	ITC	$1.60
Make determination if firearm is ready to dispose	2 minutes	SEPC	$ .96
Retrieve the property card and attach disposal authorization	5 minutes	ITC	$1.60
Destroy/crush firearm	3 minutes	EPCIII	$1.29
Update computer regarding destruction and file property card	5 minutes	ITC	$1.60
Total Minutes	**111 minutes**		**$57.95**
Employee Benefits			$28.03
Overhead			$25.04
Total Cost			**$111.02**

5. - Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

Mandated Task	**Duration**	**Position**	**Cost**
Inquiry of firearms	2 minutes	Deputy	$1.52
Document inquiry on incident report	5 minutes	Deputy	$3.80
Incident report approved	2 minutes	Sergeant	$1.96
Total minutes:	**9 minutes**		$7.28
Employee Benefits			$3.52
Indirect Costs			$3.15
Total Costs:			**$13.95**

The claimant also proposes the following RRM for the one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)

Mandated Task	**Duration**	**Position**	**Cost**
Amend receipt	240 minutes	Deputy	$182.40
Approve receipt	30 minutes	Sergeant	$29.40

Approve receipt	30 minutes	Lieutenant	$35.10
Convert receipt to OMNI	120 minutes	SIT	$55.20
Total Minutes	**420 minutes**		**$302.10**
Employee Benefits			$146.13
Overhead			$130.57
Subtotal Cost			**$578.80**
Salary			$609.58
Employee Benefits			$294.85
Overhead			$263.46
Subtotal Cost			**$1,167.89**
Grand Total Cost			**$1,746.69**

In the event a consensus RRM cannot be reached, the claimant proposes alternative time study language permitting claimants to time study the reimbursable activities.

Position of the Department of Finance

The Department of Finance opposes the RRM proposed by the claimant on the ground that the proposed activities go beyond the scope of the mandate. Finance further argues that the unit costs are not supported with sufficient data to be an RRM for all eligible claimants. Finance states that "[t]he data lacks the number of cases petitioned in court, costs of private attorney's fees, and supporting information from other agencies." Finance further states that it would consider an RRM for the domestic violence calls involving weapons, but actual costs should be used for the one-time activity of amending the weapons receipt. Finally, Finance states that it will "review submitted claims on an on-going basis and, in the interest of streamlining the claims process, may coordinate with the test claimant in the development of a reasonable reimbursement methodology."

Discussion

Staff reviewed the claimant's proposed parameters and guidelines and the comments received. The issues in dispute involve the scope of the reimbursable activities and whether the Commission should adopt claimant's proposed RRM for claiming costs pursuant to Government Code section 17518.5. As described below, staff finds that the proposed RRM does not satisfy the requirements of Government Code section 17518.5 and includes activities that go beyond the scope of the mandate. Thus, staff recommends that the Commission not adopt claimant's proposed language.

Reimbursable Activities and Proposed RRM

Section IV of the claimant's proposed parameters and guidelines identifies the activities listed in the Statement of Decision as reimbursable, state-mandated activities. The claimant also proposed a reasonable reimbursement methodology (RRM) pursuant to

Government Code section 17518.5 based on five factual scenarios. (See Schedule A to claimant's proposed parameters and guidelines.) Under each scenario, the claimant proposes unit times and costs to perform "mandated tasks." The "mandated tasks" include the activities found by the Commission to be state-mandated and activities the claimant contends are the most reasonable methods of complying with the mandated activities pursuant to section 1183.1 of the Commission's regulations.

Government Code section 17557, subdivision (b), states that the Commission may adopt an RRM when adopting parameters and guidelines. Government Code section 17518.5, as amended by AB 1222 (Stats. 2007, ch. 329, eff. Jan. 1, 2008), defines an RRM to "mean a formula for reimbursing local agencies and school districts for costs mandated by the state ..." It requires that two elements be shown: (1) that the methodology considers the variation of costs among local agencies and school districts to implement the mandate, and (2) that the methodology reimburses local agencies or school districts for implementing the mandate in a "cost-efficient manner." (Gov. Code, § 17518.5, subd. (c).) The Commission's regulations, section 1183.13, subdivision (d), states that proposed reasonable reimbursement methodologies "shall include any documentation or assumption relied upon to develop the methodology."

Further, section 1183.1 of the Commission's regulations describes the content of parameters and guidelines. Pursuant to section 1183.1, subdivision (a)(4), the reimbursable activities shall consist of the activities approved by the Commission in the Statement of Decision as reimbursable state-mandated activities, and activities found to constitute the most reasonable methods of complying with the mandate. "The most reasonable methods of complying with the mandate" are those methods not specified in statute that are necessary to carry out the mandated program.

Staff finds that the proposed RRM does not satisfy the requirements of Government Code section 17518.5, is based on activities that go beyond the scope of the mandate, and is not supported by evidence in the record that the proposed activities are necessary to carry out the mandated program.

First, the claimant has submitted a Declaration from Deputy Ferrell to support the unit times and costs for the County of Los Angeles in the proposed RRM. However, there is no evidence in the record that the proposed RRM considers the variation of costs among local agencies to implement the mandate, and that the RRM reimburses local agencies for implementing the mandate in a "cost-efficient manner," as required by Government Code section 17518.5.

Moreover, several activities listed under the proposed scenarios supporting the unit times and costs go beyond the scope of the mandate and the Commission's Statement of Decision. For example, the claimant identifies "Booking" as a reimbursable activity in Scenarios 2, 3, and 4, and attaches 20 minutes to that activity. Activities involving the arrest and booking of a suspect are not mandated by the state. Arrest and booking

decisions are made at the local level and are, thus, not reimbursable.[1] The mandated program is limited to including information on the domestic violence incident report form regarding the presence of firearms or weapons at the scene, and taking temporary custody of firearms or weapons in plain sight or discovered pursuant to a consensual or other lawful search during a domestic violence incident, and the procedure for the return or disposal of the weapon.

Under claimant's Scenarios 2, 3, 4, and 5, firearms or other deadly weapons are present, seized, and either the firearm or weapon is released to the owner, held pending a court petition, or destroyed. The activities requested in these scenarios are overly broad and go beyond the scope of the mandate. The Commission, on pages 27-33 of the Statement of Decision, found that performing these activities mandated a new program or higher level of service *only when* the firearm or weapon is discovered during "any other lawful search." Page 27 of the Statement of Decision describes "any other lawful search" as follows:

> The 2002 amendment to section 12028.5 (Stats. 2002, ch. 833, § 1.5) adds the following underlined text to subdivision (b):
>
> > [Law enforcement officers] shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual <u>or other lawful</u> search as necessary for the protection of the peace officer or other persons present.
>
> Sponsored by the City of Santa Rosa, the legislative history of this amendment indicates that its purpose was "to add any "lawful" search to the existing "plain sight or consensual" search required in domestic violence circumstances for the mandated seizure of firearms and weapons." Adding "any lawful search" to the consensual or plain sight searches already in the statute means that firearm or weapon confiscation is now also required for searches incident to arrest, or of people the officer has legal cause to arrest, or searches pursuant to a warrant, or searches based on statements of persons who do not have authority to consent but have indicated to law enforcement that a weapon is present at the scene. (Footnotes omitted.)

Seizure of firearms or other deadly weapons found in plain sight or during consensual searches, and the activities that follow the seizure under these circumstances, were required by prior law and are not reimbursable here.[2]

In addition, the claimant's RRM does not contain a proposal for the reimbursement of the activities and costs required pursuant to Penal Code section 12028.5, subdivision (j). The

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[1] See *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 880, where the court recognized that a state mandate occurs when "the state, rather than local officials, has made the decision requiring a school district to incur the costs ..."

[2] See Penal Code section 12028.5, subdivision (f), as last amended by Statutes 2001, chapter 254.

Commission found that when the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search, the following activities and costs are reimbursable, beginning January 1, 2003:

> If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

Further, many of the activities identified in the claimant's scenarios are not supported by evidence in the record as to why these activities are necessary to carry out the mandated program, as required by section 1183.1 of the Commission's regulations. In many cases, it cannot be determined what the activity is – i.e., "prepare to transfer to CP&E;" "Enter info to DOJ/AFS; "Convert the receipt to OMNI."[3]

Finally, the proposed unit cost for Scenario 3 is ambiguous. The narrative of claimant's submittal identifies the total cost for Scenario 3 as $411.31. However the proposed language in Schedule A for Scenario 3 identifies a "Grand Total Cost" of $319.96. Moreover, the proposed unit cost for the one-time activity of amending the receipt for property appears to include reimbursement for salary, employee benefits and overhead twice.

Accordingly, staff recommends that the Commission not adopt claimant's proposed RRM and activities identified to support the RRM. Instead, staff recommends that the Commission adopt the attached draft proposed parameters and guidelines that contain the mandated activities identified in the Statement of Decision that can be claimed based on actual costs. Language is included in Section IV of the parameters and guidelines to allow claimants to use time studies to support salary and benefit costs when the activity is task-repetitive as follows:

> Claimants may use time studies to support salary and benefit costs when the activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office.

This time study language has been recently adopted by the Commission in other parameters and guidelines.

Conclusion

Staff recommends that the Commission adopt the draft proposed parameters and guidelines, beginning on page 15.

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[3] Claimant's proposal appears to contain footnotes to define these terms, but the narrative of the definition is not included in the submittal.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

DRAFT PROPOSED PARAMETERS AND GUIDELINES

Penal Code Sections 13730, Subdivision (c)(3), 12028.5;

Statutes 2001, Chapter 483, Statutes 2002, Chapter 833

Crime Victims' Domestic Violence Incident Reports II

02-TC-18

I. SUMMARY OF THE MANDATE

On September 27, 2007, the Commission adopted a Statement of Decision, finding that effective January 1, 2002, Penal Code section 13730, subdivision (c)(3) (Stats. 2001, ch. 483) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for local agencies, on all domestic violence-related calls for assistance:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission found that the activities listed below are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, when firearms or other deadly weapons are discovered during any other lawful search at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes but is not limited to the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (3) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene.

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, § 12028.5, subd. (b).)
- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b).)
- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is

not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of section 12028.5.[1] (Pen. Code, § 12028.5, subd. (b).)

- To sell or destroy, as provided in subdivision (c) of Section 12028,[2] any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code, § 12028.5, subd. (e).)
- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code, § 12028.5, subd. (f).)
- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code, § 12028.5, subd. (g).)
- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm

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[1] Subdivision (f) of section 12028.5 authorizes, within 60 days of seizure, the law enforcement agency to initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned in cases "in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat." This provision also requires notifying the owner.

[2] Section 12028, subdivision (c) requires specified weapons to be surrendered to law enforcement and authorizes disposal of them by sale at public auction or (in subd. (d)) by destruction.

or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (h).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, § 12028.5, subd. (i).)

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission found that the following activities are a reimbursable state-mandated program within the meaning of article XIII B, section 6 and Government Code section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

II. ELIGIBLE CLAIMANTS

Any county, city, or city and county.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the test claimant, the County of Los Angeles, on April 2, 2003, establishing eligibility for reimbursement beginning July 1, 2001. However, Penal Code section 13730, subdivision (c)(3), as amended by Statutes 2001, chapter 483, became effective and operative on January 1, 2002. Therefore, the costs incurred for compliance with the mandated activities found in Penal Code section 13730, subdivision (c)(3), are reimbursable on or after January 1, 2002. Penal Code section 12028.5, as amended by Statutes 2002, chapter 833, became operative and effective on January 1, 2003. Therefore, the costs incurred for compliance with the mandated activities found in Penal Code section 12028.5 are reimbursable on or after January 1, 2003.

Actual costs for one fiscal year shall be included in each claim. Pursuant to Government Code section 17561, subdivision (d)(1)(A), all claims for reimbursement of initial fiscal year costs

shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.

If the total costs for a given year do not exceed $1,000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any given fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices and receipts.

Evidence corroborating the source documents may include, but is not limited to, time sheets, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, calendars, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise reported in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below.

Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office.

For each eligible claimant, the following activities are eligible for reimbursement:

<u>One-Time Activity</u>

A. *Beginning January 1, 2003*, the one-time activity of amending the receipt for a confiscated firearm or other deadly weapon taken at the scene of a domestic violence incident to include "the time limit for recovery as required" by section 12028.5. (Pen. Code, § 12028.5, subd. (b).)

<u>Ongoing Activities</u>

A. *Beginning January 1, 2002*, for all domestic violence-related calls for assistance, the following activity is reimbursable:

Include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the

location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3).)

B. *Beginning January 1, 2003*, the following activities are reimbursable when firearms or other deadly weapons are discovered during any other lawful search at the scene of a domestic violence incident involving a threat to human life or a physical assault. Any other lawful search includes but is not limited to the following searches: (1) a search incident to arrest, or of people the officer has legal cause to arrest; (3) a search pursuant to a warrant; or (3) a search based on statements of persons who do not have authority to consent, but have indicated to law enforcement that a weapon is present at the scene.

1. To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, § 12028.5, subd. (b).)
2. To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm, and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, § 12028.5, subd. (b).)
3. To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of section 12028.5. (Pen. Code, § 12028.5, subd. (b).)
4. To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code, § 12028.5, subd. (e).)
5. If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code, § 12028.5, subd. (f).)
6. To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice

to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code, § 12028.5, subd. (g).)

7. If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (h).)

8. If the owner or person who had lawful possession of the firearm or other deadly weapon does not request a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code, § 12028.5, subd. (i).)

C. *Beginning January 1, 2003*, the following activity is reimbursable when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and <u>the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search</u>:

If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code, § 12028.5, subd. (j).)

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for the reimbursable activities identified in section IV of this document. Each reimbursable cost must be supported by source documentation as described in section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. <u>Direct Cost Reporting</u>

Direct costs are those costs incurred specifically for reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by

productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services were also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and invoices with the claim and a description of the contract scope of services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include (1) the overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the 2 CFR Part 225 (Office of Management and Budget (OMB) Circular A-87). Claimants have the option of using 10% of labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B)) and the indirect

shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B).) However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distributions base may be (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.), (2) direct salaries and wages, or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in 2 CRF Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B)) shall be accomplished by (1) classifying a department's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should e expressed as a percentage which the total amount allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B)) shall be accomplished by (1) separate a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected.

VI. RECORDS RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter[3] is subject to the initiation of an audit by the State Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In

[3] This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

addition, reimbursement for this mandate received from any federal, state or non-local source shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1)(A), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon the request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (a), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B).) However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distributions base may be (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.), (2) direct salaries and wages, or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in 2 CRF Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B)) shall be accomplished by (1) classifying a department's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should e expressed as a percentage which the total amount allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B)) shall be accomplished by (1) separate a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected.

VI. RECORDS RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter[3] is subject to the initiation of an audit by the State Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In

[3] This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

addition, reimbursement for this mandate received from any federal, state or non-local source shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1)(A), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon the request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (a), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

Exhibit E

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
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PHONE: (213) 974-8301 FAX: (213) 626-5427

WENDY L. WATANABE
AUDITOR-CONTROLLER

MARIA M. OMS
CHIEF DEPUTY

ASST. AUDITOR-CONTROLLERS

ROBERT A. DAVIS
JOHN NAIMO
JUDI E. THOMAS

December 14, 2009

RECEIVED
DEC 2 0 2009
COMMISSION ON STATE MANDATES

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Dear Ms. Higashi:

LOS ANGELES COUNTY'S
REVISED PROPOSED PARAMETERS AND GUIDELINES
CRIME VICTIMS' DOMESTIC VIOLENCE INCIDENT REPORTS II [02-TC-18]

We herein file the revised proposed Parameters and Guidelines [Ps&Gs], in accordance with Government Code section 17557 and the California Code of Regulations, title 2, section 1183.11(a), which detail reimbursable and reasonably necessary activities in accordance with Commission's decision, adopted on September 27, 2007.

In addition, a Reasonable Reimbursement Methodology (RRM), permitted under Government Code section 17518.5, is recommended in order to simplify the administrative claiming process and reduce costs.

If you have any questions, please contact Hasmik Yaghobyan at (213) 893-0792 or via e-mail at hyaghobyan@auditor.lacounty.gov.

Very truly yours,

Wendy L. Watanabe
Auditor-Controller

WLW:JN:BH:hy
H:/Sb90/DV Report II-HY-Cover Letter. 12-14-09 .doc

Attachment

Los Angeles County
Revised Proposed Parameters and Guidelines [Ps&Gs] Narrative
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

The County of Los Angeles [County] herein files the revised proposed P's&G's, in accordance with the California Code of Regulations, title 2, section 1183.12, subdivisions (b) and (c), for the Crime Victims Domestic Violence Incident Reports II reimbursement program. These Ps&Gs address specific reimbursable activities which are reasonably necessary in performing mandatory duties and are encompassed by the Commission on State Mandates' [Commission] decision, adopted on September 27, 2007.

In addition, a Reasonable Reimbursement Methodology (RRM), permitted under Government Code section 17518.5[1], is recommended in order to simplify the administrative claiming process and reduce costs. In the alternative, language permitting claimants to time study specified reimbursable activities is recommended[2].

Commission's Decision

On September 27, 2007, the Commission adopted a Statement of Decision, finding that effective January 1, 2002 Penal Code section 13730(c)(3), (Stats. 2001, ch. 483), imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, for local agencies, on all domestic violence-related calls for assistance:

- On the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen. Code. Sec. 13730(c)(3)).

---

[1] Section 17518.5 defines a "Reasonable reimbursement methodology" as "... a formula for reimbursing local agency and school district costs mandated by the state that meets the following conditions: (1) The total amount to be reimbursed statewide is equivalent to total estimated local agency and school district costs to implement the mandate in a cost-efficient manner. (2) For 50 percent or more of eligible local agency and school district claimants, the amount reimbursed is estimated to fully offset their projected costs to implement the mandate in a cost-efficient manner".

[2] In this event, time study language is included in the attached Ps&Gs under section IV. Reimbursable Activities: "Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to review and audit conducted by the State Controller's Office".

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch.833) the Commission found the activities listed below are reimbursable state-mandated activities:

- To take temporary custody of any firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present (Pen. Code. Sec. 12028.5(b)).

- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon and lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code. Sec. 12028.5(b)).

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as a result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because it was illegally possessed; or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b)).

- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e)).

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date or seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f)).

- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and

that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5. (Pen. Code. Sec. 12028.5(g)).

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h)).

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i)).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission found that the following activities are reimbursable state-mandated activities within the meaning of the article XIII B, section 6 and Government Code section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search:

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5 (Pen. Code, sec. 12028.5 (b)).

- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j)).

Reasonable Reimbursement Methodology

A reasonable reimbursement methodology means a formula for reimbursing local agencies for costs mandated by the State, as defined in section 17514 of the Government Code. A reasonable reimbursement methodology shall be based on cost information from a reasonable sample of eligible claimants, information provided by associations of local agencies, or other projections of local costs. A reasonable reimbursement methodology shall consider the variation in costs among all local agencies to implement the mandate in a cost efficient-manner. Whenever possible, a reasonable reimbursement methodology shall be based on general allocation formulas, uniform cost allowance, standard time, and other approximations of local costs mandated by the State, rather than detailed actual documentation of actual local costs. (Gov. Code, sec. 17518.5.)

The County has developed five possible scenarios for implementing the subject law and detailed standard times required to perform specific activities under each scenario. The five scenarios are:

1. Deputy asks victim, suspect, or witnesses if firearms are present and no firearms are present.

2. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the firearm is released to suspect.

3. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

4. Deputy asks victim, suspect, or witness if firearms are present. Firearms are present and deputy legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

5. Deputy asks suspect if firearms are present and suspect refuses to relinquish firearms.

Further, the County developed a standard time survey questionnaire based on the above scenarios and one-time activity of developing an amended Receipt for [Firearm] Property and sent it to 48 eligible claimants. From 48, only 12 participated in the survey, including the County. An average standard time has been computed for each scenario and one-time activity from the representative sample of eligible claimants as follows (see Schedule A):

RRM Rates

Scenario	Number of Minutes
Scenario 1 (Sch. A, attach. 1)	15
Scenario 2 (Sch. A, attach. 2)	133
Scenario 3 (Sch. A, attach. 3):	
Release of firearm	141
Destruction of firearm	260
Scenario 4 (Sch. A, attach. 4)	220
Scenario 5 (Sch. A, attach. 5)	32
One-time activity (Sch. A, attach. 6)	56

Therefore, the eligible claimants using the above RRM rates will be able to claim for reimbursement for all their direct and indirect costs by multiplying the RRM rates for each scenario with the blended productive hourly rate of the involved employees.

In the event that a consensus RRM cannot be reached, alternative time study language, permitting claimants to time study specified reimbursable activities has also been included, in the attached Ps&Gs under section IV. Reimbursable Activities:

> "Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to review and audit conducted by the State Controller's Office".

The County's recommended Parameters and Guidelines for the Crime Victims' Domestic Violence Incident Reports II reimbursement program immediately follow this Narrative section.

Los Angeles County
Revised Proposed Parameters and Guidelines [Ps&Gs]
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

I. SUMMARY OF THE MANDATE

On September 27, 2007 the Commission on State Mandates adopted its Statement of Decision that Penal Code Section 13730, Subdivision (c)(3) and Family Code Section 6228 constitute reimbursable state-mandated programs upon local governments within the meaning of article XIIB, section 6 of the California Constitution and Government Code section 17514.

The Commission decided that local agencies should be reimbursed for implementing certain provisions of the pertinent ['test claim'] legislation. On pages 1-4 of Commission's 'Statement of Decision', these reimbursable provisions were grouped into 11 general categories, as follows:

Effective January 1, 2002, Penal Code Section 13730, subdivision (c)(3) imposes the following reimbursable state-mandated activity:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen Code Sec. 13730(c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are reimbursable state-mandated activities:

- To take a temporary custody of and firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, Sec. 12028.5, sub.(b).)

- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, Sec. 12028.5, sub.(b).)

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but

no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because of illegally possessed, or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b).)

- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e).)

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date or seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f).)

- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5(g).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would be endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the

receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i).)

Effective January 1, 2003, in accordance with Penal Code Section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are reimbursable state-mandated program within the Meaning of the article XIII B, section 6 and Government Code Section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search.

- The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required by section 12028.5 (Pen. Code, sec. 12028.5 (b).)

- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j).)

II. ELIGIBLE CLAIMANTS

The eligible claimants are any county or city and county.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557, subdivision (c), as amended by Statutes of 1998, Chapter 681 (effective September 22, 1998), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for "Crime Victim's Domestic Violence Incident Reports II" was filed as an amendment to an earlier test claim, Crime Victims' Domestic Violence Incident Reports, 99-TC-08 by the County of Los Angeles in April 2003, establishing eligibility for fiscal year 2002-03. However, the test claim statute was not in effect on July 1, 1998. Therefore, reimbursement claims may be filed for costs incurred pursuant to Statutes of 1984, Chapter 901; Statutes of 2001, Chapter 483; Statutes of 2002, Chapters 377, 830 and 833 on or after January 1, 2002 for the costs of including a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both whether firearm or other deadly weapon was present at the

location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon.

The costs of compliance with new domestic violence-related firearm procedures as well as the costs incurred when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident, as both specified in Penal Code Section Penal Code Section 12028.5, (Stats. 2002, ch. 833), Penal Code Section 12028.5 are reimbursable, effective January 1, 2003.

Actual costs for one fiscal year shall be included in each claim. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of initial year's costs shall be submitted within 120 days of notification by the State Controller of the issuance of claiming instructions.

Government Code Section 17564, subdivision (a), prior to its amendment by Statutes of 2002, Chapter 1124, an urgency statute, (effective September 30, 2002) provides that if the total costs for a given year do not exceed $200, no reimbursement shall be allowed. Section 17564, subdivision (a) as amended by Statutes of 2002, Chapter 1124, provides that if the total costs for a given year do not exceed $1,000, no reimbursement shall be allowed. Therefore, for the 2002-03 fiscal year and subsequent claims, if the total costs for a given year do not exceed $1,000, no reimbursement shall be allowed.

IV. REIMBURSABLE ACTIVITIES

For each eligible claimant, the following activities are eligible for reimbursement unless made optional under Government Code Section 17581.

A. One-Time Activities

1. The one-time activity of amending the receipt for a confiscated firearm or other deadly weapon to include "the time limit for recovery as required" by section 12028.5 (Pen. Code sec. 12028.5(b))

B. On-Going Activities

Effective January 1, 2002, Penal Code Section 13730, subdivision (c)(3) imposes the following reimbursable state-mandated activity:

- To include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. (Pen Code Sec. 13730(c)(3).

Effective January 1, 2003, in accordance with Penal Code section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the activities listed below are reimbursable state-mandated activities:

- To take a temporary custody of and firearm or other deadly weapon when necessary for the protection of the peace officer or other persons present. (Pen. Code, Sec. 12028.5, sub.(b).)

- To give the owner or person in lawful possession of the firearm or other deadly weapon a receipt that describes the firearm or deadly weapon lists any identification or serial number on the firearm and indicates where the firearm or weapon can be recovered, the time limit for recovery, and the date after which the owner or possessor can recover it. (Pen. Code, Sec. 12028.5, sub.(b).)

- To make the firearm or other deadly weapon available to the owner or person who was in lawful possession 48 hours after seizure or as soon as possible, but no later than five business days following the seizure. Reimbursement for this activity is not required if either: (1) the firearm or other deadly weapon confiscated is retained for use as evidence related to criminal charges as result of domestic violence incident; or (2) if the firearm or other deadly weapon is retained because of illegally possessed; or (3) if the firearm or other deadly weapon is retained because of a court petition filed pursuant to subdivision (f) of Section 12028.5. (Pen. Code. Sec. 12028.5(b).)

- To sell or destroy, as provided in subdivision (c) of Section 12028, any firearm or other deadly weapon taken into custody and held for longer than 12 months and not recovered by the owner or person in lawful possession at the time it was taken into custody. Reimbursement for this activity is not required for firearms or other deadly weapons not recovered within 12 months due to an extended hearing process as provided in subdivision (j) of section 12028.5. (Pen. Code. Sec. 12028.5(e).)

- If the local agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, for the agency to advise the owner of the firearm or other deadly weapon, and within 60 days of the date or seizure (or 90 days if an extension is granted) initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. (Pen. Code. Sec. 12028.5(f).)

- To inform the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address by registered mail, return receipt requested, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated

firearm or other deadly weapon. If the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the local agency, for the agency to make a diligent, good faith effort to learn the whereabouts of the person and to comply with the notification requirements in subdivision (g) of section 12028.5(g).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon requests a hearing, to show in court by a preponderance of evidence that the return of the firearm or other deadly weapon would be endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to the owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(h).)

- If the owner or person who had lawful possession of the firearm or other deadly weapon does not requests a hearing or does not respond within 30 days of the receipt of notice, to file a petition in court for an order of default. (Pen. Code. Sec. 12028.5(i).)

Effective January 1, 2003, in accordance with Penal Code Section 12028.5 (Stats. 2002, ch. 833) the Commission finds that the following activities are reimbursable state-mandated program within the Meaning of the article XIII B, section 6 and Government Code Section 17514, for local agencies, when firearms or other deadly weapons are taken into temporary custody at the scene of a domestic violence incident involving a threat to human life or a physical assault, and the firearm or other deadly weapon is discovered in plain sight or pursuant to a consensual or other lawful search:

- If the person who owns or had lawful possession of the firearm or other deadly weapon petitions the court for a second hearing within 12 months of the date of the initial hearing, showing by clear and convincing evidence that the return of the firearm or other deadly weapon would result in endangering the victim or the person reporting the assault or threat. If the court orders the firearm or other deadly weapon returned to then owner or person who had lawful possession, the local agency upon order of the court shall pay reasonable attorney's fees to the prevailing party. (Pen. Code. Sec. 12028.5(j).)

V. CLAIM PREPARATION AND SUBMISSION

Claimants may be reimbursed for the activities described in Section IV, of the P's&G's by using the reasonable reimbursement methodology or by filing an actual claim.

A. Reasonable Reimbursement Methodology (RRM):

The standard times will be multiplied by the blended productive hourly rates of those performing the five scenarios and the one-time activity. The products are

then multiplied by the number of times each scenario occurs. The resulting costs for each scenario and one-time activity are added and represent the total claim for the on-going and one-time activity described in Section IV, Reimbursable Activities , in the P's&G's.

B. Actual Cost Method

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs incurred to implement the mandated activities. Actual costs may be traceable and supported by source documents that show the validity of such costs, when they are incurred, their relationship to the reimbursable activities. A source document is a document created at or near the time actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in-sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

In alternative, claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Officer.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate:

C. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement:

1. Salaries and Benefits

Report each employee implementing the reimbursable activity by name, job classification, and productive hourly rate (total wages and related benefits divided

by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and invoices with the claim and a description of the contract scope of services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element V.A Salaries and Benefits, for each applicable reimbursable activity.

6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification

of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element V.A., Salaries and Benefits, and V.B., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element V.C., Contracted Services. This data, if too voluminous to be included with the claim, may be reported in a summary. However, supporting data must be maintained as described in Section VI.

D. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include (1) the overhead costs of the unit performing the mandate or (2) the indirect costs of administering reimbursable contract(s), or (3) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the Office of Management and Budget (OMB) Circular A-87. Claimants have the option of using 10% of labor, excluding fringe benefits, or, where applicable, 10% of the amount of reimbursable contract(s), if 50% or more of all reimbursable services are provided under contract, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in OMB A-87 Attachments A and B). However unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

In calculating an ICRP, the claimant shall have the choice of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by (1) classifying a department's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate, which is used to distribute indirect costs to mandates. The rate should be

expressed as a percentage which the total amount allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A and B) shall be accomplished by (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage, which the total amount allowable indirect costs bear to the base selected.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim of actual costs filed by a local agency or school district pursuant to this chapter is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to the claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initiate payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUE AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, any Office of Criminal Justice Planning grants or other grant funding from a successor agency, service fees collected, federal funds, and other state funds, shell be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be

reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIUDELINES

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

Schedule A
Summary
Crime Victims' Domestic Violence Incident Reports II [02-TC-18]

	Number of Minutes	
Scenario 1 *(See Attch. 1)*		15
Scenario 2 *(See Attch. 2)*		133
Scenario 3 *(See Attch. 3)*		
For Release of Firearm Only	28	
For Destruction of Firearm Only	128	
For Total Release of Firearm		141
For Total Destruction of Firearm		260
Scenario 4 *(See Attch. 4)*		220
Scenario 5 *(See Attch. 5)*		32
One Time Activity Fee *(See Attch. 6)*		56

SCENARIO 1 **Attachment 1**

1	Action	Los Angeles County	
		Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	2	Sergent
	Sub-total	**9**	
2		**Napa County**	
		Minutes	Position
	Inquire if firearms are at scene	5	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Sub-total	**20**	
3		**Colusa County**	
		Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Sub-total	**17**	
4		**Fresno County**	
		Minutes	Position
	Inquire if firearms are at scene	1	Deputy
	Document inquiry on report	1	Deputy
	Report reviewed and approved by Supervisor	5	SGT
	Sub-total	**7**	
5		**Inyo County**	
		Minutes	Position
	Inquire if firearms are at scene	5	Patrol Officer
	Document inquiry on report	5	Patrol Officer
	Report reviewed and approved by Supervisor	10	SGT
	Sub-total	**20**	
6		**Santa Clara County**	
		Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Document inquiry on report	1	Deputy
	Report reviewed and approved by Supervisor	2	SGT
	Sub-total	**5**	

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SCENARIO 1 **Attachment 1**

7	Action	San Francisco County	
		Minutes	Position
	Inquire if firearms are at scene	5	Patrol Officer
	Document inquiry on report	5	Patrol Officer
	Report reviewed and approved by Supervisor	5	SGT
	Sub-total	**15**	
8		**Plumas County**	
		Minutes	Position
	Inquire if firearms are at scene	5	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Sub-total	**20**	
9		**San Mateo County**	
		Minutes	Position
	Inquire if firearms are at scene	2	Patrol Deputy
	Document inquiry on report	5	Patrol Deputy
	Report reviewed and approved by Supervisor	10	Patrol SGT
	Sub-total	**17**	
10		**Orange County**	
		Minutes	Position
	Inquire if firearms are at scene	5	Patrol Deputy
	Document inquiry on report	20	Patrol Deputy
	Report reviewed and approved by Supervisor	5	Patrol SGT
	Sub-total	**30**	
11		**LA City**	
		Minutes	Position
	Inquire if firearms are at scene	2	Patrol Officer
	Document inquiry on report	2	Patrol Officer
	Report reviewed and approved by Supervisor	5	Watch Commander
	Sub-total	**9**	
12		**City of Long Beach**	
		Minutes	Position
	Inquire if firearms are at scene	1	Patrol Officer
	Document inquiry on report	1	Patrol Officer
	Report reviewed and approved by Supervisor	3	SGT
	Sub-total	**5**	
	Total	**174**	
	Average	**15**	

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SCENARIO 2

Attachment 2

1	Action	Los Angeles County	
		Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	20	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	2	SGT
	Enter firearm info into DOJ/AFS	5	SSCII
	Verify firearm Info/Temporary storage of firearm	5	LET
	Court or Release update records	20	LET
	Prepare paperwork and firearm for transfer to P&E	5	LET
	Verify info upon receipt of firearm at P&E	5	EPC III
	Storing of firearms at P&E	5	EPC III
	Enter info to database/file docs at P&E	5	ITC
	Verify Court/release to owner update records	10	EPC III
	Update evidence database and DOJ/AFS	10	EPC III
	Release of firearms	15	Deputy B1
	Supervisors review and signature for release of firear	5	LT
	Sub-total	**126**	

2		Napa County	
		Minutes	Position
	Inquire if firearms are at scene	5	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	20	Deputy
	Document inquiry on report	45	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Records
	Verify firearm Info/Temporary storage of firearm	5	Records
	Court or Release update records	10	Records
	Prepare paperwork and firearm for transfer to P&E	15	Deputy
	Verify info upon receipt of firearm at P&E	10	Evidence
	Storing of firearms at P&E	10	Evidence
	Enter info to database/file docs at P&E	10	Evidence
	Verify Court/release to owner update records	10	Records
	Update evidence database and DOJ/AFS	5	Evidence
	Release of firearms	10	Evidence
	Supervisors review and signature for release of firear	5	SGT
	Sub-total	**182**	

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SCENARIO 2 **Attachment 2**

3	Action	Colusa County Minutes	Colusa County Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	5	Deputy
	Processing the firearm	5	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Dispatch
	Verify firearm Info/Temporary storage of firearm	15	Deputy
	Court or Release update records	5	Tech
	Prepare paperwork and firearm for transfer to P&E	5	Tech
	Verify info upon receipt of firearm at P&E	3	Tech
	Storing of firearms at P&E	2	Tech
	Enter info to database/file docs at P&E	5	Tech
	Verify Court/release to owner update records	2	Tech
	Update evidence database and DOJ/AFS	5	Tech
	Release of firearms	10	Tech
	Supervisors review and signature for release of firear	1	Lt.
	Sub-total	**90**	

4		Fresno County Minutes	Fresno County Position
	Inquire if firearms are at scene	1	Deputy
	Retrives firearm	2	Deputy
	Renders firearm safe	3	Deputy
	Processing the firearm	180	
	Document inquiry on report	1	Deputy
	Report reviewed and approved by Supervisor	5	SGT
	Enter firearm info into DOJ/AFS	3	Records
	Verify firearm Info/Temporary storage of firearm	5	Deputy
	Court or Release update records		
	Prepare paperwork and firearm for transfer to P&E	10	Deputy
	Verify info upon receipt of firearm at P&E	5	Property
	Storing of firearms at P&E	5	Property
	Enter info to database/file docs at P&E	5	Property
	Verify Court/release to owner update records		
	Update evidence database and DOJ/AFS	5	Property/Records
	Release of firearms	10	Property
	Supervisors review and signature for release of firearm		
	Sub-total	**240**	

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SCENARIO 2 **Attachment 2**

5	Action	Inyo County Minutes	Inyo County Position
	Inquire if firearms are at scene	5	Patrol/Inv
	Retrives firearm	5	Patrol/Inv
	Renders firearm safe	1	Patrol/Inv
	Processing the firearm	10	Evid Tech
	Document inquiry on report	10	Patrol/Inv
	Report reviewed and approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	10	Dispatcher
	Verify firearm Info/Temporary storage of firearm	20	Evid Tech
	Court or Release update records	10	Investigator
	Prepare paperwork and firearm for transfer to P&E	10	Patrol/Inv
	Verify info upon receipt of firearm at P&E	20	Evid Tech
	Storing of firearms at P&E	20	Evid Tech
	Enter info to database/file docs at P&E	20	Evid Tech
	Verify Court/release to owner update records	10	Investigator
	Update evidence database and DOJ/AFS	10	Inv/Disp
	Release of firearms	10	Inv or Evid Tech
	Supervisors review and signature for release of firear	10	Investigator
	Sub-total	**191**	
6		**Santa Clara County** Minutes	**Santa Clara County** Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	1	Deputy
	Renders firearm safe	3	Deputy
	Processing the firearm	5	Deputy
	Document inquiry on report	1	Deputy
	Report reviewed and approved by Supervisor	2	SGT
	Enter firearm info into DOJ/AFS	2	Law Enf Clerk
	Verify firearm Info/Temporary storage of firearm	5	Evid Tech
	Court or Release update records	2	Detective
	Prepare paperwork and firearm for transfer to P&E	5	Evid Tech
	Verify info upon receipt of firearm at P&E	5	Evid Tech
	Storing of firearms at P&E	5	Evid Tech
	Enter info to database/file docs at P&E	2	Evid Tech
	Verify Court/release to owner update records	2	Detective
	Update evidence database and DOJ/AFS	2	Evid Tech
	Release of firearms	15	Evid Tech
	Supervisors review and signature for release of firear	2	Det. Lt
	Sub-total	**61**	

SCENARIO 2 **Attachment 2**

7	Action	San Francisco County Minutes	Position
	Inquire if firearms are at scene	5	Patrol Officer
	Retrives firearm	5	Patrol Officer
	Renders firearm safe	2	Patrol Officer
	Processing the firearm	5	Patrol Officer
	Document inquiry on report	5	Patrol Officer
	Report reviewed and approved by Supervisor	5	SGT/Lt
	Enter firearm info into DOJ/AFS	10	Patrol Officer
	Verify firearm Info/Temporary storage of firearm	1	Inspector
	Court or Release update records	15	Inspector
	Prepare paperwork and firearm for transfer to P&E	5	Patrol Officer
	Verify info upon receipt of firearm at P&E	5	Inspector
	Storing of firearms at P&E	15	Patrol Officer
	Enter info to database/file docs at P&E	10	Inspector
	Verify Court/release to owner update records	2	Inspector
	Update evidence database and DOJ/AFS	10	Patrol Officer
	Release of firearms	5	Inspector
	Supervisors review and signature for release of firear	5	Inspector
	Sub-total	**110**	
8		**Plumas County** Minutes	Position
	Inquire if firearms are at scene	5	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	15	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Dispatcher
	Verify firearm Info/Temporary storage of firearm	10	Evid Clerk
	Court or Release update records	5	Court Clerk
	Prepare paperwork and firearm for transfer to P&E	5	Deputy
	Verify info upon receipt of firearm at P&E	5	Evid Clerk
	Storing of firearms at P&E	5	Evid Clerk
	Enter info to database/file docs at P&E	2	Evid Clerk
	Verify Court/release to owner update records	5	Evid Clerk
	Update evidence database and DOJ/AFS	5	Evid Clerk
	Release of firearms	10	Evid Clerk
	Supervisors review and signature for release of firear	5	SGT
	Sub-total	**104**	

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SCENARIO 2 **Attachment 2**

9	Action	San Mateo County Minutes	Position
	Inquire if firearms are at scene	2	Patrol Deputy
	Retrives firearm	5	Patrol Deputy
	Renders firearm safe	2	Patrol Deputy
	Processing the firearm	15	Patrol Deputy
	Document inquiry on report	10	Patrol Deputy
	Report reviewed and approved by Supervisor	10	Patrol SGT
	Enter firearm info into DOJ/AFS	10	Property OFCR
	Verify firearm Info/Temporary storage of firearm	5	Property OFCR
	Court or Release update records	5	Property OFCR
	Prepare paperwork and firearm for transfer to P&E	5	Property OFCR
	Verify info upon receipt of firearm at P&E	5	Property OFCR
	Storing of firearms at P&E	10	Property OFCR
	Enter info to database/file docs at P&E	5	Property OFCR
	Verify Court/release to owner update records	10	Property OFCR
	Update evidence database and DOJ/AFS	5	Property OFCR
	Release of firearms	20	Property OFCR
	Supervisors review and signature for release of firear	5	Property SUN
	Sub-total	**129**	
10		**Orange County** Minutes	Position
	Inquire if firearms are at scene	5	Patrol Deputy
	Retrives firearm	10	Patrol Deputy
	Renders firearm safe	5	Patrol Deputy
	Processing the firearm	5	Patrol Deputy
	Document inquiry on report	20	Patrol Deputy
	Report reviewed and approved by Supervisor	5	Patrol SGT
	Enter firearm info into DOJ/AFS	10	Patrol Deputy
	Verify firearm Info/Temporary storage of firearm	15	Patrol Deputy
	Court or Release update records	5	Legal Property Tech
	Prepare paperwork and firearm for transfer to P&E	10	LPT
	Verify info upon receipt of firearm at P&E	5	LPT
	Storing of firearms at P&E	10	LPT
	Enter info to database/file docs at P&E	5	LPT
	Verify Court/release to owner update records	5	LPT
	Update evidence database and DOJ/AFS	10	LPT
	Release of firearms	10	Sheriff Special Officer
	Supervisors review and signature for release of firear	5	SGT
	Sub-total	**140**	

SCENARIO 2 **Attachment 2**

11	Action	LA City Minutes	LA City Position
	Inquire if firearms are at scene	2	Police Officer
	Retrives firearm	10	Police Officer
	Renders firearm safe	10	Police Officer
	Processing the firearm	60	Police Officer
	Document inquiry on report	2	Police Officer
	Report reviewed and approved by Supervisor	10	Watch Commander
	Enter firearm info into DOJ/AFS	10	Police Officer
	Verify firearm Info/Temporary storage of firearm	10	Police Officer
	Court or Release update records		
	Prepare paperwork and firearm for transfer to P&E	10	Property Officer
	Verify info upon receipt of firearm at P&E	5	Property Officer
	Storing of firearms at P&E	5	Property Officer
	Enter info to database/file docs at P&E	5	Property Officer
	Verify Court/release to owner update records	5	Property Officer
	Update evidence database and DOJ/AFS		
	Release of firearms	15	Property Officer
	Supervisors review and signature for release of firearm		
	Sub-total	**159**	
12		**City of Long Beach** Minutes	**City of Long Beach** Position
	Inquire if firearms are at scene	1	Patrol Officer
	Retrives firearm	5	Patrol Officer
	Renders firearm safe	2	Patrol Officer
	Processing the firearm	5	Patrol Officer
	Document inquiry on report	2	Patrol Officer
	Report reviewed and approved by Supervisor	5	SGT
	Enter firearm info into DOJ/AFS	3	Records Clerk
	Verify firearm Info/Temporary storage of firearm	3	Patrol Officer
	Court or Release update records	3	Detective
	Prepare paperwork and firearm for transfer to P&E	5	Patrol Officer
	Verify info upon receipt of firearm at P&E	3	Property Clerk
	Storing of firearms at P&E	3	Property Clerk
	Enter info to database/file docs at P&E	4	Property Clerk
	Verify Court/release to owner update records	6	Detective
	Update evidence database and DOJ/AFS	4	Records Clerk
	Release of firearms	5	Property Clerk
	Supervisors review and signature for release of firear	3	Detective
	Sub-total	**62**	
	Total	**1,594**	
	Average	**133**	

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SCENARIO 3

Attachment 3

1	Action	Los Angeles County	
		Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	20	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	2	SGT
	Enter firearm info into DOJ/AFS	5	SSC II
	Verify firearm Info/Temporary storage of firearm	5	LET
	Court or Release update records	20	LET
	Prepare paperwork and firearm for transfer to P&E	5	LET
	Verify info upon receipt of firearm at P&E	5	EPC III
	Storing of firearms at P&E	5	EPC III
	Enter info to database/file docs at P&E	5	ITC
	Prepare petition for retention of firearm	15	Deputy B1
	Notification to suspect of petition for retention of firearm	10	SSC II
		111	
	Add for Release of firearm:		
	Verify Court/release to owner update records	10	EPC III
	Update evidence database and DOJ/AFS	10	EPC III
	Release of firearms	15	Deputy B1
	Supervisors review and signature for release of firearm	5	LT
	Subtotal	**40**	
	Subtotal for Release of firearm	**151**	
	Add for destruction of firearm:		
	Input & file the property paperwork	5	ITC
	Create disposal authorization	5	SEPC
	Mail disposal authorization	5	ITC
	Make determination if firearm is ready to dispose	2	SEPC
	Retrive the property paperwork and attach disposal authorization	5	ITC
	Destroy/crush firearm	3	EPC III
	Update computer regarding destruction and file property paperwor	5	ITC
	Subtotal	**30**	
	Subtotal for Destruction of firearm	**141**	

1

SCENARIO 3 **Attachment 3**

2	Action	Napa County Minutes	Napa County Position
	Inquire if firearms are at scene	5	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	20	Deputy
	Document inquiry on report	45	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Records
	Verify firearm Info/Temporary storage of firearm	5	Records
	Court or Release update records	10	Records
	Prepare paperwork and firearm for transfer to P&E	15	Deputy
	Verify info upon receipt of firearm at P&E	10	Evidence
	Storing of firearms at P&E	10	Evidence
	Enter info to database/file docs at P&E	10	Evidence
	Prepare petition for retention of firearm	45	Detective
	Notification to suspect of petition for retention of firearm	20	Detective
		217	
	Add for Release of firearm:		
	Verify Court/release to owner update records	10	Records
	Update evidence database and DOJ/AFS	10	Records
	Release of firearms	10	Evidence
	Supervisors review and signature for release of firearm	5	SGT
	Subtotal	**35**	
	Subtotal for Release of firearm	**252**	
	Add for destruction of firearm:		
	Input & file the property paperwork	10	Evidence
	Create disposal authorization	30	Detective
	Mail disposal authorization	5	Records
	Make determination if firearm is ready to dispose	5	Evidence
	Retrive the property paperwork and attach disposal authorization	5	Evidence
	Destroy/crush firearm	240	Evidence
	Update computer regarding destruction and file property paperwor	10	Evidence
	Subtotal	**305**	
	Subtotal for Destruction of firearm	**522**	

SCENARIO 3

Attachment 3

3	Action	Colusa County Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	5	Deputy
	Processing the firearm	5	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Dispatch
	Verify firearm Info/Temporary storage of firearm	15	Deputy
	Court or Release update records	5	Tech
	Prepare paperwork and firearm for transfer to P&E	5	Tech
	Verify info upon receipt of firearm at P&E	3	Tech
	Storing of firearms at P&E	2	Tech
	Enter info to database/file docs at P&E	5	Tech
	Prepare petition for retention of firearm		
	Notification to suspect of petition for retention of firearm	5	Tech
		77	
	Add for Release of firearm:		
	Verify Court/release to owner update records	2	Tech
	Update evidence database and DOJ/AFS	5	Tech
	Release of firearms	10	Tech
	Supervisors review and signature for release of firearm	1	Lt
	Subtotal	**18**	
	Subtotal for Release of firearm	**95**	
	Add for destruction of firearm:		
	Input & file the property paperwork	10	Tech
	Create disposal authorization	10	Tech
	Mail disposal authorization	1	Tech
	Make determination if firearm is ready to dispose	10	Tech
	Retrive the property paperwork and attach disposal authorization	5	Tech
	Destroy/crush firearm		
	Update computer regarding destruction and file property paperwor	3	Tech
	Subtotal	**39**	
	Subtotal for Destruction of firearm	**116**	

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SCENARIO 3 Attachment 3

4	Action	Fresno County Minutes	Fresno County Position
	Inquire if firearms are at scene	1	Deputy
	Retrives firearm	2	Deputy
	Renders firearm safe	3	Deputy
	Processing the firearm	180	
	Document inquiry on report	1	Deputy
	Report reviewed and approved by Supervisor	5	SGT
	Enter firearm info into DOJ/AFS	3	Records
	Verify firearm Info/Temporary storage of firearm	5	Deputy
	Court or Release update records		
	Prepare paperwork and firearm for transfer to P&E	10	Deputy
	Verify info upon receipt of firearm at P&E	5	Property
	Storing of firearms at P&E	5	Property
	Enter info to database/file docs at P&E	5	Property
	Prepare petition for retention of firearm		
	Notification to suspect of petition for retention of firearm		
		225	
	Add for Release of firearm:		
	Verify Court/release to owner update records		
	Update evidence database and DOJ/AFS		
	Release of firearms		
	Supervisors review and signature for release of firearm		
	Subtotal	-	
	Subtotal for Release of firearm	-	
	Add for destruction of firearm:		
	Input & file the property paperwork	13	Property/Records
	Create disposal authorization	10	Property
	Mail disposal authorization	15	Property
	Make determination if firearm is ready to dispose	2	Property
	Retrive the property paperwork and attach disposal authorization	1	Property
	Destroy/crush firearm	10	EOD
	Update computer regarding destruction and file property paperwor	2	Property
	Subtotal	**53**	
	Subtotal for Destruction of firearm	**278**	

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SCENARIO 3 **Attachment 3**

5	Action	Inyo County Minutes	Inyo County Position
	Inquire if firearms are at scene	5	Patrol Officer
	Retrives firearm	5	Patrol Officer
	Renders firearm safe	5	Patrol Officer
	Processing the firearm	10	Patrol Officer
	Document inquiry on report	10	Patrol Officer
	Report reviewed and approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	10	Dispatcher
	Verify firearm Info/Temporary storage of firearm	20	Evid Tech
	Court or Release update records	10	Inv
	Prepare paperwork and firearm for transfer to P&E	10	Patrol/Inv
	Verify info upon receipt of firearm at P&E	20	Evid Tech
	Storing of firearms at P&E	20	Evid Tech
	Enter info to database/file docs at P&E	20	Evid Tech
	Prepare petition for retention of firearm	30	Inv
	Notification to suspect of petition for retention of firearm	5	Inv
		190	
	Add for Release of firearm:		
	Verify Court/release to owner update records	10	Inv
	Update evidence database and DOJ/AFS	10	Inv/Dispatcher
	Release of firearms	10	Inv
	Supervisors review and signature for release of firearm	10	Inv
	Subtotal	**40**	
	Subtotal for Release of firearm	**230**	
	Add for destruction of firearm:		
	Input & file the property paperwork	45	Inv/Evid Tech
	Create disposal authorization	45	Inv/Evid Tech
	Mail disposal authorization	10	Evid Tech
	Make determination if firearm is ready to dispose	30	Inv
	Retrive the property paperwork and attach disposal authorization	30	Inv
	Destroy/crush firearm	60	Inv/Evid Tech
	Update computer regarding destruction and file property paperwor	20	Dispatcher
	Subtotal	**240**	
	Subtotal for Destruction of firearm	**430**	

SCENARIO 3 **Attachment 3**

6	Action	Santa Clara County Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	1	Deputy
	Renders firearm safe	3	Deputy
	Processing the firearm	5	Deputy
	Document inquiry on report	1	Deputy
	Report reviewed and approved by Supervisor	2	SGT
	Enter firearm info into DOJ/AFS	2	Law Enf Clerk
	Verify firearm Info/Temporary storage of firearm	5	Evid Tech
	Court or Release update records	2	Detective
	Prepare paperwork and firearm for transfer to P&E	5	Evid Tech
	Verify info upon receipt of firearm at P&E	5	Evid Tech
	Storing of firearms at P&E	5	Evid Tech
	Enter info to database/file docs at P&E	2	Evid Tech
	Prepare petition for retention of firearm	15	Detective
	Notification to suspect of petition for retention of firearm	5	Detective
		60	
	Add for Release of firearm:		
	Verify Court/release to owner update records	5	Detective
	Update evidence database and DOJ/AFS	2	Evid Tech
	Release of firearms	15	Evid Tech
	Supervisors review and signature for release of firearm	2	Det Lt.
	Subtotal	**24**	
	Subtotal for Release of firearm	**84**	
	Add for destruction of firearm:		
	Input & file the property paperwork	2	Evid Tech
	Create disposal authorization	5	Evid Tech
	Mail disposal authorization	2	Evid Tech
	Make determination if firearm is ready to dispose	15	Detective
	Retrive the property paperwork and attach disposal authorization	2	Evid Tech
	Destroy/crush firearm	5	Evid Tech
	Update computer regarding destruction and file property paperwor	5	Evid Tech
	Subtotal	**36**	
	Subtotal for Destruction of firearm	**96**	

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7	Action	San Franciso County	
		Minutes	Position
	Inquire if firearms are at scene	5	Patrol Officer
	Retrives firearm	5	Patrol Officer
	Renders firearm safe	2	Patrol Officer
	Processing the firearm	5	Patrol Officer
	Document inquiry on report	5	Patrol Officer
	Report reviewed and approved by Supervisor	5	SGT/Lt
	Enter firearm info into DOJ/AFS	10	SGT/Lt
	Verify firearm Info/Temporary storage of firearm	1	Inspector
	Court or Release update records	15	Inspector
	Prepare paperwork and firearm for transfer to P&E	5	Inspector
	Verify info upon receipt of firearm at P&E	1	Inspector
	Storing of firearms at P&E	15	Patrol Officer
	Enter info to database/file docs at P&E	5	Patrol Officer
	Prepare petition for retention of firearm	5	Patrol Officer
	Notification to suspect of petition for retention of firearm	1	Patrol Officer
		85	
	Add for Release of firearm:		
	Verify Court/release to owner update records	5	Inspector
	Update evidence database and DOJ/AFS	10	Patrol Officer
	Release of firearms	10	Inspector
	Supervisors review and signature for release of firearm	5	Inspector
	Subtotal	**30**	
	Subtotal for Release of firearm	**115**	
	Add for destruction of firearm:		
	Input & file the property paperwork	15	Civilian
	Create disposal authorization	5	Civilian
	Mail disposal authorization		
	Make determination if firearm is ready to dispose		
	Retrive the property paperwork and attach disposal authorization	8	Civilian
	Destroy/crush firearm	15	Civilian
	Update computer regarding destruction and file property paperwor	15	Civilian
	Subtotal	**58**	
	Subtotal for Destruction of firearm	**143**	

SCENARIO 3 Attachment 3

8	Action	Plumas County Minutes	Plumas County Position
	Inquire if firearms are at scene	5	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	15	Deputy
	Document inquiry on report	5	Deputy
	Report reviewed and approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Dispatch
	Verify firearm Info/Temporary storage of firearm	10	Evid Clerk
	Court or Release update records	5	Court Clerk
	Prepare paperwork and firearm for transfer to P&E	5	Deputy
	Verify info upon receipt of firearm at P&E	5	Evid Clerk
	Storing of firearms at P&E	5	Evid Clerk
	Enter info to database/file docs at P&E	2	Evid Clerk
	Prepare petition for retention of firearm	10	Evid Clerk
	Notification to suspect of petition for retention of firearm	5	Evid Clerk
		94	
	Add for Release of firearm:		
	Verify Court/release to owner update records	10	Evid Clerk
	Update evidence database and DOJ/AFS	5	Evid Clerk
	Release of firearms	10	Evid Clerk
	Supervisors review and signature for release of firearm	5	SGT
	Subtotal	**30**	
	Subtotal for Release of firearm	**124**	
	Add for destruction of firearm:		
	Input & file the property paperwork	10	Evid Clerk
	Create disposal authorization	10	Evid Clerk
	Mail disposal authorization	2	Evid Clerk
	Make determination if firearm is ready to dispose	10	Evid Clerk
	Retrive the property paperwork and attach disposal authorization	10	Evid Clerk
	Destroy/crush firearm	10	Gunsmith
	Update computer regarding destruction and file property paperwor	10	Evid Clerk
	Subtotal	**62**	
	Subtotal for Destruction of firearm	**156**	

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SCENARIO 3 **Attachment 3**

9	Action	San Mateo County Minutes	Position
	Inquire if firearms are at scene	2	Patrol Deputy
	Retrives firearm	5	Patrol Deputy
	Renders firearm safe	2	Patrol Deputy
	Processing the firearm	15	Patrol Deputy
	Document inquiry on report	10	Patrol Deputy
	Report reviewed and approved by Supervisor	10	Patrol SGT
	Enter firearm info into DOJ/AFS	10	Property OFCR
	Verify firearm Info/Temporary storage of firearm	5	Property OFCR
	Court or Release update records	5	Property OFCR
	Prepare paperwork and firearm for transfer to P&E	5	Property OFCR
	Verify info upon receipt of firearm at P&E	5	Property OFCR
	Storing of firearms at P&E	10	Property OFCR
	Enter info to database/file docs at P&E	10	Property OFCR
	Prepare petition for retention of firearm	45	Detective SGT
	Notification to suspect of petition for retention of firearm	60	Detective SGT
		199	
	Add for Release of firearm:		
	Verify Court/release to owner update records	15	Property OFCR
	Update evidence database and DOJ/AFS	10	Property OFCR
	Release of firearms	20	Property OFCR
	Supervisors review and signature for release of firearm	10	Detective SGT
	Subtotal	**55**	
	Subtotal for Release of firearm	**254**	
	Add for destruction of firearm:		
	Input & file the property paperwork	10	Property OFCR
	Create disposal authorization	10	Property OFCR
	Mail disposal authorization	5	Property OFCR
	Make determination if firearm is ready to dispose	10	Detective SGT
	Retrive the property paperwork and attach disposal authorization	10	Property OFCR
	Destroy/crush firearm	60	Property OFCR
	Update computer regarding destruction and file property paperwor	10	Property OFCR
	Subtotal	**115**	
	Subtotal for Destruction of firearm	**314**	

SCENARIO 3 **Attachment 3**

10	Action	Orange County Minutes	Orange County Position
	Inquire if firearms are at scene	5	Patrol Deputy
	Retrives firearm	10	Patrol Deputy
	Renders firearm safe	5	Patrol Deputy
	Processing the firearm	5	Patrol Deputy
	Document inquiry on report	20	Patrol Deputy
	Report reviewed and approved by Supervisor	5	Patrol SGT
	Enter firearm info into DOJ/AFS	10	Patrol Deputy
	Verify firearm Info/Temporary storage of firearm	10	Patrol Deputy
	Court or Release update records	5	LPT
	Prepare paperwork and firearm for transfer to P&E	10	LPT
	Verify info upon receipt of firearm at P&E	5	LPT
	Storing of firearms at P&E	10	LPT
	Enter info to database/file docs at P&E	5	LPT
	Prepare petition for retention of firearm	20	SGT
	Notification to suspect of petition for retention of firearm	10	LPT
		135	
	Add for Release of firearm:		
	Verify Court/release to owner update records	5	LPT
	Update evidence database and DOJ/AFS	10	LPT
	Release of firearms	10	SSO
	Supervisors review and signature for release of firearm	5	SGT
	Subtotal	**30**	
	Subtotal for Release of firearm	**165**	
	Add for destruction of firearm:		
	Input & file the property paperwork	5	LPT
	Create disposal authorization	5	LPT
	Mail disposal authorization	10	LPT
	Make determination if firearm is ready to dispose	10	LPT
	Retrive the property paperwork and attach disposal authorization	5	LPT
	Destroy/crush firearm	30	LPT
	Update computer regarding destruction and file property paperwor	10	LPT
	Subtotal	**75**	
	Subtotal for Destruction of firearm	**210**	

SCENARIO 3

Attachment 3

11	Action	LA City Minutes	LA City Position
	Inquire if firearms are at scene	2	Police Officer
	Retrives firearm	10	Police Officer
	Renders firearm safe	10	Police Officer
	Processing the firearm	60	Police Officer
	Document inquiry on report	2	Police Officer
	Report reviewed and approved by Supervisor	10	Sergeant
	Enter firearm info into DOJ/AFS	5	Police Officer
	Verify firearm Info/Temporary storage of firearm	10	Police Officer
	Court or Release update records		
	Prepare paperwork and firearm for transfer to P&E	10	Property Officer
	Verify info upon receipt of firearm at P&E	2	Property Officer
	Storing of firearms at P&E	10	Property Officer
	Enter info to database/file docs at P&E	5	Property Officer
	Prepare petition for retention of firearm		
	Notification to suspect of petition for retention of firearm		
		136	
	Add for Release of firearm:		
	Verify Court/release to owner update records	5	Property Officer
	Update evidence database and DOJ/AFS		
	Release of firearms	15	Property Officer
	Supervisors review and signature for release of firearm		
	Subtotal	**20**	
	Subtotal for Release of firearm	**156**	
	Add for destruction of firearm:		
	Input & file the property paperwork	5	Property Officer
	Create disposal authorization		Court
	Mail disposal authorization		Court
	Make determination if firearm is ready to dispose		Court
	Retrive the property paperwork and attach disposal authorization	10	Property Officer
	Destroy/crush firearm	480	Property Officer
	Update computer regarding destruction and file property paperwor	5	Property Officer
	Subtotal	**500**	
	Subtotal for Destruction of firearm	**636**	

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SCENARIO 3 **Attachment 3**

12	Action	City of Long Beach Minutes	Position
	Inquire if firearms are at scene	1	Patrol Officer
	Retrives firearm	5	Patrol Officer
	Renders firearm safe	2	Patrol Officer
	Processing the firearm	5	Patrol Officer
	Document inquiry on report	2	Patrol Officer
	Report reviewed and approved by Supervisor	5	SGT
	Enter firearm info into DOJ/AFS	3	Records Clerk
	Verify firearm Info/Temporary storage of firearm	3	Patrol Officer
	Court or Release update records	3	Detective
	Prepare paperwork and firearm for transfer to P&E	5	Patrol Officer
	Verify info upon receipt of firearm at P&E	3	Property Clerk
	Storing of firearms at P&E	3	Property Clerk
	Enter info to database/file docs at P&E	4	Property Clerk
	Prepare petition for retention of firearm	5	Detective
	Notification to suspect of petition for retention of firearm	4	Detective
		53	
	Add for Release of firearm:		
	Verify Court/release to owner update records	6	Detective
	Update evidence database and DOJ/AFS	4	Records Clerk
	Release of firearms	5	Property Clerk
	Supervisors review and signature for release of firearm	3	Detective
	Subtotal	**18**	
	Subtotal for Release of firearm	**71**	
	Add for destruction of firearm:		
	Input & file the property paperwork	4	Property Clerk
	Create disposal authorization	3	Property Clerk
	Mail disposal authorization	3	Property Clerk
	Make determination if firearm is ready to dispose	5	Detective
	Retrive the property paperwork and attach disposal authorization	3	Property Clerk
	Destroy/crush firearm	3	Property Clerk
	Update computer regarding destruction and file property paperwor	4	Property Clerk
	Subtotal	**25**	
	Subtotal for Destruction of firearm	**78**	
	Total for Release of firearm	**1,697**	
	Total for Destruction of firearm	**3,120**	
	Average for Release of firearm	**141**	
	Average for Destruction of firearm	**260**	
	Average for Release of firearm Only	**28**	
	Average for Destruction of firearm Only	**128**	

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SCENARIO 4 **Attachment 4**

1	Action	Los Angeles County Minutes	Los Angeles County Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	20	Deputy
	Document inquiry on report	5	Deputy
	Report approved by Supervisor	2	SGT
	Enter firearm info into DOJ/AFS	5	SSC II
	Verify firearm Info/Temporary storage of firearm	5	LET
	Court or Release update records	20	LET
	Prepare paperwork and firearm for transfer to P&E	5	LET
	Verify info upon receipt of firearm at P&E	5	EPC III
	Storing of firearms at P&E	5	EPC III
	Enter info to database/file docs at P&E	5	ITC
	Create disposal authorization	5	SEPC
	Mail disposal authorization	5	ITC
	Make determination if firearm is ready to dispose	2	SEPC
	Retrive the property paperwork and attach disposal authorization	5	ITC
	Destroy/crush firearm	3	EPC III
	Update computer re desturction and file property papework	5	ITC
	Sub-total	**111**	
2		**Napa County** Minutes	**Napa County** Position
	Inquire if firearms are at scene	5	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	20	Deputy
	Document inquiry on report	45	Deputy
	Report approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Records
	Verify firearm Info/Temporary storage of firearm	5	Records
	Court or Release update records	10	Records
	Prepare paperwork and firearm for transfer to P&E	15	Deputy
	Verify info upon receipt of firearm at P&E	10	Evidence
	Storing of firearms at P&E	10	Evidence
	Enter info to database/file docs at P&E	10	Evidence
	Create disposal authorization	30	Detective
	Mail disposal authorization	5	Records
	Make determination if firearm is ready to dispose	5	Evidence
	Retrive the property paperwork and attach disposal authorization	5	Evidence
	Destroy/crush firearm	240	Evidence
	Update computer re desturction and file property papework	10	Evidence
	Sub-total	**447**	

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SCENARIO 4 **Attachment 4**

3	Action	Colusa County Minutes	Colusa County Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	5	Deputy
	Processing the firearm	5	Deputy
	Document inquiry on report	5	Deputy
	Report approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Dispatch
	Verify firearm Info/Temporary storage of firearm	15	Deputy
	Court or Release update records	2	Tech
	Prepare paperwork and firearm for transfer to P&E	5	Tech
	Verify info upon receipt of firearm at P&E		
	Storing of firearms at P&E	2	Tech
	Enter info to database/file docs at P&E	5	Tech
	Create disposal authorization	5	Tech
	Mail disposal authorization	1	Tech
	Make determination if firearm is ready to dispose	10	Tech
	Retrive the property paperwork and attach disposal authorization	5	Tech
	Destroy/crush firearm		
	Update computer re desturction and file property papework	3	Tech
	Sub-total	**90**	

4		Fresno County Minutes	Fresno County Position
	Inquire if firearms are at scene	1	Deputy
	Retrives firearm	2	Deputy
	Renders firearm safe	3	Deputy
	Processing the firearm	180	
	Document inquiry on report	1	Deputy
	Report approved by Supervisor	5	SGT
	Enter firearm info into DOJ/AFS	3	Records
	Verify firearm Info/Temporary storage of firearm	5	Deputy
	Court or Release update records		
	Prepare paperwork and firearm for transfer to P&E	10	Deputy
	Verify info upon receipt of firearm at P&E	5	Property
	Storing of firearms at P&E	5	Property
	Enter info to database/file docs at P&E	5	Property
	Create disposal authorization	10	Property
	Mail disposal authorization	15	Property
	Make determination if firearm is ready to dispose	2	Property
	Retrive the property paperwork and attach disposal authorization	1	Property
	Destroy/crush firearm	10	EOD
	Update computer re desturction and file property papework	2	Property
	Sub-total	**265**	

SCENARIO 4 **Attachment 4**

5	Action	Inyo County Minutes	Inyo County Position
	Inquire if firearms are at scene	5	Patrol Officer
	Retrives firearm	5	Patrol Officer
	Renders firearm safe	5	Patrol Officer
	Processing the firearm	10	Patrol Officer
	Document inquiry on report	10	Patrol Officer
	Report approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	10	Dispatcher
	Verify firearm Info/Temporary storage of firearm	20	Evid Tech
	Court or Release update records	10	Investigator
	Prepare paperwork and firearm for transfer to P&E	10	Patrol/Inv
	Verify info upon receipt of firearm at P&E	20	Evid Tech
	Storing of firearms at P&E	20	Evid Tech
	Enter info to database/file docs at P&E	20	Evid Tech
	Create disposal authorization	45	Inv/Evid Tech
	Mail disposal authorization	10	Evid Tech
	Make determination if firearm is ready to dispose	30	Investigator
	Retrive the property paperwork and attach disposal authorization	30	Investigator
	Destroy/crush firearm	60	Inv/Evid Tech
	Update computer re desturction and file property papework	20	Dispatcher
	Sub-total	**350**	

6		Santa Clara County Minutes	Santa Clara County Position
	Inquire if firearms are at scene	2	Deputy
	Retrives firearm	1	Deputy
	Renders firearm safe	3	Deputy
	Processing the firearm	5	Deputy
	Document inquiry on report	1	Deputy
	Report approved by Supervisor	2	SGT
	Enter firearm info into DOJ/AFS	2	Law Enf Clerk
	Verify firearm Info/Temporary storage of firearm	5	Evid Tech
	Court or Release update records	5	Detective
	Prepare paperwork and firearm for transfer to P&E	5	Evid Tech
	Verify info upon receipt of firearm at P&E	2	Evid Tech
	Storing of firearms at P&E	5	Evid Tech
	Enter info to database/file docs at P&E	2	Evid Tech
	Create disposal authorization	5	Detective
	Mail disposal authorization	2	Evid Tech
	Make determination if firearm is ready to dispose	15	Evid Tech
	Retrive the property paperwork and attach disposal authorization	2	Evid Tech
	Destroy/crush firearm	5	Evid Tech
	Update computer re desturction and file property papework	5	Evid Tech
	Sub-total	**74**	

SCENARIO 4 **Attachment 4**

7	Action	San Francisco County Minutes	Position
	Inquire if firearms are at scene	5	Patrol Officer
	Retrives firearm	5	Patrol Officer
	Renders firearm safe	2	Patrol Officer
	Processing the firearm	5	Patrol Officer
	Document inquiry on report	5	Patrol Officer
	Report approved by Supervisor	5	SGT/Lt
	Enter firearm info into DOJ/AFS	10	Patrol Officer
	Verify firearm Info/Temporary storage of firearm	2	Inspector
	Court or Release update records		
	Prepare paperwork and firearm for transfer to P&E	5	Patrol Officer
	Verify info upon receipt of firearm at P&E	1	Inspector
	Storing of firearms at P&E	10	Civilian
	Enter info to database/file docs at P&E	10	Patrol Officer
	Create disposal authorization	5	Civilian
	Mail disposal authorization		
	Make determination if firearm is ready to dispose		
	Retrive the property paperwork and attach disposal authorization	8	Civilian
	Destroy/crush firearm	8	Civilian
	Update computer re desturction and file property papework	15	Civilian
	Sub-total	**101**	
8		**Plumas County** Minutes	Position
	Inquire if firearms are at scene	5	Deputy
	Retrives firearm	5	Deputy
	Renders firearm safe	2	Deputy
	Processing the firearm	15	Deputy
	Document inquiry on report	5	Deputy
	Report approved by Supervisor	10	SGT
	Enter firearm info into DOJ/AFS	5	Dispatch
	Verify firearm Info/Temporary storage of firearm	10	Evid Clerk
	Court or Release update records	5	Court Clerk
	Prepare paperwork and firearm for transfer to P&E	5	Deputy
	Verify info upon receipt of firearm at P&E	5	Evid Clerk
	Storing of firearms at P&E	5	Evid Clerk
	Enter info to database/file docs at P&E	2	Evid Clerk
	Create disposal authorization	10	Evid Clerk
	Mail disposal authorization	2	Evid Clerk
	Make determination if firearm is ready to dispose	10	Evid Clerk
	Retrive the property paperwork and attach disposal authorization	10	Evid Clerk
	Destroy/crush firearm	10	Gunsmith
	Update computer re desturction and file property papework	10	Evid Clerk
	Sub-total	**131**	

SCENARIO 4 **Attachment 4**

9	Action	San Mateo County Minutes	Position
	Inquire if firearms are at scene	2	Patrol Deputy
	Retrives firearm	5	Patrol Deputy
	Renders firearm safe	2	Patrol Deputy
	Processing the firearm	15	Patrol Deputy
	Document inquiry on report	10	Patrol Deputy
	Report approved by Supervisor	10	Patrol SGT
	Enter firearm info into DOJ/AFS	10	Property OFCR
	Verify firearm Info/Temporary storage of firearm	5	Property OFCR
	Court or Release update records	5	Property OFCR
	Prepare paperwork and firearm for transfer to P&E	5	Property OFCR
	Verify info upon receipt of firearm at P&E	5	Property OFCR
	Storing of firearms at P&E	10	Property OFCR
	Enter info to database/file docs at P&E	5	Property OFCR
	Create disposal authorization	10	Property OFCR
	Mail disposal authorization	5	Property OFCR
	Make determination if firearm is ready to dispose	10	Detective SGT
	Retrive the property paperwork and attach disposal authorization	10	Property OFCR
	Destroy/crush firearm	60	Property OFCR
	Update computer re desturction and file property papework	10	Property OFCR
	Sub-total	**194**	
10		**Orange County** Minutes	Position
	Inquire if firearms are at scene	5	Patrol Deputy
	Retrives firearm	10	Patrol Deputy
	Renders firearm safe	5	Patrol Deputy
	Processing the firearm	5	Patrol Deputy
	Document inquiry on report	20	Patrol Deputy
	Report approved by Supervisor	5	Patrol SGT
	Enter firearm info into DOJ/AFS	10	Patrol Deputy
	Verify firearm Info/Temporary storage of firearm	10	Patrol Deputy
	Court or Release update records	10	LPT
	Prepare paperwork and firearm for transfer to P&E	10	LPT
	Verify info upon receipt of firearm at P&E	5	LPT
	Storing of firearms at P&E	10	LPT
	Enter info to database/file docs at P&E	10	LPT
	Create disposal authorization	5	LPT
	Mail disposal authorization	10	LPT
	Make determination if firearm is ready to dispose	10	LPT
	Retrive the property paperwork and attach disposal authorization	5	LPT
	Destroy/crush firearm	30	LPT
	Update computer re desturction and file property papework	10	LPT
	Sub-total	**185**	

SCENARIO 4 **Attachment 4**

11	Action	LA City Minutes	LA City Position
	Inquire if firearms are at scene	2	Police Officer
	Retrives firearm	10	Police Officer
	Renders firearm safe	10	Police Officer
	Processing the firearm	60	Police Officer
	Document inquiry on report	2	Police Officer
	Report approved by Supervisor	15	Watch Commander
	Enter firearm info into DOJ/AFS	5	Police Officer
	Verify firearm Info/Temporary storage of firearm	10	Police Officer
	Court or Release update records		
	Prepare paperwork and firearm for transfer to P&E	5	Property Officer
	Verify info upon receipt of firearm at P&E	2	Property Officer
	Storing of firearms at P&E	2	Property Officer
	Enter info to database/file docs at P&E	5	Property Officer
	Create disposal authorization		
	Mail disposal authorization		
	Make determination if firearm is ready to dispose	5	Detective
	Retrive the property paperwork and attach disposal authorization	5	Property Officer
	Destroy/crush firearm	480	Property Officer
	Update computer re desturction and file property papework	5	Property Officer
	Sub-total	**623**	
12		**City of Long Beach** Minutes	**City of Long Beach** Position
	Inquire if firearms are at scene	1	Patrol Officer
	Retrives firearm	5	Patrol Officer
	Renders firearm safe	2	Patrol Officer
	Processing the firearm	5	Patrol Officer
	Document inquiry on report	2	Patrol Officer
	Report approved by Supervisor	5	SGT
	Enter firearm info into DOJ/AFS	3	Records Clerk
	Verify firearm Info/Temporary storage of firearm	3	Patrol Officer
	Court or Release update records	3	Detective
	Prepare paperwork and firearm for transfer to P&E	5	Patrol Officer
	Verify info upon receipt of firearm at P&E	3	Property Clerk
	Storing of firearms at P&E	3	Property Clerk
	Enter info to database/file docs at P&E	4	Property Clerk
	Create disposal authorization	3	Property Clerk
	Mail disposal authorization	3	Property Clerk
	Make determination if firearm is ready to dispose	5	Detective
	Retrive the property paperwork and attach disposal authorization	3	Property Clerk
	Destroy/crush firearm	3	Property Clerk
	Update computer re desturction and file property papework	4	Property Clerk
	Sub-total	**65**	
	Total	**2,636**	
	Average	**220**	

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SCENARIO 5 **Attachment 5**

1	Action	**Los Angeles County**	
		Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Document inquiry on report	5	Deputy
	Report approved by Supervisor	2	SGT
	Sub-total	**9**	
2		**Napa County**	
		Minutes	Position
	Inquire if firearms are at scene	5	Deputy
	Document inquiry on report	45	Deputy
	Report approved by Supervisor	10	SGT
	Sub-total	**60**	
3		**Colusa County**	
		Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Document inquiry on report	5	Deputy
	Report approved by Supervisor	10	SGT
	Sub-total	**17**	
4		**Fresno County**	
		Minutes	Position
	Inquire if firearms are at scene	1	Deputy
	Document inquiry on report	1	Deputy
	Report approved by Supervisor	5	SGT
	Sub-total	**7**	
5		**Inyo County**	
		Minutes	Position
	Inquire if firearms are at scene	30	Patrol Officer
	Document inquiry on report	10	Patrol Officer
	Report approved by Supervisor	10	SGT
	Sub-total	**50**	
6		**Santa Clara County**	
		Minutes	Position
	Inquire if firearms are at scene	2	Deputy
	Document inquiry on report	2	Deputy
	Report approved by Supervisor	5	Deputy
	Sub-total	**9**	

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SCENARIO 5 **Attachment 5**

7	Action	San Francisco County	
		Minutes	Position
	Inquire if firearms are at scene	5	Patrol Officer
	Document inquiry on report	5	Patrol Officer
	Report approved by Supervisor	5	SGT/Lt
	Sub-total	**15**	
8		**Plumas County**	
		Minutes	Position
	Inquire if firearms are at scene	120	Deputy
	Document inquiry on report	10	Deputy
	Report approved by Supervisor	10	SGT
	Sub-total	**140**	
9		**San Mateo County**	
		Minutes	Position
	Inquire if firearms are at scene	2	Patrol Deputy
	Document inquiry on report	10	Patrol Deputy
	Report approved by Supervisor	10	Patrol SGT
	Sub-total	**22**	
10		**Orange County**	
		Minutes	Position
	Inquire if firearms are at scene	5	Patrol Deputy
	Document inquiry on report	20	Patrol Deputy
	Report approved by Supervisor	5	Patrol SGT
	Sub-total	**30**	
11		**LA City**	
		Minutes	Position
	Inquire if firearms are at scene	2	Police Officer
	Document inquiry on report	2	Police Officer
	Report approved by Supervisor	15	SGT
	Sub-total	**19**	
12		**City of Long Beach**	
		Minutes	Position
	Inquire if firearms are at scene	1	Patrol Officer
	Document inquiry on report	2	Patrol Officer
	Report approved by Supervisor	5	SGT
	Sub-total	**8**	
	Total	**386**	
	Average	**32**	

2

ONE TIME ACTIVITY FEE **Attachment 6**

1	Action	Los Angeles County	
		Minutes	Position
	Amend receipt	240	Deputy
	Supervisor's approval of receipt	30	SGT
	Agency's Approval of receipt	30	Lt
	Print/download receipt	120	SIT
	Sub-total	**420**	
2		**Napa County**	
		Minutes	Position
	Amend receipt	5	Evidence
	Supervisor's approval of receipt	5	SGT
	Agency's Approval of receipt	5	SGT
	Print/download receipt	5	Records
	Sub-total	**20**	
3		**Colusa County**	
		Minutes	Position
	Amend receipt		
	Supervisor's approval of receipt		
	Agency's Approval of receipt		
	Print/download receipt		
	Sub-total	-	
4		**Fresno County**	
		Minutes	Position
	Amend receipt		
	Supervisor's approval of receipt		
	Agency's Approval of receipt		
	Print/download receipt		
	Sub-total	-	
5		**Inyo County**	
		Minutes	Position
	Amend receipt	60	Inv/Admin
	Supervisor's approval of receipt	15	Admin
	Agency's Approval of receipt	60	Admin
	Print/download receipt	15	Inv/Admin
	Sub-total	**150**	

1

6	Action	Santa Clara County	
		Minutes	Position
	Amend receipt	2	Evid Tech
	Supervisor's approval of receipt	2	Det Lt.
	Agency's Approval of receipt	2	Det Lt.
	Print/download receipt	2	Evid Tech
	Sub-total	**8**	
7		**San Francisco County**	
		Minutes	Position
	Amend receipt	10	Civilian
	Supervisor's approval of receipt	5	Inspector/Lt
	Agency's Approval of receipt	2	Inspector/Lt
	Print/download receipt	2	Inspector/Lt
	Sub-total	**19**	
8		**Plumas County**	
		Minutes	Position
	Amend receipt	5	Deputy
	Supervisor's approval of receipt	5	SGT
	Agency's Approval of receipt	5	Patrol Commander
	Print/download receipt	2	Deputy
	Sub-total	**17**	
9		**San Mateo County**	
		Minutes	Position
	Amend receipt		
	Supervisor's approval of receipt		
	Agency's Approval of receipt		
	Print/download receipt		
	Sub-total	-	
10		**Orange County**	
		Minutes	Position
	Amend receipt	10	LPT
	Supervisor's approval of receipt	5	SGT
	Agency's Approval of receipt	5	LPT
	Print/download receipt	5	LPT
	Sub-total	**25**	
11		**LA City**	
		Minutes	Position
	Amend receipt		
	Supervisor's approval of receipt		
	Agency's Approval of receipt		
	Print/download receipt		
	Sub-total	-	
		City of Long Beach	

ONE TIME ACTIVITY FEE **Attachment 6**

12		Minutes	Position
	Amend receipt	3	Detective
	Supervisor's approval of receipt	2	SGT
	Agency's Approval of receipt	3	Records Clerk
	Print/download receipt	2	Records Clerk
	Sub-total	**10**	
	Total	**669**	
	Average	**56**	

3

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

County of Los Angeles

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Deputy	
Document inquiry on report	5	Deputy	
Report reviewed and approved by Supervisor	2	Sergeant	

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Deputy	
Retrieves firearm	5	Deputy	
Renders firearm safe	2	Deputy	
Processing the firearm	20	Deputy	
Document inquiry on report	5	Deputy	
Report reviewed and approved by Supervisor	2	Sergeant	
Enter firearm info into DOJ/AFS	5	SSCII	
Verify firearm Info/ temporary storage of firearm	5	LET	

Action	Minutes	Position	Cost
Court or Release update records	20	LET	
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	LET	
Verify info upon receipt of firearm at P&E	5	EPCIII	
Storing of firearms at P & E	5	EPCIII	
Enter info to data base/file docs at P & E	5	ITC	
Verify Court/release to owner update records	10	EPCIII	
Update evidence data base and DOJ/AFS	10	EPCIII	
Release of firearm	15	Deputy B1	
Supervisors review and signature for release of firearm	5	Lieutenant	

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Deputy	
Retrieves firearm	5	Deputy	
Renders firearm safe	2	Deputy	
Processing the firearm	20	Deputy	
Document inquiry on report	5	Deputy	
Report reviewed and approved by Supervisor	2	Sergeant	
Enter firearm info into DOJ/AFS	5	SSCII	
Verify firearm Info/ temporary storage of firearm	5	LET	
Court or Release update records	20	LET	
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	LET	
Verify info upon receipt of firearm at P&E	5	EPCIII	

Action	Minutes	Position	Cost
Storing of firearms at P & E	5	EPCIII	
Enter info to data base/file docs at P & E	5	ITC	
Prepare petition for retention of firearm	15	Deputy B1	
Notification to suspect of petition for retention of firearm	10	SSCII	
Add for Release of firearm:			
Verify Court/release to owner update records	10	EPCIII	
Update evidence data base and DOJ/AFS	10	EPCIII	
Release of firearm	15	Deputy B1	
Supervisors review and signature for release of firearm	5	Lieutenant	
Add for destruction of firearm:			
Input & file the property paperwork	5	ITC	
Create disposal authorization	5	SEPC	
Mail disposal authorization	5	ITC	
Make determination if firearm is ready to dispose	2	SEPC	
Retrieve the property paperwork and attach disposal authorization	5	ITC	
Destroy/crush firearm	3	EPCIII	
Update computer regarding destruction and file property paperwork	5	ITC	

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Deputy	
Retrieves firearm	5	Deputy	
Renders firearm safe	2	Deputy	

Action	Minutes	Position	Cost
Processing the firearm	20	Deputy	
Document inquiry on report	5	Deputy	
Report approved by Supervisor	2	Sergeant	
Enter firearm info into DOJ/AFS	5	SSCII	
Verify firearm Info/ temporary storage of firearm	5	LET	
Court or Release update records	20	LET	
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	LET	
Verify info upon receipt of firearm at P&E	5	EPCIII	
Storing of firearms at P & E	5	EPCIII	
Enter info to data base/file docs at P & E	5	ITC	
Create disposal authorization	5	SEPC	
Mail disposal authorization	5	ITC	
Make determination if firearm is ready to dispose	2	SEPC	
Retrieve the property paperwork and attach disposal authorization	5	ITC	
Destroy/crush firearm	3	EPCIII	
Update computer re destruction and file property paperwork	5	ITC	

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Deputy	
Document inquiry on report	5	Deputy	
Report approved by Supervisor	2	Sergeant	

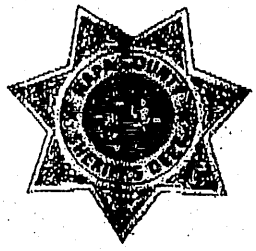
One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	240	Deputy	
Supervisor's approval of receipt	30	Sergeant	
Agency's Approval of receipt	30	Lieutenant	
Print/download receipt	120	SIT	

Napa County Sheriff's Department

Douglas E. Koford, Sheriff-Coroner
1535 Airport Blvd., Napa, CA 94558



FACSIMILE COVER SHEET

Please deliver the following documents immediately

TO: Ms. Susie Demirchian

Company: LA County

Fax: 213.617.8106

FROM: Lieutenant Douglas Pike

NAPA COUNTY SHERIFF'S DEPARTMENT
707.299.1529

Fax: 707.253.4233

Date: November 17, 2009

Pages (Including Cover page) (6)

COMMENTS

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Post-it® Fax Note 7671	Date 11/16/09	# of pages ▶ 5
To Doug Pike	From Susie Demirchian	
Co./Dept.	Co. LA County	
Phone # 707-299-1529	Phone # 213-974-4671	
Fax # 707-253-4233	Fax # 213-617-8106	

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	DEPUTY	3.37
Document inquiry on report	5	DEPUTY	3.37
Report reviewed and approved by Supervisor	10	SGT.	7.52

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	DEPUTY	3.37
Retrieves firearm	5	DEPUTY	3.37
Renders firearm safe	2	DEPUTY	1.34
Processing the firearm	20	DEPUTY	13.50
Document inquiry on report	45	DEPUTY	50.57
Report reviewed and approved by Supervisor	10	SGT	7.52
Enter firearm info into DOJ/AFS	5	RECORDS	1.60

Action	Minutes	Position	Cost
Verify firearm Info/ temporary storage of firearm	5	RECORDS	1 60
Court or Release update records	10	RECORDS	3 19
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	15	DEPUTY	10 12
Verify info upon receipt of firearm at P&E	10	EVIDENCE	4 10
Storing of firearms at P & E	10	EVIDENCE	4 10
Enter info to data base/file docs at P & E	10	EVIDENCE	4 10
Verify Court/release to owner update records	10	RECORDS	3 19
Update evidence data base and DOJ/AFS	5	EVIDENCE	2 05
Release of firearm	10	EVIDENCE	4 10
Supervisors review and signature for release of firearm	5	SGT	3 76

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	DEPUTY	3 37
Retrieves firearm	5	DEPUTY	3 37
Renders firearm safe	2	DEPUTY	1 34
Processing the firearm	20	DEPUTY	13 50
Document Inquiry on report	45	DEPUTY	50 57
Report reviewed and approved by Supervisor	10	SGT	7 52
Enter firearm info into DOJ/AFS	5	RECORDS	1 60
Verify firearm Info/ temporary storage of firearm	5	RECORDS	1 60
Court or Release update records	10	RECORDS	3 19
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	15	DEPUTY	10 12

Action	Minutes	Position	Cost
Verify info upon receipt of firearm at P&E	10	EVIDENCE	4 10
Storing of firearms at P & E	10	EVIDENCE	4 10
Enter info to data base/file docs at P & E	10	EVIDENCE	4 10
Prepare petition for retention of firearm	45	DETECTIVE	50 57
Notification to suspect of petition for retention of firearm	20	DETECTIVE	13 50
Add for Release of firearm:			
Verify Court/release to owner update records	10	RECORDS	3 19
Update evidence data base and DOJ/AFS	10	RECORDS	3 19
Release of firearm	10	EVIDENCE	4 10
Supervisors review and signature for release of firearm	5	SGT	3 76
Add for destruction of firearm:			
Input & file the property paperwork	10	EVIDENCE	4 10
Create disposal authorization	30	DETECTIVE	33 71
Mail disposal authorization	5	RECORDS	1 60
Make determination if firearm is ready to dispose	5	EVIDENCE	2 05
Retrieve the property paperwork and attach disposal authorization	5	EVIDENCE	2 05
Destroy/crush firearm	240	EVIDENCE	163 04
Update computer regarding destruction and file property paperwork	10	EVIDENCE	4 10

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	DEPUTY	3 37
Retrieves firearm	5	DEPUTY	3 37

Action	Minutes	Position	Cost
Renders firearm safe	2	DEPUTY	1 34
Processing the firearm	20	DEPUTY	13 50
Document inquiry on report	45	DEPUTY	50 51
Report approved by Supervisor	10	SGT	7 52
Enter firearm info into DOJ/AFS	5	RECORDS	1 60
Verify firearm Info/ temporary storage of firearm	5	RECORDS	1 60
Court or Release update records	10	RECORDS	3 45
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	15	DEPUTY	10 12
Verify info upon receipt of firearm at P&E	10	EVIDENCE	4 10
Storing of firearms at P & E	10	EVIDENCE	4 10
Enter info to data base/file docs at P & E	10	EVIDENCE	4 10
Create disposal authorization	30	DETECTIVE	33 71
Mail disposal authorization	5	RECORDS	1 60
Make determination if firearm is ready to dispose	5	EVIDENCE	2 05
Retrieve the property paperwork and attach disposal authorization	5	EVIDENCE	2 05
Destroy/crush firearm	240	EVIDENCE	163 04
Update computer re destruction and file property paperwork	10	EVIDENCE	4 10

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	DEPUTY	3 37
Document inquiry on report	45	DEPUTY	50 51
Report approved by Supervisor	10	SGT	7 52

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	5	EVIDENCE	2 65
Supervisor's approval of receipt	5	SGT	3 76
Agency's Approval of receipt	5	SGT	3 76
Print/download receipt	5	RECORDS	1 60

929 Bridge Street
Colusa, CA 95932
(530) 458-0200
(530) 458-4697
www.colusasheriff.com

Colusa County Sheriff's Office

Fax

To:	Susie Demirchian/ LA Auditor-Controller	**From:**	Sgt. Kevin Erdelt
Fax:	213-617-8106	**Pages:**	6
Phone:		**Date:**	11-18-09
Re:	SB 90 DV custody of firearms	**cc:**	

☐ **Urgent** ☐ **For Review** ☐ **Please Reply**

- **Comments:** completed cost survey, using step 5 pay range for each position.

Fax # 530-458-4697

Please direct any questions/response to:

Sgt. Kevin Erdelt

929 Bridge Street

Colusa, Ca. 95932

(530) 458-0216

kerdelt@colusasheriff.com

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	DEPUTY	1.48
Document inquiry on report	5	DEPUTY	3.70
Report reviewed and approved by Supervisor	10	SGT	8.80

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	DEPUTY	1.48
Retrieves firearm	5	DEPUTY	3.70
Renders firearm safe	5	DEPUTY	3.70
Processing the firearm	5	DEPUTY	3.70
Document inquiry on report	5	DEPUTY	3.70
Report reviewed and approved by Supervisor	10	SGT	8.80
Enter firearm info into DOJ/AFS	5	Dispatch	2.95

Action	Minutes	Position	Cost
Verify firearm Info/ temporary storage of firearm	15	DEPUTY	11.10
Court or Release update records	5	TECH	2.70
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	TECH	2.70
Verify info upon receipt of firearm at P&E	3	Tech	1.62
Storing of firearms at P & E	2	Tech	1.08
Enter info to data base/file docs at P & E	5	Tech	2.70
Verify Court/release to owner update records	2	Tech	1.08
Update evidence data base and DOJ/AFS	5	Tech	2.70
Release of firearm	10	Tech	5.40
Supervisors review and signature for release of firearm	1	Lt	1.05

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	DEPUTY	1.48
Retrieves firearm	5	DEPUTY	3.70
Renders firearm safe	5	DEPUTY	3.70
Processing the firearm	5	DEPUTY	3.70
Document inquiry on report	5	DEPUTY	3.70
Report reviewed and approved by Supervisor	10	SGT.	8.80
Enter firearm info into DOJ/AFS	5	Dispatch	2.95
Verify firearm Info/ temporary storage of firearm	15	DEPUTY	11.10
Court or Release update records	5	TECH	2.70
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	TECH	2.70

Action	Minutes	Position	Cost
Verify info upon receipt of firearm at P&E	3	Tech	1.62
Storing of firearms at P & E	2	Tech	1.08
Enter info to data base/file docs at P & E	5	Tech	2.70
Prepare petition for retention of firearm	—		
Notification to suspect of petition for retention of firearm	5	Tech	2.70
Add for Release of firearm:			
Verify Court/release to owner update records	2	Tech	1.08
Update evidence data base and DOJ/AFS	5	Tech	2.70
Release of firearm	10	Tech	5.40
Supervisors review and signature for release of firearm	1	Lt	1.05
Add for destruction of firearm:			
Input & file the property paperwork	10	Tech	5.40
Create disposal authorization	10	Tech	5.40
Mail disposal authorization	1	Tech	.54
Make determination if firearm is ready to dispose	10	Tech	5.40
Retrieve the property paperwork and attach disposal authorization	5	Tech	2.70
Destroy/crush firearm	—		
Update computer regarding destruction and file property paperwork	3	Tech	1.62

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	DEPUTY	1.48
Retrieves firearm	5	DEPUTY	3.70

Action	Minutes	Position	Cost
Renders firearm safe	5	DEPUTY	3.70
Processing the firearm	5	DEPUTY	3.70
Document Inquiry on report	5	DEPUTY	3.70
Report approved by Supervisor	10	SGT	8.80
Enter firearm info into DOJ/AFS	5	DISPATCH	2.95
Verify firearm Info/ temporary storage of firearm	15	DEPUTY	11.10
Court or Release update records	2	Tech	1.08
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Tech	2.70
Verify info upon receipt of firearm at P&E	—		
Storing of firearms at P & E	2	Tech	1.08
Enter info to data base/file docs at P & E	5	TECH	2.70
Create disposal authorization	5	Tech	2.70
Mail disposal authorization	1	Tech	.54
Make determination if firearm is ready to dispose	10	Tech	5.40
Retrieve the property paperwork and attach disposal authorization	5	Tech	2.70
Destroy/crush firearm		—	
Update computer re destruction and file property paperwork	3	Tech	1.62

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	DEPUTY	1.48
Document inquiry on report	5	DEPUTY	3.70
Report approved by Supervisor	10	SGT.	8.80

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt			
Supervisor's approval of receipt			
Agency's Approval of receipt			
Print/download receipt			

FRESNO COUNTY SHERIFF'S DEPARTMENT

Margaret Mims, Sheriff

2200 Fresno Street
P.O. Box 1788
Fresno, CA 93717
(559)

Date: 11/23/09

To: Susie Demirchian

Fax Number: 213 6178106

From: Sergeant Smith

Subject: Survey

Comments/Instructions:

If you need anything else just let me know.

The information contained in this facsimile message is confidential information, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Number of pages transmitted, including cover: 6

Please call (559) 488-3901 immediately if you do not receive all of the indicated pages.

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PAT DEP.	.58
Document inquiry on report	1	PAT DEP	.58
Report reviewed and approved by Supervisor	5	PAT SGT	3.59

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PAT. DEP.	.58
Retrieves firearm	2	PAT. DEP.	1.16
Renders firearm safe	3	PAT DEP	1.73
Processing the firearm	180	I BUREAU	$81.79 $20 MATERIALS
Document inquiry on report	1	PAT DEP	.58
Report reviewed and approved by Supervisor	5	PAT SGT	3.59
Enter firearm info into DOJ/AFS	3	RECORDS	.87

Action	Minutes	Position	Cost
Verify firearm Info/ temporary storage of firearm	5	PAT DEP	2.89
Court or Release update records			
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10	PAT DEP	5.78
Verify info upon receipt of firearm at P&E	5	PROPERTY	2.11
Storing of firearms at P & E	5	PROPERTY	2.11
Enter info to data base/file docs at P & E	5	PROPERTY	2.11
Verify Court/release to owner update records			
Update evidence data base and DOJ/AFS	2 3	PROPERTY RECORDS	2.11 .87
Release of firearm	10	PROPERTY	4.20
Supervisors review and signature for release of firearm		DON'T DO	

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PAT DEP	.58
Retrieves firearm	2		1.16
Renders firearm safe	3		1.73
Processing the firearm	180	I BUREAU	$81.79 20 MATERIALS
Document inquiry on report	1	PAT DEP	.58
Report reviewed and approved by Supervisor	5	PAT SGT	3.59
Enter firearm info into DOJ/AFS	3	RECORDS	.87
Verify firearm Info/ temporary storage of firearm	5	PAT DEP	2.89
Court or Release update records			
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10	PAT DEP	5.78

Action	Minutes	Position	Cost
Verify info upon receipt of firearm at P&E	5	PROPERTY	2.11
Storing of firearms at P & E	5		2.11
Enter info to data base/file docs at P & E	5		2.11
Prepare petition for retention of firearm		DETECTIVE	
Notification to suspect of petition for retention of firearm		DET.	
Add for Release of firearm:			
Verify Court/release to owner update records			
Update evidence data base and DOJ/AFS			
Release of firearm			
Supervisors review and signature for release of firearm			
Add for destruction of firearm:			
Input & file the property paperwork	10 3	PROPERTY RECORDS	4.22 .87
Create disposal authorization	10	PROPERTY	4.22
Mail disposal authorization	15	PROPERTY	6.32
Make determination if firearm is ready to dispose	2	PROPERTY	.84
Retrieve the property paperwork and attach disposal authorization	1	PROPERTY	.42
Destroy/crush firearm	10	EOD	5.78
Update computer regarding destruction and file property paperwork	2	PROPERTY	.84

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PAT DEP	.58
Retrieves firearm	2	PAT DEP	1.16

Action	Minutes	Position	Cost
Renders firearm safe	3	PAT DEP	1.73
Processing the firearm	180	I BUREAU	81.79 ~~28~~ MATERIALS
Document inquiry on report	1	PAT DEP	.58
Report approved by Supervisor	5	PAT SGT	3.59
Enter firearm info into DOJ/AFS	3	RECORDS	.87
Verify firearm Info/ temporary storage of firearm	5	PAT DEP	2.89
Court or Release update records			
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10	PAT DEP	5.78
Verify info upon receipt of firearm at P&E	5	PROPERTY	2.11
Storing of firearms at P & E	5		2.11
Enter info to data base/file docs at P & E	5		2.11
Create disposal authorization	10	PROPERTY	4.22
Mail disposal authorization	15	PROPERTY	6.32
Make determination if firearm is ready to dispose	2	PROPERTY	.84
Retrieve the property paperwork and attach disposal authorization	1	PROPERTY	.42
Destroy/crush firearm	10	EOD	5.78
Update computer re destruction and file property paperwork	2	PROPERTY	.84

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PAT DEP	.58
Document inquiry on report	1		.58
Report approved by Supervisor	5	PAT SGT	3.59

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt			
Supervisor's approval of receipt			
Agency's Approval of receipt			
Print/download receipt			

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey
Inyo County

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Officer	3.00
Document inquiry on report	5	Patrol Officer	3.00
Report reviewed and approved by Supervisor	10	Patrol Sgt.	3.50

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol/Inv	3.00
Retrieves firearm **If numerous firearms longer)****	5-20	Same	3.00-10.00
Renders firearm safe	1-15	Same	5.00
Processing the firearm	10-60	Evid Tech	5.00-20.00
Document inquiry on report	10	Patrol/Inv	6.00 to8.00
Report reviewed and approved by Supervisor	10	Patrol Sgt.	7.00
Enter firearm info into DOJ/AFS	10-30	Dispatcher	12.50
Verify firearm Info/ temporary storage of firearm	20	Evid. Tech	8.00

Action	Minutes	Position	Cost
Court or Release update records	10	Investigator	8.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10-60	Patrol/Inv	8.00-33.00
Verify info upon receipt of firearm at P&E	20	Evid Tech	8.00
Storing of firearms at P & E	20	Evid. Tech	8.00
Enter info to data base/file docs at P & E	20	Evid Tech	8.00
Verify Court/release to owner update records	10	Inv.	8.00
Update evidence data base and DOJ/AFS	10	Inv/Disp	8.00
Release of firearm	10-60	Inv or Evid Tech	8.00-33.00
Supervisors review and signature for release of firearm	10	Inv	8.00

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Officer	3.00
Retrieves firearm	5-20	Patrol Officer	3.00-10.00
Renders firearm safe	5	Same	3.00
Processing the firearm	10-60	Same	3.00-28.00
Document inquiry on report	10	Patrol Officer	6.00
Report reviewed and approved by Supervisor	10	Patrol Sgt.	6.00
Enter firearm info into DOJ/AFS	10-30	Dispatcher	12.50
Verify firearm Info/ temporary storage of firearm	20	Evid Tech	8.00
Court or Release update records	10	Inv	8.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10-60	Patrol/Inv	8.00-33.00
Verify info upon receipt of firearm at P&E	20	Evid Tech	8.00

Action	Minutes	Position	Cost
Storing of firearms at P & E	20	Evid Tech	8.00
Enter info to data base/file docs at P & E	20	Evid Tech	8.00
Prepare petition for retention of firearm	30	Inv	17.50
Notification to suspect of petition for retention of firearm	5	Inv	4.00
Add for Release of firearm:			
Verify Court/release to owner update records	10	Inv	8.00
Update evidence data base and DOJ/AFS	10	Inv/Dispatcher	8.00
Release of firearm	10-60	Inv	8.00-33.00
Supervisors review and signature for release of firearm	10	Inv	8.00
Add for destruction of firearm:			
Input & file the property paperwork	45	Inv/Evid Tech	30.00
Create disposal authorization	45	Inv/Evid Tech	30.00
Mail disposal authorization	10	Evid Tech	4.00
Make determination if firearm is ready to dispose	30	Inv.	17.50
Retrieve the property paperwork and attach disposal authorization	30	Inv	17.50
Destroy/crush firearm	60	Inv/Evid Tech	33.00
Update computer regarding destruction and file property paperwork	20	Dispatcher	10.00

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Officer	3.00
Retrieves firearm	5-20	Patrol Officer	3.00-12.00
Renders firearm safe	5	Patrol Officer	3.00

Action	Minutes	Position	Cost
Processing the firearm	10-60	Patrol Officer	6.00-30.00
Document inquiry on report	10	Patrol Officer	6.00
Report approved by Supervisor	10	Patrol Sgt.	3.50
Enter firearm info into DOJ/AFS	10-30	Dispatcher	10.00
Verify firearm Info/ temporary storage of firearm	20	Evid Tech	8.00
Court or Release update records	10	Investigator	8.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E).	10-60	Patrol/Inv	8.00-33.00
Verify info upon receipt of firearm at P&E	20	Evid Tech	8.00
Storing of firearms at P & E	20	Evid Tech	8.00
Enter info to data base/file docs at P & E	20	Evid Tech	8.00
Create disposal authorization	45	Inv/Evid Tech	17.50
Mail disposal authorization	10	Evid Tech	4.00
Make determination if firearm is ready to dispose	30	Investigator	17.50
Retrieve the property paperwork and attach disposal authorization	30	Inv.	17.50
Destroy/crush firearm	60	Inv/Evid Tech	33.00
Update computer re destruction and file property paperwork	20	Dispatcher	10.00

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	30	Patrol Officer	14.00
Document inquiry on report	10	Patrol Officer	6.00
Report approved by Supervisor	10	Patrol Sgt.	3.50

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	60	Inv/Admin	33.00
Supervisor's approval of receipt	15	Admin	11.00
Agency's Approval of receipt	60	Admin	44.00
Print/download receipt	15	Inv	10.00

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey
Santa Clara County Sheriff's Office

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	3.00

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Deputy	3.00
Document inquiry on report	1	Patrol Deputy	1.50
Report reviewed and approved by Supervisor	2	Patrol Sgt.	3.50

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Deputy	3.00
Retrieves firearm	1	Patrol Deputy	1.50
Renders firearm safe	3	Patrol Deputy	4.50
Processing the firearm	5	Patrol Deputy	7.50
Document inquiry on report	1	Patrol Deputy	1.50
Report reviewed and approved by Supervisor	2	Patrol Sgt.	3.50
Enter firearm info into DOJ/AFS	2	Law Enf. Clerk	2.00
Verify firearm Info/ temporary storage of firearm	5	Evid. Tech.	6.25

Action	Minutes	Position	Cost
Court or Release update records	2	Detective	3.50
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Evid. Tech.	6.25
Verify info upon receipt of firearm at P&E	5	Evid. Tech.	6.25
Storing of firearms at P & E	5	Evid. Tech.	6.25
Enter info to data base/file docs at P & E	2	Evid. Tech.	2.50
Verify Court/release to owner update records	2	Detective	3.50
Update evidence data base and DOJ/AFS	2	Evid. Tech.	2.50
Release of firearm	15	Evid. Tech.	18.75
Supervisors review and signature for release of firearm	2	Det. Lieutenant	5.00

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Deputy	3.00
Retrieves firearm	1	Patrol Deputy	1.50
Renders firearm safe	3	Patrol Deputy	4.50
Processing the firearm	5	Patrol Deputy	7.50
Document inquiry on report	1	Patrol Deputy	1.50
Report reviewed and approved by Supervisor	2	Patrol Sgt.	3.50
Enter firearm info into DOJ/AFS	2	Law Enf. Clerk	2.00
Verify firearm Info/ temporary storage of firearm	5	Evid. Tech.	6.25
Court or Release update records	2	Detective	3.50
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Evid. Tech.	6.25
Verify info upon receipt of firearm at P&E	5	Evid. Tech.	6.25

Action	Minutes	Position	Cost
Storing of firearms at P & E	5	Evid. Tech.	6.25
Enter info to data base/file docs at P & E	2	Evid. Tech.	2.50
Prepare petition for retention of firearm	15	Detective	23.75
Notification to suspect of petition for retention of firearm	5	Detective	8.75
Add for Release of firearm:			
Verify Court/release to owner update records	5	Detective	8.75
Update evidence data base and DOJ/AFS	2	Evid. Tech.	2.50
Release of firearm	15	Evid. Tech.	18.75
Supervisors review and signature for release of firearm	2	Det. Lieutenant	10.00
Add for destruction of firearm:			
Input & file the property paperwork	2	Evid. Tech.	2.50
Create disposal authorization	5	Evid. Tech.	6.25
Mail disposal authorization	2	Evid. Tech.	2.50
Make determination if firearm is ready to dispose	15	Detective	23.75
Retrieve the property paperwork and attach disposal authorization	2	Evid. Tech.	2.50
Destroy/crush firearm	5	Evid. Tech.	6.25
Update computer regarding destruction and file property paperwork	5	Evid. Tech.	6.25

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Deputy	3.00
Retrieves firearm	1	Patrol Deputy	1.50
Renders firearm safe	3	Patrol Deputy	4.50

Action	Minutes	Position	Cost
Processing the firearm	5	Patrol Deputy	7.50
Document inquiry on report	1	Patrol Deputy	1.50
Report approved by Supervisor	2	Patrol Sgt.	3.50
Enter firearm info into DOJ/AFS	2	Law Enf. Clerk	2.00
Verify firearm Info/ temporary storage of firearm	5	Evid. Tech.	6.25
Court or Release update records	5	Detective	8.75
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Evid. Tech.	6.25
Verify info upon receipt of firearm at P&E	2	Evid. Tech.	2.50
Storing of firearms at P & E	5	Evid. Tech.	6.25
Enter info to data base/file docs at P & E	2	Evid. Tech.	2.50
Create disposal authorization	5	Detective	8.75
Mail disposal authorization	2	Evid. Tech.	2.50
Make determination if firearm is ready to dispose	15	Evid. Tech	18.75
Retrieve the property paperwork and attach disposal authorization	2	Evid. Tech.	2.50
Destroy/crush firearm	5	Evid. Tech.	6.25
Update computer re destruction and file property paperwork	5	Evid. Tech.	6.25

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Deputy	3.00
Document inquiry on report	2	Patrol Deputy	3.00
Report approved by Supervisor	5	Patrol Deputy	7.50

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	2	Evid. Tech	2.50
Supervisor's approval of receipt	2	Det. Lieutenant	10.00
Agency's Approval of receipt	2	Det. Lieutenant	10.00
Print/download receipt	2	Evid. Tech	2.50

SAN FRANCISCO POLICE DEPARTMENT
DOMESTIC VIOLENCE
RESPONSE UNIT
SAN FRANCISCO, CA 94103
OFFICE #: (415) 553-9225
FAX # (415) 553-7965

Fax Transmittal Sheet

DATE: November 24, 2009

AGENCY: County of L.A. Dept. of Auditor-Controller

FAX NUMBER: (213) 626-5427

ATTENTION: Susie Demirchian

SENT BY: Ac/Lt Arthur Stellini, #707

PHONE #: (415) 553-4900

COMMENTS:
I apologize for the late corrections, if there are any questions feel free to contact me.

Thank You

Number of pages, Including Cover Sheet: 6

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol officer	$ 5.15
Document inquiry on report	5	Patrol Officer	$ 5.15
Report reviewed and approved by Supervisor	5	Sergeant	$ 5.15

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Officer	$ 5.15
Retrieves firearm	5	" "	$ 5.15
Renders firearm safe	2	" "	$ 2.06
Processing the firearm	5	" "	$ 5.15
Document inquiry on report	5	" "	$ 5.15
Report reviewed and approved by Supervisor	5	Sergeant /Lt	$ 5.15
Enter firearm info into DOJ/AFS	10	Patrol Officer	$ 10.30

Action	Minutes	Position	Cost
Verify firearm Info/ temporary storage of firearm	1	Inspector	$ 1.03
Court or Release update records	15	Inspector	$ 15.45
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Patrol Officer	$ 5.15
Verify info upon receipt of firearm at P&E	5	Inspector	$ 5.15
Storing of firearms at P & E	15	Patrol Officer	$ 15.45
Enter info to data base/file docs at P & E	10	Inspector	$ 10.30
Verify Court/release to owner update records	2	Inspector	$ 2.06
Update evidence data base and DOJ/AFS	10	Patrol Officer	$ 10.30
Release of firearm	5	Inspector	$ 5.15
Supervisors review and signature for release of firearm	5	Inspector	$ 5.15

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Officers	$ 5.15
Retrieves firearm	5	" "	$ 5.15
Rendors firearm safe	2	" "	$ 2.06
Processing the firearm	5	" "	$ 5.15
Document inquiry on report	5	" "	$ 5.15
Report reviewed and approved by Supervisor	5	Sergeant / Lt	$ 5.15
Enter firearm info into DOJ/AFS	10	" "	$ 10.30
Verify firearm Info/ temporary storage of firearm	1	Inspector	$ 1.03
Court or Release update records	15	Inspector	$ 15.45
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Inspector	$ 5.15

Action	Minutes	Position	Cost
Verify info upon receipt of firearm at P&E	1	Inspector	$ 1.03
Storing of firearms at P & E	~~3~~ 15	Patrol P.O.	$ 15.45
Enter info to data base/file docs at P & E	5	Patrol Officer	$ 5.15
Prepare petition for retention of firearm	5	" "	$ 5.15
Notification to suspect of petition for retention of firearm	1	Patrol Officer	$ 1.03
Add for Release of firearm:			
Verify Court/release to owner update records	5	Inspector	$ 5.15
Update evidence data base and DOJ/AFS	~~5~~ 10	Patrol Officer	$ 10.30
Release of firearm	10	Inspector	$ 10.30
Supervisors review and signature for release of firearm	5	Inspector	$ 5.15
Add for destruction of firearm:			
Input & file the property paperwork	~~2~~ 15	Civilian	$ 6.50
Create disposal authorization	5	"	$ 2.68
Mail disposal authorization	N/A	"	
Make determination if firearm is ready to dispose	36 months	"	
Retrieve the property paperwork and attach disposal authorization	8	"	$ 3.32
Destroy/crush firearm	~~15~~ 15	"	$ 15.45
Update computer regarding destruction and file property paperwork	15	"	$ 6.24

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Officer	$ 5.15
Retrieves firearm	5	" "	$ 5.15

Action	Minutes	Position	Cost
Renders firearm safe	2	Patrol Officer	$ 2.06
Processing the firearm	5	" "	$ 5.15
Document inquiry on report	5	" "	$ 5.15
Report approved by Supervisor	5	Sergeant/Lt	$ 5.15
Enter firearm info into DOJ/AFS	~~5~~ 10	Patrol Officer	$ 10.30
Verify firearm Info/ temporary storage of firearm	2	Inspector	$ 2.06
Court or Release update records			
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Patrol Officer	$ 5.15
Verify info upon receipt of firearm at P&E	1	Inspector	$ 1.03
Storing of firearms at P & E	~~3~~ 10	Civilian	$ 4.35
Enter info to data base/file docs at P & E	~~5~~ 10	Patrol Officer	$ 10.30
Create disposal authorization	5	Civilian	$ 2.06
Mail disposal authorization	N/A		
Make determination if firearm is ready to dispose	36 months		
Retrieve the property paperwork and attach disposal authorization	8	Civilian	$ 3.32
Destroy/crush firearm	8	"	$ 3.32
Update computer re destruction and file property paperwork	15	"	$ 6.24

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Officer	$ 5.15
Document inquiry on report	5	Patrol Officer	$ 5.15
Report approved by Supervisor	5	Sergeant/Lt	$ 5.15

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	10	Clerical	$4.16
Supervisor's approval of receipt	5	Inspector/Lt	$5.15
Agency's Approval of receipt	2	Inspector/Lt	$2.06
Print/download receipt	2	Inspector/Lt	$2.06

PLUMAS COUNTY SHERIFF'S OFFICE

1400 EAST MAIN STREET
QUINCY, CA 95971-9402

TERRY BERGSTRAND, SHERIFF/CORONER

Administration (530) 283-6375 Dispatch (530) 283-6300
Fax (530) 283-6344

FAX COVER SHEET

FROM: Commander Hendrick DATE: 12/3/09

TITLE: Patrol Commander DIVISION: Patrol

WARNING

THE DOCUMENT ACCOMPANYING THIS TELECOPY CONTAINS INFORMATION FROM THE PLUMAS COUNTY SHERIFF'S OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMISSION SHEET. IF NOT IN THE HANDS OF THE INTENDED RECIPIENT, DICLOSURE, COPYING, DISTRIBUTION, AND/OR RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO OUR OFFICE AT NO COST TO YOU.

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ORGANIZATION: SB 90 Administration Section

TO: Susie Demerchian TITLE: Auditor Controller

PHONE NUMBER: FAX: 213-617-8106

NUMBER OF PAGES INCLUDING THIS ONE: 6

MESSAGE: Dear Susie - Sorry for the Delay... out going E-mail seems to be a problem here... Leave phone message 530-283-6343 and let me know you

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Deputy	2.00
Document inquiry on report	5	Deputy	2.00
Report reviewed and approved by Supervisor	10	Sgt	5.00

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Deputy	2.00
Retrieves firearm	5	Deputy	2.00
Renders firearm safe	2	Deputy	.75
Processing the firearm	15	Deputy	6.00
Document inquiry on report	5	Deputy	2.00
Report reviewed and approved by Supervisor	10	Sergeant	5.00
Enter firearm info into DOJ/AFS	5	Dispatcher	3.00
Verify firearm Info/ temporary storage of firearm	10	Evid Clerk	4.00

Action	Minutes	Position	Cost
Court or Release update records	5	Court Clerk	3.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Deputy	2.00
Verify info upon receipt of firearm at P&E	5	Evid Clerk	2.00
Storing of firearms at P & E	5	Evid Clerk	2.00
Enter info to data base/file docs at P & E	2	Evid Clerk	1.00
Verify Court/release to owner update records	5	Evid Clerk	2.00
Update evidence data base and DOJ/AFS	5	Evid Clerk	2.00
Release of firearm	10	Evid Clerk	4.00
Supervisors review and signature for release of firearm	5	Sgt	2.50

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Deputy	2.00
Retrieves firearm	5	Deputy	2.00
Renders firearm safe	2	Deputy	2.00
Processing the firearm	15	Deputy	6.00
Document inquiry on report	5	Deputy	2.00
Report reviewed and approved by Supervisor	10	Sergeant	5.00
Enter firearm info into DOJ/AFS	5	Dispatch	3.00
Verify firearm Info/ temporary storage of firearm	10	Evid Clerk	4.00
Court or Release update records	5	Court Clerk	3.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Deputy	2.00
Verify info upon receipt of firearm at P&E	5	Evid Clerk	2.00

Action	Minutes	Position	Cost
Storing of firearms at P & E	5	Evid Clerk	2.00
Enter info to data base/file docs at P & E	2	Evid Clerk	1.00
Prepare petition for retention of firearm	10	Evid Clerk	4.00
Notification to suspect of petition for retention of firearm	5	Evid Clerk	2.00
Add for Release of firearm:			
Verify Court/release to owner update records	10	Evid Clerk	4.00
Update evidence data base and DOJ/AFS	5	Evid Clerk	2.00
Release of firearm	10	Evid Clerk	4.00
Supervisors review and signature for release of firearm	5	Sergeant	2.50
Add for destruction of firearm:			
Input & file the property paperwork	10	Evid Clerk	4.00
Create disposal authorization	10	Evid Clerk	4.00
Mail disposal authorization	2	Evid Clerk	1.00
Make determination if firearm is ready to dispose	10	Evid Clerk	4.00
Retrieve the property paperwork and attach disposal authorization	10	Evid Clerk	4.00
Destroy/crush firearm	10	Gunsmith	5.00
Update computer regarding destruction and file property paperwork	10	Evid Clerk	4.00

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Deputy	2.00
Retrieves firearm	5	Deputy	2.00
Renders firearm safe	2	Deptuy	.75

Action	Minutes	Position	Cost
Processing the firearm	15	Deputy	6.00
Document inquiry on report	5	Deputy	2.00
Report approved by Supervisor	10	Sergeant	5.00
Enter firearm info into DOJ/AFS	5	Dispatch	3.00
Verify firearm Info/ temporary storage of firearm	10	Evid Clerk	4.00
Court or Release update records	5	Court Clerk	3.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Deputy	2.00
Verify info upon receipt of firearm at P&E	5	Evid Clerk	2.00
Storing of firearms at P & E	5	Evid Clerk	2.00
Enter info to data base/file docs at P & E	2	Evid Clerk	2.00
Create disposal authorization	10	Evid Clerk	4.00
Mail disposal authorization	2	Evid Clerk	1.00
Make determination if firearm is ready to dispose	10	Evid Clerk	4.00
Retrieve the property paperwork and attach disposal authorization	10	Evid Clerk	4.00
Destroy/crush firearm	10	Gunsmith	5.00
Update computer re destruction and file property paperwork	10	Evid Clerk	4.00

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	120	Deputy	48.00
Document inquiry on report	10	Deputy	4.00
Report approved by Supervisor	10	Sergeant	5.00

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	5	Deputy	2.00
Supervisor's approval of receipt	5	Sergeant	2.50
Agency's Approval of receipt	5	Patrol Commander	5.00
Print/download receipt	2	Deputy	1.00

SAN MATEO COUNTY SHERIFF'S OFFICE
INVESTIGATIONS BUREAU / MAJOR CRIMES UNIT
400 County Center
Redwood City, CA.
94063

F A X C O V E R S H E E T

DATE: 12-4-09 **TIME:** 1137

TO: SUSIE DEMIRCHIAN

FAX: 213-617-8106

FROM: Sgt. Linda Gibbons **PHONE:** 650-363-4063
FAX: 650-599-7253

Number of pages including cover sheet: 7

Message:

SAN MATEO COUNTY SHERIFF'S OFFICE

Domestic Violence Firearms Compliance Unit

400 County Center, 3rd Floor, Redwood City, California 94063

Greg Munks, Sheriff

Hello Susie.....

Thank you for including us in this survey. I hope the information is beneficial in the long run.

Some of these estimates are pretty rough but I think realistic. Please let me know if any additional information is needed.

I wasn't clear on info needed for the last page. If you want, give me a call with further explanation and perhaps I can provide the numbers.

Regards,

Linda

Keeping the Peace Since 1856

Sergeant Linda Gibbons
650-363-4063
lgibbons@co.sanmateo.ca.us

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	PATROL DEPUTY	$1.66
Document inquiry on report	5	"	$4.15
Report reviewed and approved by Supervisor	10	PATROL SERGEANT	10.00

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	PATROL DEPUTY	$1.66
Retrieves firearm	5	"	4.15
Renders firearm safe	2	"	1.66
Processing the firearm	15	"	12.45
Document inquiry on report	10	"	8.30
Report reviewed and approved by Supervisor	10	PATROL SERGEANT	10.00
Enter firearm info into DOJ/AFS	10	PROPERTY OFCR	4.00
Verify firearm Info/ temporary storage of firearm	5	"	2.00

Sgt. Linda Gibbons
San Mateo Co. S.O.
400 County Center
Redwood City, CA 94063

Action	Minutes	Position	Cost
Court or Release update records	5	PROPERTY OFFR	2.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	"	2.00
Verify info upon receipt of firearm at P&E	5	"	2.00
Storing of firearms at P & E	10	"	4.00
Enter info to data base/file docs at P & E	5	"	2.00
Verify Court/release to owner update records	10	"	4.00
Update evidence data base and DOJ/AFS	5	"	2.00
Release of firearm	20	"	8.00
Supervisors review and signature for release of firearm	5	PROPERTY SUPV	3.00

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	PATROL DEPUTY	1.66
Retrieves firearm	5	"	4.15
Renders firearm safe	2	"	1.66
Processing the firearm	15	"	12.45
Document inquiry on report	10	"	8.30
Report reviewed and approved by Supervisor	10	PATROL SGT	10.00
Enter firearm info into DOJ/AFS	10	PROPERTY OFFR	4.00
Verify firearm Info/ temporary storage of firearm	5	"	2.00
Court or Release update records	5	"	2.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	"	2.00
Verify info upon receipt of firearm at P&E	5	"	2.00

Action	Minutes	Position	Cost
Storing of firearms at P & E	10	PROP OFCR	4.00
Enter info to data base/file docs at P & E	10	"	4.00
Prepare petition for retention of firearm	45	DETECTIVE SGT	52.20
Notification to suspect of petition for retention of firearm	60	"	70.00
Add for Release of firearm:			
Verify Court/release to owner update records	15	PROP OFCR	6.00
Update evidence data base and DOJ/AFS	10	"	4.00
Release of firearm	20	"	8.00
Supervisors review and signature for release of firearm	10	DETECTIVE SGT	11.66
Add for destruction of firearm:			
Input & file the property paperwork	10	PROP OFCR	4.00
Create disposal authorization	10	"	4.00
Mail disposal authorization	5	"	2.00
Make determination if firearm is ready to dispose	10	DETECTIVE SGT	11.66
Retrieve the property paperwork and attach disposal authorization	10	PROP OFCR	4.00
Destroy/crush firearm	60	"	24.00
Update computer regarding destruction and file property paperwork	10	"	4.00

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	PATROL DEPUTY	1.66
Retrieves firearm	5	"	4.15
Renders firearm safe	2	"	1.66

Action	Minutes	Position	Cost
Processing the firearm	15	PATROL DEP.	12.45
Document inquiry on report	10	"	8.30
Report approved by Supervisor	10	PATROL SGT	10.00
Enter firearm info into DOJ/AFS	10	PROPERTY OFCR	4.00
Verify firearm Info/ temporary storage of firearm	5	"	2.00
Court or Release update records	5	"	2.00
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	"	2.00
Verify info upon receipt of firearm at P&E	5	"	2.00
Storing of firearms at P & E	10	"	4.00
Enter info to data base/file docs at P & E	5	"	2.00
Create disposal authorization	10	"	4.00
Mail disposal authorization	5	"	2.00
Make determination if firearm is ready to dispose	10	DETECTIVE SGT	11.66
Retrieve the property paperwork and attach disposal authorization	10	PROPERTY OFCR	4.00
Destroy/crush firearm	60	"	24.00
Update computer re destruction and file property paperwork	10	"	4.00.

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	PATROL DEPUTY	1.66
Document inquiry on report	10	"	8.30
Report approved by Supervisor	10	PATROL SGT.	10.00

One-Time Activity Fee ?

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt			
Supervisor's approval of receipt			
Agency's Approval of receipt			
Print/download receipt			

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

Orange County

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Deputy	3.50
Document inquiry on report	20	Patrol Deputy	14.00
Report reviewed and approved by Supervisor	5	Patrol Sergeant	4.25

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Deputy	3.50
Retrieves firearm	10	Patrol Deputy	7.00
Renders firearm safe	5	Patrol Deputy	3.50
Processing the firearm	5	Patrol Deputy	3.50
Document inquiry on report	20	Patrol Deputy	14.00
Report reviewed and approved by Supervisor	5	Patrol Sergeant	4.25
Enter firearm info into DOJ/AFS	10	Patrol Deputy	7.00
Verify firearm Info/ temporary storage of firearm	15	Patrol Deputy	10.50

Action	Minutes	Position	Cost
Court or Release update records	5	Legal Property Technician (LPT)	1.94
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10	LPT	3.88
Verify info upon receipt of firearm at P&E	5	LPT	1.94
Storing of firearms at P & E	10	LPT	3.88
Enter info to data base/file docs at P & E	5	LPT	1.94
Verify Court/release to owner update records	5	LPT	1.94
Update evidence data base and DOJ/AFS	10	LPT	3.88
Release of firearm	10	Sheriff Special Officer (SSO)	5.10
Supervisors review and signature for release of firearm	5	Sergeant	4.25

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Deputy	3.50
Retrieves firearm	10	Patrol Deputy	7.00
Renders firearm safe	5	Patrol Deputy	3.50
Processing the firearm	5	Patrol Deputy	3.50
Document inquiry on report	20	Patrol Deputy	14.00
Report reviewed and approved by Supervisor	5	Patrol Sergeant	4.25
Enter firearm info into DOJ/AFS	10	Patrol Deputy	7.00
Verify firearm Info/ temporary storage of firearm	10	Patrol Deputy	7.00
Court or Release update records	5	LPT	1.94
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10	LPT	3.88
Verify info upon receipt of firearm at P&E	5	LPT	1.94

Action	Minutes	Position	Cost
Storing of firearms at P & E	10	LPT	3.88
Enter info to data base/file docs at P & E	5	LPT	1.94
Prepare petition for retention of firearm	20	SGT	17.00
Notification to suspect of petition for retention of firearm	10	LPT	3.88
Add for Release of firearm:			
Verify Court/release to owner update records	5	LPT	1.94
Update evidence data base and DOJ/AFS	10	LPT	3.88
Release of firearm	10	SSO	5.10
Supervisors review and signature for release of firearm	5	SGT	4.25
Add for destruction of firearm:			
Input & file the property paperwork	5	LPT	1.94
Create disposal authorization	5	LPT	1.94
Mail disposal authorization	10	LPT	3.88
Make determination if firearm is ready to dispose	10	LPT	3.88
Retrieve the property paperwork and attach disposal authorization	5	LPT	1.94
Destroy/crush firearm	30	LPT	11.63
Update computer regarding destruction and file property paperwork	10	LPT	3.88

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Deputy	3.50
Retrieves firearm	10	Patrol Deputy	7.00
Renders firearm safe	5	Patrol Deputy	3.50

Action	Minutes	Position	Cost
Processing the firearm	5	Patrol Deputy	3.50
Document inquiry on report	20	Patrol Deputy	14.00
Report approved by Supervisor	5	Patrol Sergeant	4.25
Enter firearm info into DOJ/AFS	10	Patrol Deputy	7.00
Verify firearm Info/ temporary storage of firearm	10	Patrol Deputy	7.00
Court or Release update records	10	LPT	3.88
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10	LPT	3.88
Verify info upon receipt of firearm at P&E	5	LPT	1.94
Storing of firearms at P & E	10	LPT	3.88
Enter info to data base/file docs at P & E	10	LPT	3.88
Create disposal authorization	5	LPT	1.94
Mail disposal authorization	10	LPT	3.88
Make determination if firearm is ready to dispose	10	LPT	3.88
Retrieve the property paperwork and attach disposal authorization	5	LPT	1.94
Destroy/crush firearm	30	LPT	11.63
Update computer re destruction and file property paperwork	10	LPT	3.88

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	5	Patrol Deputy	3.50
Document inquiry on report	20	Patrol Deputy	14.00
Report approved by Supervisor	5	Patrol Sergeant	4.25

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	10	LPT	3.88
Supervisor's approval of receipt	5	SGT	4.25
Agency's Approval of receipt	5	LPT	1.94
Print/download receipt	5	LPT	1.94

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

LA City

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$1.38

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$1.38
Document inquiry on report	2	Patrol Officer	$1.38
Report reviewed and approved by Supervisor	5	Watch Commander	$4.93

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Police Officer	$1.38
Retrieves firearm	10	Police Officer	$6.90
Renders firearm safe	10	Police Officer	$6.90
Processing the firearm (includes all the rpts)	60	Police Officer	$41.40
Document inquiry on report	2	Police Officer	$1.38
Report reviewed and approved by Supervisor	10	Watch Commander	$9.86
Enter firearm info into DOJ/AFS	10	Police Officer	$6.90

Action	Minutes	Position	Cost
Verify firearm Info/ temporary storage of firearm	10	Police Officer	$6.90
Court or Release update records	N/A		
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10	Property Officer	$4.14
Verify info upon receipt of firearm at P&E	5	Property Officer	$2.07
Storing of firearms at P & E	5	Property Officer	$2.07
Enter info to data base/file docs at P & E	5	Property Officer	$2.07
Verify Court/release to owner update records	5	Property Officer	$2.07
Update evidence data base and DOJ/AFS	N/A		
Release of firearm	15	Property Officer	$6.20
Supervisors review and signature for release of firearm	N/A		

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Police Officer	$1.38
Retrieves firearm	10	Police Officer	$6.90
Renders firearm safe	10	Police Officer	$6.90
Processing the firearm	60	Police Officer	$41.40
Document inquiry on report	2	Police Officer	$1.38
Report reviewed and approved by Supervisor	10	Sergeant	$8.66
Enter firearm info into DOJ/AFS	5	Police Officer	$3.45
Verify firearm Info/ temporary storage of firearm	10	Police Officer	$6.90
Court or Release update records	N/A		
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	10	Property Officer	$4.14

Action	Minutes	Position	Cost
Verify info upon receipt of firearm at P&E	2	Property Officer	$0.83
Storing of firearms at P & E	10	Property Officer	$4.14
Enter info to data base/file docs at P & E	5	Property Officer	$2.07
Prepare petition for retention of firearm	N/A		
Notification to suspect of petition for retention of firearm	N/A		
Add for Release of firearm:			
Verify Court/release to owner update records	5	Property Officer	$2.07
Update evidence data base and DOJ/AFS	N/A		
Release of firearm	15	Property Officer	$6.20
Supervisors review and signature for release of firearm	N/A		
Add for destruction of firearm:			
Input & file the property paperwork	5	Property Officer	$2.07
Create disposal authorization	N/A	Court	
Mail disposal authorization	N/A	Court	
Make determination if firearm is ready to dispose	N/A	Court	
Retrieve the property paperwork and attach disposal authorization	10	Property Officer	$4.14
***Destroy/crush firearm	480	Property Officer	$198.52
Update computer regarding destruction and file property paperwork	5	Property Officer	$2.07

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Police Officer	$1.38
Retrieves firearm	10	Police Officer	$6.90

Action	Minutes	Position	Cost
Renders firearm safe	10	Police Officer	$6.90
Processing the firearm	60	Police Officer	$41.40
Document inquiry on report	2	Police Officer	$1.38
Report approved by Supervisor	15	Watch Commander	$14.78
Enter firearm info into DOJ/AFS	5	Police Officer	$3.45
Verify firearm Info/ temporary storage of firearm	10	Police Officer	$6.90
Court or Release update records	N/A		
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	Property Officer	$2.07
Verify info upon receipt of firearm at P&E	2	Property Officer	$0.83
Storing of firearms at P & E	2	Property Officer	$0.83
Enter info to data base/file docs at P & E	5	Property Officer	$2.07
Create disposal authorization	N/A		
Mail disposal authorization	N/A		
Make determination if firearm is ready to dispose	5	Detective	$4.26
Retrieve the property paperwork and attach disposal authorization	5	Property Officer	$2.07
***Destroy/crush firearm	480	Property Officer	$198.52
Update computer re destruction and file property paperwork	5	Property Officer	$2.07

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Police Officer	$1.38
Document inquiry on report	2	Police Officer	$1.38
Report approved by Supervisor	15	Sergeant	$12.99

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	N/A		
Supervisor's approval of receipt	N/A		
Agency's Approval of receipt	N/A		
Print/download receipt	N/A		

DOMESTIC VIOLENCE - CUSTODY OF FIREARM
SB 90 Reimbursement
Survey

City of Long Beach

Example:

Action	Minutes	Position	Cost
Inquire if firearms are at scene	2	Patrol Officer	$

Scenario #1:

Patrol officer asks victim, suspect, or witnesses if firearms are present. There are no firearms at scene.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PATROL OFC	.96
Document inquiry on report	1	PATROL OFC	.96
Report reviewed and approved by Supervisor	3	SGT	3.74

Scenario #2:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The firearm is later released to the suspect.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PATROL OFC	.96
Retrieves firearm	5	PATROL OFC	4.78
Renders firearm safe	2	PATROL OFC	1.91
Processing the firearm	5	PATROL OFC	4.78
Document inquiry on report	2	PATROL OFC	1.91
Report reviewed and approved by Supervisor	5	SGT	6.23
Enter firearm info into DOJ/AFS	3	RECORDS CLERK	1.57
Verify firearm info/ temporary storage of firearm	3	PATROL OFC	2.87

Action	Minutes	Position	Cost
Court or Release update records	3	DET.	2.87
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	PATROL OFC	4.78
Verify info upon receipt of firearm at P&E	3	PROP. CLERK	2.06
Storing of firearms at P & E	3	PROP. CLERK	2.06
Enter Info to data base/file docs at P & E	4	PROP. CLERK	2.75
Verify Court/release to owner update records	6	DET	5.73
Update evidence data base and DOJ/AFS	4	RECORDS & PROP CLERK	2.09
Release of firearm	5	PROP CLERK	3.44
Supervisors review and signature for release of firearm	3	DET	2.87

Scenario #3:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally and the detective petitions the court to retain the firearm.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PATROL OFC	.96
Retrieves firearm	5	PATROL OFC	4.78
Renders firearm safe	2	PATROL OFC	1.91
Processing the firearm	5	PATROL OFC	4.78
Document inquiry on report	2	PATROL OFC	1.91
Report reviewed and approved by Supervisor	5	SGT	6.23
Enter firearm info into DOJ/AFS	3	RECORDS CLERK	1.57
Verify firearm Info/ temporary storage of firearm	3	PATROL OFC	2.87
Court or Release update records	3	DET	2.87
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	PATROL OFC	4.78
Verify info upon receipt of firearm at P&E	3	PROP CLERK	2.06

Action	Minutes	Position	Cost
Storing of firearms at P & E	3	PROP CLERK	2.06
Enter info to data base/file docs at P & E	4	PROP CLERK	2.75
Prepare petition for retention of firearm	5	DET	4.78
Notification to suspect of petition for retention of firearm	4	DET	3.82
Add for Release of firearm:			
Verify Court/release to owner update records	6	DET	5.73
Update evidence data base and DOJ/AFS	4	RECORDS + PROP CLERK	2.75
Release of firearm	5	PROP CLERK	3.44
Supervisors review and signature for release of firearm	3	DET	2.87
Add for destruction of firearm:			
Input & file the property paperwork	4	PROP CLERK	2.75
Create disposal authorization	3	PROP CLERK	2.06
Mail disposal authorization	3	PROP CLERK	2.06
Make determination if firearm is ready to dispose	5	DET	4.78
Retrieve the property paperwork and attach disposal authorization	3	PROP CLERK	2.06
Destroy/crush firearm	3	PROP CLERK	2.06
Update computer regarding destruction and file property paperwork	4	PROP CLERK	2.75

Scenario #4:

Patrol officer asks victim, suspect, or witnesses if firearms are present. Firearms are present, and the suspect has legal possession of the firearm. Patrol officer legally takes temporary custody of the firearm. The suspect has the firearm legally but does not request the return of the firearm and the firearm is destroyed.

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PATROL OFF	.96
Retrieves firearm	5	PATROL OFF	4.78
Renders firearm safe	2	PATROL OFF	1.91

Action	Minutes	Position	Cost
Processing the firearm	5	PATROL OFC	4.78
Document inquiry on report	2	PATROL OFC	1.91
Report approved by Supervisor	5	SGT	6.23
Enter firearm info into DOJ/AFS	3	RECORDS CLERK	1.57
Verify firearm info/ temporary storage of firearm	3	PATROL OFC	2.87
Court or Release update records	3	DET	2.87
Prepare paperwork and firearm for transfer to Property & Evidence (P&E)	5	PATROL OFC	4.78
Verify info upon receipt of firearm at P&E	3	PROP CLERK	2.06
Storing of firearms at P & E	3	PROP CLERK	2.06
Enter info to data base/file docs at P & E	4	PROP CLERK	2.75
Create disposal authorization	3	PROP CLERK	2.06
Mail disposal authorization	3	PROP CLERK	2.06
Make determination if firearm is ready to dispose	5	DET	4.78
Retrieve the property paperwork and attach disposal authorization	3	PROP CLERK	2.06
Destroy/crush firearm	3	PROP CLERK	2.06
Update computer re destruction and file property paperwork	4	PROP CLERK	2.75

Scenario #5:

Patrol officer asks suspect if firearms are present and suspect refuses to relinquish firearms

Action	Minutes	Position	Cost
Inquire if firearms are at scene	1	PATROL OFC.	.96
Document inquiry on report	2	PATROL OFC	1.91
Report approved by Supervisor	5	SGT	6.23

One-Time Activity Fee

The one-time activity fee for amending the Receipt for Property - Firearm

Action	Minutes	Position	Cost
Amend receipt	3	DET	2.87
Supervisor's approval of receipt	2	SGT	2.49
Agency's Approval of receipt	3	RECORDS CLERK	1.57
Print/download receipt	2	RECORDS CLERK	1.05

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

WENDY L. WATANABE
AUDITOR-CONTROLLER

MARIA M. OMS
CHIEF DEPUTY

ASST. AUDITOR-CONTROLLERS

ROBERT A. DAVIS
JOHN NAIMO
JUDI E. THOMAS

December 14, 2009

LOS ANGELES COUNTY'S
REVISED PROPOSED PARAMETERS AND GUIDELINES
CRIME VICTIMS' DOMESTIC VIOLENCE INCIDENT REPORTS II [02-TC-18]

Declaration of Hasmik Yaghobyan

Hasmik Yaghobyan makes the following declaration and statement under oath:

I, Hasmik Yaghobyan, SB90 Administrator, in and for the County of Los Angeles, am responsible for filing test claims, reviews of State agency comments, Commission staff analysis, and for proposing parameters and guidelines (P's& G's) and amendments thereto, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the subject test claim.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs as set forth in the subject test claim, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

12/14/09 Los Angeles, CA
Date and Place

Signature

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

WENDY L. WATANABE
AUDITOR-CONTROLLER

MARIA M. OMS
CHIEF DEPUTY

ADDRESS ALL CORRESPONDENCE TO:
ACCOUNTING DIVISION
500 W. TEMPLE ST., ROOM 603
LOS ANGELES, CA 90012-2713

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Susie Demirchian states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 14th day of December, 2009, I served the attached:

Documents: **Los Angeles County's Revised Proposed Parameters and Guidelines, Crime Victims' Domestic Violence Incident Reports II [02-TC-18], including *a 1 page letter of Wendy L. Watanabe, dated 12/14/09, a 16 page narrative, a 1 page declaration of Hasmik Yaghobyan, and a 32 page Schedule A,* now pending before the Commission on State Mandates.**

upon all Interested Parties listed on the attachment hereto and by

[X] by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. Commission on State Mandates FAX.

[X] by placing [7] true copies [1] original thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.

[X] by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.

[ ] by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

PLEASE SEE ATTACHED MAILING LIST

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this on the 14th day of December, 2009, at Los Angeles, California.

Susie Demirchian

Mailing List

Claim Number: 02-TC-18
Issue: CRIME VICTIMS' DOMESTIC VIOLENCE INCIDENT REPORTS II

RIVERSIDE COUNTY AUDITOR CONTROLLERS OFFICE
ATTN DALE MANGRAM
4080 LEMON STREET 11TH FLOOR
RIVERSIDE CA 92502

MAXIMUS
ATTN MR ALLAN BURDICK
3130 KILGORE ROAD SUITE 400
RANCHO CORDOVA CA 95670

STATE CONTROLLERS OFFICE (B-08)
DIVISION OF AUDITS
ATTN MR JIM SPANO
300 CAPITOL MALL SUITE 518
SACRAMENTO CA 95814

DEPARTMENT OF FINANCE (A-15)
ATTN MS SUSAN GEANACOU
915 L STREET SUITE 1280
SACRAMENTO CA 95814

SHIELDS CONSULTING GROUP INC
ATTN MR STEVE SHIELDS
1536 36TH STREET
SACRAMENTO CA 95816

DAVID WELLHOUSE & ASSOCIATES INC
ATTN MR DAVID WELLHOUSE
9175 KIEFER BLVD SUITE 121
SACRAMENTO CA 95826

MGT OF AMERICA
ATTN MS JOLENE TOLLENAAR
2001 P STREET SUITE 200
SACRAMENTO CA 95811

DEPARTMENT OF FINANCE (A-15)
ATTN MS CARLA CASTANEDA
915 L STREET 12TH FLOOR
SACRAMENTO CA 95816

STATE CONTROLLERS OFFICE (B-08)
DIVISION OF ACCOUNTING & REPORTING
ATTN: MS. GINNY BRUMMELS
3301 C STREET SUITE 500
SACRAMENTO CA 95816

CITY OF NEWPORT BEACH
ATTN MR GLEN EVERROAD
3300 NEWPORT BLVD
P O BOX 1768
NEWPORT BEACH CA 92659-1768

COUNTY OF SAN BERNANDINO
OFFICE OF THE AUDITOR/CONTROLLER-RECORDER
ATTN MS BONNIE TER KEURST
222 WEST HOSPITALITY LANE
SAN BERNARDINO CA 92415-0018

CENTRATION INC
ATTN MS BETH HUNTER
8570 UTICA AVENUE SUITE 100
RANCHO CUCAMONGA CA 91730

M. MUS
ATTN MS JULIANA F GMUR
2380 HOUSTON AVENUE
CLOVIS CA 93611

COMMISSION ON STATE MANDATES
ATTN MS PAULA HIGASHI
EXECUTIVE DIRECTOR
980 NINTH STREET SUITE 300
SACRAMENTO CA 95814

DEPARTMENT OF FINANCE
OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEGGER, GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

January 20, 2010

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Higashi:

As requested in your letter of December 21, 2009, the Department of Finance (Finance) has reviewed the revised proposed parameters and guidelines (Ps&Gs) submitted by the Los Angeles County (claimant) for Test Claim No. CSM-02-TC-18 "Crime Victims' Domestic Violence Incident Reports II." The claimant has revised the proposed Ps&Gs to modify the descriptions of activities that the claimant alleges are reasonably necessary to carry out the mandate pursuant to Penal Code Section 12028.5 and provide documentation of 12 standard time survey questionnaires supporting the proposed reasonable reimbursement methodology (RRM) to "simplify the administrative claiming process and reduce costs."

Finance opposes the revised Ps&Gs because some activities may not be reasonably necessary to carry out the statutes found to be reimbursable mandates; the Ps&Gs lack information showing how the proposed activities relate to Penal Code Section 12028.5 when a weapon or firearm is discovered pursuant to other lawful searches; and the standard time surveys lack sufficient data or information to support the proposed RRM pursuant to Government Code Section 17518.5.

Finance believes that some activities proposed by the claimant may overlap. As a result, these activities may not be reasonably necessary to carry out the mandate. Specifically, the revised Ps&Gs do not distinguish the necessity for the activity of processing the firearm from the activity of entering firearm information into an internal and state agency database. Further, the activities related to the subdivisions of Penal Code Section 12028.5 found to be reimbursable if a weapon or firearm is discovered pursuant to other lawful searches remain vague under scenarios 2 through 5.

Finance notes that the standard time survey questionnaires that the claimant used to develop the standard times for five possible scenarios lack sufficient information, e.g., tasks related to petitions for a second hearing, to be a representative sample of eligible claimants. Further, neither the survey questionnaires nor the Ps&Gs provide any information on how the proposed RRM is cost-efficient. Finance also notes that the Ps&Gs should include cities as well as counties as eligible claimants.

As noted in prior comments, Finance would recommend that reimbursement for this claim be based on actual costs, if we cannot reach a reasonable reimbursement rate for a domestic violence call with all interested parties.

Finance, however, agrees with the claimant that other local agencies should perform time studies to document the repetitive tasks involved in carrying out the mandate.

As required by the Commission's regulations, a "Proof of Service" has been enclosed indicating that the parties included on the mailing list which accompanied your December 21, 2010, letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact the Jeff Carosone, Principal Program Budget Analyst at (916) 445-8913.

Sincerely,

Nona Martinez

Nona Martinez
Assistant Program Budget Manager

Enclosure

Attachment A

DECLARATION OF JEFF CAROSONE
DEPARTMENT OF FINANCE
CLAIM NO. CSM-02-TC-18

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

January 21, 2010
at Sacramento, CA

Jeff Carosone
Jeff Carosone

PROOF OF SERVICE

Test Claim Name: Crime Victims' Domestic Violence Incident Reports II
Test Claim Number: CSM-02-TC-18

I, the undersigned, declare as follows:
I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 8th Floor, Sacramento, CA 95814.

On 1-21-2010, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 8th Floor, for Interagency Mail Service, addressed as follows:

A-16
Ms. Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Facsimile No. 445-0278

B-08
Mr. Jim Spano
State Controller's Office
Division of Audits
300 Capitol Mall, Ste. 518
Sacramento, CA 95814

Mr. Steve Shields
Shields Consulting Group, Inc.
1536 36th Street
Sacramento, CA 95816

Ms. Jolene Tollenaar
MGT of America
2001 P Street, Suite 200
Sacramento, CA 95811

B-08
Ms. Ginny Brummels
State Controller's Office
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Mr. Allan Burdick
Maximus
3130 Kilgore Road, Suite 400
Rancho Cordova, CA 95670

A-15
Ms. Susan Geanacou
Department of Finance
915 L Street, Suite 1280
Sacramento, CA 95814

Mr. David Wellhouse
David Wellhouse and Associates, Inc.
9175 Kiefer Boulevard, Suite 121
Sacramento, CA 95826

A-15
Ms. Carla Castaneda
915 L Street, 12th Floor
Sacramento, CA 95816

Mr. Glen Everroad
City of Newport Beach
3300 Newport Boulevard
PO Box 1768
Newport Beach, CA 92659-1768

Ms. Bonnie TerKeurst
County of San Bernardino
Office of the Auditor/Controller
222 West Hospitality Lane
San Bernardino, CA 92415-0018

Ms. Beth Hunter
Centration Inc.
8570 Utica Avenue, Suite 100
Rancho, Cucamonga, CA 91730

Ms. Juliana F. Gmur
MAXIMUS
2380 Houston Avenue
Clovis, CA 93611

Ms. Hasmik Yaghobyan
County of Los Angeles
Auditor-Controller's Office
500 W. Temple Street, Room 603
Los Angeles, CA 90012

Mr. Dale Mangram
Riverside County Auditor Controller's Office
4080 Lemon Street, 11th floor
Riverside, CA 92502

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on 1-21-2010 at Sacramento, California.

Kelly Montelongo

Kelly Montelongo

JOHN CHIANG
California State Controller
Division of Accounting and Reporting

RECEIVED
FEB 22 2010
COMMISSION ON
STATE MANDATES

February 18, 2010

Ms. Nancy Patton
Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Comments on Revised Proposed Parameters & Guidelines (P's & G's)
Crime Victims' Domestic Violence Incident Reports II, 02-TC-18;
Penal Code Sections 13730, Subdivision (c)(3); 12028.5;
Statutes 2001, Chapter 483; Statutes 2002, Chapter 833
County of Los Angeles, Claimant

Dear Ms. Patton:

We reviewed the revised proposed P's & G's for the Crime Victims' Domestic Violence Incident Reports II program proposed by the County of Los Angeles. The P's & G's allow the claimant to be reimbursed by either the use of a Reasonable Reimbursable Method (RRM) or by filing an actual cost claim.

The State Controller's Office (SCO) opposes providing a claimant the option of choosing a method to file. The RRM is an alternative reimbursement method that reduces the burden to the State and claimant of documenting actual costs on an ongoing basis and costs associated with processing claims. By allowing a claimant to choose the most beneficial claiming method, the cost of the mandate to the State will be increased. We oppose the RRM, as proposed, because the RRM may include activities that are above and beyond the scope of the mandate and the number of sample units included in the rate determination may not be representative of eligible claimants.

The claimant has developed five possible scenarios and standard times required to perform specific activities under each scenario. The actions proposed for each of the scenarios are vague and not cross referenced to the reimbursable activities in Section IV. Reimbursable Activities of the P's & G's. Included in each scenario may be actions that are above and beyond the intent of the mandate, or there may be reimbursable activities that are not included in the RRM. Specifically, each of the scenarios contain minutes for supervisory review and approval which should not be duplicated in the indirect cost rate.

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
STREET ADDRESS 3301 C Street, Suite 500, Sacramento, CA 95816

We question if the survey of eligible claimants is sufficient to be representative of all eligible claimants. The Claimant developed a standard time survey questionnaire and mailed to 48 eligible claimants, of which two cities and ten counties responded. We do not believe twelve respondents is representative of all the cities and counties within the State. Specifically, Scenario 3 contains an action where the claimant reports the number of minutes required to Destroy/Crush firearms. Two respondents, a city and a county reported that it takes 3 minutes to perform this action. Two other respondents, a city and a county reported that is takes 480 minutes and 240 minutes respectively, to perform this action. We believe the RRM should be based on a larger sample to better consider the variation in costs among claimants and implement the mandate in a cost-effective manner.

The SCO recommends that Section II, Eligible Claimants, page 8, of the P's & G's be amended to include any city, county, or city and county. The current P's & G's omit "any city" as an eligible claimant.

The SCO recommends that the paragraph in the P's & G's, page 4, redefining RRM reflect the actual language in Government Code section 17518.5, as follows:

"(a) ~~A~~ 'Reasonable reimbursement methodology' means a formula for reimbursing local agencies and school districts for costs mandated by the ~~State~~ state, as defined in section 17514 ~~of the Government Code~~. (b) A reasonable reimbursement methodology shall be based on cost information from a ~~reasonable~~ representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs. (c) A reasonable reimbursement methodology shall consider the variation in costs among ~~all~~ local agencies and school districts to implement the mandate in a cost efficient-manner. (d) Whenever possible, a reasonable reimbursement methodology shall be based on general allocation formulas, uniform cost allowances, ~~standard time~~, and other approximations of local costs mandated by the ~~State~~ state, rather than detailed ~~actual~~ documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years. (e) A reasonable reimbursement methodology may be developed by any of the following: (1) the Department of Finance. (2) The Controller. (3) An affected state agency. (4) A claimant. (5) An interested party."

The survey results for the calculation of the proposed RRM should be based on a sound methodology. One of the respondents included a note on the coversheet of their survey stating, "Some of these estimates are pretty rough but I think realistic." Data that is used to determine a reimbursement rate needs to be more reliable than a rough estimate. The claimants that respond should be reporting actual costs incurred.

The SCO requests a prehearing to discuss the RRM survey sample and methodology. If you have any questions, please contact Ginny Brummels, Manager of the Local Reimbursements Section, at (916) 324-0256.

Sincerely,

Jill Kanemasu

JILL KANEMASU, Chief
Bureau of Payments

JK:glb

PROOF OF SERVICE BY MAIL

Revised Proposed Parameters and Guidelines: Crime Victim's Domestic Violence Incident Reports II, 02-TC-18

I, the undersigned, declare that:

I am a citizen of the United States and a resident of the County of Placer, State of California, of legal age, and not a party to the within entitled cause, with business address at 3301 C Street, Suite 500, Sacramento, CA95816.

On February 18, 2010, I served the attached recommendation of the State Controller's Office to each of the persons named below at the addresses shown and by depositing said envelopes:

(1) local agencies enclosed in a sealed envelope with postage thereon fully prepared in the United States Mail at Sacramento, California;

(2) state agencies enclosed on a sealed envelope in the normal pickup location at 3301 C Street, Suite 500, for Interagency Mail Service, addressed as follows:

Riverside County Auditor Controller's Office
Attn: Mr. Dale Mangram
4080 Lemon Street 11th Floor
Riverside, CA 92502

MAXIMUS
Attn: Mr. Allan Burdick
3130 Kilgore Road, Suite 400
Rancho Cordova, CA 95670

State Controller's Office (B-08)
Division of Audits
Attn: Mr. Jim Spano
300 Capitol Mall Suite 518
Sacramento, CA 95814

Department of Finance (A-15)
Attn: Ms Susan Geanacou
915 L Street, Suite 1280
Sacramento, CA 95814

Shields Consulting Group Inc.
Attn: Mr. Steve Shields
1536 36th Street
Sacramento, CA 95816

David Wellhouse & Associates, Inc.
Attn: Mr. David Wellhouse
9175 Kiefer Blvd, Suite 121
Sacramento, CA 95826

MGT of America
Attn: Ms. Jolene Tollenaar
2001 P Street, Suite 200
Sacramento, CA 95811

Department of Finance (A-15)
Attn: Ms. Carla Castaneda
915 L Street, 12th Floor
Sacramento, CA 95816

State Controller's Office (B-08)
Attn: Ms. Ginny Brummels
Division of Accounting and Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

City of Newport Beach
Attn: Mr. Glen Everroad
3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA 92659-1768

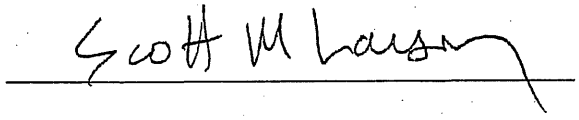
County of San Bernadino
Office of the Auditor/ Controller – Recorder
Attn: MS. Bonnie Ter Keurst
222 West Hospitality Lane
San Bernardino, CA 92415-0018

Centration, Inc.
Attn: Ms. Beth Hunter
8570 Utica Avenue, Suite 100
Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 92814

MAXIMUS
Attn: Ms. Juliana F. Gmur
2380 Houston Avenue
Clovis, CA 93611

Commission on State Mandates
Attn: Ms. Paula Higashi
Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 18, 2010, at Sacramento, California.



Scott M. Larson