

**ITEM 9**  
**PROPOSED DECISION**  
**PARAMETERS AND GUIDELINES AMENDMENT**

Government Code Sections 3301, 3303, 3304, 3305, 3306

Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1187; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675

*Peace Officers Procedural Bill of Rights*

11-PGA-09 (CSM-4499, 05-RL-4499-01, 06-PGA-06)

County of Los Angeles, Requester

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**COUNTY OF LOS ANGELES  
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March 27, 2012

Ms. Nancy Patton  
Acting Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, California 95814

Dear Ms. Patton:

**LOS ANGELES COUNTY  
PARAMETERS AND GUIDELINES AMENDMENT  
PEACE OFFICERS PROCEDURAL BILL OF RIGHTS PROGRAM**

The County of Los Angeles (County) respectfully submits its proposed amendment to the parameters and guidelines for the Peace Officers Procedural Bill of Rights reimbursement program.

If you have any questions, please contact Leonard Kaye at (213) 974-9791 or via e-mail at [lkaye@auditor.lacounty.gov](mailto:lkaye@auditor.lacounty.gov).

Very truly yours,

A handwritten signature in black ink that reads "Wendy L. Watanabe".

Wendy L. Watanabe  
Auditor-Controller

WLW:JN:CY:ik

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Enclosure

Los Angeles County  
Parameters and Guidelines Amendment  
Peace Officers Procedural Bill of Rights Program

Executive Summary

The County of Los Angeles [County] proposes that the Commission on State Mandates [Commission] amend the Peace Officers Procedural Bill of Rights [POBOR] program's parameters and guidelines [Ps&Gs] to provide claimants with an updated 'reasonable reimbursement methodology' [RRM].

The proposed POBOR RRM rates revise the current RRM rates in the POBOR's Ps&Gs adopted by the Commission on March 28, 2008. This revision was prompted by the recent availability of a large sample of audited allowable POBOR costs and an analysis that found that the average of the sampled values resulted in substantially greater RRM reimbursement rates than those currently available to eligible claimants.

In proceeding to develop updated RRM rates, the County followed precedents established by the Commission in developing RRM rates. For example, if an allowable cost audit finding was zero, it was not used in computing RRM values.

Also, the County collaborated with the State Controller's Office (SCO) in developing accurate schedules of allowable costs. In addition, SCO staff separated allowable county probation costs from allowable county sheriff, district attorney and other costs. This enabled the County to develop a separate RRM rate for sworn probation peace officers.

The resulting RRM reimbursement rate for sworn probation peace officers was found to be \$111.99 per officer and the rate for all other sworn peace officers was found to be \$152.77 per officer.

While the proposed \$152.77 rate far exceeds the current \$41.64 rate, this result is not unexpected. The proposed rate is based on some large allowable cost findings while the current rate is not. For example, the allowable cost finding used in computing the older rate for one claimant was \$550,345. Subsequently, on October 20, 2010, this finding was revised by SCO to \$10,331,887.

Accordingly, based on new samples of allowable cost audit findings, adoption of the proposed POBOR RRM rates is required.

## RRM Update

The proposed POBOR RRM updates the prior RRM developed by the County and adopted by the Commission on March 28, 2008<sup>1</sup>. The development of the updated RRM closely follows the procedures and assumptions the County used in developing the prior POBOR RRM.

Also, under the proposed POBOR RRM, claimants would be able to file reimbursement using either an RRM option or an actual cost option, as is the case now.

A number of features of the proposed POBOR RRM are still the same as those found in the current POBOR in effect.

Specifically, the proposed POBOR RRM metric is still based on measurements of allowed costs per sworn peace officer.

Also, the updated POBOR RRM still incorporates allowable POBOR costs reported in SCO's POBOR audits.

The County's update of the current POBOR RRM is now necessary as it has been four years since it was last studied and adopted.

According to a recent POBOR RRM rate study performed by the California State Association of Counties (CSAC) and filed with the Commission on June 30, 2011, current RRM reimbursement rates were found to be inaccurate. For example, CSAC found that the updated POBOR RRM rate for 2010-11 should be \$193.91 per officer<sup>2</sup>, not the current POBOR RRM rate of \$41.64 per officer<sup>3</sup>.

The significance of CSAC's finding was not lost. Simply put, it meant that claimants electing to use the RRM claiming option were underpaid. Indeed, these claimants were receiving only 21% of the reimbursement due them<sup>4</sup>.

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<sup>1</sup> The Commission's "Final Staff Analysis" supporting the current POBOR RRM, adopted on March 28, 2008, is attached in Exhibit 5.

<sup>2</sup> See CSAC's assumptions and methodology for computing revised RRM rates in Exhibit 6, pages 1-4 and the derivation of the \$193.91 rate on page 8.

<sup>3</sup> The current rate of \$41.64 is found in SCO's claiming instruction, form 1, attached in Exhibit 4, page 22.

<sup>4</sup> The 21% result was found by dividing the current rate of \$41.64 by CSAC's proposed rate of \$193.91.

## County's Study

The County's RRM rate update study was prompted by the promising results from the CSAC study. The County's study was different in certain respects from CSAC's study. For example, the County did not exclude allowable cost audit findings where less than 10% of claimed costs were allowed. CSAC did<sup>5</sup>.

However, the County's study still found that claimants electing to use the RRM claiming option were underpaid. In this case, claimants were receiving only 27%<sup>6</sup> of the reimbursement due them.

To ensure that the assumptions and procedures used in the County's RRM study were valid, the County sought the assistance of SCO. On November 30, 2011, County staff met with SCO auditors to discuss appropriate standards for measuring allowable POBOR costs and computing POBOR RRM reimbursement rates<sup>7</sup>.

Subsequently, SCO provided the County with schedules of allowable cost audit findings which were then incorporated in the County's computation of updated RRM rates<sup>8</sup>. Allowable cost findings from 39 SCO POBOR audits were examined<sup>9</sup>. However, upon SCO's recommendation, 8 findings of no allowable costs were excluded from samples used to compute allowable cost averages.

Accordingly, the County's RRM study used a sample of 31 allowable cost audit findings<sup>10</sup>. This compares with the sample of 19 allowable cost audit finding used in the CSAC RRM study<sup>11</sup>.

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<sup>5</sup> The basis for CSAC's 10% exclusion is provided in their June 30, 2011 filing with the Commission, attached in pertinent part, in Exhibit 6, page 1.

<sup>6</sup> The 27% result was found by dividing the current rate of \$41.64 by the County's proposed rate of \$152.77.

<sup>7</sup> See SCO meeting attendees on "sign-in Sheet" in Exhibit 2 on page 6 and SCO correspondence with the County on page 5.

<sup>8</sup> See SCO's schedule of allowable cost POBOR audit findings in Exhibit 2, page 7.

<sup>9</sup> These finding are discussed in SCO's August 9, 2010 correspondence with the Bureau of State Audits (BSA). SCO notes that the total claimed by the 39 agencies was \$225 million and that except for the City of Los Angeles, amounts claimed for the POBOR program have dropped substantially. This letter is attached in Exhibit 7, pages 1-2.

<sup>10</sup> See the County's schedule 1, Part A, including 31 allowable costs POBOR audit findings in Exhibit 2, page 1.

<sup>11</sup> See CSAC's schedule, including 19 allowable costs POBOR audit findings in Exhibit 6, page 8.

Also, the County developed an RRM reimbursement rate for sworn probation peace officers and an RRM reimbursement rate all other sworn peace officers. CSAC developed one RRM rate, presumably including sworn probation peace officers<sup>12</sup>.

### Probation RRM

The need to develop an RRM rate to provide reimbursement for probation officers was prompted when the County found that four POBOR audits identified a total of \$307,031 in allowable probation costs<sup>13</sup>. However, the number of probation officers in the four audited agencies was not identified or included in CSAC's RRM rate computations. This created a problem as allowable probation costs were included in rate computations but not the corresponding numbers of officers. To solve this problem, the County again relied on SCO's expertise.

SCO staff separated and subtracted allowable probation costs from other allowable costs in the four pertinent POBOR audits<sup>14</sup>. This information was then incorporated by the County in computing probation RRM rates as well as rates based on SCO's adjusted costs, hereinafter referred to as general RRM rates.

The numbers of sworn probation officers necessary to complete the probation RRM rate computations was obtained from the California Department of Justice (DOJ)<sup>15</sup> and cross-checked with data from the Chief Probation Officers of California (CPOC)<sup>16</sup>.

Accordingly, the County's 2010-11 probation POBOR RRM reimbursement rate was found to be \$111.99 per sworn officer<sup>17</sup> and the 2010-11 general POBOR RRM reimbursement rate was found to be \$152.77<sup>18</sup> per sworn officer.

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<sup>12</sup> In this regard, see CSAC's discussion of the matter in Exhibit 6, page 3.

<sup>13</sup> The allowable probation costs are totaled on the County's Schedule 2, Part A in Exhibit 3, page 1.

<sup>14</sup> See pertinent SCO's correspondence to the County regarding allowable probation costs in Exhibit 3, pages 2-3.

<sup>15</sup> DOJ's data is found in Exhibit 3, on pages 5, 9, 11 and 13.

<sup>16</sup> CPOC's data is found in Exhibit 3, on pages 6, 10, 12 and 14.

<sup>17</sup> See the 2010-11 probation RRM rate computation of \$111.99 in Exhibit 3, page 1.

<sup>18</sup> See the 2010-11 general RRM rate computation of \$152.77 per officer in Exhibit 2, pages 1-4 and pages 8-27 for data provided by the Commission on Peace Officers Standards and

## Other Benefits

In addition to providing POBOR claimants electing to use the POBOR RRM claiming option with the full amount due them, there are other benefits to adopting the proposed rates.

Under the 2010-11 POBOR RRM rate currently in effect (\$41.64), 121 cities and counties which have less than 25 sworn peace officers, cannot meet the \$1,000 minimum requirement to file a RRM reimbursement claim<sup>19</sup>. It is also unlikely that these small agencies will be able or willing to file small actual cost claims requiring extensive documentation.

Under the 2010-11 general POBOR RRM proposed by the County (\$152.77), only 13 of the (above) 121 cities and counties, which have less than 7 officers<sup>20</sup>, would not be able to meet the \$1,000 minimum requirement to file a RRM reimbursement claim.

Also, under the proposed RRM rate structure, fewer claimants would be inclined to go to the expense of filing small actual cost claims, resulting in savings to local government. In addition, the State would have fewer actual cost claims to audit and review, resulting in savings to the State.

According to claiming scenarios developed by the County, under the current 2010-11 POBOR RRM rate structure, 16 claimants would need to file actual cost claims to recover their allowable costs<sup>21</sup>. This compares with half as many or 8 claimants that would need to file actual cost claims to recover their allowable audited costs if the proposed 2010-11 general RRM rate was adopted<sup>22</sup>.

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Training (POST) detailing sworn peace office employment by jurisdiction by year for the period 1994 through 2010.

<sup>19</sup> The 121 cities and counties are listed in Schedule 4 in Exhibit 9. The number of sworn peace officers reported to POST by these agencies in 2010-11 is indicated and also referenced to POST's 2010-11 employment report in Exhibit 4, pages 4-21.

<sup>20</sup> The 13 cities and counties are listed on Schedule 4 in Exhibit 9 and were found by counting the number of agencies reported by POST to have less than 7 sworn peace officers employed in 2010-11. See POST's 2010-11 report in Exhibit 4, pages 4-21.

<sup>21</sup> This result is found by counting the number of actual cost claims in column (K) of in Schedule 3, Part b in Exhibit 4, page 2.

<sup>22</sup> This result is found by counting the number of actual cost claims in column (K) of in Schedule 3, Part a in Exhibit 4, page 1.

In conclusion, for all of the above reasons, updated POBOR RRM rates as detailed herein are required to provide eligible claimants with the POBOR reimbursements due them. In addition, the proposed RRM rates are of benefit to State as well as local government in their efforts to reduce POBOR claim administration costs.

A copy of the County's proposed POBOR Ps&Gs RRM amendment is attached in Exhibit 8.



**Los Angeles County  
Parameters and Guidelines Amendment  
Reasonable Reimbursement Methodology  
Peace Officers Procedural Bill of Rights Program**

<b>EXHIBITS – VOLUME 1</b>		<b><u>Page(s)</u></b>
<b>Exhibit 1</b>	<b>Declaration of Leonard Kaye</b>	<b>1</b>
<b>Exhibit 2</b>	<b>RRM Computation Schedules</b>	<b>1-4</b>
	<b>SCO Collaboration</b>	<b>5-7</b>
	<b>POST Collaboration</b>	<b>8-27</b>
<b>Exhibit 3</b>	<b>Probation RRM Computation Schedules</b>	<b>1</b>
	<b>SCO Collaboration</b>	<b>2-3</b>
	<b>Data from California Department of Justice, Chief Probation Officers of California</b>	<b>4-14</b>
<b>Exhibit 4</b>	<b>New versus Old RRM Claiming Impact Schedules</b>	<b>1-2</b>
	<b>POST 2010-11 Sworn Peace Officer Employment</b>	<b>3-21</b>
	<b>SCO 2010-11 POBOR RRM Claiming Instruction</b>	<b>22</b>



**COUNTY OF LOS ANGELES  
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**Los Angeles County  
Parameters and Guidelines Amendment  
Reasonable Reimbursement Methodology  
Peace Officers Procedural Bill of Rights Program**

**Declaration of Leonard Kaye**

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, Los Angeles County's [County] representative in this matter, have prepared the attached parameters and guidelines (Ps&Gs) amendment in order to update reasonable reimbursement methodology (RRM) rates in the Peace Officer Procedural Bill of Rights (POBOR) Ps&Gs amendment adopted by the Commission on State Mandates (Commission) on March 28, 2008.

I declare that I have met and/or conferred with local and state officials, including State Controller's Office (SCO) POBOR's auditors, claimants and experts in preparing the attached PS&Gs amendment.

I declare that it is my information and belief that the updated POBOR's RRMs incorporated in the attached Ps&Gs amendment meet requirements specified in Government Code 17518.5.

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 and belief, and as to those matters I believe them to be true.

2/21/12; Los Angeles, CA

Date and Place

Signature

Schedule 1 - Reasonable Reimbursement Methodology (RRM) Computations for the Peace Officer Procedural Bill of Rights (POBAR) Reimbursement Program  
 Part A: Summary of Audited Allowable POBAR's Costs (Excluding Probation Costs) by Fiscal Year as of January 18, 2012 (Note 1)

Auditee	Fiscal Years														Allowable Costs	Notes
	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08		
1 Alameda County	-	-	-	-	-	-	-	-	13,161	3,753	19,088	-	-	-	36,002	2
2 Beverly Hills	-	-	-	-	-	-	-	-	14,238	14,531	9,557	-	-	-	38,326	
3 Buena Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
4 Cathedral City	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
5 Contra Costa County	-	-	-	-	-	-	26,738	5,645	-	8,253	13,608	11,996	-	-	40,636	
6 Covina	-	-	-	-	-	-	-	-	-	23,228	18,909	-	-	-	25,604	
7 El Monte	-	-	-	-	-	-	-	-	-	61,017	64,140	80,124	-	-	205,281	
8 Fresno City	-	-	-	-	-	-	55,975	47,185	-	49,800	36,769	-	-	-	189,729	3
9 Fresno County	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
10 Glendale	-	-	-	-	-	-	-	-	-	280	3,781	-	-	-	4,061	
11 Huntington Beach	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
12 Huntington Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
13 Inglewood City	-	-	-	-	-	-	-	-	-	-	9,457	8,109	-	-	17,566	
14 Kern County	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
15 Long Beach (2/6/08)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
16 Long Beach (12/30/04)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
17 Los Angeles City (9/29/09)	-	-	-	-	-	-	-	-	-	-	4,045,094	3,502,946	3,382,309	5,429,167	20,131,194	3
18 Los Angeles City (10/20/10)	523,326	499,808	345,947	747,514	1,730,818	1,078,785	4,388,263	-	-	-	-	-	-	-	10,332,887	4
19 Los Angeles County (3/30/07)	86,937	108,006	76,142	98,369	112,154	332,915	194,051	202,369	104,114	-	-	-	-	-	1,315,057	
20 Los Angeles County (6/30/09)	-	-	-	-	-	-	-	-	-	220,342	245,892	122,203	-	-	588,437	
21 Oakland	-	-	-	-	-	-	130,777	142,813	158,568	-	-	-	-	-	432,158	
22 Oceanide	-	-	-	-	-	-	-	6,529	4,285	-	1,737	-	-	-	12,551	
23 Orange County	-	-	-	-	-	-	-	7,515	24,591	-	-	-	-	-	32,106	2
24 Palo Alto	-	-	-	-	-	-	-	-	99,098	5,422	7,693	-	-	-	112,213	3
25 Riverside City	-	-	-	-	-	-	67,680	86,762	114,033	197,643	-	-	-	-	466,118	3
26 Riverside County	-	-	-	-	-	-	-	302,367	180,384	229,171	-	-	-	-	711,922	3
27 Rocklin	-	-	-	-	-	-	-	946	3,417	389	-	-	-	-	4,752	3
28 Sacramento City	-	-	-	-	-	-	241,945	118,643	109,470	-	-	-	-	-	470,058	3
29 Sacramento County	-	-	-	-	-	-	138,691	107,395	134,624	-	-	-	-	-	380,710	2
30 San Bernardino County	-	-	-	-	-	-	5,057	6,209	9,287	-	-	-	-	-	20,553	2
31 San Diego County	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
32 San Francisco City/County (2/22/08)	91,446	106,942	102,603	131,734	134,599	140,251	269,740	282,902	297,370	-	-	-	-	-	1,557,587	
33 San Francisco City/County (4/10/09)	-	-	-	-	-	-	-	-	-	303,243	329,439	335,876	370,143	-	1,338,701	
34 San Jose	-	-	-	-	-	-	-	-	-	7,459	18,370	11,357	-	-	37,186	4
35 Santa Clara County	-	-	-	-	-	-	-	-	-	36,982	12,489	16,358	-	-	65,829	2
36 Siskiyou County	-	-	-	-	-	-	-	-	-	1,093	1,354	-	-	-	2,447	3
37 Stockton	106,245	100,617	104,863	98,043	27,359	86,733	88,684	69,255	-	-	-	-	-	-	681,799	
38 Ventura County	-	-	-	-	-	-	-	96,127	63,536	85,567	-	-	-	-	245,230	
39 Walnut Creek	-	-	-	-	-	-	-	19,138	17,172	13,721	-	-	-	-	50,031	
	807,954	815,373	629,555	1,075,660	2,004,930	1,638,684	1,570,901	5,610,745	1,357,019	5,694,413	4,822,900	4,379,115	3,752,452	5,429,167	39,588,868	

Notes

- On January 18, 2012, the State Controller's Office (SCO) has provided the above allowable audited POBAR's costs (excluding probation costs) by fiscal year. See Exhibit 2, pages 5-8, for SCO's schedule and methodology.
- The above "allowable costs" have been reduced by the probation costs that were allowed in the audit period for Alameda, Orange, San Bernardino and Santa Clara counties. See Exhibit 3, Schedule 2 (Part A) for allowable probation costs.
- The above "allowable costs" exclude late filing penalties of \$1,000 each for Fresno County, Los Angeles City, Palo Alto and Sacramento cities; \$2,000 for Riverside city; \$253 for Rocklin; \$251 for Siskiyou county.
- SCO revised the audit reports for Los Angeles County and the City of San Jose to incorporate RRM rates authorized by the Commission on State Mandates in 2008; however, SCO recommends that the "allowable costs" in the above schedule provide the allowable documented costs from those agency's prior audits so that consistency with the other (above) allowable documented agency costs can be maintained.

Schedule 1 - Reasonable Reimbursement Methodology (RRM) Computations for the Peace Officer Procedural Bill of Rights (POBAR) Reimbursement Program  
Part B: Number of Sworn Peace Officers in Audited Departments with Allowable Costs Excluding Sworn Peace Officers in Probation Departments (Notes 1, 2)

Auditee	Fiscal Years													Total Officers	
	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07		2007-08
1 Alameda County	-	-	-	-	-	-	-	-	958	950	923	-	-	-	2,831
2 Beverly Hills	-	-	-	-	-	-	-	-	139	137	136	-	-	-	412
3 Buena Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4 Cathedral City	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5 Contra Costa County	-	-	-	-	-	-	-	723	763	750	-	-	-	-	2,236
6 Covina	-	-	-	-	-	-	-	-	-	-	54	55	-	-	109
7 El Monte	-	-	-	-	-	-	-	-	-	149	167	316	-	-	632
8 Fresno City	-	-	-	-	-	-	-	-	-	727	771	799	-	-	2,297
9 Fresno County	-	-	-	-	-	-	-	521	555	522	521	-	-	-	2,119
10 Glendale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11 Huntington Beach	-	-	-	-	-	-	-	-	-	207	201	-	-	-	408
12 Huntington Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
13 Inglewood City	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
14 Kern County	-	-	-	-	-	-	-	-	-	-	499	781	-	-	1,280
15 Long Beach (12/30/04)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16 Long Beach (2/6/08)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17 Los Angeles City (9/29/09)	-	-	-	-	-	-	-	-	-	9,199	9,125	9,320	9,469	9,327	46,440
18 Los Angeles City (10/20/10)	7,942	8,602	9,244	9,639	9,625	9,396	9,104	8,904	-	-	-	-	-	-	72,456
19 Los Angeles County (3/30/07)	7,929	8,078	8,113	8,090	8,123	8,271	8,688	8,973	8,897	-	-	-	-	-	75,162
20 Los Angeles County (6/30/09)	-	-	-	-	-	-	-	-	-	8,532	8,197	8,186	-	-	24,915
21 Oakland	-	-	-	-	-	-	-	737	780	760	-	-	-	-	2,277
22 Oceanside	-	-	-	-	-	-	-	-	173	177	174	-	-	-	524
23 Orange County	-	-	-	-	-	-	-	-	1,937	1,909	-	-	-	-	3,846
24 Palo Alto	-	-	-	-	-	-	-	-	-	90	84	88	-	-	262
25 Riverside City	-	-	-	-	-	-	-	340	343	356	359	-	-	-	1,398
26 Riverside County	-	-	-	-	-	-	-	-	1,493	1,503	1,491	-	-	-	4,487
27 Rocklin	-	-	-	-	-	-	-	-	40	43	44	-	-	-	127
28 Sacramento City	-	-	-	-	-	-	-	644	642	651	-	-	-	-	1,937
29 Sacramento County	-	-	-	-	-	-	-	1,525	1,573	1,525	-	-	-	-	4,623
30 San Bernardino County	-	-	-	-	-	-	-	1,542	1,596	1,573	-	-	-	-	4,711
31 San Diego County	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
32 San Francisco City/County (2/22/08)	2,390	2,544	2,723	2,815	2,888	2,906	2,967	3,032	3,112	-	-	-	-	-	25,377
33 San Francisco City/County (4/10/09)	-	-	-	-	-	-	-	-	-	2,957	2,915	2,878	2,876	-	11,626
34 San Jose	-	-	-	-	-	-	-	-	-	1,397	1,341	1,341	-	-	4,080
35 Santa Clara County	-	-	-	-	-	-	-	-	-	605	564	584	-	-	1,753
36 Siskiyou County	-	-	-	-	-	-	-	61	-	-	93	-	-	-	154
37 Stockton	337	361	365	371	363	364	347	360	-	-	-	-	-	-	2,868
38 Ventura County	-	-	-	-	-	-	-	-	773	757	711	-	-	-	2,241
39 Walnut Creek	-	-	-	-	-	-	-	-	-	82	77	79	-	-	238
	18,598	19,585	20,445	20,915	20,999	20,937	21,106	21,362	23,774	35,558	28,448	24,111	12,345	9,327	303,510

Notes

- The numbers of sworn peace officers were obtained from data provided by the Commission on Peace Officers Standards and Training (POST). See acquisition details and tables in Exhibit 2, pages 9-30.
- The above sworn peace officers do not include sworn probation peace officers. The sworn probation peace officers are incorporated in the computations for the Probation RRM in Exhibit 3.

Schedule 1 - Reasonable Reimbursement Methodology (RRM) Computations for the Peace Officer Procedural Bill of Rights (POBAR) Reimbursement Program  
 Part C: Audited Allowable POBAR's Costs per Sworn Officer (Excluding Probation Allowable Costs and Probation Officers) by Fiscal Year (Note 1)

Auditee	Fiscal Years																
	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Alameda County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13.74	\$ 3.95	\$ 20.68	\$ 22.01	\$ 23.19	\$ 24.47	\$ 25.21	\$ 25.33	\$ 25.92
Beverly Hills	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 102.43	\$ -	\$ -	\$ -	\$ 78.80	\$ 83.15	\$ 85.67	\$ 86.07	\$ 88.08
Buena Park	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cathedral City	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36.98	\$ 7.40	\$ 11.00	\$ 11.62	\$ 12.36	\$ 13.03	\$ 13.75	\$ 14.17	\$ 14.23	\$ 14.56
Contra Costa County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Covina	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EI Monte	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fresno City	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fresno County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 107.44	\$ 85.02	\$ 95.40	\$ 70.57	\$ 75.10	\$ 79.14	\$ 83.51	\$ 86.04	\$ 86.44	\$ 88.46
Glendale	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Huntington Beach	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1.35	\$ 18.81	\$ 20.02	\$ 21.09	\$ 22.26	\$ 22.93	\$ 23.04	\$ 23.58
Huntington Park	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Inglewood City	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Kern County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Kern County (12/30/04)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Long Beach (2/6/08)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Los Angeles City (9/29/09)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Los Angeles City (10/20/10)	\$ 65.89	\$ 58.10	\$ 37.42	\$ 77.55	\$ 179.83	\$ 114.81	\$ 111.87	\$ 492.84	\$ 510.85	\$ 529.54	\$ 559.16	\$ 595.01	\$ 636.99	\$ 661.67	\$ 681.70	\$ 684.90	\$ 700.89
Los Angeles County (3/30/07)	\$ 10.96	\$ 13.37	\$ 9.39	\$ 12.16	\$ 13.81	\$ 40.25	\$ 22.34	\$ 22.55	\$ 11.70	\$ 12.13	\$ 12.00	\$ 13.63	\$ 14.36	\$ 15.16	\$ 15.62	\$ 15.69	\$ 16.06
Los Angeles County (6/30/09)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25.83	\$ 30.81	\$ 14.93	\$ 15.73	\$ 16.60	\$ 17.10	\$ 17.58	\$ 17.58
Oakland	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 177.45	\$ 183.09	\$ 208.64	\$ 220.31	\$ 234.44	\$ 247.04	\$ 260.70	\$ 268.60	\$ 269.86	\$ 276.16
Oceanside	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 37.74	\$ 24.21	\$ 9.98	\$ 10.62	\$ 11.19	\$ 11.81	\$ 12.17	\$ 12.23	\$ 12.51
Orange County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3.88	\$ 12.88	\$ 13.60	\$ 14.47	\$ 15.25	\$ 16.10	\$ 16.58	\$ 16.66	\$ 17.05
Palo Alto	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 110.09	\$ 64.55	\$ 87.42	\$ 92.12	\$ 97.21	\$ 100.16	\$ 100.63	\$ 102.98
Riverside City	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 252.95	\$ 320.32	\$ 550.54	\$ 585.84	\$ 617.32	\$ 651.46	\$ 671.19	\$ 674.33	\$ 690.08
Riverside County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 202.52	\$ 120.02	\$ 153.70	\$ 163.56	\$ 172.35	\$ 181.88	\$ 187.39	\$ 188.27	\$ 192.66
Rocklin	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23.65	\$ 79.47	\$ 8.84	\$ 9.41	\$ 9.91	\$ 10.46	\$ 10.78	\$ 11.08
Sacramento City	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 375.69	\$ 184.80	\$ 168.16	\$ 177.56	\$ 188.95	\$ 199.10	\$ 210.12	\$ 216.88	\$ 217.49	\$ 222.57
Sacramento County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 90.94	\$ 68.27	\$ 88.28	\$ 93.22	\$ 99.19	\$ 104.53	\$ 110.31	\$ 113.64	\$ 114.18	\$ 116.84
San Bernardino County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3.89	\$ 5.90	\$ 6.23	\$ 6.63	\$ 6.99	\$ 7.38	\$ 7.60	\$ 7.64	\$ 7.81
San Diego County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Francisco City/County (2/22/08)	\$ 38.26	\$ 42.04	\$ 37.68	\$ 46.80	\$ 46.61	\$ 48.26	\$ 90.91	\$ 93.31	\$ 95.56	\$ 99.05	\$ 104.59	\$ 111.30	\$ 117.28	\$ 123.77	\$ 127.31	\$ 128.11	\$ 131.10
San Francisco City/County (4/10/09)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 102.55	\$ 113.02	\$ 116.70	\$ 128.70	\$ 135.82	\$ 139.93	\$ 140.59	\$ 143.87
San Jose	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5.34	\$ 13.69	\$ 8.47	\$ 8.92	\$ 9.42	\$ 9.70	\$ 9.75	\$ 9.98
Santa Clara County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61.13	\$ 22.14	\$ 28.01	\$ 29.52	\$ 31.15	\$ 32.09	\$ 32.84	\$ 32.99
Siskiyou County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14.56	\$ 15.49	\$ 16.33	\$ 17.23	\$ 17.75	\$ 17.83	\$ 18.25
Stockton	\$ 315.27	\$ 278.72	\$ 287.30	\$ 264.27	\$ 75.37	\$ 238.28	\$ 255.57	\$ 192.38	\$ 199.41	\$ 206.70	\$ 218.26	\$ 232.26	\$ 244.74	\$ 258.27	\$ 266.09	\$ 267.34	\$ 273.58
Ventura County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 124.36	\$ 83.93	\$ 120.35	\$ 128.06	\$ 134.95	\$ 142.41	\$ 146.72	\$ 147.41	\$ 150.85
Walnut Creek	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 233.39	\$ 223.01	\$ 173.68	\$ 183.02	\$ 193.14	\$ 198.99	\$ 199.92	\$ 204.59
Annual RRM's	\$ 107.60	\$ 98.06	\$ 92.95	\$ 100.19	\$ 78.90	\$ 110.40	\$ 120.17	\$ 150.82	\$ 117.29	\$ 156.64	\$ 121.72	\$ 125.69	\$ 130.39	\$ 144.22	\$ 148.59	\$ 149.28	\$ 152.77

Note:  
 Allowable cost RRM values (above) were computed by dividing an agency's annual allowable audited cost in Schedule 1, Part A by its corresponding number of sworn peace officers in Schedule 1, Part B. The shaded cell values were computed by incrementing the most current (allowable cost) RRM values by annual implicit price deflator (IPD) factors, found in Exhibit 2, Schedule 1, Part D.

Schedule 1 (Part D): Cumulative Implicit Price Deflator Factors to Increment Annual Audited Allowable Costs (Note 1)

Fiscal Year	RRM Value	Fiscal Years													
		Annual % Increase	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11			
2000-01	\$28.67	0%													
2001-02	\$29.28	2.13%	1.0213												
2002-03	\$30.35	3.65%	1.0586	1.0365											
2003-04	\$31.46	3.66%	1.0973	1.0744	1.0366										
2004-05	\$33.22	5.59%	1.1587	1.1345	1.0946	1.0559									
2005-06	\$35.35	6.41%	1.2330	1.2073	1.1648	1.1236	1.0641								
2006-07	\$37.25	5.37%	1.2993	1.2721	1.2274	1.1840	1.1213	1.0537							
2007-08	\$39.31	5.53%	1.3712	1.3425	1.2953	1.2495	1.1833	1.1120	1.0553						
2008-09	\$40.50	3.03%	1.4127	1.3831	1.3345	1.2873	1.2191	1.1456	1.0872	1.0303					
2009-10	\$40.69	0.47%	1.4193	1.3896	1.3407	1.2933	1.2248	1.1510	1.0923	1.0351	1.0047				
2010-11	\$41.64	2.33%	1.4524	1.4221	1.3720	1.3235	1.2534	1.1779	1.1179	1.0593	1.0282	1.0233			

Note (1) For example, to increment an annual audited allowable cost for 2004-05 to the year 2010-11, select the 2005-06 column and then select the 2005-06 column value in the 2010-11 row or 1.2534. To increment the 2004-05 audited cost to 2009-2010, this time select the 2005-06 column value in the 2009-10 row or 1.2248. The sources for the "RRM Value" column are: The State Controller's Office (SCO) audit report of Los Angeles County (1994-95 through 2002-03), page 27, for the 2000-2001 through 2002-03 RRM values; the SCO's audit report of Los Angeles County (2003-04 through 2005-06), page 20, for the 2003-04 through 2005-06 RRM values; the Commission on State Mandates (2008) adopted amendment to the POBAR's parameters and guidelines, page 22, for the 2006-07 RRM value; and the SCO's annual POBAR's claiming instructions for the 2007-08 through 2010-11 RRM values.

**Sent:** Thursday, December 01, 2011 3:37 PM

**To:** Kaye, Leonard

**Cc:** Jewik, Edward; jspano@sco.ca.gov; jvenneman@sco.ca.gov; MVorobyova@sco.ca.gov; jawong@sco.ca.gov

**Subject:** POBOR RRM

Leonard,

It was a pleasure meeting you yesterday.

As previously discussed, we don't believe any audits where the allowable costs are based on an RRM should be included in determining an updated RRM rate. With that being said, of the 39 POBOR audit reports we issued, 3 reports were revised to reflect allowable costs based on the RRM. The analysis you presented yesterday included amounts identified in our revised reports. Therefore, we recommend your analysis include the following amounts:

1. Los Angeles County (FY's 1994-95 through 2002-03) – Report issued March 30, 2007 – Allowable costs, totaling \$1,315,057, are based on actual cost documentation (\$1,313,057 allowable + \$2,000 late filing penalty)
2. Los Angeles County (FY's 2003-04 through 2005-06) – Report issued June 30, 2009 – Allowable costs, totaling \$588,437, are based on actual cost documentation
3. City of San Jose (FY's 2003-04 through 2005-06) – Report issued August 5, 2009 – Allowable costs, totaling \$37,186, are based on actual cost documentation.

These three reports have been attached.

Hopefully, by the end of next week, I will be able to e-mail you an updated spreadsheet that will exclude the Probation Department costs for the four county audits (Alameda, San Bernardino, Orange, Santa Clara).

Please feel free to give me a call should you need any additional information.

Thank you.

**Lisa Kurokawa**

Audit Manager

State Controller's Office

Division of Audits | Mandated Cost Bureau

(916) 327-3138 - Office | (916) 549-2753 - Work Cell

[lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov)

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Peace Officer Procedural Bill of Rights  
 Discussion with Los Angeles County  
 Audit ID #: S12-MCC-917

Sign-in Sheet

Date: November 30, 2011

Time: 1:30 pm

Attendees:

J Kurokawa@  
 sco.ca.gov

	<u>Name</u>	<u>Title</u>	<u>Telephone No.</u>
1.	MISA Kurokawa	Audit Manager	916-327-3138
2.	Johnny Wong	Fiscal Analyst	916-324-5732
3.	Dennis Speciale	"	916-324-0254
4.	Jim Vennessman	Audit Manager	916-322-9887
5.	Jim [unclear]	Bureau Chief	916-323-5849
6.	Carl Kaye	Contractor SISO	818-943-8564
7.	Ed Jewick	L.A. Co. Auditor Prog. Spec. II	213-974-8564
8.	Masha Vorobyova	Audit Mgr	916-324-5610
9.			
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19.			

LKaye@  
 auditor.  
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 gov

ejewick@  
 auditor.  
 lacounty.gov



Peace Officer Procedural Bill of Rights  
 Summary of Allowable Costs by Fiscal Year  
 As of January 18, 2012

Auditee	Fiscal Years													Allowable Costs	
	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07		2007-08
1 Alameda County									13,161	3,753	19,088				36,002
2 Beverly Hills								14,238	14,531		9,557				38,326
3 Buena Park															
4 Cathedral City										8,253					40,636
5 Contra Costa County							26,738				13,608	11,996			25,604
6 Covina											18,909				42,137
7 El Monte										61,017	64,140	80,124			205,281
8 Fresno City							55,975	47,185	49,800		36,769				189,729
9 Fresno County															
10 Glendale									280		3,781				4,061
11 Huntington Beach															
12 Huntington Park															
13 Inglewood City											9,457	8,109			17,566
14 Kern County															
15 Long Beach (12/30/04)															
16 Long Beach (2/6/08)															
17 Los Angeles City (9/29/09)										4,045,094	3,502,946	3,771,678	3,382,309	5,429,167	20,131,194
18 Los Angeles City (10/20/10)	523,326	499,808	345,947	747,514	1,730,818	1,078,785	1,018,426	4,388,263							10,332,887
19 Los Angeles County (3/30/07)	86,937	108,006	76,142	98,369	112,154	332,915	194,051	202,369	104,114						1,315,057
20 Los Angeles County (6/30/09)										220,342	245,892	122,203			588,437
21 Oakland								130,777	142,813	158,568					432,158
22 Oceanside								6,529	4,285		1,737				12,551
23 Orange County								7,515	24,591						32,106
24 Palo Alto										99,098	5,422	7,693			112,213
25 Riverside City								67,680	86,762	114,033	197,643				466,118
26 Riverside County									302,367	180,384	229,171				711,922
27 Rocklin									946	3,417	389				4,752
28 Sacramento City								241,945	118,643	109,470					470,058
29 Sacramento County								138,691	107,395	134,624					380,710
30 San Bernardino County								5,057	6,209	9,287					20,553
31 San Diego County															
32 San Francisco City/County (2/22/08)	91,446	106,942	102,603	131,734	134,599	140,251	269,740	282,902	297,370						1,557,587
33 San Francisco City/County (4/10/09)										303,243	329,439	335,876	370,143		1,338,701
34 San Jose										7,459	18,370	11,357			37,186
35 Santa Clara County										36,982	12,489	16,358			65,829
36 Siskiyou County											1,354				2,447
37 Stockton	106,245	100,617	104,863	98,043	27,359	86,733	88,684	69,255							681,799
38 Ventura County									96,127	63,536	85,567				245,230
39 Walnut Creek										19,138	17,172	13,721			50,031
	807,954	815,373	629,555	1,075,660	2,004,930	1,638,684	1,570,901	5,610,745	1,357,019	5,694,413	4,822,900	4,379,115	3,752,452	5,429,167	39,583,666

Legend:  
 1 The "allowable costs" have been reduced by the Probation Department costs that were allowed in the audit period for Alameda County, Orange County, San Bernardino County, and Santa Clara County.  
 2 The "allowable costs" exclude the late filing penalty.  
 3 We revised the audit reports for the Los Angeles County and the City of San Jose to include the RRM rate; therefore, the "allowable costs" include the amounts for the previously issued report based on actual cost documentation.



**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

ADDRESS ALL CORRESPONDENCE TO:  
ACCOUNTING DIVISION  
500 W. TEMPLE ST., ROOM 603  
LOS ANGELES, CA 90012-2713

November 9, 2011

Ms. Linda Thach,  
California Public Records Act Request Coordinator  
Commission on Peace Officer Standards & Training  
1601 Alhambra Blvd.  
Sacramento, CA 95816

Dear Ms. Hatch,

This is to request public records indicating the numbers of sworn peace officers annually employed by local governments' POST participating agencies for the 2001 through 2010 fiscal years pursuant to the California Public Records Act.

The requested records are of a type similar to the one on the POST internet web site for the period ending July 1, 2011, entitled "Current Employed Sworn ... Personnel ...", and also is similar to the one entitled employment Data for California Law Enforcement 2000".

The requested records are critical in our collaborative effort with the State Controller's Office to update the per officer reimbursement rates for the Peace Officer Bill of Rights (POBOR) reimbursement program authorized by the California Commission on State Mandates.

As time is of the essence, I am sending a PDF copy of this letter to your e-mail address ([linda.thach@post.ca.gov](mailto:linda.thach@post.ca.gov)) with the original letter to follow in the mail.

Also, if more than copying costs are necessary in the production of the (above) requested records please inform us of the associated charges before these additional costs are incurred.

Leonard Kaye, of my staff, is available to answer any questions you may have concerning this request. He may be reached by e-mail at [lkaye@auditor.lacounty.gov](mailto:lkaye@auditor.lacounty.gov) or by telephone at (213) 974-9791 (office) or at (818) 943-8564 (cell).

Very truly yours,

  
Connie Yee, Division Chief  
Accounting Division

WLW:JN:CY:ik  
SB90VA POBARS Ps+Gs RRM Amendment 09 13 11 ++POST 12 07 11 CPRA request.doc

c: Paul Yoshinaga, Sheriff Department

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

12/15/2011  
30008\_ss

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
ALAMEDA COUNTY																	
ALAMEDA CO SD/CORONER	736	736	763	791	838	828	878	941	932	958	950	923	904	956	1,025	1,048	1,054
ALAMEDA PD	93	95	101	104	108	108	108	108	101	102	102	101	99	98	97	94	89
ALAMEDA/CONTRA COSTA TRANSIT	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
ALBANY PD	29	27	27	27	27	27	27	27	28	24	24	21	25	25	25	25	25
BAY AREA RAPID TRANSIT PD	148	145	157	160	168	174	172	178	183	181	193	185	184	188	193	190	180
BERKELEY PD	185	189	194	199	191	190	195	192	189	188	188	188	178	176	178	182	179
CSU EAST BAY PD	11	11	10	9	13	13	10	12	12	13	14	11	15	14	13	14	15
EAST BAY REG PARK DFS	43	45	47	50	46	46	48	50	48	48	51	54	53	54	51	53	57
EMERYVILLE PD	30	31	31	32	35	33	34	35	32	32	34	34	33	33	40	38	37
FREMONT PD	179	177	181	189	192	196	200	207	209	200	186	189	184	190	195	188	185
HAYWARD PD	158	153	162	158	167	173	181	184	192	193	198	183	186	182	190	180	190
LIVERMORE PD	59	60	64	67	70	73	77	85	84	95	93	89	86	89	90	90	90
MORAGA PD	11	12	12	12	12	12	12	12	11	13	13	12	11	13	13	10	9
NEWARK PD	51	51	52	57	55	52	52	53	55	55	53	55	58	57	56	54	55
OAKLAND CITY HOUSING AUTH PD	8	17	14	15	18	18	18	23	24	20	16	19	20	16	20	21	22
OAKLAND PD	705	673	647	615	641	653	681	742	737	780	760	707	684	699	712	830	786
OAKLAND USD PD	12	12	7	11	12	11	17	20	2	2	2	2	2	2	2	5	13
OHLONE CCD PD	2	2	2	2	1	1	2	2	1	2	2	2	2	2	2	2	2
PIEDMONT PD	19	19	20	20	19	20	20	18	19	20	20	18	18	19	19	18	18
PLEASANTON PD	67	71	72	76	78	78	82	80	81	80	81	84	85	84	88	82	83
SAN LEANDRO PD	81	83	93	90	95	97	92	93	88	96	94	90	87	87	90	93	90
UC BERKELEY PD	74	74	73	73	68	69	67	72	70	59	63	65	66	73	77	71	62
UNION CITY PD	61	63	63	66	70	73	73	74	76	73	73	71	79	77	78	76	70
TOTAL FOR ALAMEDA COUNTY	2,763	2,747	2,790	2,824	2,925	2,945	3,047	3,209	3,175	3,235	3,211	3,104	3,060	3,135	3,255	3,365	3,312
ALPINE COUNTY																	
ALPINE CO SD	9	8	9	9	9	10	10	11	11	13	13	12	12	12	16	15	14
TOTAL FOR ALPINE COUNTY	9	8	9	9	9	10	10	11	11	13	13	12	12	12	16	15	14
AMADOR COUNTY																	
AMADOR CO DA	6	7	8	8	10	12	8	10	14	14	15	16	18	17	15	17	17
AMADOR CO SD/CORONER	37	38	35	37	37	39	42	44	51	52	51	50	48	46	50	51	50
IONE PD	3	3	4	5	5	5	5	5	6	7	7	6	6	5	5	6	6
JACKSON PD	8	7	9	9	8	8	8	9	10	9	9	9	9	11	12	11	9
SUTTER CREEK PD	5	6	5	5	5	5	6	7	7	7	7	7	7	8	8	7	7
TOTAL FOR AMADOR COUNTY	59	61	61	64	65	69	69	75	88	89	89	88	87	87	90	92	89

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FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>BUTTE COUNTY</b>																	
BUTTE CCD PD	9	14	9	7	7	8	8	7	7	6	5	5	5	5	4	5	5
BUTTE CO DA	20	18	23	24	26	29	30	34	35	32	30	27	27	27	26	25	23
BUTTE CO SD/CORONER	79	84	86	86	88	95	96	95	95	96	100	91	92	100	106	104	97
CHICO PD	61	64	64	68	70	69	71	74	74	82	82	81	90	99	99	89	94
CSU CHICO PD	10	10	10	10	10	10	9	10	10	10	11	14	15	17	19	17	16
GRIDLEY PD	11	12	12	12	12	12	12	13	16	15	15	16	18	17	16	15	14
OROVILLE PD	20	23	23	24	23	23	21	21	21	23	26	23	26	23	20	21	21
PARADISE PD	22	23	23	21	23	23	22	25	25	25	26	26	25	23	27	26	22
<b>TOTAL FOR BUTTE COUNTY</b>	<b>232</b>	<b>248</b>	<b>250</b>	<b>252</b>	<b>259</b>	<b>269</b>	<b>269</b>	<b>279</b>	<b>283</b>	<b>289</b>	<b>295</b>	<b>283</b>	<b>298</b>	<b>311</b>	<b>317</b>	<b>302</b>	<b>292</b>
<b>CALAVERAS COUNTY</b>																	
ANGELS CAMP PD	6	6	4	5	6	7	7	6	6	7	8	8	9	8	7	9	8
CALAVERAS CO DA	3	3	3	3	2	3	3	3	3	3	3	2	2	2	3	3	3
CALAVERAS CO SD	46	48	47	48	50	54	55	59	60	62	60	64	70	72	74	74	58
<b>TOTAL FOR CALAVERAS COUNTY</b>	<b>55</b>	<b>57</b>	<b>54</b>	<b>56</b>	<b>58</b>	<b>64</b>	<b>65</b>	<b>68</b>	<b>69</b>	<b>72</b>	<b>71</b>	<b>74</b>	<b>81</b>	<b>82</b>	<b>84</b>	<b>86</b>	<b>69</b>
<b>COLUSA COUNTY</b>																	
COLUSA CO DISTRICT ATTORNEY	1	1	1	1	1	2	2	3	2	3	2	2	3	3	3	3	4
COLUSA COUNTY SD	28	29	29	30	31	33	35	37	35	36	30	31	31	31	33	34	32
COLUSA PD	9	8	8	9	8	8	7	9	8	9	8	9	9	8	8	8	9
WILLIAMS PD	7	7	8	8	8	8	8	8	8	9	9	9	8	8	9	10	9
<b>TOTAL FOR COLUSA COUNTY</b>	<b>45</b>	<b>45</b>	<b>46</b>	<b>48</b>	<b>48</b>	<b>51</b>	<b>52</b>	<b>57</b>	<b>53</b>	<b>57</b>	<b>49</b>	<b>51</b>	<b>51</b>	<b>50</b>	<b>53</b>	<b>55</b>	<b>54</b>
<b>CONTRA COSTA COUNTY</b>																	
ANTIOCH PD	80	81	93	88	85	97	94	96	100	104	110	106	108	107	114	117	111
BRENTWOOD PD	15	16	18	20	21	26	29	30	34	43	45	45	50	56	62	59	62
CLAYTON PD	8	9	10	10	11	10	10	11	10	11	11	10	11	11	10	9	11
CONCORD PD	138	144	155	156	154	154	157	156	159	157	159	156	154	157	153	163	150
CONTRA COSTA CCD PD	18	18	19	19	20	20	21	20	19	21	17	20	19	21	23	23	25
CONTRA COSTA CO DA	21	19	22	23	21	20	18	20	23	20	16	16	18	17	20	20	20
CONTRA COSTA CO SD/CORONER	585	595	613	617	650	668	676	696	700	743	734	720	678	698	682	700	656
EL CERRITO PD	32	31	32	31	32	32	32	30	31	33	37	37	35	38	42	42	42
HERCULES PD	17	20	20	20	18	20	20	20	21	21	20	23	24	28	28	28	30
KENNINGTON PD	9	8	10	9	9	8	9	10	10	10	10	8	10	10	11	11	9
MARTINEZ PD	42	42	41	34	36	35	35	36	36	38	39	38	38	39	40	38	39
PINOLE PD	22	23	24	24	24	20	21	21	24	26	24	28	28	31	32	32	31
PITTSBURG PD	69	65	69	66	71	69	68	72	72	77	68	67	70	71	72	75	75
PLEASANT HILL PD	41	41	40	42	42	43	43	42	44	44	44	44	42	42	45	45	43
RICHMOND PD	178	187	185	184	185	181	175	176	193	186	173	151	146	152	150	165	175
SAN PABLO PD	38	36	37	36	40	40	40	42	45	45	46	47	48	55	55	55	53
WALNUT CREEK PD	76	77	75	79	79	80	81	81	81	81	82	77	79	81	69	76	76
<b>TOTAL FOR CONTRA COSTA COUNTY</b>	<b>1,389</b>	<b>1,412</b>	<b>1,463</b>	<b>1,458</b>	<b>1,498</b>	<b>1,523</b>	<b>1,529</b>	<b>1,559</b>	<b>1,602</b>	<b>1,660</b>	<b>1,635</b>	<b>1,593</b>	<b>1,558</b>	<b>1,614</b>	<b>1,608</b>	<b>1,658</b>	<b>1,618</b>

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

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COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
DEL NORTE COUNTY																	
CRESCENT CITY PD	12	11	13	12	11	10	11	10	13	12	13	13	12	11	13	14	13
DEL NORTE CO DA	1	1	1	2	2	3	2	3	3	5	5	5	4	3	5	3	3
DEL NORTE COUNTY SD	33	37	41	39	34	33	32	35	32	32	30	30	29	30	32	33	31
TOTAL FOR DEL NORTE COUNTY	46	49	55	53	47	45	45	48	48	49	48	48	45	44	50	50	47
EL DORADO COUNTY																	
EL DORADO CO DA	2	2	3	4	4	6	6	6	7	7	7	8	9	10	13	14	13
EL DORADO CO SD	134	139	137	146	146	158	169	169	177	181	177	176	182	190	194	208	206
PLACERVILLE PD	18	17	16	17	16	17	18	18	16	17	19	19	19	19	18	18	17
SOUTH LAKE TAHOE PD	51	51	51	49	51	47	48	47	45	44	49	44	42	43	40	43	39
TOTAL FOR EL DORADO COUNTY	205	209	207	216	217	228	241	240	245	249	252	247	252	262	265	283	275
FRESNO COUNTY																	
CLOVIS PD	70	71	76	75	80	75	81	80	81	84	86	90	99	99	115	101	94
CLOVIS UNIF SCHL DIST PD	7	8	9	10	9	7	10	10	10	4	6	5	6	7	9	10	10
COALINGA PD	18	18	16	19	19	18	16	18	18	16	16	17	16	17	18	18	21
CSU FRESNO DPS	15	13	16	16	15	16	18	16	19	17	16	12	15	17	16	19	21
FIREBAUGH PD	9	8	9	10	12	11	10	11	12	12	11	11	11	11	13	12	12
FOWLER PD	6	5	8	9	6	6	4	4	6	7	7	6	8	8	11	12	10
FRESNO CO DA	36	49	55	63	65	67	71	73	71	67	53	51	52	51	56	53	50
FRESNO CO SD	318	335	359	371	380	394	411	440	450	488	469	470	469	480	480	466	437
FRESNO PD	457	488	503	525	605	644	686	693	689	698	727	771	799	818	816	819	829
FRESNO YOSEMITE INT'L AIRPORT	12	12	12	13	14	14	13	12	15	17	17	18	5	5	5	5	5
HURON PD	7	8	9	9	9	9	7	9	9	10	9	12	11	11	12	14	13
KERMAN PD	13	12	14	12	14	16	16	16	16	15	15	15	16	18	18	17	16
KINGSBURG PD	10	10	13	13	13	15	15	15	15	15	14	17	16	16	14	16	15
PARLIER PD	9	8	8	9	8	9	11	11	12	13	12	13	14	12	15	16	17
REEDLEY PD	22	21	23	22	23	22	24	26	26	27	26	25	28	30	30	30	32
SANGER PD	21	21	21	21	24	22	19	19	23	23	24	25	28	30	30	31	31
SELMA PD	21	22	23	24	26	26	27	28	28	27	25	26	30	34	35	35	36
STATE CENTER CCD PD	11	10	11	12	13	12	12	13	13	13	12	11	14	15	15	15	15
TOTAL FOR FRESNO COUNTY	1,062	1,119	1,185	1,233	1,335	1,383	1,446	1,494	1,513	1,553	1,545	1,595	1,637	1,679	1,708	1,689	1,664
GLENN COUNTY																	
GLENN CO DA	2	2	2	2	2	2	3	3	3	2	1	1	2	2	2	2	2
GLENN CO SD/CORONER	24	21	20	22	23	26	28	30	31	31	30	25	28	30	30	29	27
ORLAND PD	9	8	9	8	9	8	9	11	9	11	9	9	9	12	10	10	10
WILLOWS PD	8	8	9	9	9	8	7	7	9	9	11	11	10	8	11	11	10
TOTAL FOR GLENN COUNTY	43	39	40	41	43	44	47	51	52	53	51	46	49	52	53	52	49

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COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>HUMBOLDT COUNTY</b>																	
ARCATA PD	20	19	22	22	22	22	24	19	24	26	25	23	21	23	23	22	28
CSU HUMBOLDT DPS	10	10	11	11	11	12	12	12	12	14	13	13	14	13	14	15	14
EUREKA PD	44	44	47	47	49	48	47	47	45	46	46	43	41	42	44	45	46
FERNDALE PD	2	2	3	4	3	3	4	4	4	4	5	4	4	4	4	4	5
FORTUNA PD	14	14	12	15	14	14	14	15	15	15	14	15	15	15	15	14	17
HUMBOLDT CO CORONER	1	1	1	3	3	5	5	4	4	4	3	3	3	4	4	3	4
HUMBOLDT CO DA	9	8	11	11	10	10	12	12	12	14	11	9	9	9	11	11	10
HUMBOLDT CO SD	69	72	69	70	68	78	80	80	82	194	191	179	190	193	207	220	219
HUMBOLDT DEPT WELFARE/INVEST	5	7	6	6	6	4	5	5	4	7	7	7	6	7	6	7	7
RIO DELL PD	6	6	7	7	7	5	5	5	7	6	5	6	6	7	6	6	6
<b>TOTAL FOR HUMBOLDT COUNTY</b>	<b>180</b>	<b>183</b>	<b>189</b>	<b>196</b>	<b>193</b>	<b>201</b>	<b>207</b>	<b>203</b>	<b>209</b>	<b>330</b>	<b>320</b>	<b>302</b>	<b>309</b>	<b>317</b>	<b>334</b>	<b>347</b>	<b>356</b>
<b>IMPERIAL COUNTY</b>																	
BRAWLEY PD	27	28	26	25	25	23	28	27	27	27	32	30	26	28	28	33	33
CALEXICO PD	28	29	30	29	35	40	41	40	33	43	44	41	42	46	46	45	42
CALIPATRIA PD	5	5	5	5	5	5	5	6	5	6	6	5	5	5	4	5	5
EL CENTRO PD	47	47	48	46	50	47	47	50	46	50	47	46	48	49	46	49	53
HOLTVILLE PD (OBS)	7	8	8	8	8	8	8	9	8	9	8	8	7	8	6	5	4
IMPERIAL CO DA	4	4	4	4	5	5	7	8	8	8	10	9	10	10	10	10	10
IMPERIAL CO SD	115	105	98	93	92	85	90	97	106	111	99	93	94	103	102	109	117
IMPERIAL PD	14	13	16	11	11	11	12	12	11	13	14	15	14	17	18	18	16
WESTMORLAND PD	4	4	3	4	4	4	5	6	5	4	5	5	5	5	4	4	5
<b>TOTAL FOR IMPERIAL COUNTY</b>	<b>251</b>	<b>243</b>	<b>238</b>	<b>225</b>	<b>235</b>	<b>228</b>	<b>243</b>	<b>255</b>	<b>249</b>	<b>271</b>	<b>265</b>	<b>252</b>	<b>251</b>	<b>271</b>	<b>264</b>	<b>278</b>	<b>285</b>
<b>INYO COUNTY</b>																	
BISHOP PD	14	13	13	13	13	14	14	14	14	14	13	13	11	13	13	13	12
INYO CO DA	3	3	3	3	3	3	3	3	3	2	3	3	3	3	3	3	3
INYO COUNTY SD	39	38	39	39	34	36	38	39	40	38	40	36	39	37	35	37	34
<b>TOTAL FOR INYO COUNTY</b>	<b>56</b>	<b>54</b>	<b>55</b>	<b>55</b>	<b>50</b>	<b>53</b>	<b>55</b>	<b>56</b>	<b>57</b>	<b>54</b>	<b>56</b>	<b>52</b>	<b>53</b>	<b>53</b>	<b>51</b>	<b>53</b>	<b>49</b>

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COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>KERN COUNTY</b>																	
ARVIN PD	9	10	11	11	12	12	12	12	10	10	10	11	12	16	15	16	18
BAKERSFIELD PD	241	233	259	260	282	286	276	295	299	313	301	303	307	336	353	347	338
BEAR VALLEY PD	6	6	6	6	6	6	8	8	7	7	7	7	7	8	8	8	8
CALIFORNIA CITY PD	13	11	11	10	12	12	13	12	13	14	12	12	13	14	17	17	17
CSU BAKERSFIELD DPS	9	8	10	11	8	8	9	9	9	10	10	10	10	9	11	10	11
DELANO PD	37	36	35	33	36	35	33	35	32	42	40	41	40	47	46	44	45
KERN CO DA	20	20	19	19	18	17	17	21	22	24	21	18	18	17	23	24	21
KERN CO-DEPT OF PARKS & REC	7	7	7	7	8	8	11	11	11	11	11	12	10	11	12	10	10
KERN COUNTY SD	483	463	449	431	454	453	466	482	502	511	483	469	753	804	815	880	859
KERN HIGH SCHOOL DISTRICT PD	12	13	13	14	14	15	18	16	16	14	17	17	17	18	18	21	22
RIDGECREST PD	30	28	27	26	27	28	30	29	29	29	29	30	29	32	32	33	33
SHAFTER PD	20	19	18	16	14	16	17	18	19	19	20	21	22	20	20	19	19
STALLION SPRINGS PD	4	3	3	3	3	4	4	4	4	3	3	3	4	4	4	3	4
TAFT PD	23	22	18	14	12	12	12	13	13	15	15	15	13	14	14	14	14
<b>TOTAL FOR KERN COUNTY</b>	<b>914</b>	<b>879</b>	<b>886</b>	<b>861</b>	<b>906</b>	<b>912</b>	<b>926</b>	<b>965</b>	<b>986</b>	<b>1,022</b>	<b>979</b>	<b>969</b>	<b>1,255</b>	<b>1,350</b>	<b>1,388</b>	<b>1,446</b>	<b>1,419</b>
<b>KINGS COUNTY</b>																	
CORCORAN PD	15	14	16	20	16	14	16	17	17	17	16	16	17	19	18	19	21
HANFORD PD	37	38	40	41	43	42	44	41	41	44	45	45	49	47	48	50	51
KINGS CO DA	4	4	6	8	9	9	9	9	9	9	10	10	10	11	12	12	13
KINGS CO SD	65	66	67	73	73	73	73	78	79	78	80	80	81	85	79	81	79
LEMOORE PD	20	20	20	20	20	23	26	25	26	25	24	26	26	26	28	31	30
<b>TOTAL FOR KINGS COUNTY</b>	<b>141</b>	<b>142</b>	<b>149</b>	<b>162</b>	<b>161</b>	<b>161</b>	<b>168</b>	<b>170</b>	<b>172</b>	<b>173</b>	<b>175</b>	<b>177</b>	<b>183</b>	<b>188</b>	<b>185</b>	<b>193</b>	<b>194</b>
<b>LAKE COUNTY</b>																	
CLEARLAKE PD	15	16	18	17	20	24	20	22	21	21	23	22	22	23	20	22	23
LAKE CO DA	4	5	5	4	5	5	7	7	7	7	7	7	8	8	10	10	8
LAKE CO SD	59	59	62	61	65	71	67	74	78	80	77	75	76	76	79	77	78
LAKEPORT PD	11	11	12	12	11	11	14	13	14	14	14	13	12	13	13	12	14
<b>TOTAL FOR LAKE COUNTY</b>	<b>89</b>	<b>91</b>	<b>97</b>	<b>94</b>	<b>101</b>	<b>111</b>	<b>108</b>	<b>116</b>	<b>120</b>	<b>122</b>	<b>121</b>	<b>117</b>	<b>118</b>	<b>120</b>	<b>122</b>	<b>121</b>	<b>123</b>
<b>LASSEN COUNTY</b>																	
LASSEN CO SD	25	27	30	30	26	29	33	29	34	35	34	27	31	32	30	33	32
SUSANVILLE PD	14	16	14	16	16	18	16	18	18	18	19	19	18	16	16	15	15
<b>TOTAL FOR LASSEN COUNTY</b>	<b>39</b>	<b>43</b>	<b>44</b>	<b>46</b>	<b>42</b>	<b>47</b>	<b>49</b>	<b>47</b>	<b>52</b>	<b>53</b>	<b>53</b>	<b>46</b>	<b>49</b>	<b>48</b>	<b>46</b>	<b>48</b>	<b>47</b>

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
LOS ANGELES COUNTY																	
ALHAMBRA PD	86	88	89	84	86	89	84	80	82	80	83	81	80	81	83	82	83
ARCADIA PD	74	70	71	71	69	70	71	73	69	64	67	69	65	61	62	66	68
AZUSA PD	56	57	56	58	58	57	59	57	57	58	60	59	56	57	62	62	60
BALDWIN PARK PD	70	69	73	72	72	74	69	71	68	74	74	77	78	72	69	72	73
BELL GARDENS PD	56	55	54	52	51	46	47	49	50	50	54	52	53	55	53	52	49
BELL PD	41	40	38	36	33	35	35	36	38	39	38	44	39	42	40	38	35
BEVERLY HILLS PD	128	130	127	131	131	130	136	133	129	139	137	136	130	130	129	136	131
BURBANK AIRPORT AUTH PD	6	7	7	9	10	10	11	12	13	19	22	28	28	25	29	34	36
BURBANK PD	149	153	155	157	157	161	162	161	160	161	156	152	156	150	155	157	156
BURLINGTON NORTHRN SANTA FE RR	28	31	30	30	30	29	28	30	28	28	29	27	29	27	29	26	29
CA DEPT INDUSTRIAL RELATIONS	4	3	4	6	7	11	11	12	11	11	9	8	8	8	7	5	2
CERRITOS CCD PD	8	10	11	10	12	13	15	14	16	15	16	13	11	10	10	10	10
CLAREMONT PD	38	36	38	40	38	39	40	40	39	43	41	40	39	41	42	43	36
COMPTON UNIF SCH DIST PD	26	25	25	27	29	30	32	33	40	37	35	39	36	33	32	34	36
COVINA PD	51	53	51	52	56	56	52	51	55	53	55	54	55	54	55	57	56
CSU DOMINGUEZ HILLS DPS	10	10	13	12	13	11	14	16	14	15	16	16	15	13	17	16	16
CSU LONG BEACH PD	19	21	21	19	19	20	18	24	24	24	23	24	26	24	22	25	24
CSU LOS ANGELES DFS	15	15	15	16	14	15	15	18	17	18	19	19	19	17	20	20	19
CSU NORTHRIDGE DPS	16	18	18	18	14	19	17	18	19	19	22	26	24	24	21	24	22
CSU POMONA DFS	11	11	12	13	13	12	12	12	14	11	15	19	17	20	20	20	18
CULVER CITY PD	116	117	114	117	119	112	121	123	129	123	119	117	114	110	108	103	104
DOWNNEY PD	115	111	112	113	109	107	113	108	106	105	108	109	105	106	106	109	119
EL CAMINO CCD PD	12	14	16	16	18	17	16	18	18	16	14	16	16	15	15	24	26
EL MONTE PD	62	62	62	64	64	64	65	59	60	63	64	61	63	60	63	65	69
EL SEGUNDO PD	87	84	88	87	84	68	70	76	79	79	81	82	74	78	87	87	86
GARDENA PD	1	1	1	1	3	3	5	6	8	8	7	6	8	7	10	10	10
GLENDALE CCD PD	212	211	218	218	224	223	228	230	229	230	236	238	262	253	255	260	256
GLENDALE PD	1	1	4	4	5	5	7	6	6	6	7	7	7	6	7	7	5
GLENDALE PD PARK RANGERS (OBS)	52	53	51	53	55	54	51	55	54	55	56	53	53	53	54	58	54
GLENDORA PD	92	89	90	93	96	83	80	81	94	95	97	101	97	89	90	92	96
HAWTHORNE PD	34	35	34	31	34	35	34	34	34	37	35	37	38	39	38	32	35
HERMOSA BEACH PD	65	64	65	67	64	67	70	71	69	68	66	63	65	63	65	64	68
HUNTINGTON PARK PD	194	200	200	203	196	181	179	190	196	195	197	194	201	190	187	192	191
INGLEWOOD PD	11	10	10	10	11	12	12	12	14	16	15	15	7	7	5	4	5
INGLEWOOD UNIF SCH DIST PD	19	20	21	21	20	20	21	21	20	24	25	24	25	27	29	30	26
IRVINDALE PD	38	41	39	39	42	41	45	47	46	48	46	47	46	46	48	46	45
LA VERNE PD	710	783	805	832	831	859	817	856	847	856	925	940	934	954	962	947	916
LONG BEACH PD	16	16	16	21	21	29	30	31	29	33	38	47	55	87	102	99	99
LOS ANGELES CITY DPT GEN SVCS	7	7	10	17	18	23	23	26	27	29	30	34	30	15	14	14	15
LOS ANGELES CITY PARK RANGER	43	40	39	42	41	39	42	47	46	45	51	49	45	49	46	48	48
LOS ANGELES CO CORONER	196	207	209	212	203	207	227	256	269	253	236	233	243	267	286	297	299
LOS ANGELES CO DA	8,125	7,929	8,078	8,113	8,090	8,123	8,271	8,688	8,973	8,897	8,532	8,197	8,186	8,615	9,459	9,577	9,565
LOS ANGELES CO SD	1	1	1	1	415	427	423	424	438	443	423	414	419	437	423	410	395
LOS ANGELES OFC PUB SFTY (OBS)	7,691	7,942	8,602	9,244	9,639	9,625	9,396	9,104	8,904	9,042	9,199	9,125	9,320	9,469	9,327	9,617	9,395
LOS ANGELES PD	53	54	53	52	48	50	49	48	48	54	59	58	61	77	98	127	130
LOS ANGELES PORT PD																	



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LOS ANGELES COUNTY																	
LOS ANGELES SCHOOL PD	290	291	279	280	291	284	271	288	282	279	304	321	320	326	339	332	325
LOS ANGELES WORLD AIRPORTS PD	226	232	232	228	219	214	236	265	277	271	307	320	321	412	476	503	514
MANHATTAN BEACH PD	57	60	59	59	58	59	58	63	61	59	57	59	60	57	58	64	62
MAYWOOD PD (OBS)	26	27	27	25	25	27	25	24	27	28	32	37	40	40	39	37	38
MONROVIA PD	57	58	59	59	58	59	59	60	62	57	57	57	53	53	52	52	52
MONTEBELLO PD	92	90	87	88	83	79	82	88	84	80	84	80	74	74	82	82	84
MONTEREY PARK PD	79	79	77	79	76	77	76	77	79	74	71	74	76	76	74	73	75
PALOS VERDES ESTATES PD	23	22	23	22	23	23	22	22	24	24	24	23	23	23	21	21	23
PASADENA CITY CCD PD	9	9	9	9	8	9	9	9	9	9	5	8	6	7	8	9	9
PASADENA PD	222	224	226	229	224	224	225	225	230	227	231	236	239	239	246	252	244
POKONA PD	171	170	170	168	173	169	160	166	162	161	171	177	179	185	189	183	177
REDONDO BEACH PD	96	91	104	104	103	104	106	107	107	104	102	93	100	100	96	98	90
SAN FERNANDO PD	35	34	35	34	33	36	35	39	39	37	38	34	35	36	34	37	36
SAN GABRIEL PD	49	52	52	52	51	52	55	53	55	51	55	55	55	54	55	56	57
SAN MARINO PD	26	24	25	26	25	23	24	25	24	26	27	25	24	24	26	27	28
SANTA MONICA CCD PD	13	11	11	12	12	12	12	15	14	14	12	12	15	16	16	15	16
SANTA MONICA PD	184	190	196	195	195	197	203	191	205	197	195	201	201	203	209	202	204
SIERRA MADRE PD	14	14	14	15	13	13	16	15	15	18	17	17	16	16	16	15	17
SIGNAL HILL PD	30	31	31	32	32	29	31	30	31	25	30	32	33	35	35	33	34
SOUTH GATE PD	90	89	88	88	90	93	87	88	85	81	81	82	82	84	94	94	86
SOUTH PASADENA PD	31	31	36	33	32	33	34	36	34	34	34	34	35	33	33	35	35
TORRANCE PD	231	234	232	236	233	224	237	231	237	225	225	223	225	223	225	225	217
UC LOS ANGELES PD	53	51	51	51	57	54	53	50	55	53	54	53	52	54	56	57	59
UNION PACIFIC RAILROAD	16	17	18	18	54	55	56	56	57	58	55	55	56	49	59	60	60
VERNON PD	55	55	57	55	53	56	55	53	59	55	57	56	56	50	51	52	53
WEST COVINA PD	110	109	110	109	110	108	111	108	116	114	120	119	114	115	116	119	109
WHITTIER PD	90	89	121	124	122	126	126	132	131	125	127	125	120	117	122	128	124
TOTAL FOR LOS ANGELES COUNTY	21,343	21,502	22,403	23,182	23,951	23,977	23,926	24,215	24,393	24,419	24,358	24,015	24,205	24,919	25,817	26,305	26,493
MADERA COUNTY																	
CHOWCHILLA PD	12	13	13	10	12	16	17	17	16	18	15	17	17	17	18	19	18
MADERA CO DA	2	2	2	2	4	3	4	7	10	10	10	8	7	7	8	8	8
MADERA CO SD	53	58	54	62	68	67	72	76	79	77	75	71	68	74	76	77	70
MADERA PD	42	43	49	48	42	42	48	48	51	49	52	51	57	58	59	58	58
TOTAL FOR MADERA COUNTY	109	116	118	122	126	128	141	148	156	154	152	147	149	156	161	162	154

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<b>MARIN COUNTY</b>																	
BELVEDERE PD	7	7	6	6	7	7	7	7	8	8	8	8	8	8	6	8	7
FAIRFAX PD	12	11	11	11	11	10	11	10	11	12	11	11	11	10	11	11	10
MARIN CCD PD	8	8	8	8	8	7	8	7	6	5	5	7	6	5	8	9	9
MARIN CO CORONER (OBS)	5	5	5	5	5	5	5	5	5	5	5	5	4	4	4	4	4
MARIN CO DA	8	8	8	9	9	9	10	11	14	12	12	11	11	12	11	7	9
MARIN CO SD	170	189	188	181	190	187	200	205	197	211	206	199	199	207	215	209	210
MILL VALLEY PD	22	22	21	22	18	20	20	22	22	20	20	21	21	22	22	21	21
NOVATO PD	50	53	55	58	55	54	53	55	56	57	60	57	56	55	55	57	58
ROSS PD	7	9	9	9	9	8	9	9	7	6	8	8	8	8	8	7	8
SAN ANSELMO PD	17	17	17	16	16	17	16	18	17	19	18	19	19	14	18	18	19
SAN RAFAEL PD	67	66	68	67	73	73	71	78	71	80	77	71	66	70	72	71	66
SAUSALITO PD	21	20	21	22	21	21	21	23	23	21	20	15	17	18	16	16	17
TIBURON PD	14	14	14	13	13	13	13	12	13	14	15	15	14	13	14	15	14
TWIN CITIES PD	32	30	32	32	32	32	32	33	35	34	31	30	32	31	32	33	31
<b>TOTAL FOR MARIN COUNTY</b>	<b>440</b>	<b>459</b>	<b>463</b>	<b>459</b>	<b>467</b>	<b>463</b>	<b>476</b>	<b>495</b>	<b>485</b>	<b>504</b>	<b>496</b>	<b>477</b>	<b>472</b>	<b>477</b>	<b>492</b>	<b>486</b>	<b>483</b>
<b>MARIPOSA COUNTY</b>																	
MARIPOSA CO SD	35	35	34	34	35	33	37	40	43	40	38	39	41	41	39	38	41
<b>TOTAL FOR MARIPOSA COUNTY</b>	<b>35</b>	<b>35</b>	<b>34</b>	<b>34</b>	<b>35</b>	<b>33</b>	<b>37</b>	<b>40</b>	<b>43</b>	<b>40</b>	<b>38</b>	<b>39</b>	<b>41</b>	<b>41</b>	<b>39</b>	<b>38</b>	<b>41</b>
<b>MENDOCINO COUNTY</b>																	
FORT BRAGG PD	17	17	16	17	18	16	15	15	15	12	15	14	15	14	17	17	17
MENDOCINO CO DA	4	5	6	5	6	4	8	8	8	8	7	7	7	6	7	6	6
MENDOCINO CO SD	72	77	71	66	71	77	71	77	77	79	77	127	129	130	135	138	130
UKIAH PD	25	24	27	26	26	26	28	27	27	26	26	26	28	31	28	28	27
WILLITS PD	12	11	10	12	13	10	10	13	14	15	12	11	11	13	11	16	15
<b>TOTAL FOR MENDOCINO COUNTY</b>	<b>130</b>	<b>134</b>	<b>130</b>	<b>126</b>	<b>134</b>	<b>133</b>	<b>132</b>	<b>140</b>	<b>141</b>	<b>140</b>	<b>137</b>	<b>185</b>	<b>190</b>	<b>194</b>	<b>198</b>	<b>205</b>	<b>195</b>
<b>MERCED COUNTY</b>																	
ATWATER PD	22	22	24	20	23	26	30	30	30	30	29	26	28	31	33	32	34
DOS PALOS PD	6	8	7	7	9	11	11	11	9	7	6	5	5	5	8	7	7
GUSTINE PD	8	8	8	9	9	8	8	9	9	10	9	10	9	10	11	9	10
LIVINGSTON PD	14	14	18	18	16	17	15	19	18	18	17	17	18	20	19	20	19
LOS BANOS PD	25	27	28	28	28	28	29	30	31	31	36	37	38	40	48	45	39
MERCED CO DA	1	1	1	3	6	8	8	7	9	10	9	9	10	13	14	15	15
MERCED CO SD	67	68	73	77	77	74	73	81	80	87	104	97	98	104	106	111	109
MERCED PD	67	78	79	79	79	79	79	80	77	75	79	78	75	89	106	105	100
<b>TOTAL FOR MERCED COUNTY</b>	<b>210</b>	<b>226</b>	<b>238</b>	<b>241</b>	<b>247</b>	<b>251</b>	<b>253</b>	<b>267</b>	<b>263</b>	<b>268</b>	<b>289</b>	<b>279</b>	<b>281</b>	<b>312</b>	<b>345</b>	<b>344</b>	<b>333</b>
<b>MODOC COUNTY</b>																	
ALTURAS PD	8	8	8	7	8	7	8	8	9	10	9	9	7	6	6	6	6
MODOC CO SD	15	14	13	14	13	12	14	12	14	15	13	12	11	13	16	15	15
<b>TOTAL FOR MODOC COUNTY</b>	<b>23</b>	<b>22</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>19</b>	<b>22</b>	<b>20</b>	<b>23</b>	<b>25</b>	<b>22</b>	<b>21</b>	<b>18</b>	<b>19</b>	<b>22</b>	<b>21</b>	<b>21</b>

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COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>MONO COUNTY</b>																	
MAMMOTH LAKES PD	15	15	15	15	15	15	16	17	17	18	18	20	20	20	22	22	20
MONO CO DA	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2
MONO CO SD	24	23	24	23	25	24	25	25	25	26	26	24	27	25	26	27	28
<b>TOTAL FOR MONO COUNTY</b>	<b>40</b>	<b>39</b>	<b>40</b>	<b>39</b>	<b>41</b>	<b>40</b>	<b>42</b>	<b>43</b>	<b>43</b>	<b>45</b>	<b>45</b>	<b>45</b>	<b>48</b>	<b>46</b>	<b>49</b>	<b>51</b>	<b>50</b>
<b>MONTEREY COUNTY</b>																	
CARMEL PD	15	15	15	15	15	15	15	14	14	14	11	12	13	13	14	15	15
DEL REY OAKS PD	3	4	4	5	5	5	5	5	6	6	6	6	6	6	6	6	7
GONZALES PD	9	10	10	11	11	11	11	11	12	11	11	12	13	10	10	12	11
GREENFIELD PD	10	11	11	11	12	12	13	12	16	17	15	13	13	16	16	13	15
KING CITY PD	14	15	15	15	15	13	14	16	16	16	14	12	13	14	15	15	16
MARINA PD	23	24	25	28	28	30	29	31	29	27	28	29	28	27	30	33	32
MONTEREY CO DA	18	21	21	22	26	28	28	25	29	28	25	22	24	23	22	24	23
MONTEREY CO SHERIFF'S OFFICE	273	261	284	315	322	321	324	335	331	318	317	305	302	302	297	303	308
MONTEREY PD	55	55	59	58	60	57	61	58	59	57	50	48	53	48	52	55	52
MONTEREY REG AIRPORT DIST PD	9	9	9	8	8	9	8	8	8	6	6	6	7	6	8	9	11
PACIFIC GROVE PD	27	26	28	29	30	28	27	27	25	26	25	25	25	21	23	19	19
SALINAS PD	129	133	136	144	145	141	142	149	146	152	150	168	164	163	169	173	164
SAND CITY PD	5	6	6	6	6	7	6	8	9	9	10	10	11	11	11	11	11
SEASIDE PD	37	41	39	38	34	35	39	37	36	39	42	43	42	39	43	46	47
SOLEDAD PD	11	10	13	12	12	15	14	14	14	15	12	14	16	21	22	23	20
<b>TOTAL FOR MONTEREY COUNTY</b>	<b>638</b>	<b>640</b>	<b>675</b>	<b>716</b>	<b>729</b>	<b>727</b>	<b>736</b>	<b>750</b>	<b>750</b>	<b>741</b>	<b>722</b>	<b>725</b>	<b>730</b>	<b>720</b>	<b>738</b>	<b>757</b>	<b>751</b>
<b>NAPA COUNTY</b>																	
CALISTOGA PD	9	10	10	10	11	12	11	10	9	10	11	10	11	10	11	11	11
NAPA CO DA	3	3	4	4	5	5	6	6	9	10	10	9	9	11	10	12	13
NAPA CO SD	62	65	60	64	70	73	81	81	83	88	89	91	93	98	102	106	107
NAPA PD	66	66	66	69	71	68	72	73	75	73	72	67	72	73	72	73	73
NAPA VALLEY COLLEGE DPS	2	2	3	3	3	4	4	4	4	4	4	3	4	5	5	5	5
SAINT HELENA PD	12	11	11	12	12	11	12	12	11	12	13	13	12	11	13	12	12
<b>TOTAL FOR NAPA COUNTY</b>	<b>154</b>	<b>157</b>	<b>154</b>	<b>162</b>	<b>172</b>	<b>173</b>	<b>186</b>	<b>186</b>	<b>191</b>	<b>197</b>	<b>199</b>	<b>193</b>	<b>201</b>	<b>208</b>	<b>213</b>	<b>219</b>	<b>221</b>
<b>NEVADA COUNTY</b>																	
GRASS VALLEY PD	18	18	19	19	18	19	19	19	21	22	25	26	24	26	31	30	26
NEVADA CITY PD	9	8	8	9	8	8	8	8	9	9	9	8	8	10	9	10	10
NEVADA CO DA	2	2	2	2	2	2	2	5	5	4	4	4	4	4	5	4	3
NEVADA CO SD	71	73	75	73	75	78	79	79	66	67	66	64	70	66	70	74	71
<b>TOTAL FOR NEVADA COUNTY</b>	<b>100</b>	<b>101</b>	<b>104</b>	<b>103</b>	<b>103</b>	<b>107</b>	<b>108</b>	<b>111</b>	<b>101</b>	<b>102</b>	<b>104</b>	<b>102</b>	<b>106</b>	<b>106</b>	<b>115</b>	<b>118</b>	<b>110</b>

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COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
ORANGE COUNTY																	
ANAHEIM PD	354	363	390	392	389	389	403	407	390	371	370	365	380	387	391	403	387
BREA PD	100	100	99	96	101	102	102	103	106	106	102	104	104	106	104	103	99
BUENA PARK PD	86	86	88	89	89	93	94	91	93	92	91	93	91	90	87	92	92
COSTA MESA PD	136	134	142	145	143	145	144	149	150	152	157	154	150	149	157	162	152
CSU FULLERTON PD	14	13	13	13	13	15	18	19	18	19	21	21	20	22	22	21	21
CYPRESS PD	52	49	54	52	51	47	50	50	54	56	55	50	52	56	55	56	54
FOUNTAIN VALLEY PD	60	62	64	60	61	62	63	60	59	62	61	58	60	64	63	61	59
FULLERTON PD	143	145	146	146	148	149	151	153	154	157	147	146	149	156	156	158	152
GARDEN GROVE PD	161	166	167	166	157	156	154	160	164	157	153	152	153	156	159	168	161
HUNTINGTON BEACH PD	231	220	222	222	217	213	224	226	227	220	207	201	212	219	215	225	222
IRVINE PD	120	126	131	132	144	139	144	160	154	142	143	158	152	159	171	180	197
IRVINE VALLEY CCD PD	4	4	5	5	5	5	8	8	8	8	9	9	11	12	12	13	16
LA HABRA PD	65	65	70	69	70	69	72	68	70	67	68	69	66	67	65	68	67
LA PALMA PD	23	24	23	24	23	23	25	26	25	24	24	25	24	24	23	24	24
LAGUNA BEACH PD	43	44	47	47	46	49	49	48	50	49	49	49	48	45	45	48	46
LOS ALAMITOS PD	22	22	23	25	22	23	20	22	25	24	25	24	24	22	23	24	22
NEWPORT BEACH PD	144	135	128	131	132	137	138	137	145	140	141	137	144	147	149	148	143
ORANGE CO DA	106	111	103	109	110	114	122	127	130	119	116	125	130	144	148	160	138
ORANGE CO DA WELFARE/FRAUD INV	44	61	60	57	59	64	70	67	69	63	58	59	57	55	55	50	31
ORANGE CO SD/CORONER	1,231	1,279	1,272	1,278	1,344	1,372	1,457	1,788	1,824	1,818	1,793	1,765	1,800	1,813	1,900	1,958	1,894
ORANGE PD	134	132	143	146	144	143	145	143	145	155	149	141	146	151	155	161	162
PLACENTIA PD	49	52	52	52	51	50	54	54	59	55	53	48	51	50	49	53	58
SADDLEBACK CCD PD	11	12	12	12	12	12	12	12	13	13	11	11	11	11	12	10	10
SANTA ANA PD	380	373	371	374	353	356	367	371	363	354	341	340	346	357	349	361	347
SANTA ANA UNIF SCHL DIST PD	5	5	7	7	10	8	11	16	19	19	20	21	21	22	23	22	19
SEAL BEACH PD	31	32	33	33	31	34	35	35	37	34	30	29	29	30	31	29	31
TUSTIN PD	84	85	86	90	90	92	90	91	92	94	91	88	91	93	93	96	90
UC IRVINE PD	21	23	26	29	28	26	23	25	23	21	23	26	27	26	31	31	30
WESTMINSTER PD	100	101	101	98	99	100	105	107	101	99	93	97	96	97	98	101	95
<b>TOTAL FOR ORANGE COUNTY</b>	<b>3,954</b>	<b>4,024</b>	<b>4,078</b>	<b>4,099</b>	<b>4,142</b>	<b>4,187</b>	<b>4,350</b>	<b>4,723</b>	<b>4,767</b>	<b>4,681</b>	<b>4,601</b>	<b>4,565</b>	<b>4,644</b>	<b>4,730</b>	<b>4,841</b>	<b>4,986</b>	<b>4,819</b>
PLACER COUNTY																	
AUBURN PD	21	18	18	20	21	19	21	20	23	24	23	25	22	25	25	23	22
LINCOLN PD	13	13	10	10	11	11	12	13	19	23	22	26	28	32	36	37	31
PLACER CO DA	7	7	7	7	9	9	10	11	11	11	11	10	11	12	13	10	11
PLACER COUNTY SD	197	210	216	210	208	211	222	231	238	241	239	232	240	249	267	256	249
ROCKLIN PD	26	28	28	29	29	32	32	33	38	40	43	44	48	53	54	53	54
ROSEVILLE PD	67	66	68	69	70	76	75	82	89	89	98	114	123	128	128	126	121
<b>TOTAL FOR PLACER COUNTY</b>	<b>331</b>	<b>342</b>	<b>347</b>	<b>345</b>	<b>348</b>	<b>358</b>	<b>372</b>	<b>390</b>	<b>418</b>	<b>428</b>	<b>436</b>	<b>451</b>	<b>472</b>	<b>499</b>	<b>523</b>	<b>505</b>	<b>488</b>
PLUMAS COUNTY																	
PLUMAS CO SD	31	32	33	35	35	34	34	38	40	38	34	34	35	35	33	33	33
<b>TOTAL FOR PLUMAS COUNTY</b>	<b>31</b>	<b>32</b>	<b>33</b>	<b>35</b>	<b>35</b>	<b>34</b>	<b>34</b>	<b>38</b>	<b>40</b>	<b>38</b>	<b>34</b>	<b>34</b>	<b>35</b>	<b>35</b>	<b>33</b>	<b>33</b>	<b>33</b>

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
RIVERSIDE COUNTY																	
BANNING PD	28	28	30	29	32	33	31	30	31	32	33	34	37	41	40	36	35
BEAUMONT PD	16	16	17	17	18	20	17	18	20	23	26	28	27	31	51	56	57
BLYTHE PD	16	20	19	21	23	25	23	21	24	23	24	24	25	21	25	25	22
CATHEDRAL CITY PD	41	43	44	44	45	44	44	45	49	49	48	50	50	54	54	55	55
CORONA PD	113	117	126	128	123	130	132	144	148	156	168	164	163	172	183	179	174
HEMET PD	49	51	54	54	53	58	58	63	63	65	69	69	74	78	80	78	68
INDIO PD	40	43	47	44	42	43	44	48	46	53	58	60	64	67	73	74	73
LAKE HEMET MUNCPL WATER DIST	2	3	3	3	3	1	1	2	2	2	2	2	2	2	2	1	2
MURRIETA PD	23	24	26	26	27	26	31	35	37	46	47	57	70	76	84	89	90
PALM SPRINGS PD	76	75	77	78	73	79	84	85	84	80	86	83	86	91	91	91	94
RIVERSIDE CCD PD	6	9	11	11	12	13	15	18	17	20	19	20	20	20	19	19	18
RIVERSIDE CO DA	44	48	47	51	52	55	58	60	60	63	65	72	85	115	132	142	124
RIVERSIDE CO PUBLIC SOCIAL SER	19	20	22	29	26	25	29	29	29	23	22	23	23	24	24	27	24
RIVERSIDE CO SD	1,045	1,055	1,072	1,165	1,151	1,227	1,280	1,331	1,411	1,493	1,503	1,491	1,545	1,754	1,876	2,074	2,079
RIVERSIDE PD	300	324	330	323	318	321	315	319	340	343	356	359	356	383	378	380	364
UC RIVERSIDE PD	19	19	19	21	21	20	19	21	19	24	26	24	21	25	25	29	28
TOTAL FOR RIVERSIDE COUNTY	1,837	1,895	1,944	2,044	2,019	2,120	2,181	2,269	2,380	2,495	2,552	2,560	2,648	2,954	3,137	3,359	3,307

Received  
March 29, 2012  
Commission on  
State Mandates  
Exhibit 2  
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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>SACRAMENTO COUNTY</b>																	
CA ALCOHOLIC BEVERAGE CONTROL	195	193	216	218	223	237	233	225	240	229	227	208	203	194	195	180	181
CA ASSEMBLY SGT AT ARMS LEGIS	13	14	16	18	19	17	17	22	22	23	22	22	22	22	20	18	18
CA DEPT CONSUMER AFF DEN BD	11	15	16	16	14	12	9	13	12	10	10	8	9	10	10	13	9
CA DEPT CONSUMER AFF INVEST	52	53	57	67	66	61	62	55	60	60	57	49	51	53	49	52	52
CA DEPT CONSUMER AFF MED BD	93	90	90	96	92	98	96	109	116	100	97	94	97	94	99	102	101
CA DEPT EMPLOYMENT DEVELOPMENT	68	73	76	72	69	64	66	57	48	45	43	38	42	44	41	39	38
CA DEPT FISH & GAME	361	350	338	330	334	350	366	374	374	359	337	309	292	305	300	311	306
CA DEPT HEALTH CARE SVCS	171	211	226	231	231	220	132	123	127	130	128	123	124	120	120	122	117
CA DEPT INSURANCE FRAUD	88	134	146	142	132	141	150	172	193	189	180	167	171	181	186	207	200
CA DEPT JUSTICE	323	330	358	379	369	394	466	458	463	463	438	393	473	457	483	488	457
CA DEPT MENTAL HEALTH	9	9	10	10	9	8	7	6	5	5	6	8	7	7	14	20	20
CA DEPT MOTOR VEHICLES	201	197	223	221	214	215	231	229	231	212	218	197	215	214	205	218	223
CA DEPT PARKS & RECREATION	675	651	669	643	633	598	622	582	643	677	675	667	645	628	611	625	621
CA DEPT SOCIAL SERVICES	37	38	42	44	52	67	83	91	98	97	98	83	68	62	59	55	51
CA DEPT TOXIC SUBSTANCES CNTL	10	10	9	9	8	9	11	12	14	13	13	11	13	13	14	16	14
CA HIGHWAY PATROL	5,683	5,640	6,100	6,357	6,523	6,522	6,579	6,545	6,777	6,967	7,191	6,954	6,866	6,774	7,059	7,186	7,590
CA HORSE RACING BOARD	20	21	22	22	21	19	20	19	24	21	22	21	19	18	18	20	18
CA SECRETARY OF STATE OFC INV	1	4	5	6	5	8	6	7	8	8	8	8	7	8	8	9	8
CA STATE CONTROLLER - INVEST	3	4	5	4	3	4	4	4	4	5	5	5	4	4	4	3	3
CA STATE FAIR PD	116	119	131	135	151	153	161	163	184	203	225	225	225	34	30	30	35
CA STATE LOTTERY	34	26	25	25	21	21	26	24	23	23	21	21	26	27	27	24	26
CAL - EMA	5	5	5	5	5	7	7	5	8	8	8	8	8	9	9	8	9
CAL FIRE	399	409	404	389	379	380	380	331	312	308	301	266	263	220	221	219	195
CSU SACRAMENTO DPS	13	13	15	15	14	14	14	13	17	16	15	19	21	21	24	25	26
FOLSOM PD	33	36	38	40	41	42	46	49	52	59	67	77	77	80	83	86	82
GALT PD	16	16	17	18	20	21	20	20	21	23	24	23	29	30	31	32	34
LOS RIOS CCD PD	6	8	8	9	9	10	16	18	19	19	20	23	22	25	25	25	31
SACRAMENTO CO CORONER	14	14	15	14	14	15	15	17	18	19	21	20	20	21	16	16	15
SACRAMENTO CO DA	26	34	35	35	37	41	47	47	57	55	49	48	51	53	53	54	42
SACRAMENTO CO HUMAN ASST INV	21	25	25	25	25	27	28	28	33	33	24	23	28	27	29	28	24
SACRAMENTO CO REG PARKS DEPT	11	11	12	12	13	13	13	13	14	17	17	17	17	21	21	24	20
SACRAMENTO CO SD	1,072	1,110	1,153	1,170	1,242	1,305	1,345	1,397	1,489	1,518	1,476	1,471	1,466	1,396	1,379	1,404	1,230
SACRAMENTO PD	575	569	596	615	618	639	654	669	644	642	651	668	681	679	740	705	709
TWIN RIVERS USD PD	22	26	25	26	22	26	26	19	17	18	19	16	17	17	21	23	22
<b>TOTAL FOR SACRAMENTO COUNTY</b>	<b>10,377</b>	<b>10,458</b>	<b>11,128</b>	<b>11,418</b>	<b>11,628</b>	<b>11,758</b>	<b>11,958</b>	<b>11,916</b>	<b>12,367</b>	<b>12,574</b>	<b>12,713</b>	<b>12,290</b>	<b>12,279</b>	<b>11,868</b>	<b>12,204</b>	<b>12,387</b>	<b>12,527</b>
<b>SAN BENITO COUNTY</b>																	
HOLLISTER PD	25	24	25	24	23	25	32	35	32	36	33	29	29	27	29	28	27
SAN BENITO CO DA	1	1	1	1	1	2	2	2	2	1	1	1	1	1	1	1	2
SAN BENITO CO MARSHAL (OBS)	1	1	2	2	3	3	3	3	2	2	2	1	1	1	1	1	1
SAN BENITO CO SD	18	19	17	21	18	18	23	17	26	26	26	28	28	31	32	31	31
<b>TOTAL FOR SAN BENITO COUNTY</b>	<b>45</b>	<b>45</b>	<b>45</b>	<b>48</b>	<b>45</b>	<b>48</b>	<b>60</b>	<b>57</b>	<b>62</b>	<b>65</b>	<b>62</b>	<b>59</b>	<b>59</b>	<b>60</b>	<b>63</b>	<b>61</b>	<b>61</b>

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>SAN BERNARDINO COUNTY</b>																	
BARSTOW PD	38	38	37	43	44	43	43	43	38	34	33	32	32	35	35	38	40
CHINO PD	77	80	79	73	75	82	79	82	86	90	94	95	94	96	98	98	101
COLTON PD	62	60	59	62	62	60	64	63	61	62	63	66	69	71	73	70	61
CSU SAN BERNARDINO DPS	9	10	11	12	12	12	14	12	12	13	12	14	11	15	13	14	17
FONTANA PD	111	109	110	112	115	114	121	127	132	141	139	148	160	172	184	193	185
FONTANA UNIFIED SCHOOL DIST	14	16	14	15	13	10	14	10	14	17	16	16	19	15	11	16	16
MONTCLAIR PD	51	50	54	52	52	52	50	51	50	55	54	54	52	55	56	58	47
ONTARIO PD	180	181	187	213	214	214	220	212	221	217	216	218	210	216	220	225	218
REDLANDS PD	69	70	74	72	71	76	74	78	81	84	90	90	98	96	91	85	79
RIALTO PD	94	98	101	107	114	104	106	97	96	94	104	107	100	90	109	107	110
SAN BERNARDINO CCD PD	2	3	3	4	4	4	4	4	4	5	6	7	7	8	12	14	14
SAN BERNARDINO CO DA	15	16	21	28	31	34	40	40	40	36	34	37	42	51	57	60	57
SAN BERNARDINO CO SD	1,143	1,148	1,139	1,173	1,240	1,271	1,445	1,476	1,502	1,560	1,539	1,487	1,638	1,763	1,804	1,815	1,779
SAN BERNARDINO PD	252	268	262	263	271	279	281	282	274	270	287	286	296	306	320	345	316
SAN BERNARDINO UNIF SCHL DIST	14	15	15	17	20	23	25	20	24	22	26	26	23	24	25	25	25
SNOWLINE JOINT UNIF SCHL DIST	1	1	2	2	3	3	3	4	4	4	4	3	3	4	4	4	4
UPLAND PD	79	84	86	87	84	80	80	76	72	76	79	76	77	80	79	78	74
<b>TOTAL FOR SAN BERNARDINO COUNTY</b>	<b>2,211</b>	<b>2,247</b>	<b>2,254</b>	<b>2,335</b>	<b>2,425</b>	<b>2,461</b>	<b>2,663</b>	<b>2,677</b>	<b>2,711</b>	<b>2,780</b>	<b>2,794</b>	<b>2,762</b>	<b>2,931</b>	<b>3,097</b>	<b>3,191</b>	<b>3,245</b>	<b>3,143</b>
<b>SAN DIEGO COUNTY</b>																	
CARLSBAD PD	76	73	81	79	87	86	94	96	100	102	104	104	104	112	112	112	109
CHULA VISTA PD	154	168	169	170	175	175	178	194	206	219	214	215	220	243	248	241	230
CORONADO PD	39	40	40	38	41	42	40	42	43	43	41	41	42	41	41	41	41
CSU SAN DIEGO DPS	23	23	22	18	23	23	23	26	25	26	26	26	26	23	25	29	28
CSU SAN MARCOS DPS	5	5	4	6	6	4	8	8	9	8	9	12	11	11	15	16	16
EL CAJON PD	122	120	122	131	135	138	136	136	138	141	140	126	129	130	130	120	114
ESCONDIDO PD	148	145	146	144	145	150	150	151	153	160	159	153	161	158	158	154	154
GROSSMONT-CUYAMACA CCD PD	2	2	3	3	6	10	10	10	9	12	10	10	13	9	7	9	11
LA MESA PD	60	60	62	59	61	63	63	60	58	65	61	60	55	61	61	61	66
NATIONAL CITY PD	66	68	67	72	78	80	82	84	83	79	82	83	83	80	81	89	91
OCEANSIDE PD	160	161	164	162	165	166	164	168	162	173	177	174	192	197	196	205	212
SAN DIEGO CCD PD	29	30	28	27	29	31	29	33	35	34	35	36	34	32	34	38	38
SAN DIEGO CITY SCHOOLS PD	35	34	31	31	31	40	43	48	49	47	38	41	39	42	42	42	44
SAN DIEGO CO DA	118	125	132	139	148	147	156	160	183	177	174	170	181	168	179	183	171
SAN DIEGO CO SD	1,073	1,078	1,164	1,193	1,193	1,226	1,435	1,390	1,381	1,359	1,304	1,239	1,208	1,218	1,250	1,325	1,282
SAN DIEGO HARBOR PD, FORT OF	113	96	103	111	111	108	114	109	113	124	133	123	130	135	138	139	136
SAN DIEGO PD	1,831	1,870	1,956	1,982	1,960	2,004	2,003	2,064	2,094	2,100	2,058	1,988	1,932	1,857	1,832	1,872	1,814
UC SAN DIEGO PD	26	26	27	27	27	26	26	26	26	27	28	30	29	31	37	37	35
<b>TOTAL FOR SAN DIEGO COUNTY</b>	<b>4,060</b>	<b>4,124</b>	<b>4,321</b>	<b>4,392</b>	<b>4,421</b>	<b>4,519</b>	<b>4,754</b>	<b>4,805</b>	<b>4,867</b>	<b>4,896</b>	<b>4,793</b>	<b>4,631</b>	<b>4,589</b>	<b>4,548</b>	<b>4,586</b>	<b>4,713</b>	<b>4,592</b>

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
 FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

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COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>SAN FRANCISCO COUNTY</b>																	
CSU SAN FRANCISCO DPS	21	20	20	22	23	22	23	22	22	20	21	20	27	26	27	24	24
SAN FRANCISCO CCD PD	12	12	16	18	26	26	27	27	30	30	28	32	33	30	28	26	29
SAN FRANCISCO CO DA	38	42	45	45	44	47	46	44	45	42	42	42	39	43	39	36	33
SAN FRANCISCO CO MED EXAM	11	12	12	11	13	12	12	13	12	12	12	12	13	11	13	13	13
SAN FRANCISCO CO SD	513	582	605	685	684	709	777	785	819	825	788	755	760	755	817	881	892
SAN FRANCISCO MUNICIPAL RMY PD	1	1	1	1	1	3	3	3	3	4	4	6	7	2	3	3	3
SAN FRANCISCO PD	1,791	1,808	2,039	2,038	2,131	2,179	2,129	2,182	2,213	2,287	2,169	2,160	2,118	2,121	2,264	2,374	2,326
SUPREME COURT OF CALIFORNIA	4	4	4	4	4	3	1	2	2	1	1	1	1	1	1	1	1
UC SAN FRANCISCO PD	24	25	25	25	23	22	24	23	27	31	33	33	38	35	35	38	42
<b>TOTAL FOR SAN FRANCISCO COUNTY</b>	<b>2,415</b>	<b>2,506</b>	<b>2,767</b>	<b>2,849</b>	<b>2,949</b>	<b>3,023</b>	<b>3,042</b>	<b>3,101</b>	<b>3,173</b>	<b>3,252</b>	<b>3,098</b>	<b>3,061</b>	<b>3,036</b>	<b>3,024</b>	<b>3,227</b>	<b>3,396</b>	<b>3,363</b>
<b>SAN JOAQUIN COUNTY</b>																	
ESCALON PD	8	7	8	8	8	8	10	9	8	9	9	8	11	10	11	11	10
LODI PD	68	70	70	75	76	74	77	78	78	77	77	76	72	79	75	75	72
MANTECA PD	42	44	45	48	50	51	51	57	61	66	61	67	66	70	74	78	63
RIPON PD	12	13	13	12	14	15	15	15	16	16	20	22	24	26	24	27	27
SAN JOAQUIN CO DA	13	13	17	31	33	35	37	31	35	39	37	36	32	30	37	42	41
SAN JOAQUIN CO SD	388	378	361	340	373	356	338	322	325	361	349	341	339	341	347	366	372
SAN JOAQUIN DELTA COLLEGE PD	12	10	10	10	10	9	10	10	8	10	9	9	9	8	9	8	10
STOCKTON PD	333	337	361	365	371	363	364	347	360	357	353	362	387	375	398	414	369
STOCKTON UNIF SCHL DIST PD	12	12	11	11	13	15	18	16	17	16	16	15	15	15	18	19	19
TRACY PD	40	42	45	44	46	50	54	59	65	67	72	72	75	79	84	88	89
<b>TOTAL FOR SAN JOAQUIN COUNTY</b>	<b>928</b>	<b>926</b>	<b>941</b>	<b>944</b>	<b>994</b>	<b>976</b>	<b>974</b>	<b>944</b>	<b>973</b>	<b>1,021</b>	<b>1,003</b>	<b>1,008</b>	<b>1,030</b>	<b>1,033</b>	<b>1,077</b>	<b>1,128</b>	<b>1,072</b>
<b>SAN LUIS OBISPO COUNTY</b>																	
ARROYO GRANDE PD	20	20	22	22	24	26	25	26	25	24	26	26	27	27	27	23	24
ATASCADERO PD	27	27	28	26	27	27	29	28	29	25	30	28	30	31	31	31	28
CPSU SAN LUIS OBISPO PD	12	13	12	16	16	15	16	15	15	15	14	16	14	15	17	18	19
GROVER BEACH PD	16	16	19	18	18	20	19	20	20	18	19	18	16	19	19	19	19
MORRO BAY PD	18	16	17	19	19	19	19	19	19	19	20	20	16	17	16	17	15
PASO ROBLES PD	28	30	28	28	29	33	34	34	33	33	37	35	36	41	40	40	36
PISMO BEACH PD	22	24	20	16	19	20	21	21	21	23	22	23	22	22	21	22	23
SAN LUIS OBISPO CO DA	9	11	14	14	15	16	16	16	16	17	15	15	13	15	15	15	14
SAN LUIS OBISPO CO SD	121	122	123	133	136	138	143	147	155	159	154	146	146	153	165	158	152
SAN LUIS OBISPO PD	54	55	55	57	57	55	58	61	59	60	56	57	56	56	62	60	59
<b>TOTAL FOR SAN LUIS OBISPO COUNTY</b>	<b>327</b>	<b>334</b>	<b>338</b>	<b>349</b>	<b>360</b>	<b>369</b>	<b>380</b>	<b>387</b>	<b>392</b>	<b>393</b>	<b>393</b>	<b>384</b>	<b>376</b>	<b>396</b>	<b>413</b>	<b>403</b>	<b>389</b>



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

12/15/2011  
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COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>SAN MATEO COUNTY</b>																	
ATHERTON PD	20	18	20	22	24	23	23	16	21	21	21	21	19	21	21	20	17
BELMONT PD	29	32	31	30	32	34	31	30	31	30	32	29	29	31	28	30	30
BRISBANE PD	15	14	15	15	15	14	14	16	13	14	17	17	17	16	18	16	15
BROADMOOR PD	8	6	10	10	9	9	8	8	10	12	13	13	14	13	12	7	8
BURLINGAME PD	45	45	42	43	45	46	47	46	48	47	43	39	41	38	41	41	38
COLMA PD	13	15	15	13	13	13	15	16	17	18	18	18	18	19	17	18	17
DAILY CITY PD	105	104	107	110	110	108	108	113	115	115	114	113	112	106	109	113	110
EAST PALO ALTO PD	34	34	42	37	33	37	33	32	32	32	36	37	36	35	27	32	38
FOSTER CITY PD	41	41	38	37	43	42	41	39	41	39	39	36	36	36	35	35	39
HALF MOON BAY PD (OBS)	14	12	15	13	16	17	16	16	13	16	16	17	16	16	16	14	14
HILLSBOROUGH PD	25	26	24	24	23	25	25	27	25	23	24	23	24	23	23	26	26
MENLO PARK PD	44	46	47	47	50	51	53	53	53	51	50	50	44	45	44	48	48
MILLBRAE PD	21	23	24	26	27	28	26	26	30	27	22	21	18	22	21	21	23
PACIFICA PD	36	36	38	37	37	37	40	39	41	39	36	36	36	39	37	38	36
REDWOOD CITY PD	73	79	81	82	83	84	82	91	98	97	95	91	94	91	92	91	93
SAN BRUNO PD	46	46	46	45	49	47	49	51	51	50	44	43	45	44	46	44	45
SAN CARLOS PD (OBS)	34	35	33	34	37	36	35	34	34	32	34	35	32	31	29	27	29
SAN MATEO CO CORONER	11	12	12	13	11	9	9	9	10	11	9	11	10	14	12	13	10
SAN MATEO CO DA	9	9	10	10	10	10	11	11	9	10	11	11	11	11	12	12	12
SAN MATEO CO SD	294	316	310	303	305	303	300	301	298	304	305	301	316	319	313	315	303
SAN MATEO PD	98	93	99	97	104	107	109	108	107	109	106	107	111	108	114	114	107
SOUTH SAN FRANCISCO PD	70	72	70	72	75	73	75	75	76	73	70	72	68	71	71	70	75
<b>TOTAL FOR SAN MATEO COUNTY</b>	<b>1,085</b>	<b>1,114</b>	<b>1,129</b>	<b>1,120</b>	<b>1,151</b>	<b>1,153</b>	<b>1,150</b>	<b>1,157</b>	<b>1,173</b>	<b>1,170</b>	<b>1,155</b>	<b>1,141</b>	<b>1,147</b>	<b>1,149</b>	<b>1,138</b>	<b>1,145</b>	<b>1,133</b>
<b>SANTA BARBARA COUNTY</b>																	
ALLAN HANCOCK CCD PD	2	2	2	2	1	2	3	3	4	4	3	4	4	4	4	3	2
GUADALUPE PD	7	8	9	9	6	8	9	10	12	12	13	13	12	12	11	10	10
LOMPOC PD	41	42	43	40	43	43	44	48	49	47	46	49	50	49	48	52	51
SANTA BARBARA CO DA	12	15	15	17	17	17	16	13	17	15	14	14	16	16	22	22	22
SANTA BARBARA CO SD	221	229	232	258	261	272	275	279	283	272	277	276	277	290	304	289	280
SANTA BARBARA PD	136	136	136	135	141	141	143	137	139	144	143	143	134	133	134	132	130
SANTA MARIA PD	77	75	80	78	85	85	87	87	88	95	101	103	105	104	106	110	112
UC SANTA BARBARA PD	26	25	26	25	25	24	24	28	28	29	27	27	30	28	29	32	31
<b>TOTAL FOR SANTA BARBARA COUNTY</b>	<b>522</b>	<b>532</b>	<b>543</b>	<b>564</b>	<b>579</b>	<b>592</b>	<b>601</b>	<b>605</b>	<b>620</b>	<b>618</b>	<b>624</b>	<b>629</b>	<b>628</b>	<b>636</b>	<b>658</b>	<b>650</b>	<b>638</b>

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
SANTA CLARA COUNTY																	
CAMPBELL PD	38	41	42	43	44	45	46	43	44	45	46	44	45	43	43	42	40
CSU SAN JOSE PD	20	19	19	27	26	28	26	24	28	28	29	27	25	29	29	31	28
FOOTHILL-DEANZA CCD PD	6	4	5	6	7	6	7	5	8	9	10	10	11	11	10	10	11
GILROY PD	45	49	53	54	53	57	53	58	56	56	61	59	58	60	61	59	54
LOS ALTOS PD	28	29	28	29	30	30	31	23	29	30	31	30	29	28	26	29	29
LOS GATOS PD	40	45	43	41	40	39	41	42	48	47	43	42	42	42	42	43	41
MILPITAS PD	73	77	82	82	82	78	80	91	88	93	90	87	87	84	85	87	85
MORGAN HILL PD	20	21	26	29	26	27	25	31	30	33	31	31	33	31	35	36	37
MOUNTAIN VIEW PD	79	77	86	85	95	88	90	91	93	89	96	95	92	91	93	97	94
PALO ALTO PD	93	90	91	87	87	87	94	94	90	90	90	84	88	85	84	89	87
SAN JOSE PD	1,180	1,204	1,226	1,292	1,318	1,337	1,393	1,386	1,385	1,409	1,397	1,342	1,341	1,365	1,392	1,376	1,368
SAN JOSE UNIF SCHL DIST PD	1	1	1	1	1	1	1	1	2	2	1	1	1	1	1	1	1
SAN JOSE/EVERGREEN CCD PD	14	8	7	8	9	9	8	6	6	8	7	7	9	7	9	9	9
SANTA CLARA CO DA	39	41	46	55	60	68	69	75	79	91	87	82	84	88	87	83	80
SANTA CLARA CO DA-WELFARE FRD	12	15	17	19	21	22	22	23	24	20	18	14	13	8	7	5	5
SANTA CLARA CO SD	508	486	440	422	413	425	454	454	483	534	518	482	500	495	497	502	510
SANTA CLARA PD	143	143	142	137	138	139	143	138	144	146	143	132	127	128	128	142	137
SUNNYVALE DPS	218	216	218	224	223	220	222	214	228	218	222	224	213	213	208	218	212
WEST VALLEY CCD PD	8	9	8	8	8	9	8	8	9	8	9	9	8	8	8	8	8
<b>TOTAL FOR SANTA CLARA COUNTY</b>	<b>2,565</b>	<b>2,575</b>	<b>2,580</b>	<b>2,649</b>	<b>2,681</b>	<b>2,715</b>	<b>2,813</b>	<b>2,807</b>	<b>2,874</b>	<b>2,954</b>	<b>2,929</b>	<b>2,802</b>	<b>2,806</b>	<b>2,815</b>	<b>2,845</b>	<b>2,867</b>	<b>2,896</b>
SANTA CRUZ COUNTY																	
CAPITOLA PD	23	23	20	22	23	20	23	23	20	19	21	19	18	22	22	22	22
SANTA CRUZ CO DA	12	12	13	13	16	17	16	15	17	17	16	13	13	14	14	12	12
SANTA CRUZ CO SD	126	132	137	140	139	145	152	154	155	152	154	146	131	132	130	135	140
SANTA CRUZ PD	75	70	77	83	88	90	92	91	93	93	93	89	87	80	83	93	88
SCOTT'S VALLEY PD	20	19	21	20	20	21	22	22	20	20	21	20	18	18	19	19	19
UC SANTA CRUZ PD	16	14	17	16	17	16	16	17	18	18	18	18	18	16	19	20	18
WATSONVILLE PD	52	52	50	53	56	61	61	60	63	59	63	66	68	64	63	67	67
<b>TOTAL FOR SANTA CRUZ COUNTY</b>	<b>324</b>	<b>322</b>	<b>335</b>	<b>347</b>	<b>359</b>	<b>370</b>	<b>382</b>	<b>382</b>	<b>386</b>	<b>378</b>	<b>386</b>	<b>371</b>	<b>353</b>	<b>346</b>	<b>350</b>	<b>368</b>	<b>366</b>
SHASTA COUNTY																	
ANDERSON PD	13	14	15	15	15	15	16	14	15	15	16	17	18	19	18	17	18
REDDING PD	88	91	98	101	100	100	104	107	108	109	112	111	110	115	117	114	110
SHASTA CO DA	12	12	12	11	11	19	20	22	23	22	17	15	14	17	20	21	20
SHASTA CO MARSHAL	16	15	17	18	20	20	24	26	26	23	24	24	24	25	26	30	30
SHASTA CO SD	136	143	150	152	159	153	153	163	167	159	153	151	148	155	154	169	166
<b>TOTAL FOR SHASTA COUNTY</b>	<b>285</b>	<b>275</b>	<b>292</b>	<b>297</b>	<b>305</b>	<b>307</b>	<b>317</b>	<b>332</b>	<b>339</b>	<b>328</b>	<b>322</b>	<b>318</b>	<b>314</b>	<b>331</b>	<b>335</b>	<b>351</b>	<b>344</b>
SIERRA COUNTY																	
SIERRA CO SD	10	10	10	10	11	11	10	11	12	13	11	10	11	12	10	9	9
<b>TOTAL FOR SIERRA COUNTY</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>11</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>11</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>10</b>	<b>9</b>	<b>9</b>

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Commission on State Mandates

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
 FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

12/15/2011  
 30008\_ss

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>SISKIYOU COUNTY</b>																	
LAKE SHASTINA DISTRICT PD	4	3	4	4	5	4	4	4	4	4	4	4	4	5	4	3	3
MOUNT SHASTA PD	9	9	9	9	9	9	9	7	7	8	9	8	9	9	9	9	9
SISKIYOU CO DA	2	2	2	3	4	6	6	6	6	6	5	5	5	6	6	5	4
SISKIYOU CO SD	45	49	50	52	55	56	61	62	61	101	93	93	97	100	105	106	100
TULELAKE PD	4	4	5	5	4	4	3	4	2	2	4	2	3	2	3	3	3
WEED PD	7	8	7	9	9	8	8	9	8	9	10	10	9	9	8	9	9
YREKA PD	15	13	12	14	13	13	14	16	16	16	15	14	15	16	15	15	15
<b>TOTAL FOR SISKIYOU COUNTY</b>	<b>86</b>	<b>88</b>	<b>89</b>	<b>96</b>	<b>99</b>	<b>100</b>	<b>105</b>	<b>108</b>	<b>104</b>	<b>146</b>	<b>140</b>	<b>136</b>	<b>142</b>	<b>147</b>	<b>151</b>	<b>150</b>	<b>143</b>
<b>SOLANO COUNTY</b>																	
BENICIA PD	33	33	33	32	34	33	33	34	33	35	35	33	32	31	34	36	36
DIXON PD	17	14	16	15	17	20	21	20	21	22	23	22	25	27	25	26	25
FAIRFIELD PD	79	87	99	100	99	99	101	104	103	102	112	112	112	118	126	127	123
RIO VISTA PD	8	8	9	9	11	10	11	12	12	12	11	12	10	14	14	9	10
SOLANO CCD PD	6	7	7	7	10	10	9	10	10	12	11	11	10	8	6	5	5
SOLANO CO DA	8	8	12	14	14	13	17	17	15	16	16	17	18	20	23	27	19
SOLANO CO SD	84	81	87	92	93	105	111	113	110	111	123	117	120	117	133	128	123
SUISUN CITY PD	21	22	23	26	27	27	28	27	27	29	23	22	16	24	21	27	25
VACAVILLE PD	71	79	80	91	89	94	95	98	105	108	103	103	101	102	112	111	106
VALLEJO PD	127	127	134	136	140	140	142	149	150	156	156	142	148	147	145	114	110
<b>TOTAL FOR SOLANO COUNTY</b>	<b>454</b>	<b>466</b>	<b>500</b>	<b>522</b>	<b>534</b>	<b>551</b>	<b>568</b>	<b>584</b>	<b>586</b>	<b>603</b>	<b>613</b>	<b>591</b>	<b>592</b>	<b>608</b>	<b>639</b>	<b>610</b>	<b>582</b>
<b>SONOMA COUNTY</b>																	
CLOVERDALE PD	10	9	10	10	10	9	11	12	11	12	11	12	13	14	13	14	13
COTATI PD	12	12	12	11	11	12	11	12	12	13	12	10	13	13	13	12	10
CSU SONOMA PD	11	10	9	10	10	9	11	11	12	13	12	11	12	13	11	12	11
HEALDSBURG PD	15	14	15	15	16	16	16	17	16	16	19	17	18	18	18	18	17
PETALUMA PD	52	53	58	57	58	62	69	67	64	66	68	62	70	71	71	68	67
ROHNERT PARK DPS	48	47	51	51	58	59	63	63	64	66	68	72	74	71	80	79	70
SANTA ROSA JUNIOR COLLEGE PD	7	8	10	9	10	9	10	10	11	12	12	11	12	12	12	12	12
SANTA ROSA PD	136	141	146	150	158	159	164	174	174	180	174	150	154	163	168	175	172
SEBASTOPOL PD	14	13	14	15	16	16	15	16	15	17	14	15	14	13	16	15	13
SONOMA CO DA	11	11	11	14	15	15	17	14	15	16	16	16	15	15	17	18	18
SONOMA CO HUM SRV, WLF, FRD INV	10	12	12	12	12	12	12	12	10	9	7	6	4	5	5	5	5
SONOMA CO SHERIFF'S OFFICE	210	212	218	238	240	238	250	258	267	272	273	273	277	288	294	286	282
<b>TOTAL FOR SONOMA COUNTY</b>	<b>536</b>	<b>542</b>	<b>566</b>	<b>592</b>	<b>614</b>	<b>616</b>	<b>649</b>	<b>666</b>	<b>671</b>	<b>692</b>	<b>686</b>	<b>655</b>	<b>676</b>	<b>696</b>	<b>718</b>	<b>714</b>	<b>690</b>

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>STANISLAUS COUNTY</b>																	
CERES DPS	34	35	36	37	37	43	41	41	41	40	41	42	43	44	47	52	51
CSU STANISLAUS DPS	8	9	9	9	14	14	17	17	15	12	11	11	11	11	10	11	11
MODESTO PD	195	206	223	228	260	248	238	245	252	245	245	263	262	265	267	254	243
NEWMAN PD	9	11	11	12	12	12	12	11	13	13	12	13	10	11	13	13	13
OAKDALE PD	21	21	22	22	23	23	21	24	25	26	26	26	27	27	26	27	26
STANISLAUS CO DA	9	11	12	12	13	17	18	16	21	21	20	20	20	20	21	19	16
STANISLAUS CO SD	144	152	177	174	179	197	201	202	220	218	226	220	238	229	235	231	227
TURLOCK PD	53	53	55	53	56	54	58	59	61	59	62	60	61	62	71	82	79
<b>TOTAL FOR STANISLAUS COUNTY</b>	<b>473</b>	<b>498</b>	<b>545</b>	<b>547</b>	<b>594</b>	<b>608</b>	<b>606</b>	<b>615</b>	<b>648</b>	<b>634</b>	<b>643</b>	<b>655</b>	<b>672</b>	<b>669</b>	<b>690</b>	<b>689</b>	<b>666</b>
<b>SUTTER COUNTY</b>																	
SUTTER CO DA	5	6	7	7	8	8	10	10	10	10	10	10	8	8	9	10	10
SUTTER CO SD	60	55	57	57	56	56	53	55	52	99	105	104	95	97	98	104	105
YUBA CITY PD	39	37	38	40	43	42	41	36	41	44	46	47	51	61	67	66	65
<b>TOTAL FOR SUTTER COUNTY</b>	<b>104</b>	<b>98</b>	<b>102</b>	<b>104</b>	<b>107</b>	<b>106</b>	<b>104</b>	<b>101</b>	<b>103</b>	<b>153</b>	<b>161</b>	<b>161</b>	<b>154</b>	<b>166</b>	<b>174</b>	<b>180</b>	<b>180</b>
<b>TEHAMA COUNTY</b>																	
CORNING PD	12	13	12	13	13	14	13	11	15	15	14	14	13	15	13	14	15
RED BLUFF PD	23	21	24	24	23	22	24	24	25	20	26	24	25	22	23	25	23
TEHAMA CO DA	5	4	6	7	7	7	6	5	6	5	5	5	5	4	7	7	7
TEHAMA CO SD	55	57	64	61	70	76	74	67	62	86	79	74	76	78	80	85	80
<b>TOTAL FOR TEHAMA COUNTY</b>	<b>95</b>	<b>95</b>	<b>106</b>	<b>105</b>	<b>113</b>	<b>119</b>	<b>117</b>	<b>107</b>	<b>108</b>	<b>126</b>	<b>124</b>	<b>117</b>	<b>119</b>	<b>119</b>	<b>123</b>	<b>131</b>	<b>125</b>
<b>TRINITY COUNTY</b>																	
TRINITY CO DIST ATTORNEY	2	1	1	2	2	2	3	3	3	2	2	1	1	1	1	1	1
TRINITY COUNTY SD	22	23	20	20	23	23	27	24	26	25	22	19	20	18	19	17	15
<b>TOTAL FOR TRINITY COUNTY</b>	<b>24</b>	<b>24</b>	<b>21</b>	<b>22</b>	<b>25</b>	<b>25</b>	<b>30</b>	<b>27</b>	<b>29</b>	<b>27</b>	<b>24</b>	<b>20</b>	<b>21</b>	<b>19</b>	<b>20</b>	<b>18</b>	<b>16</b>
<b>TULARE COUNTY</b>																	
COLLEGE OF THE SEQUIOIAS PD	7	6	4	4	4	5	6	6	5	5	5	5	5	5	4	5	4
DINUBA PD	18	18	16	17	20	18	20	21	24	21	27	27	28	31	36	37	36
EXETER PD	13	11	13	13	13	14	16	15	15	16	15	15	16	17	17	17	17
FARMERSVILLE PD	9	9	7	8	9	13	12	10	12	13	13	12	14	15	15	16	16
LINDSAY DPS	13	16	15	15	16	13	14	16	16	16	15	15	14	15	14	15	17
PORTERVILLE PD	41	41	40	42	43	40	45	44	40	41	45	44	47	48	55	54	58
TULARE CO DA	10	15	18	22	24	29	33	38	39	38	36	34	40	44	33	32	29
TULARE CO SD	258	231	237	246	312	372	434	458	425	415	380	395	370	318	297	302	304
TULARE PD	45	41	43	46	49	46	47	44	48	50	51	49	58	57	61	69	71
VISALIA PD	87	88	86	92	88	94	98	106	110	111	114	112	119	124	125	135	128
WOODLAKE PD	12	11	10	11	10	10	9	12	9	12	12	12	12	12	14	15	15
<b>TOTAL FOR TULARE COUNTY</b>	<b>513</b>	<b>487</b>	<b>489</b>	<b>516</b>	<b>588</b>	<b>654</b>	<b>734</b>	<b>770</b>	<b>743</b>	<b>736</b>	<b>713</b>	<b>720</b>	<b>723</b>	<b>686</b>	<b>671</b>	<b>697</b>	<b>666</b>

Received  
March 29, 2012  
Page 26 of 27  
Commission on  
State Mandates

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
FULL TIME SWORN OFFICERS OVER TIME BY YEAR AS OF JANUARY 1st OF EACH YEAR

12/15/2011  
30008 SS

COUNTY/ AGENCY NAME	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10
<b>TUOLUMNE COUNTY</b>																	
SONORA PD	12	12	14	14	13	12	11	14	14	11	13	13	15	15	17	13	14
TUOLUMNE CO SD	49	52	50	51	50	50	59	61	68	66	72	68	67	64	62	61	61
<b>TOTAL FOR TUOLUMNE COUNTY</b>	<b>61</b>	<b>64</b>	<b>64</b>	<b>65</b>	<b>63</b>	<b>62</b>	<b>70</b>	<b>75</b>	<b>82</b>	<b>77</b>	<b>85</b>	<b>81</b>	<b>82</b>	<b>79</b>	<b>79</b>	<b>74</b>	<b>75</b>
<b>VENTURA COUNTY</b>																	
OXNARD PD	146	157	159	178	187	188	193	192	191	195	216	222	224	223	225	222	224
PORT HUENEME PD	19	19	20	21	21	22	22	23	22	23	23	23	23	25	23	24	24
SANTA PAULA PD	29	27	30	28	29	28	29	29	33	30	32	32	33	29	33	32	31
SIMI VALLEY PD	108	109	108	112	119	114	115	118	122	123	123	120	121	125	122	125	119
VENTURA CO CCD PD	11	11	11	11	11	12	14	17	20	19	17	17	16	17	13	15	16
VENTURA CO DA	27	35	36	42	44	51	55	54	55	52	51	43	42	42	47	50	45
VENTURA CO SD	563	626	692	713	722	712	731	747	781	773	757	711	678	708	734	727	724
VENTURA PU	118	116	116	118	121	125	124	123	130	124	127	120	118	125	128	132	128
<b>TOTAL FOR VENTURA COUNTY</b>	<b>1,021</b>	<b>1,100</b>	<b>1,172</b>	<b>1,223</b>	<b>1,254</b>	<b>1,252</b>	<b>1,283</b>	<b>1,303</b>	<b>1,354</b>	<b>1,339</b>	<b>1,346</b>	<b>1,288</b>	<b>1,255</b>	<b>1,294</b>	<b>1,325</b>	<b>1,327</b>	<b>1,311</b>
<b>YOLO COUNTY</b>																	
DAVIS PD	50	52	52	51	48	53	53	51	53	53	56	59	54	55	58	59	58
UC DAVIS PD	42	45	45	44	46	46	44	48	46	44	42	43	41	45	41	45	46
WEST SACRAMENTO PD	50	48	49	52	50	51	54	60	59	60	67	67	69	71	79	79	81
WINTERS PD	8	9	10	10	9	8	9	8	10	10	9	10	10	11	10	9	9
WOODLAND PD	48	48	50	53	49	55	55	54	55	57	64	63	60	67	66	68	66
YOLO CO DA	4	6	7	11	17	20	21	22	27	25	25	26	26	28	27	21	20
YOLO CO SD	74	73	78	74	75	78	74	83	81	79	77	87	86	87	86	86	86
<b>TOTAL FOR YOLO COUNTY</b>	<b>276</b>	<b>281</b>	<b>291</b>	<b>295</b>	<b>294</b>	<b>311</b>	<b>310</b>	<b>326</b>	<b>331</b>	<b>328</b>	<b>340</b>	<b>355</b>	<b>346</b>	<b>364</b>	<b>367</b>	<b>367</b>	<b>366</b>
<b>YUBA COUNTY</b>																	
MARYSVILLE PD	21	21	25	27	22	25	25	22	23	22	21	21	24	24	21	17	19
WHEATLAND PD	5	5	6	5	6	6	6	7	7	8	8	7	5	5	7	8	8
YUBA CO SD	55	59	61	67	73	80	82	78	86	81	83	83	86	85	86	87	83
YUBA COMMUNITY COLL DIST PD	6	6	7	7	8	8	7	7	9	9	8	8	6	8	8	8	7
<b>TOTAL FOR YUBA COUNTY</b>	<b>87</b>	<b>91</b>	<b>99</b>	<b>106</b>	<b>109</b>	<b>119</b>	<b>120</b>	<b>114</b>	<b>125</b>	<b>120</b>	<b>120</b>	<b>119</b>	<b>121</b>	<b>122</b>	<b>122</b>	<b>120</b>	<b>117</b>
<b>** GRAND TOTAL</b>	<b>65,837</b>	<b>66,655</b>	<b>69,327</b>	<b>71,136</b>	<b>73,064</b>	<b>73,920</b>	<b>75,372</b>	<b>76,715</b>	<b>78,011</b>	<b>79,046</b>	<b>78,691</b>	<b>77,258</b>	<b>78,050</b>	<b>79,375</b>	<b>81,788</b>	<b>83,522</b>	<b>82,884</b>

**Schedule 2: Reasonable Reimbursement Methodology (RRM) Probation Officer Computations**

<u>Part A</u>	<u>Auditee</u> <u>County</u>	<u>//- Allowable Probation Costs by Fiscal Year (Note 1) -//</u>					<u>Totals</u>
		<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	
	Alameda	\$ 4,549	\$ 12,749	\$ 26,294		\$ 43,592	
	Orange	\$ 10,032	\$ 33,474			\$ 63,878	
	Santa Clara	\$ -	\$ 11,579	\$ 99,739	\$ 45,939	\$ 157,257	
	San Bernardino	\$ -	\$ 14,533	\$ 27,771		\$ 42,304	
	<b>Totals</b>	<b>\$ 10,032</b>	<b>\$ 39,454</b>	<b>\$ 85,573</b>	<b>\$ 126,033</b>	<b>\$ 45,939</b>	<b>\$ 307,031</b>

Note 1 - Source: State Controller's Office schedule, updated on January 18, 2012, found in Exhibit 3, page 4

<u>Part B</u>	<u>Auditee</u> <u>County</u>	<u>Number of Probation Officers by Fiscal Year (Note 2)</u>					<u>Totals</u>
		<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	
	Alameda	270	251	210		731	
	Orange	445	382			1,219	
	Santa Clara		301	304	304	909	
	San Bernardino	390	362			752	
	<b>Totals</b>	<b>445</b>	<b>1,042</b>	<b>1,306</b>	<b>514</b>	<b>304</b>	<b>3,611</b>

Note 2 - Source: California Department of Justice Tables by County, found in Exhibit 3, pages 5-8.

<u>Part C</u>	<u>Auditee</u> <u>County</u>	<u>//- Annual Allowable Audited Cost Divided by the Number of Sworn Probation Officers in a Fiscal Year (Note 3) -//</u>									
		<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
	Alameda	\$ 16.85	\$ 50.79	\$ 125.21	\$ 133.24	\$ 140.40	\$ 148.16	\$ 152.65	\$ 153.36	\$ 156.95	
	Orange	\$ 22.54	\$ 53.33	\$ 85.39	\$ 90.17	\$ 95.95	\$ 101.11	\$ 106.70	\$ 109.93	\$ 110.45	
	Santa Clara	\$ 37.26	\$ 38.47	\$ 328.09	\$ 151.12	\$ 159.24	\$ 168.04	\$ 173.13	\$ 173.94	\$ 178.00	
	San Bernardino	\$ 37.26	\$ 76.72	\$ 81.01	\$ 86.20	\$ 90.83	\$ 95.86	\$ 98.76	\$ 99.22	\$ 101.54	
	<b>Mean RRM</b>	<b>\$ 22.54</b>	<b>\$ 23.39</b>	<b>\$ 43.66</b>	<b>\$ 135.87</b>	<b>\$ 95.08</b>	<b>\$ 100.19</b>	<b>\$ 105.73</b>	<b>\$ 108.93</b>	<b>\$ 109.44</b>	<b>\$ 111.99</b>

Note 3 - Shaded cell values were derived by incrementing the most current actual county value by annual implicit price deflators (IPDs), found in Exhibit 2, Schedule 1, Part D.

## Kaye, Leonard

---

**From:** LKurokawa@sco.ca.gov  
**Sent:** Wednesday, January 18, 2012 3:53 PM  
**To:** Kaye, Leonard  
**Cc:** Jewik, Edward; jspano@sco.ca.gov; jvenneman@sco.ca.gov; MVorobyova@sco.ca.gov; jawong@sco.ca.gov  
**Subject:** FW: POBOR RRM  
**Attachments:** Allowable POBOR Costs (1-18-12).xlsx

Hi Leonard,

We made a slight change to the allowable POBOR costs for Alameda County – please see the attached spreadsheet (dated 1/18/12).

This updated spreadsheet excludes \$43,592 in allowable Probation Department costs for Alameda County (the changes are highlighted in red in the email below). Basically, once we got the audit work papers from our offsite storage facility, we confirmed that we had allowed \$43,592 for the Probation Department (instead of \$39,398 as we had originally thought). Please use this updated worksheet when calculating the RRM.

With that being said, were you able to obtain the number of sworn peace officers all the way back to FYT 1994-95?

### **Lisa Kurokawa**

Audit Manager  
State Controller's Office  
Division of Audits | Mandated Cost Bureau  
(916) 327-3138 - Office | (916) 549-2753 - Work Cell  
[lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov)

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---

**From:** Kurokawa, Lisa  
**Sent:** Thursday, December 15, 2011 01:42 PM  
**To:** 'Kaye, Leonard'  
**Cc:** Jewik, Edward; Spano, Jim; Venneman, Jim; Vorobyova, Mariya; Wong, Johnny  
**Subject:** RE: POBOR RRM

Hi Leonard,

I have attached the updated spreadsheet (dated 12/15/11).

The reason we hadn't given you the updated spreadsheet sooner is because we have yet to receive the Alameda County audit work papers from our offsite storage facility. Fortunately, Masha Vorobyova worked on this audit and still had her spreadsheets saved on her computer. I had hoped to compare Masha's computer spreadsheets to the audit work papers before sending you the updated spreadsheet (but will let you know if any changes need

to be made).

With that being said, we made adjustments to exclude ~~\$303,037~~ \$307,031 Probation Department costs for the following four counties:

- Alameda County – Excluded ~~\$39,398~~ \$43,592 in Probation Department costs (\$4,549 in FY 2002-03, ~~\$11,449~~ \$12,749 in FY 2003-04, and ~~\$23,600~~ \$26,294 in FY 2004-05)
- Orange County – Excluded \$63,878 in Probation Department costs (\$10,032 in FY 2001-02, \$20,372 in FY 2002-03, and \$33,474 in FY 2003-04)
- Santa Clara County – Excluded \$157,257 in Probation Department costs (\$11,579 in FY 2003-04, \$99,739 in FY 2004-05, and \$45,939 in FY 2005-06)
- San Bernardino County – Excluded \$42,304 in Probation Department costs (\$0 in FY 2001-02, \$14,533 in FY 2002-03, and \$27,771 in FY 2003-04)

Again, please feel free to give me a call should you have any questions or need any additional information.

Thank you.

**Lisa Kurokawa**

Audit Manager  
State Controller's Office  
Division of Audits | Mandated Cost Bureau  
(916) 327-3138 - Office | (916) 549-2753 - Work Cell  
[lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov)

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---

**From:** Kaye, Leonard [<mailto:lkaye@auditor.lacounty.gov>]  
**Sent:** Thursday, December 15, 2011 12:25 PM  
**To:** Kurokawa, Lisa  
**Cc:** Jewik, Edward; Spano, Jim; Venneman, Jim; Vorobyova, Mariya; Wong, Johnny  
**Subject:** RE: POBOR RRM

Hi Lisa,

About 2 weeks ago you indicated that "hopefully, by the end of next week, I will be able to e-mail you an updated spreadsheet that will exclude the Probation Department costs for the four county audits (Alameda, San Bernardino, Orange, Santa Clara)".

Can you provide an estimate of when the updated spreadsheet will be available? If so, about when?

Thanks,

Leonard

---

**From:** LKurokawa@sco.ca.gov [<mailto:LKurokawa@sco.ca.gov>]



Table 9  
**CRIMINAL JUSTICE FULL-TIME PERSONNEL, 2001-2010**  
 By Type of Agency and Personnel Classification  
 Statewide

Type of Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
<b>Total</b>	147,650	148,205	147,790	143,936	145,434	149,237	155,503	159,156	157,704	152,379
<b>Law Enforcement</b>	108,208	115,552	114,945	112,826	113,604	116,128	121,305	123,680	122,042	118,981
Sworn	72,119	75,612	75,336	73,951	74,445	75,625	78,724	81,402	80,429	79,078
Civilian	36,089	39,940	39,609	38,875	39,159	40,503	42,581	42,278	41,613	39,903
<b>Police Dept.</b>	52,878	53,848	54,035	53,022	53,701	54,681	55,941	56,400	55,649	53,252
Sworn	37,660	38,071	38,224	37,663	38,367	38,642	39,753	40,240	39,865	38,686
Civilian	15,218	15,777	15,811	15,359	15,334	16,039	16,188	16,160	15,784	14,566
<b>Sheriff's Dept.</b>	42,117	48,289	47,422	46,353	46,535	48,136	51,021	52,929	51,612	50,929
Sworn	25,395	28,435	27,515	26,904	26,740	27,795	29,146	31,375	30,428	30,072
Civilian	16,722	19,854	19,907	19,449	19,795	20,341	21,875	21,554	21,184	20,857
<b>CA Highway Patrol</b>	10,169	10,317	10,202	10,082	9,978	9,901	10,975	10,677	11,182	11,101
Sworn	6,858	6,847	7,249	7,065	6,953	6,807	7,469	7,145	7,532	7,660
Civilian	3,311	3,470	2,953	3,017	3,025	3,094	3,506	3,532	3,650	3,441
<b>Other</b>	3,044	3,098	3,286	3,369	3,390	3,410	3,368	3,674	3,599	3,699
Sworn	2,206	2,259	2,348	2,319	2,385	2,381	2,356	2,642	2,604	2,660
Civilian	838	839	938	1,050	1,005	1,029	1,012	1,032	995	1,039
<b>Prosecution</b>	17,296	10,070	9,480	9,166	9,297	9,619	10,179	10,429	10,199	9,852
Attorneys	4,194	3,873	3,785	3,715	3,801	3,904	4,115	4,161	4,154	3,990
Investigators	1,664	1,699	1,663	1,612	1,566	1,637	1,777	1,825	1,670	1,635
Clerical	5,492	2,743	2,580	2,536	2,543	2,541	2,621	2,660	2,681	2,553
Other	5,946	1,755	1,452	1,303	1,387	1,537	1,666	1,783	1,694	1,674
<b>Public Defense</b>	3,686	3,773	3,788	3,733	3,790	3,924	4,137	4,320	4,091	4,131
Attorneys	2,208	2,294	2,300	2,263	2,325	2,407	2,526	2,598	2,479	2,496
Investigators	476	510	479	458	462	477	504	531	496	492
Clerical	709	676	707	714	699	759	742	777	717	735
Other	293	293	302	298	304	281	365	414	399	408
<b>Probation Dept.</b>	18,460	18,810	19,577	18,211	18,743	19,566	19,882	20,727	21,372	19,415
Probation Officers	8,736	9,244	9,451	8,904	9,117	9,469	9,891	10,268	11,921	10,763
Other	9,724	9,566	10,126	9,307	9,626	10,097	9,991	10,459	9,451	8,652

\*Reference footnotes.

Table 9  
**CRIMINAL JUSTICE FULL-TIME PERSONNEL, 2001-2010**  
 By Type of Agency and Personnel Classification  
 Alameda County

Type of Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total	6,232	6,346	6,233	5,560	5,609	5,632	5,770	5,820	5,575	5,510
Law Enforcement	4,670	4,838	4,737	4,505	4,490	4,530	4,649	4,662	4,599	4,425
Sworn	2,991	3,080	3,028	2,898	2,953	2,911	2,968	3,074	3,031	2,887
Civilian	1,679	1,758	1,709	1,607	1,537	1,619	1,681	1,588	1,568	1,538
Police Dept.	2,966	3,063	2,980	2,800	2,723	2,747	2,805	2,762	2,726	2,576
Sworn	1,946	2,025	1,952	1,838	1,850	1,831	1,857	1,900	1,899	1,765
Civilian	1,020	1,038	1,028	962	873	916	948	862	827	811
Sheriff's Dept.	1,472	1,560	1,506	1,456	1,519	1,535	1,612	1,682	1,659	1,635
Sworn	905	927	936	922	962	935	967	1,037	999	986
Civilian	567	633	570	534	557	600	645	645	660	649
Other	232	215	251	249	248	248	232	218	214	214
Sworn	140	128	140	138	141	145	144	137	133	136
Civilian	92	87	111	111	107	103	88	81	81	78
Prosecution	615	625	373	349	340	339	335	344	350	343
Attorneys	168	174	165	161	157	151	148	151	154	150
Investigators	94	89	93	72	68	66	64	63	62	57
Clerical	172	171	115	116	115	100	98	101	97	102
Other	181	191	0	0	0	22	25	29	37	34
Public Defense*	201	203	193	188	187	179	182	179	-	161
Attorneys	117	119	116	114	115	113	115	114	-	100
Investigators	27	27	22	22	21	20	20	20	-	17
Clerical	50	50	48	45	41	40	37	34	-	44
Other	7	7	7	7	10	6	10	11	-	0
Probation Dept.	746	680	930	518	592	584	604	635	626	581
Probation Officers	252	254	270	251	210	199	242	267	224	195
Other	494	426	660	267	382	385	362	368	402	386

\*Reference footnotes.

# COUNTY OF ALAMEDA

FTE  
 Chief Probation Officer 1.00  
 Executive Secretary 1.00  
 2.00

ADMINISTRATIVE SERVICES	FTE
Senior Accountant	1.00
Financial Services Specialist II	5.00
Supervising Financial Svcs Spec	2.00
Supervising Admin Specialist	1.00
Admin/Financial Svcs Manager	1.00
Human Resources Technician	1.00
Admin Intern SAN	0.63
Info Systems Tech II	1.00
Info Systems Specialist	2.00
Info Systems Manager	1.00
Departmental Personnel Officer I	2.00
Senior Dept Personnel Officer	1.00
Payroll Records Clerk	4.00
Specialist Clerk I	3.42
Specialist Clerk II	7.67
Supervising Clerk I	1.00
Supervising Clerk II	1.00
Secretary II	3.00
Account Clerk II	2.00
Accounting Specialist I	1.00
Accounting Specialist II	1.00
Supply Clerk I	1.00
Special Services Supervisor	1.00
Unit Supervisor, Probation	1.00
Program Manager, Probation	1.00
Asst Chief Probation Officer	1.00
Staff Development Specialist	1.00
Program Services Coordinator	1.00
<b>Total</b>	<b>49.72</b>

ADULT SERVICES	FTE
Clerk II	6.08
Specialist Clerk I	9.42
Supervising Clerk I	2.00
Supervising Clerk II	1.00
Transcriptionist	6.00
Secretary I	1.00
Secretary II	1.00
Deputy Probation Officer III	89.50
Unit Supervisor, Probation	9.00
Division Director, Probation	1.00
Program Manager, Probation	1.00
<b>Total</b>	<b>127.00</b>

JUVENILE SERVICES	FTE
Management Analyst	2.00
Senior Management Analyst	1.00
Admin Specialist II	1.00
Info Systems Analyst	2.00
Departmental Personnel Officer I	1.00
Specialist Clerk I	13.00
Specialist Clerk II	5.00
Supervising Clerk II	1.00
Transcriptionist	3.33
Storekeeper II	1.00
Deputy Probation Officer III	114.58
Unit Supervisor, Probation	14.17
Division Director, Probation	1.92
Program Manager, Probation	3.00
Transportation Worker	6.59
Program/Financial Specialist	1.00
Clerk II	2.00
Probation Intern SAN	14.50
Secretary I	1.00
<b>Total</b>	<b>189.09</b>

JUVENILE INSTITUTIONS	FTE
Management Analyst	1.00
Clerk II	1.00
Specialist Clerk I	5.00
Specialist Clerk II	0.92
Data Input Clerk	4.00
Supervising Clerk II	1.00
Transcriptionist	1.75
Secretary I	1.00
Secretary II	2.00
Supply Clerk I	3.00
Supply Clerk II	3.00
Storekeeper II	1.00
Deputy Probation Officer SAN	2.94
Deputy Probation Officer III	3.83
Unit Supervisor, Probation	1.00
Division Director, Probation	1.00
Program Manager, Probation	2.00
Juvenile Inst Officer Intermit	18.69
Juvenile Inst Officer II	152.83
Juvenile Inst Officer III	24.50
Institutional Supervisor I	15.00
Institutional Supervisor II	12.00
Assistant Superintendent	2.00
Superintendent, Juvenile Hall	1.00
Superintendent, Juvenile Hall	0.50
Camp Superintendent	0.75
Transportation Worker	1.00
Transportation Worker	1.85
Food Service Worker	11.17
Food Service Worker	1.14
Senior Food Service Worker	3.00
Cook	4.00
Food Service Manager	1.00
<b>Total</b>	<b>285.87</b>

Table 9  
**CRIMINAL JUSTICE FULL-TIME PERSONNEL, 2001-2010**  
 By Type of Agency and Personnel Classification  
 Contra Costa County

Type of Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total	2,966	3,132	3,114	3,022	2,965	2,942	3,057	3,041	2,947	2,887
Law Enforcement	2,216	2,358	2,349	2,277	2,250	2,276	2,342	2,402	2,342	2,313
Sworn	1,582	1,581	1,619	1,576	1,571	1,607	1,660	1,692	1,647	1,635
Civilian	634	777	730	701	679	669	682	710	695	678
Police Dept.	1,175	1,249	1,259	1,194	1,210	1,213	1,303	1,361	1,350	1,328
Sworn	874	893	890	861	868	875	963	986	983	975
Civilian	301	356	369	333	342	338	340	375	367	353
Sheriff's Dept.	1,010	1,080	1,060	1,052	1,011	1,032	1,005	1,004	956	952
Sworn	687	670	710	695	684	711	674	681	640	637
Civilian	323	410	350	357	327	321	331	323	316	315
Other	31	29	30	31	29	31	34	37	36	33
Sworn	21	18	19	20	19	21	23	25	24	23
Civilian	10	11	11	11	10	10	11	12	12	10
Prosecution	200	198	198	192	197	154	169	172	156	156
Attorneys	97	96	96	97	97	87	95	95	86	86
Investigators	32	31	31	24	23	18	20	22	22	22
Clerical	54	54	54	54	55	35	40	46	39	39
Other	17	17	17	17	22	14	14	9	9	9
Public Defense	130	136	136	133	135	135	131	112	109	102
Attorneys	87	93	93	86	87	87	79	69	69	63
Investigators	10	9	9	9	10	10	10	10	10	11
Clerical	20	21	21	20	20	20	19	17	19	15
Other	13	13	13	18	18	18	23	16	11	13
Probation Dept.	420	440	431	420	383	377	415	355	340	316
Probation Officers	186	200	198	192	169	140	166	191	155	120
Other	234	240	233	228	214	237	249	164	185	196

\*Reference footnotes.

# COUNTY OF CONTRA COSTA

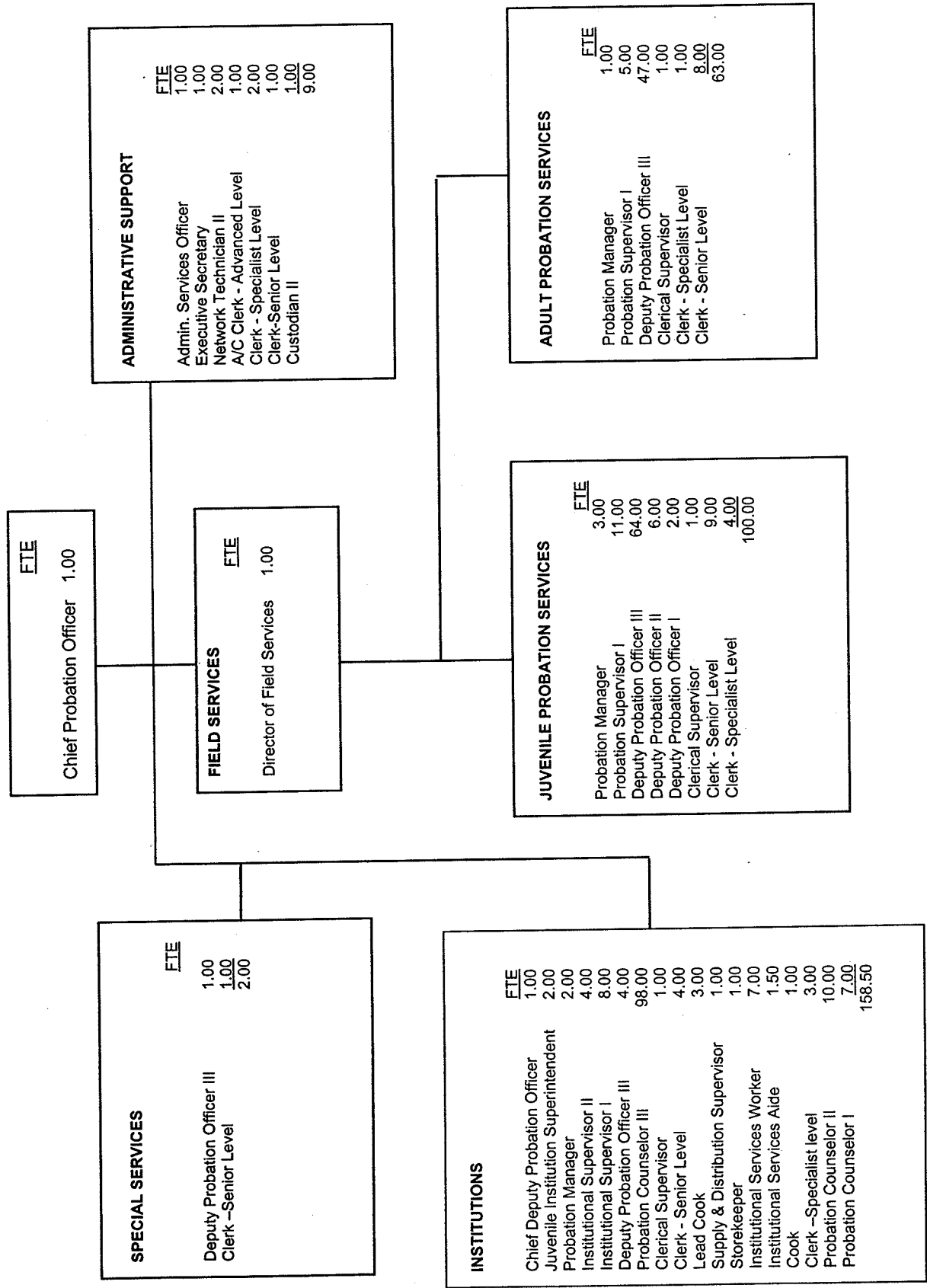


Table 9  
**CRIMINAL JUSTICE FULL-TIME PERSONNEL, 2001-2010**  
 By Type of Agency and Personnel Classification  
 Orange County

Type of Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total	10,867	10,222	10,161	9,921	9,640	9,938	10,302	10,669	10,392	9,886
Law Enforcement	7,765	7,743	7,718	7,504	7,283	7,521	7,770	7,904	7,789	7,516
Sworn	4,476	4,569	4,468	4,523	4,381	4,413	4,524	4,650	4,548	4,748
Civilian	3,289	3,174	3,250	2,981	2,902	3,108	3,246	3,254	3,241	2,768
Police Dept.	4,023	4,085	4,003	3,980	3,957	4,055	4,140	4,191	4,118	3,930
Sworn	2,668	2,657	2,630	2,608	2,632	2,671	2,717	2,746	2,689	2,620
Civilian	1,355	1,428	1,373	1,372	1,325	1,384	1,423	1,445	1,429	1,310
Sheriff's Dept.	3,678	3,589	3,653	3,460	3,258	3,396	3,555	3,645	3,604	3,511
Sworn	1,760	1,861	1,793	1,872	1,700	1,695	1,753	1,854	1,807	2,074
Civilian	1,918	1,728	1,860	1,588	1,558	1,701	1,802	1,791	1,797	1,437
Other	64	69	62	64	68	70	75	68	67	75
Sworn	48	51	45	43	49	47	54	50	52	54
Civilian	16	18	17	21	19	23	21	18	15	21
Prosecution	1,444	648	642	641	648	642	724	796	717	696
Attorneys	257	249	228	245	249	247	272	277	271	253
Investigators	109	114	120	174	144	130	194	204	135	165
Clerical	362	158	188	143	136	120	111	135	170	129
Other	716	127	106	79	119	145	147	180	141	149
Public Defense	345	363	361	373	378	387	407	419	403	382
Attorneys	185	192	191	197	204	207	222	219	212	197
Investigators	69	74	74	72	70	75	75	79	75	71
Clerical	60	62	61	63	61	61	61	62	58	57
Other	31	35	35	41	43	44	49	59	58	57
Probation Dept.	1,313	1,468	1,440	1,403	1,331	1,388	1,401	1,550	1,483	1,292
Probation Officers	404	445	382	392	379	405	401	416	418	407
Other	909	1,023	1,058	1,011	952	983	1,000	1,134	1,065	885

\*Reference footnotes.

# COUNTY OF ORANGE

Chief Probation Officer  
 Executive Secretary I

FTE  
 1.00  
 1.00  
 2.00

JUVENILE INTAKE AND DETENTION BUREAU		FIELD OPERATIONS BUREAU		OPERATIONS SUPPORT BUREAU	
Chief Deputy Probation Officer	1.00	Chief Deputy Probation Officer	1.00	Chief Deputy Probation Officer	1.00
Probation Division Director	6.00	Probation Division Director	4.00	Probation Division Director	3.00
Asst. Probation Division Director	8.00	Assistant Division Director	1.00	Assistant Probation Division Director	4.00
Administrative Manager I	2.00	Supervising Probation Officer	29.00	Administrative Manager III	3.00
Supervising Probation Officer	7.00	Senior Deputy Probation Officer	10.00	Administrative Manager II	2.00
Senior Deputy Probation Officer	1.00	Deputy Probation Officer II	237.50	Admin. Mgr. I	15.00
Deputy Probation Officer II	75.00	Deputy Probation Officer I	18.00	Supervising Probation Officer	15.00
Supervising Juvenile Correctional Officer	44.00	Staff Assistant	6.00	Senior Deputy Probation Officer	2.00
Senior Juvenile Correctional Officer	23.00	Secretary III	1.00	Deputy Probation Officer II	10.00
Deputy Juvenile Correctional Officer II	415.00	Secretary II	3.00	Deputy Probation Officer I	16.00
Deputy Juvenile Correctional Officer I	92.00	Radio Dispatcher	3.00	Supervising Juvenile Correctional Officer	1.00
Secretary III	1.00		313.50	Staff Specialist	8.00
Secretary II	3.00			Staff Assistant	4.00
Office Supervisor C	2.00			Sr. Tech. Systems Specialist	1.00
Office Supervisor B	2.00			Tech. Systems Specialist	3.00
Office Supervisor A	1.00			Information Systems Technician	3.00
Office Specialist	1.00			Sr. Systems Programmer Analyst	4.00
Information Processing Technician	11.00			Systems Programmer Analyst II	11.00
Data Entry Technician	5.75			Systems Programmer Analyst I	3.00
Office Technician	2.00			Research Analyst IV	2.00
Office Assistant	6.75			Research Analyst III	5.00
Education Asst., Corr. Facility	1.00			Research Analyst II	1.00
Chief Cook	4.00			Accounting Manager (Admin. Mgr. I)	1.00
Head Cook	1.00			Accountant/Auditor II	2.00
Senior Institutional Cook	12.00			Accounting Office Supervisor II	5.00
Institutional Cook	8.00			Accounting Technician	1.00
Sr. Storekeeper	13.00			Accounting Specialist	38.00
Store Clerk	1.00			Supervising Collection Officer	5.00
Warehouse Worker II	5.00			Collection Officer	44.00
Supplies Clerk, Juvenile Facilities	1.00			Secretary III	1.00
Supplies Asst., Juvenile Facilities	3.00			Secretary II	5.00
Seamstress	1.00			Office Manager	2.00
Laundry Worker	7.00			Senior Office Supervisor C/D	4.00
	767.50			Office Supervisor D	3.00
				Office Supervisor C	7.00
				Office Supervisor B	2.00
				Office Supervisor A	1.00
				Office Specialist	21.00
				Information Processing Specialist	4.00
				Information Processing Technician	66.00
				Data Entry Technician	21.00
				Office Technician	10.00
				Office Assistant	11.00
				Store Clerk	2.00
				Warehouse Worker I	3.00
				Buyer II	2.00
					378.00

Table 9  
**CRIMINAL JUSTICE FULL-TIME PERSONNEL, 2001-2010**  
 By Type of Agency and Personnel Classification  
 San Bernardino County

Type of Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total	6,229	6,258	6,531	6,283	6,640	7,074	7,386	7,666	7,538	7,387
Law Enforcement	4,518	4,553	4,744	4,610	4,906	5,206	5,423	5,550	5,489	5,387
Sworn	2,770	2,736	2,775	2,750	2,855	3,052	3,127	3,167	3,151	3,114
Civilian	1,748	1,817	1,969	1,860	2,051	2,154	2,296	2,383	2,338	2,273
Police Dept.	1,688	1,693	1,766	1,748	1,810	1,819	1,910	1,907	1,854	1,834
Sworn	1,139	1,125	1,179	1,178	1,220	1,224	1,285	1,300	1,255	1,243
Civilian	549	568	587	570	590	595	625	607	599	591
Sheriff's Dept.	2,706	2,733	2,846	2,719	2,930	3,246	3,378	3,399	3,389	3,310
Sworn	1,575	1,558	1,534	1,508	1,573	1,761	1,783	1,764	1,790	1,767
Civilian	1,131	1,175	1,312	1,211	1,357	1,485	1,595	1,635	1,599	1,543
Other	124	127	132	143	166	141	135	244	246	243
Sworn	56	53	62	64	62	67	59	103	106	104
Civilian	68	74	70	79	104	74	76	141	140	139
Prosecution	411	432	435	432	453	473	499	551	524	503
Attorneys	189	195	205	201	206	217	227	240	233	224
Investigators	40	37	46	51	51	63	72	60	57	54
Clerical	135	142	137	139	148	136	145	165	148	143
Other	47	58	47	41	48	57	55	86	86	82
Public Defense	169	184	177	169	177	197	214	258	260	236
Attorneys	94	106	102	91	106	108	117	134	130	122
Investigators	21	51	24	23	23	27	28	40	38	38
Clerical	47	22	50	49	43	56	56	70	62	51
Other	7	5	1	6	5	6	13	14	30	25
Probation Dept.	1,131	1,089	1,175	1,072	1,104	1,198	1,250	1,307	1,265	1,261
Probation Officers	390	389	390	362	369	372	376	372	385	383
Other	741	700	785	710	735	826	874	935	880	878

\*Reference footnotes.



# COUNTY OF SAN BERNARDINO

**OFFICE OF THE CHIEF**  
 FTE  
 Chief Probation Officer 1.00  
 Assistant Chief Probation Officer 1.00  
 Executive Secretary III 1.00  
 3.00

**ADMINISTRATIVE SERVICES BUREAU**  
 FTE  
 Deputy Chief Prob. Administrator 1.00  
 Business Applications Mgr. 1.00  
 Administrative Manager 1.00  
 Probation Division Director I 1.00  
 Business Systems Analyst II 1.00  
 Supv. Automated Syst. Analyst II 1.00  
 Administrative Supervisor I 1.00  
 Staff Analyst II 2.00  
 Business Systems Analyst I 1.00  
 Statistical Analyst 1.00  
 Crime Analyst 1.00  
 Applications Specialist 1.00  
 Automated Systems Analyst I 2.00  
 Supervising Account Technician 2.00  
 Supervising Fiscal Specialist 1.00  
 Automated Systems Technician 8.00  
 Personnel Technician 1.00  
 Accounting Technician 2.00  
 Supervising Office Assistant 1.00  
 Fiscal Specialist 7.00  
 Office Specialist 1.00  
 Secretary I 1.00  
 Probation Transportation Officer 1.00  
 Office Assistant IV 1.00  
 Payroll Specialist 7.00  
 Fiscal Assistant 5.00  
 Office Assistant III 8.00  
 Office Assistant II 2.00  
 Mail Processor II 1.00  
**64.00**

**COMMUNITY CORRECTIONS BUREAU**

**ADULT SERVICES**  
 FTE  
 Probation Division Director II 2.00  
 Probation Division Director I 1.00  
 Supv. Probation Officer 15.00  
 Probation Officer III 22.00  
 Probation Officer II 98.00  
 Domestic Violence Prog. Coord. 2.00  
 Supervising Office Assistant 3.00  
 Secretary I 2.00  
 Office Assistant IV 2.00  
 Office Assistant III 45.00  
 Office Assistant II 2.00  
**194.00**

**JUVENILE SERVICES**  
 FTE  
 Deputy Chief Probation Officer 1.00  
 Probation Division Director II 2.00  
 Probation Division Director I 1.00  
 Supv. Probation Officer 17.00  
 Probation Officer III 14.00  
 Probation Officer II 135.00  
 Probation Corrections Officer 5.00  
 Supv. Office Assistant 1.00  
 Secretary I 1.00  
 Office Assistant IV 2.00  
 Office Assistant III 29.00  
 Office Assistant II 6.00  
 Custodian 1.00  
**217.00**

**JJCP ACT --AB 1913**  
 FTE  
 Probation Division Director I 1.00  
 Supv. Probation Officer 1.00  
 Probation Officer II 13.00  
 Probation Corrections Officer 9.00  
 Accounting Technician 1.00  
 Office Assistant III 3.00  
**28.00**

**JOHN DOE II**  
 FTE  
 Probation Division Director II 1.00  
 Mental Health Clinic Supervisor 1.00  
 Prob. Corrections Supv. II 1.00  
 Clinical Therapist II 1.00  
 Clinical Therapist I 2.00  
 Probation Officer III 1.00  
 Statistical Analyst 1.00  
 Prob. Corrections Officer 21.00  
 Office Assistant III 3.00  
**32.00**

**DETENTION CORRECTIONS BUREAU**  
 FTE  
 Deputy Chief Probation Officer 1.00  
 Probation Division Director II 4.00  
 Prob. Health Services Manager 1.00  
 Supervising Correctional Nurse II 3.00  
 Correctional Nurse - Per Diem 3.00  
 Probation Division Director I 4.00  
 Supervising Correctional Nurse I 3.00  
 Correctional Nurse II 25.00  
 Supv. Probation Officer 3.00  
 Prob. Corrections Supervisor II 26.00  
 Clinical Therapist I 6.00  
 Probation Officer III 8.00  
 Prob. Corrections Supervisor I 41.00  
 Probation Officer II 20.00  
 Probation Food Svs Mgr. 1.00  
 Probation Corrections Officer 427.00  
 Probation Food Svs Supervisor 3.00  
 Licensed Vocational Nurse 13.00  
 Probation Cook II 4.00  
 Supervising Office Assistant 3.00  
 Secretary I 4.00  
 Office Assistant IV 1.00  
 Probation Cook I 12.00  
 Store Specialist 2.00  
 Office Assistant III 10.00  
 Supervising Custodian 1.00  
 Office Assistant II 33.00  
 Clinic Assistant 3.00  
 Storekeeper 4.00  
 Probation Food Svcs Worker 24.00  
 Custodian I 1.00  
 Domestic Svc Assistant 5.00  
**699.00**

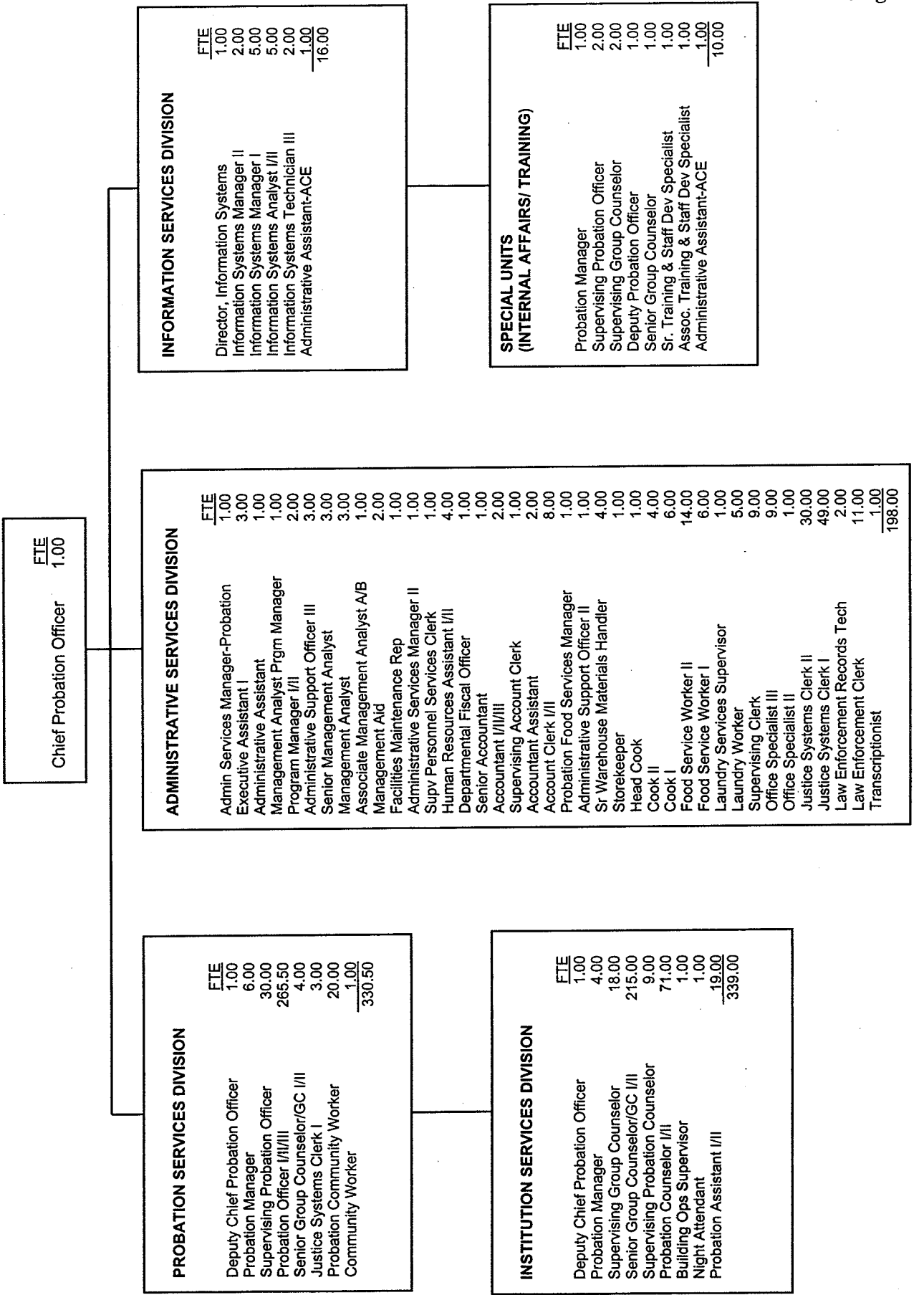
**PROFESSIONAL STANDARDS**  
 FTE  
 Probation Division Director II 1.00  
 Probation Division Director I 1.00  
 Supervising Probation Officer 3.00  
 Probation Officer III 7.00  
 Prob. Corrections Supv. I 3.00  
 Probation Officer II 3.00  
 Background Investigator 1.00  
 Secretary I 1.00  
 Office Assistant III 4.00  
**24.00**

Table 9  
**CRIMINAL JUSTICE FULL-TIME PERSONNEL, 2001-2010**  
 By Type of Agency and Personnel Classification  
 Santa Clara County

Type of Agency	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total	5,865	5,593	5,404	5,156	5,249	5,295	5,396	5,338	5,289	5,205
Law Enforcement	3,799	3,881	3,872	3,697	3,727	3,756	3,808	3,780	3,731	3,619
Sworn	2,805	2,886	2,880	2,755	2,732	2,732	2,804	2,815	2,757	2,665
Civilian	994	995	992	942	995	1,024	1,004	965	974	954
Police Dept.	3,056	3,021	3,051	2,923	2,944	2,954	3,014	3,001	2,964	2,824
Sworn	2,255	2,261	2,268	2,184	2,186	2,190	2,234	2,241	2,201	2,079
Civilian	801	760	783	739	758	764	780	760	763	745
Sheriff's Dept.	644	750	710	671	681	683	692	683	672	690
Sworn	492	558	553	518	494	487	517	522	504	537
Civilian	152	192	157	153	187	196	175	161	168	153
Other	99	110	111	103	102	119	102	96	95	105
Sworn	58	67	59	53	52	55	53	52	52	49
Civilian	41	43	52	50	50	64	49	44	43	56
Prosecution	915	562	495	471	497	494	530	493	469	498
Attorneys	214	203	201	197	184	186	185	170	170	172
Investigators	71	121	102	98	95	92	91	87	81	89
Clerical	294	127	112	96	91	106	147	131	120	125
Other	336	111	80	80	127	110	107	105	98	112
Public Defense	231	231	207	205	206	200	207	202	200	225
Attorneys	121	122	109	109	109	102	107	108	108	118
Investigators	33	33	29	29	29	26	28	27	27	29
Clerical	44	45	40	40	34	66	40	35	31	42
Other	33	31	29	27	34	6	32	32	34	36
Probation Dept.	920	919	830	783	819	845	851	863	889	863
Probation Officers	345	334	323	301	304	304	304	304	299	292
Other	575	585	507	482	515	541	547	559	590	571

\*Reference footnotes.

# COUNTY OF SANTA CLARA



Chief Probation Officer  
FTE 1.00

**PROBATION SERVICES DIVISION**

	FTE
Deputy Chief Probation Officer	1.00
Probation Manager	6.00
Supervising Probation Officer	30.00
Probation Officer I/II/III	265.50
Senior Group Counselor/GC I/II	4.00
Justice Systems Clerk I	3.00
Probation Community Worker	20.00
Community Worker	1.00
	<u>330.50</u>

**ADMINISTRATIVE SERVICES DIVISION**

	FTE
Admin Services Manager-Probation	1.00
Executive Assistant I	3.00
Administrative Assistant	1.00
Management Analyst Prgm Manager	1.00
Program Manager I/II	2.00
Administrative Support Officer III	3.00
Senior Management Analyst	3.00
Management Analyst	3.00
Associate Management Analyst A/B	1.00
Management Aid	2.00
Facilities Maintenance Rep	1.00
Administrative Services Manager II	1.00
Supv Personnel Services Clerk	1.00
Human Resources Assistant I/II	4.00
Departmental Fiscal Officer	1.00
Senior Accountant	1.00
Accountant I/II/III	2.00
Supervising Account Clerk	1.00
Accountant Assistant	2.00
Account Clerk I/II	8.00
Probation Food Services Manager	1.00
Administrative Support Officer II	1.00
Sr Warehouse Materials Handler	4.00
Storekeeper	1.00
Head Cook	1.00
Cook II	4.00
Cook I	6.00
Food Service Worker II	14.00
Food Service Worker I	6.00
Laundry Services Supervisor	1.00
Laundry Worker	5.00
Supervising Clerk	9.00
Office Specialist III	9.00
Office Specialist II	1.00
Justice Systems Clerk II	30.00
Justice Systems Clerk I	49.00
Law Enforcement Records Tech	2.00
Law Enforcement Clerk	11.00
Transcriptionist	1.00
	<u>198.00</u>

**INSTITUTION SERVICES DIVISION**

	FTE
Deputy Chief Probation Officer	1.00
Probation Manager	4.00
Supervising Group Counselor	18.00
Senior Group Counselor/GC I/II	215.00
Supervising Probation Counselor	9.00
Probation Counselor I/II	71.00
Building Ops Supervisor	1.00
Night Attendant	1.00
Probation Assistant I/II	19.00
	<u>339.00</u>

**INFORMATION SERVICES DIVISION**

	FTE
Director, Information Systems	1.00
Information Systems Manager II	2.00
Information Systems Manager I	5.00
Information Systems Analyst I/II	5.00
Information Systems Technician III	2.00
Administrative Assistant-ACE	1.00
	<u>16.00</u>

**SPECIAL UNITS  
(INTERNAL AFFAIRS/ TRAINING)**

	FTE
Probation Manager	1.00
Supervising Probation Officer	2.00
Supervising Group Counselor	2.00
Deputy Probation Officer	1.00
Senior Group Counselor	1.00
Sr. Training & Staff Dev Specialist	1.00
Assoc. Training & Staff Dev Specialist	1.00
Administrative Assistant-ACE	1.00
	<u>10.00</u>

Schedule 3: RRM Impact on Annual POBAR's Claims Statewide  
Part a -- Computation of New RRM Impact (Note 1)

Jurisdiction	SCO Audited Cost		Last FY Audited Cost	IPD Adjusted Cost 2010-11	(n)	Adjusted Cost 2010-11	# officers	(x)	New RRM Cost	(y)	(x) x (y) = z	(L)	If (Z) > (n) If (n) > (Z)	(K)	Claim N	(L) or (K)	
	Allowable	Audit Period															Last FY
1 Alameda County	\$36,002	7/1/02 - 6/30/05	\$19,088	\$23,926	1,015	\$23,926	124	1,015	\$152.77	\$152.77	\$155,062	\$155,062	\$0	\$0	\$0	\$155,062	
2 Beverly Hills	\$38,326	7/1/02 - 6/30/05	\$9,557	\$11,979	\$0	\$11,979	89	124	\$152.77	\$152.77	\$18,943	\$18,943	\$0	\$0	\$0	\$18,943	
3 Buena Park	\$0	7/1/02 - 6/30/03	\$0	\$0	\$0	\$0	52	89	\$152.77	\$152.77	\$7,944	\$7,944	\$0	\$0	\$0	\$7,944	
4 Cathedral City	\$0	7/1/03 - 6/30/06	\$0	\$0	\$0	\$0	636	52	\$152.77	\$152.77	\$97,162	\$97,162	\$0	\$0	\$0	\$97,162	
5 Contra Costa County	\$40,636	7/1/01 - 6/30/04	\$8,253	\$10,923	\$0	\$10,923	55	636	\$152.77	\$152.77	\$8,402	\$8,402	\$0	\$0	\$0	\$14,130	
6 Covina	\$25,604	7/1/04 - 6/30/06	\$11,996	\$14,130	\$0	\$14,130	120	55	\$152.77	\$152.77	\$18,332	\$18,332	\$0	\$0	\$0	\$23,701	
7 El Monte	\$42,137	7/1/03 - 6/30/05	\$18,909	\$23,701	\$0	\$23,701	764	120	\$152.77	\$152.77	\$116,716	\$116,716	\$0	\$0	\$0	\$116,716	
8 Fresno City	\$205,281	7/1/03 - 6/30/06	\$80,124	\$94,377	\$0	\$94,377	447	764	\$152.77	\$152.77	\$68,288	\$68,288	\$0	\$0	\$0	\$68,288	
9 Fresno County	\$189,729	7/1/01 - 6/30/05	\$36,769	\$46,088	\$0	\$46,088	244	447	\$152.77	\$152.77	\$37,276	\$37,276	\$0	\$0	\$0	\$37,276	
10 Glendale	\$0	7/1/02 - 6/30/05	\$0	\$0	\$0	\$0	207	244	\$152.77	\$152.77	\$31,623	\$31,623	\$0	\$0	\$0	\$31,623	
11 Huntington Beach	\$4,061	7/1/03 - 6/30/05	\$3,781	\$4,739	\$0	\$4,739	67	207	\$152.77	\$152.77	\$28,262	\$28,262	\$0	\$0	\$0	\$28,262	
12 Huntington Park	\$0	7/1/02 - 6/30/04	\$0	\$0	\$0	\$0	185	67	\$152.77	\$152.77	\$132,452	\$132,452	\$0	\$0	\$0	\$132,452	
13 Inglewood	\$0	7/1/02 - 6/30/05	\$0	\$0	\$0	\$0	864	185	\$152.77	\$152.77	\$131,993	\$131,993	\$0	\$0	\$0	\$131,993	
14 Kern County	\$17,556	7/1/04 - 6/30/06	\$8,109	\$9,551	\$0	\$9,551	867	864	\$152.77	\$152.77	\$1,513,034	\$1,513,034	\$0	\$0	\$0	\$1,513,034	
15 Long Beach	\$0	7/1/02 - 6/30/03	\$0	\$0	\$0	\$0	9,904	867	\$152.77	\$152.77	\$1,471,633	\$1,471,633	\$0	\$0	\$0	\$1,471,633	
16 Los Angeles City	\$20,131,194	7/1/03 - 6/30/08	\$5,429,167	\$5,751,122	\$0	\$5,751,122	9,904	9,904	\$152.77	\$152.77	\$97,314	\$97,314	\$0	\$0	\$0	\$97,314	
17 Los Angeles County	\$588,437	7/1/03 - 6/30/06	\$122,203	\$143,941	\$0	\$143,941	637	9,904	\$152.77	\$152.77	\$31,165	\$31,165	\$0	\$0	\$0	\$31,165	
18 Oakland	\$432,158	7/1/01 - 6/30/04	\$158,568	\$209,870	\$0	\$209,870	204	637	\$152.77	\$152.77	\$290,110	\$290,110	\$0	\$0	\$0	\$290,110	
19 Oceanside	\$12,551	7/1/02 - 6/30/05	\$1,737	\$2,177	\$0	\$2,177	1,899	204	\$152.77	\$152.77	\$12,985	\$12,985	\$0	\$0	\$0	\$12,985	
20 Orange County	\$32,106	7/1/02 - 6/30/04	\$24,591	\$32,547	\$0	\$32,547	85	1,899	\$152.77	\$152.77	\$55,456	\$55,456	\$0	\$0	\$0	\$55,456	
21 Palo Alto	\$112,213	7/1/03 - 6/30/06	\$7,693	\$9,061	\$0	\$9,061	363	85	\$152.77	\$152.77	\$344,191	\$344,191	\$0	\$0	\$0	\$344,191	
22 Riverside City	\$466,118	7/1/01 - 6/30/05	\$197,643	\$247,734	\$0	\$247,734	2,253	363	\$152.77	\$152.77	\$7,639	\$7,639	\$0	\$0	\$0	\$7,639	
23 Riverside County	\$711,922	7/1/02 - 6/30/05	\$229,171	\$287,252	\$0	\$287,252	696	2,253	\$152.77	\$152.77	\$106,328	\$106,328	\$0	\$0	\$0	\$106,328	
24 Rocklin	\$4,752	7/1/02 - 6/30/05	\$389	\$488	\$0	\$488	1,379	696	\$152.77	\$152.77	\$196,615	\$196,615	\$0	\$0	\$0	\$196,615	
25 Sacramento City	\$470,058	7/1/01 - 6/30/04	\$109,470	\$144,887	\$0	\$144,887	1,287	1,379	\$152.77	\$152.77	\$270,097	\$270,097	\$0	\$0	\$0	\$270,097	
26 Sacramento County	\$380,710	7/1/01 - 6/30/04	\$134,624	\$178,179	\$0	\$178,179	1,768	1,287	\$152.77	\$152.77	\$481,226	\$481,226	\$0	\$0	\$0	\$481,226	
27 San Bernardino County	\$20,553	7/1/01 - 6/30/04	\$9,287	\$12,292	\$0	\$12,292	3,150	1,768	\$152.77	\$152.77	\$210,670	\$210,670	\$0	\$0	\$0	\$210,670	
28 San Diego County	\$0	7/1/01 - 6/30/04	\$0	\$0	\$0	\$0	1,354	3,150	\$152.77	\$152.77	\$206,851	\$206,851	\$0	\$0	\$0	\$206,851	
29 San Francisco City/County	\$1,338,701	7/1/03 - 6/30/07	\$370,143	\$413,764	\$0	\$413,764	541	1,354	\$152.77	\$152.77	\$82,649	\$82,649	\$0	\$0	\$0	\$82,649	
30 San Jose	\$37,186	7/1/03 - 6/30/06	\$11,357	\$13,377	\$0	\$13,377	84	541	\$152.77	\$152.77	\$12,833	\$12,833	\$0	\$0	\$0	\$12,833	
31 Santa Clara County	\$65,829	7/1/03 - 6/30/06	\$16,358	\$19,268	\$0	\$19,268	345	84	\$152.77	\$152.77	\$52,706	\$52,706	\$0	\$0	\$0	\$52,706	
32 Siskiyou County	\$2,447	7/1/01 - 6/30/05	\$1,354	\$1,697	\$0	\$1,697	773	345	\$152.77	\$152.77	\$118,091	\$118,091	\$0	\$0	\$0	\$118,091	
33 Stockton	\$681,799	7/1/94 - 6/30/02	\$69,255	\$98,486	\$0	\$98,486	76	773	\$152.77	\$152.77	\$11,611	\$11,611	\$0	\$0	\$0	\$11,611	
34 Ventura County	\$245,230	7/1/02 - 6/30/05	\$85,567	\$107,253	\$0	\$107,253	42,217	76	\$152.77	\$152.77	\$4,586,308	\$4,586,308	\$0	\$0	\$0	\$4,586,308	
35 Walnut Creek	\$50,031	7/1/03 - 6/30/06	\$13,721	\$16,162	\$0	\$16,162	76	42,217	\$152.77	\$152.77	\$6,506,091	\$6,506,091	\$0	\$0	\$0	\$6,506,091	
Totals																	\$11,092,399

Note  
1 Last fiscal year audited costs were obtained from the State Controller's Office (SCO) table in Exhibit 2, Schedule 1, Part A. The implicit price deflator factors (IPDs) used in computing 2010-11 costs were obtained from Schedule 1, Part D in Exhibit 2. The numbers of sworn peace officers in 2010-11 were obtained from the Commission on Peace Officers Standards and Training (POST) table in Exhibit 4, pages 3-21. The new 2010-11 RRM value of \$152.77 was computed in Schedule 1, Part C in Exhibit 2.

**Schedule 3: RRM Impact on Annual POBAR's Claims Statewide  
Part b -- Computation of Old RRM Impact (Note 1)**

Jurisdiction	SCO Audited Cost		Last FY Audited Cost	IPD Adjusted Cost 2010-11	# officers	Old RRM	(y)	(x) x (y) = z New RRM Cost	(L) If (Z) > (n) Claim Z	(K) If (n) > (Z) Claim N	(L) or (K) Claim Amount
	Allowable	Audit Period									
1 Alameda County	\$36,002	7/1/02 - 6/30/05	\$19,088	\$23,926	1,015	\$41.64	\$42,265	\$42,265	\$0	\$42,265	\$42,265
2 Beverly Hills	\$38,326	7/1/02 - 6/30/05	\$9,557	\$11,979	124	\$41.64	\$5,163	\$3,706	\$0	\$11,979	\$11,979
3 Buena Park	\$0	7/1/02 - 6/30/03	\$0	\$0	89	\$41.64	\$3,706	\$2,165	\$0	\$0	\$3,706
4 Cathedral City	\$0	7/1/03 - 6/30/06	\$0	\$0	52	\$41.64	\$2,165	\$2,165	\$0	\$0	\$2,165
5 Contra Costa County	\$40,636	7/1/01 - 6/30/04	\$8,253	\$10,923	636	\$41.64	\$26,483	\$26,483	\$0	\$0	\$26,483
6 Covina	\$25,604	7/1/04 - 6/30/06	\$18,996	\$14,130	55	\$41.64	\$2,290	\$0	\$0	\$14,130	\$14,130
7 El Monte	\$42,137	7/1/03 - 6/30/05	\$18,909	\$23,701	120	\$41.64	\$4,997	\$0	\$0	\$23,701	\$23,701
8 Fresno City	\$205,281	7/1/03 - 6/30/06	\$80,124	\$94,377	764	\$41.64	\$31,813	\$0	\$0	\$94,377	\$94,377
9 Fresno County	\$189,729	7/1/01 - 6/30/05	\$36,769	\$46,088	447	\$41.64	\$18,613	\$0	\$0	\$46,088	\$46,088
10 Glendale	\$0	7/1/02 - 6/30/05	\$0	\$4,739	244	\$41.64	\$10,160	\$10,160	\$0	\$0	\$10,160
11 Huntington Beach	\$4,061	7/1/03 - 6/30/05	\$3,781	\$0	207	\$41.64	\$8,619	\$8,619	\$0	\$0	\$8,619
12 Huntington Park	\$0	7/1/02 - 6/30/04	\$0	\$0	67	\$41.64	\$2,790	\$2,790	\$0	\$0	\$2,790
13 Inglewood	\$0	7/1/02 - 6/30/05	\$0	\$0	185	\$41.64	\$7,703	\$7,703	\$0	\$0	\$7,703
14 Kern County	\$17,556	7/1/04 - 6/30/06	\$8,109	\$9,551	867	\$41.64	\$36,102	\$36,102	\$0	\$0	\$36,102
15 Long Beach	\$0	7/1/02 - 6/30/03	\$0	\$0	864	\$41.64	\$35,977	\$35,977	\$0	\$0	\$35,977
16 Los Angeles City	\$20,131,194	7/1/03 - 6/30/08	\$5,429,167	\$5,751,122	9,904	\$41.64	\$412,403	\$0	\$0	\$5,751,122	\$5,751,122
17 Los Angeles County	\$588,437	7/1/03 - 6/30/06	\$122,203	\$143,941	9,633	\$41.64	\$401,118	\$401,118	\$0	\$0	\$401,118
18 Oakland	\$432,158	7/1/01 - 6/30/04	\$158,568	\$209,870	637	\$41.64	\$26,525	\$0	\$0	\$209,870	\$209,870
19 Oceanside	\$12,551	7/1/02 - 6/30/05	\$1,737	\$2,177	204	\$41.64	\$8,495	\$8,495	\$0	\$0	\$8,495
20 Orange County	\$32,106	7/1/02 - 6/30/04	\$24,591	\$32,547	1,899	\$41.64	\$79,074	\$79,074	\$0	\$0	\$79,074
21 Palo Alto	\$112,213	7/1/03 - 6/30/06	\$7,693	\$9,061	85	\$41.64	\$3,539	\$0	\$0	\$9,061	\$9,061
22 Riverside City	\$466,118	7/1/01 - 6/30/05	\$197,643	\$247,734	363	\$41.64	\$15,115	\$0	\$0	\$247,734	\$247,734
23 Riverside County	\$711,922	7/1/02 - 6/30/05	\$229,171	\$287,252	2,253	\$41.64	\$93,815	\$0	\$0	\$287,252	\$287,252
24 Rocklin	\$4,752	7/1/02 - 6/30/05	\$389	\$488	50	\$41.64	\$2,082	\$2,082	\$0	\$0	\$2,082
25 Sacramento City	\$470,038	7/1/01 - 6/30/04	\$109,470	\$144,887	696	\$41.64	\$28,981	\$0	\$0	\$144,887	\$144,887
26 Sacramento County	\$380,710	7/1/01 - 6/30/04	\$134,624	\$178,179	1,287	\$41.64	\$53,591	\$0	\$0	\$178,179	\$178,179
27 San Bernardino County	\$20,553	7/1/01 - 6/30/04	\$9,287	\$12,292	1,768	\$41.64	\$73,620	\$73,620	\$0	\$0	\$73,620
28 San Diego County	\$0	7/1/01 - 6/30/04	\$0	\$0	1,379	\$41.64	\$57,422	\$57,422	\$0	\$0	\$57,422
29 San Francisco City/County	\$1,338,701	7/1/03 - 6/30/07	\$370,143	\$413,764	3,150	\$41.64	\$13,166	\$0	\$0	\$413,764	\$413,764
30 San Jose	\$37,186	7/1/03 - 6/30/06	\$11,357	\$13,377	1,354	\$41.64	\$56,381	\$56,381	\$0	\$0	\$56,381
31 Santa Clara County	\$65,829	7/1/03 - 6/30/06	\$16,358	\$19,268	541	\$41.64	\$22,527	\$22,527	\$0	\$0	\$22,527
32 Siskiyou County	\$2,447	7/1/01 - 6/30/05	\$1,354	\$1,697	84	\$41.64	\$3,498	\$3,498	\$0	\$0	\$3,498
33 Stockton	\$681,799	7/1/94 - 6/30/02	\$69,255	\$98,486	345	\$41.64	\$14,366	\$0	\$0	\$98,486	\$98,486
34 Ventura County	\$245,230	7/1/02 - 6/30/05	\$85,567	\$107,253	773	\$41.64	\$32,188	\$0	\$0	\$107,253	\$107,253
35 Walnut Creek	\$50,031	7/1/03 - 6/30/06	\$13,721	\$16,162	76	\$41.64	\$3,165	\$0	\$0	\$16,162	\$16,162
Totals					42,217		\$880,186	\$7,654,044			\$8,534,231

**Note**  
1 Last fiscal year audited costs were obtained from the State Controller's Office (SCO) table in Exhibit 2, Schedule 1, Part A. The implicit price deflator factors (IPDs) used in computing 2010-11 costs were obtained from Schedule 1, Part D in Exhibit 2. The numbers of sworn peace officers in 2010-11 were obtained from the Commission on Peace Officers Standards and Training (POST) table in Exhibit 4, pages 3-21. The old 2010-11 RRM value of \$41.64 was obtained from the SCO's current POBAR's claiming instructions included in pertinent part in Exhibit 4, page 22.

# **Commission on Peace Officers Standards and Training**

## **Current Employed Full-Time Sworn, Reserve & Dispatcher Personnel**

### **All POST Participating Agencies 7-01-2011**

07/01/2011  
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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL  
 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
<b>ALAMEDA</b>				
ALAMEDA CO SD/CORONER	1,015	49	39	1,103
ALAMEDA PD	85	0	14	99
ALAMEDA/CONTRA COSTA TRANSIT	1	0	0	1
ALBANY PD	25	4	8	37
BAY AREA RAPID TRANSIT PD	197	0	16	213
BERKELEY PD	165	21	31	217
CSU EAST BAY PD	15	0	6	21
EAST BAY REG PARK DPS	54	2	16	72
EMERYVILLE PD	35	0	15	50
FREMONT PD	169	8	24	201
HAYWARD PD	195	30	27	252
LIVERMORE PD	82	5	20	107
MORAGA PD	10	4	0	14
NEWARK PD	53	3	12	68
OAKLAND CITY HOUSING AUTH PD	34	7	0	41
OAKLAND PD	637	38	71	746
OAKLAND USD PD	16	0	0	16
OHLONE CCD PD	3	0	0	3
PIEDMONT PD	19	6	7	32
PLEASANTON PD	80	1	17	98
SAN LEANDRO PD	89	0	16	105
UC BERKELEY PD	64	0	7	71
UNION CITY PD	74	2	13	89
COUNTY TOTAL	3,117	180	359	3,656
<b>ALPINE</b>				
ALPINE CO SD	16	0	0	16
COUNTY TOTAL	16	0	0	16
<b>AMADOR</b>				
AMADOR CO DA	8	0	0	8
AMADOR CO SD/CORONER	48	4	13	65
IONE PD	6	1	0	7
JACKSON PD	9	9	1	19
SUTTER CREEK PD	5	4	0	9
COUNTY TOTAL	76	18	14	108
<b>BUTTE</b>				
BUTTE CCD PD	4	0	0	4
BUTTE CO DA	21	0	0	21
BUTTE CO SD/CORONER	96	37	15	148
CHICO PD	97	2	20	119
CSU CHICO PD	16	0	7	23

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL  
 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
GRIDLEY PD	15	10	7	32
OROVILLE PD	22	3	10	35
PARADISE PD	27	0	11	38
COUNTY TOTAL	298	52	70	420
CALAVERAS				
ANGELS CAMP PD	6	3	1	10
CALAVERAS CO DA	2	0	0	2
CALAVERAS CO SD	52	5	12	69
COUNTY TOTAL	60	8	13	81
COLUSA				
COLUSA CO DISTRICT ATTORNEY	2	0	0	2
COLUSA COUNTY SD	35	1	10	46
COLUSA PD	8	0	0	8
WILLIAMS PD	11	1	0	12
COUNTY TOTAL	56	2	10	68
CONTRA COSTA				
ANTIOCH PD	97	4	18	119
BRENTWOOD PD	62	0	0	62
CLAYTON PD	11	1	0	12
CONCORD PD	143	15	19	177
CONTRA COSTA CCD PD	25	0	0	25
CONTRA COSTA CO DA	15	0	0	15
CONTRA COSTA CO SD/CORONER	621	53	47	721
EL CERRITO PD	44	4	0	48
HERCULES PD	27	4	0	31
KENSINGTON PD	9	5	0	14
MARTINEZ PD	36	8	13	57
PINOLE PD	28	1	9	38
PITTSBURG PD	72	6	0	78
PLEASANT HILL PD	44	5	8	57
RICHMOND PD	188	1	28	217
SAN PABLO PD	51	3	0	54
SAN RAMON PD	57	0	0	57
WALNUT CREEK PD	76	33	16	125
COUNTY TOTAL	1,606	143	158	1,907
DEL NORTE				
CRESCENT CITY PD	13	4	0	17
DEL NORTE CO DA	2	0	0	2
DEL NORTE COUNTY SD	28	12	4	44



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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL  
 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
COUNTY TOTAL	43	16	4	63
EL DORADO				
EL DORADO CO DA	12	0	0	12
EL DORADO CO SD	167	8	25	200
PLACERVILLE PD	18	2	5	25
SOUTH LAKE TAHOE PD	40	10	8	58
COUNTY TOTAL	237	20	38	295
FRESNO				
CLOVIS PD	94	20	24	138
CLOVIS UNIF SCHL DIST PD	9	0	0	9
COALINGA PD	21	8	6	35
CSU FRESNO DPS	20	0	6	26
FIREBAUGH PD	12	4	0	16
FOWLER PD	11	5	0	16
FRESNO CO DA	41	0	0	41
FRESNO CO SD	406	36	39	481
FRESNO PD	764	66	86	916
FRESNO YOSEMITE INT'L AIRPORT	4	0	0	4
HURON PD	9	12	2	23
KERMAN PD	17	6	0	23
KINGSBURG PD	14	8	6	28
MENDOTA PD	10	6	0	16
ORANGE COVE PD	13	2	0	15
PARLIER PD	16	1	0	17
REEDLEY PD	32	0	6	38
SANGER PD	34	5	0	39
SELMA PD	31	0	6	37
STATE CENTER CCD PD	16	0	0	16
COUNTY TOTAL	1,574	179	181	1,934
GLENN				
GLENN CO DA	2	0	0	2
GLENN CO SD/CORONER	26	4	10	40
ORLAND PD	11	0	0	11
WILLOWS PD	10	1	0	11
COUNTY TOTAL	49	5	10	64
HUMBOLDT				
ARCATA PD	27	3	5	35
CSU HUMBOLDT DPS	12	0	8	20
EUREKA PD	47	7	11	65
FERNDALE PD	5	0	0	5

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL  
 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
FORTUNA PD	18	2	7	27
HUMBOLDT CO CORONER	4	0	0	4
HUMBOLDT CO DA	8	1	0	9
HUMBOLDT CO SD	171	24	12	207
HUMBOLDT DEPT WELFARE/INVEST	8	0	0	8
RIO DELL PD	5	2	0	7
COUNTY TOTAL	305	39	43	387
IMPERIAL				
BRAWLEY PD	38	1	7	46
CALEXICO PD	37	6	7	50
CALIPATRIA PD	6	5	0	11
EL CENTRO PD	48	3	10	61
IMPERIAL CO DA	13	0	0	13
IMPERIAL CO SD	98	20	11	129
IMPERIAL PD	14	7	0	21
WESTMORLAND PD	5	3	0	8
COUNTY TOTAL	259	45	35	339
INYO				
BISHOP PD	12	2	5	19
INYO CO DA	3	0	0	3
INYO COUNTY SD	36	12	6	54
COUNTY TOTAL	51	14	11	76
KERN				
ARVIN PD	19	4	6	29
BAKERSFIELD PD	349	19	35	403
BEAR VALLEY PD	8	2	9	19
CALIFORNIA CITY PD	14	8	4	26
CSU BAKERSFIELD DPS	11	0	4	15
DELANO PD	45	5	6	56
KERN CO DA	21	0	0	21
KERN CO-DEPT OF PARKS & REC	11	0	0	11
KERN COUNTY SD	835	86	39	960
KERN HIGH SCHOOL DISTRICT PD	22	0	0	22
MARICOPA PD	15	4	0	19
MCFARLAND PD	9	15	5	29
RIDGECREST PD	31	8	5	44
SHAFTER PD	21	4	6	31
STALLION SPRINGS PD	3	0	0	3
TAFT PD	15	4	5	24
TEHACHAPI PD	14	2	0	16
COUNTY TOTAL	1,443	161	124	1,728

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL  
 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
<b>KINGS</b>				
AVENAL PD	16	1	0	17
CORCORAN PD	19	3	6	28
HANFORD PD	53	6	15	74
KINGS CO DA	10	0	0	10
KINGS CO SD	70	6	15	91
KINGS CO-HUMAN SVCS,WELFARE FD	4	0	0	4
LEMOORE PD	29	3	0	32
COUNTY TOTAL	201	19	36	256
<b>LAKE</b>				
CLEARLAKE PD	18	3	5	26
LAKE CO DA	7	0	0	7
LAKE CO SD	56	3	10	69
LAKEPORT PD	10	2	0	12
COUNTY TOTAL	91	8	15	114
<b>LASSEN</b>				
LASSEN CO DA	1	0	0	1
LASSEN CO SD	28	23	6	57
SUSANVILLE PD	16	2	0	18
COUNTY TOTAL	45	25	6	76
<b>LOS ANGELES</b>				
ALHAMBRA PD	84	10	14	108
ARCADIA PD	62	10	11	83
AZUSA PD	60	6	11	77
BALDWIN PARK PD	71	3	10	84
BELL GARDENS PD	51	0	7	58
BELL PD	32	7	5	44
BEVERLY HILLS PD	124	10	17	151
BURBANK AIRPORT AUTH PD	30	0	0	30
BURBANK PD	154	10	15	179
BURLINGTON NORTHRN SANTA FE RR	28	0	0	28
CA DEPT CORPORATIONS	3	0	0	3
CA DEPT INDUSTRIAL RELATIONS	6	0	0	6
CERRITOS CCD PD	10	0	0	10
CLAREMONT PD	34	4	7	45
COMPTON UNIF SCH DIST PD	32	0	0	32
COVINA PD	55	0	12	67
CSU DOMINGUEZ HILLS DPS	16	0	6	22
CSU LONG BEACH PD	26	0	9	35
CSU LOS ANGELES DPS	18	0	6	24
CSU NORTHRIDGE DPS	25	0	5	30

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 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
CSU POMONA DPS	18	0	6	24
CULVER CITY PD	104	22	11	137
DOWNEY PD	115	0	15	130
EL CAMINO CCD PD	26	0	4	30
EL MONTE PD	120	61	18	199
EL SEGUNDO PD	62	0	0	62
GARDENA PD	92	8	0	100
GLENDALE CCD PD	9	0	0	9
GLENDALE PD	244	15	27	286
GLENDALE PD PARK RANGERS	4	2	0	6
GLENDORA PD	49	9	12	70
HACIENDA LA PUENTE USD	6	0	0	6
HAWTHORNE PD	96	5	0	101
HERMOSA BEACH PD	33	7	0	40
HUNTINGTON PARK PD	67	11	10	88
INGLEWOOD PD	185	0	16	201
INGLEWOOD UNIF SCH DIST PD	9	5	0	14
IRWINDALE PD	26	3	7	36
LA VERNE PD	40	20	9	69
LONG BEACH PD	864	38	60	962
LOS ANGELES CITY DPT GEN SVCS	95	0	9	104
LOS ANGELES CITY HOUSING AUTH	1	0	0	1
LOS ANGELES CITY PARK RANGER	12	0	0	12
LOS ANGELES CO CORONER	47	0	0	47
LOS ANGELES CO DA	267	0	1	268
LOS ANGELES CO SD	9,319	907	563	10,789
LOS ANGELES PD	9,904	476	552	10,932
LOS ANGELES PORT PD	126	5	6	137
LOS ANGELES SCHOOL PD	338	0	0	338
LOS ANGELES WORLD AIRPORTS PD	505	0	0	505
MANHATTAN BEACH PD	58	5	0	63
MONROVIA PD	49	6	10	65
MONTEBELLO PD	71	17	13	101
MONTEBELLO UNIFIED SCHOOL DIST	4	3	0	7
MONTEREY PARK PD	71	31	11	113
PALOS VERDES ESTATES PD	22	23	9	54
PASADENA CITY CCD PD	8	1	5	14
PASADENA PD	234	20	32	286
POMONA PD	151	16	29	196
REDONDO BEACH PD	92	14	17	123
SAN FERNANDO PD	34	18	7	59
SAN GABRIEL PD	56	4	5	65
SAN MARINO PD	28	0	7	35
SANTA MONICA CCD PD	15	0	5	20
SANTA MONICA PD	203	0	12	215
SIERRA MADRE PD	16	6	4	26
SIGNAL HILL PD	34	2	8	44
SOUTH BAY REG PUB COMM AUTH	0	0	50	50

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 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
SOUTH GATE PD	74	3	8	85
SOUTH PASADENA PD	33	17	7	57
TORRANCE PD	211	0	21	232
UC LOS ANGELES PD	57	0	13	70
UNION PACIFIC RAILROAD	64	0	0	64
VERNON PD	49	0	7	56
WEST COVINA PD	104	16	15	135
WHITTIER PD	116	4	13	133
COUNTY TOTAL	25,558	1,860	1,769	29,187
MADERA				
CHOWCHILLA PD	16	2	6	24
MADERA CO DA	7	0	0	7
MADERA CO SD	69	48	8	125
MADERA PD	59	0	9	68
COUNTY TOTAL	151	50	23	224
MARIN				
BELVEDERE PD	8	3	0	11
FAIRFAX PD	10	1	6	17
MARIN CCD PD	6	0	0	6
MARIN CO DA	6	0	0	6
MARIN CO SD	204	0	46	250
MARIN MUNCPL WATER DIST	6	0	0	6
MILL VALLEY PD	20	2	0	22
NOVATO PD	58	0	13	71
ROSS PD	8	1	0	9
SAN ANSELMO PD	20	5	3	28
SAN RAFAEL PD	62	14	16	92
SAUSALITO PD	17	0	0	17
TIBURON PD	13	5	0	18
TWIN CITIES PD	31	1	11	43
COUNTY TOTAL	469	32	95	596
MARIPOSA				
MARIPOSA CO DA	1	0	0	1
MARIPOSA CO SD	40	14	0	54
COUNTY TOTAL	41	14	0	55
MENDOCINO				
FORT BRAGG PD	17	0	0	17
MENDOCINO CO DA	6	0	0	6
MENDOCINO CO SD	113	8	12	133
UKIAH PD	25	3	9	37

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 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
WILLITS PD	13	0	8	21
COUNTY TOTAL	174	11	29	214
MERCED				
ATWATER PD	34	4	9	47
DOS PALOS PD	7	5	0	12
GUSTINE PD	8	3	1	12
LIVINGSTON PD	19	9	6	34
LOS BANOS PD	39	0	11	50
MERCED CCD PD	3	0	0	3
MERCED CO DA	13	0	0	13
MERCED CO SD	106	41	13	160
MERCED PD	86	25	14	125
UC MERCED PD	9	0	5	14
COUNTY TOTAL	324	87	59	470
MODOC				
ALTURAS PD	6	0	0	6
MODOC CO DA	1	0	0	1
MODOC CO SD	13	0	3	16
COUNTY TOTAL	20	0	3	23
MONO				
MAMMOTH LAKES PD	19	0	0	19
MONO CO DA	2	0	0	2
MONO CO SD	28	2	17	47
COUNTY TOTAL	49	2	17	68
MONTEREY				
CARMEL PD	12	4	5	21
CSU MONTEREY BAY PD	13	0	0	13
DEL REY OAKS PD	6	14	0	20
GONZALES PD	11	2	0	13
GREENFIELD PD	17	0	0	17
KING CITY PD	14	1	0	15
MARINA PD	32	3	0	35
MONTEREY CO DA	22	0	0	22
MONTEREY CO EMER COMM	0	0	54	54
MONTEREY CO SHERIFF'S OFFICE	296	5	0	301
MONTEREY PD	46	0	0	46
MONTEREY PENN AIRPORT DIST PD	7	0	0	7
PACIFIC GROVE PD	22	4	0	26
SALINAS PD	149	14	0	163
SAND CITY PD	10	2	0	12

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COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
SEASIDE PD	40	5	0	45
SOLEDAD PD	20	2	0	22
COUNTY TOTAL	717	56	59	832
NAPA				
CALISTOGA PD	11	1	5	17
NAPA CO DA	8	0	0	8
NAPA CO SD	102	0	0	102
NAPA PD	69	0	25	94
NAPA VALLEY COLLEGE DPS	4	0	0	4
NAPA VALLEY RR PD	1	0	0	1
SAINT HELENA PD	11	1	5	17
COUNTY TOTAL	206	2	35	243
NEVADA				
GRASS VALLEY PD	23	6	8	37
NEVADA CITY PD	12	3	0	15
NEVADA CO DA	3	0	0	3
NEVADA CO SD	69	18	17	104
TRUCKEE PD	25	3	0	28
COUNTY TOTAL	132	30	25	187
ORANGE				
ANAHEIM PD	369	14	38	421
BREA PD	96	1	17	114
BUENA PARK PD	89	8	10	107
COSTA MESA COMM DEPT	0	0	24	24
COSTA MESA PD	141	6	0	147
CSU FULLERTON PD	22	0	6	28
CYPRESS PD	54	1	0	55
FOUNTAIN VALLEY PD	55	1	9	65
FULLERTON PD	145	17	19	181
GARDEN GROVE PD	157	26	16	199
HUNTINGTON BEACH PD	207	9	27	243
IRVINE PD	194	4	22	220
IRVINE VALLEY CCD PD	3	0	2	5
LA HABRA PD	65	11	13	89
LA PALMA PD	22	5	9	36
LAGUNA BEACH PD	47	8	10	65
LOS ALAMITOS PD	22	3	0	25
NEWPORT BEACH PD	130	12	18	160
ORANGE CO DA	120	0	0	120
ORANGE CO DA WELFARE/FRAUD INV	35	0	0	35
ORANGE CO SD/CORONER	1,744	247	62	2,053
ORANGE PD	158	13	17	188

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 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
PLACENTIA PD	45	1	13	59
SADDLEBACK CCD PD	8	0	0	8
SANTA ANA PD	339	18	32	389
SANTA ANA UNIF SCHL DIST PD	22	3	0	25
SEAL BEACH PD	29	5	0	34
TUSTIN PD	93	8	15	116
UC IRVINE PD	32	0	9	41
WEST CITIES COMM CTR	0	0	23	23
WESTMINSTER PD	92	12	17	121
COUNTY TOTAL	4,535	433	428	5,396
PLACER				
AUBURN PD	22	6	7	35
LINCOLN PD	25	1	7	33
PLACER CO DA	9	0	0	9
PLACER COUNTY SD	223	88	28	339
ROCKLIN PD	50	4	15	69
ROSEVILLE PD	114	6	24	144
SIERRA COLLEGE PD (OBS)	3	0	0	3
COUNTY TOTAL	446	105	81	632
PLUMAS				
PLUMAS CO SD	30	14	10	54
COUNTY TOTAL	30	14	10	54
RIVERSIDE				
BANNING PD	32	3	8	43
BEAUMONT PD	57	0	13	70
BLYTHE PD	22	4	9	35
CATHEDRAL CITY PD	52	20	20	92
CORONA PD	164	3	27	194
DESERT HOT SPRINGS PD	30	5	1	36
HEMET PD	57	0	16	73
INDIO PD	67	15	16	98
LAKE HEMET MUNCPL WATER DIST	0	0	0	0
MOUNT SAN JACINTO CCD PD	3	0	0	3
MURRIETA PD	85	3	19	107
PALM SPRINGS PD	86	16	17	119
RIVERSIDE CCD PD	19	8	0	27
RIVERSIDE CO DA	122	0	2	124
RIVERSIDE CO PUBLIC SOCIAL SER	25	0	0	25
RIVERSIDE CO SD	2,106	47	170	2,323
RIVERSIDE PD	363	0	53	416
UC RIVERSIDE PD	26	0	7	33



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 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
COUNTY TOTAL	3,316	124	378	3,818
SACRAMENTO				
CA ALCOHOLIC BEVERAGE CONTROL	164	0	0	164
CA ASSEMBLY SGT AT ARMS LEGIS	17	0	0	17
CA DEPT CONSUMER AFF DEN BD	14	0	0	14
CA DEPT CONSUMER AFF INVEST	58	0	0	58
CA DEPT CONSUMER AFF MED BD	94	0	0	94
CA DEPT DEVELOPMENTAL OPS	84	0	0	84
CA DEPT EMPLOYMENT DEVELOPMENT	41	0	0	41
CA DEPT FISH & GAME	327	4	0	331
CA DEPT HEALTH CARE SVCS	122	0	0	122
CA DEPT INSURANCE FRAUD	183	0	0	183
CA DEPT JUSTICE	418	0	0	418
CA DEPT MENTAL HEALTH	19	0	0	19
CA DEPT MOTOR VEHICLES	225	0	0	225
CA DEPT PARKS & RECREATION	641	0	69	710
CA DEPT PUB HEALTH FOOD/DRUG	109	0	0	109
CA DEPT SOCIAL SERVICES	53	0	0	53
CA DEPT TOXIC SUBSTANCES CNTL	12	0	0	12
CA FRANCHISE TAX BOARD	41	0	0	41
CA HIGHWAY PATROL	7,565	0	967	8,532
CA HORSE RACING BOARD	9	0	0	9
CA SECRETARY OF STATE OFC INV	7	0	0	7
CA STATE CONTROLLER - INVEST	1	0	0	1
CA STATE FAIR PD	3	0	0	3
CA STATE LOTTERY	28	0	0	28
CAL - EMA	7	0	0	7
CAL FIRE	198	0	0	198
CITRUS HEIGHTS PD	87	16	23	126
CSU SACRAMENTO DPS	22	0	8	30
ELK GROVE PD	129	11	22	162
FOLSOM PD	76	7	16	99
GALT PD	34	1	9	44
ISLETON PD	3	7	0	10
LOS RIOS CCD PD	32	2	0	34
SACRAMENTO CO CORONER	13	0	0	13
SACRAMENTO CO DA	39	0	0	39
SACRAMENTO CO HUMAN ASST INV	22	0	0	22
SACRAMENTO CO REG PARKS DEPT	14	0	0	14
SACRAMENTO CO SD	1,199	453	58	1,710
SACRAMENTO PD	696	75	83	854
TWIN RIVERS USD PD	21	12	0	33
COUNTY TOTAL	12,827	588	1,255	14,670

SAN BENITO

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 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
HOLLISTER PD	24	1	0	25
SAN BENITO CO DA	2	0	0	2
SAN BENITO CO OES	0	0	15	15
SAN BENITO CO SD	29	6	0	35
COUNTY TOTAL	55	7	15	77
SAN BERNARDINO				
BARSTOW PD	39	5	7	51
CHINO PD	97	1	21	119
COLTON PD	47	6	12	65
CSU SAN BERNARDINO DPS	15	0	10	25
FONTANA PD	181	3	26	210
FONTANA UNIFIED SCHOOL DIST	16	0	11	27
HESPERIA UNIFIED SCHOOL DIST	7	0	0	7
MONTCLAIR PD	52	6	8	66
ONTARIO PD	224	9	38	271
REDLANDS PD	76	12	15	103
RIALTO PD	98	2	13	113
SAN BERNARDINO CCD PD	11	0	0	11
SAN BERNARDINO CO DA	47	0	0	47
SAN BERNARDINO CO SD	1,721	237	152	2,110
SAN BERNARDINO PD	304	27	38	369
SAN BERNARDINO UNIF SCHL DIST	24	4	5	33
SNOWLINE JOINT UNIF SCHL DIST	4	1	0	5
UPLAND PD	76	8	19	103
COUNTY TOTAL	3,039	321	375	3,735
SAN DIEGO				
CARLSBAD PD	111	3	18	132
CHULA VISTA PD	217	11	24	252
CORONADO PD	42	2	7	51
CSU SAN DIEGO DPS	26	0	10	36
CSU SAN MARCOS DPS	16	0	5	21
EL CAJON PD	119	21	18	158
ESCONDIDO PD	155	13	24	192
GROSSMONT-CUYAMACA CCD PD	11	0	0	11
LA MESA PD	67	2	18	87
MIRA COSTA CCD PD	10	0	4	14
NATIONAL CITY PD	83	14	11	108
OCEANSIDE PD	204	4	29	237
PALOMAR CCD PD	10	0	0	10
SAN DIEGO CCD PD	38	0	10	48
SAN DIEGO CITY SCHOOLS PD	41	0	7	48
SAN DIEGO CO DA	166	0	0	166
SAN DIEGO CO SD	1,213	116	124	1,453
SAN DIEGO HARBOR PD, PORT OF	123	0	14	137

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COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
SAN DIEGO PD	1,846	35	152	2,033
SOUTHWESTERN CCD PD	9	0	0	9
UC SAN DIEGO PD	33	0	9	42
COUNTY TOTAL	4,540	221	484	5,245
SAN FRANCISCO				
CSU SAN FRANCISCO DPS	26	0	4	30
SAN FRAN INT'L AIRPORT COMM	0	0	38	38
SAN FRANCISCO CCD PD	30	0	0	30
SAN FRANCISCO CO DA	29	0	0	29
SAN FRANCISCO CO MED EXAM	10	0	0	10
SAN FRANCISCO CO SD	873	0	0	873
SAN FRANCISCO DEPT EMER MGT	1	0	195	196
SAN FRANCISCO MUNICIPAL RWY PD	3	0	0	3
SAN FRANCISCO PD	2,238	32	0	2,270
SUPREME COURT OF CALIFORNIA	1	0	0	1
UC SAN FRANCISCO PD	47	0	9	56
COUNTY TOTAL	3,258	32	246	3,536
SAN JOAQUIN				
ESCALON PD	9	13	0	22
LODI PD	69	5	21	95
MANTECA PD	59	19	10	88
RIPON PD	23	3	7	33
SAN JOAQUIN CO DA	23	0	0	23
SAN JOAQUIN CO SD	296	26	35	357
SAN JOAQUIN DELTA COLLEGE PD	10	0	0	10
STOCKTON PD	345	25	46	416
STOCKTON UNIF SCHL DIST PD	17	1	7	25
TRACY PD	84	0	15	99
COUNTY TOTAL	935	92	141	1,168
SAN LUIS OBISPO				
ARROYO GRANDE PD	25	2	8	35
ATASCADERO PD	27	1	9	37
CPSU SAN LUIS OBISPO PD	18	0	7	25
CUESTA CCD DPS	6	0	0	6
GROVER BEACH PD	17	2	8	27
MORRO BAY PD	17	1	7	25
PASO ROBLES PD	29	6	8	43
PISMO BEACH PD	22	2	7	31
SAN LUIS OBISPO CO DA	13	0	0	13
SAN LUIS OBISPO CO SD	143	12	17	172
SAN LUIS OBISPO PD	55	0	13	68

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COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
COUNTY TOTAL	372	26	84	482
SAN MATEO				
ATHERTON PD	16	6	14	36
BELMONT PD	31	2	7	40
BRISBANE PD	12	0	0	12
BROADMOOR PD	9	20	0	29
BURLINGAME PD	35	5	12	52
COLMA PD	17	0	5	22
DALY CITY PD	108	4	14	126
EAST PALO ALTO PD	37	0	0	37
FOSTER CITY PD	36	5	13	54
HALF MOON BAY PD	13	2	0	15
HILLSBOROUGH PD	26	1	5	32
MENLO PARK PD	45	4	18	67
MILLBRAE PD	19	2	4	25
PACIFICA PD	34	10	9	53
REDWOOD CITY PD	87	10	11	108
SAN BRUNO PD	44	6	5	55
SAN MATEO CO CORONER	9	0	0	9
SAN MATEO CO DA	12	0	0	12
SAN MATEO CO PUB SFTY COMM CTR	0	0	35	35
SAN MATEO CO SD	321	42	0	363
SAN MATEO PD	105	5	18	128
SOUTH SAN FRANCISCO PD	74	13	12	99
COUNTY TOTAL	1,090	137	182	1,409
SANTA BARBARA				
ALLAN HANCOCK CCD PD	3	3	3	9
GUADALUPE PD	11	3	2	16
LOMPOC PD	49	2	10	61
SANTA BARBARA CO DA	20	0	0	20
SANTA BARBARA CO SD	268	29	32	329
SANTA BARBARA PD	131	10	13	154
SANTA MARIA PD	101	7	21	129
UC SANTA BARBARA PD	31	0	7	38
COUNTY TOTAL	614	54	88	756
SANTA CLARA				
CAMPBELL PD	41	13	13	67
CSU SAN JOSE PD	27	0	6	33
FOOTHILL-DEANZA CCD PD	9	0	0	9
GILROY PD	58	8	14	80
LOS ALTOS PD	28	4	9	41
LOS GATOS PD	41	9	7	57

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COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
MILPITAS PD	84	5	14	103
MORGAN HILL PD	35	3	9	47
MOUNTAIN VIEW EMERG COMM	0	0	19	19
MOUNTAIN VIEW PD	95	21	0	116
PALO ALTO PD	85	9	22	116
SAN JOSE PD	1,354	158	169	1,681
SAN JOSE UNIF SCHL DIST PD	1	0	0	1
SAN JOSE/EVERGREEN CCD PD	5	0	1	6
SANTA CLARA CO COMM DEPT	0	0	80	80
SANTA CLARA CO DA	71	0	0	71
SANTA CLARA CO DA-WELFARE FRD	4	0	0	4
SANTA CLARA CO SD	466	71	0	537
SANTA CLARA PD	138	27	20	185
SUNNYVALE DPS	205	0	22	227
WEST VALLEY CCD PD	7	3	0	10
COUNTY TOTAL	2,754	331	405	3,490
SANTA CRUZ				
CAPITOLA PD	21	6	0	27
SANTA CRUZ CO DA	12	0	0	12
SANTA CRUZ CO SD	139	26	0	165
SANTA CRUZ PD	89	1	0	90
SCOTTS VALLEY PD	19	6	6	31
UC SANTA CRUZ PD	16	0	9	25
WATSONVILLE PD	69	0	0	69
COUNTY TOTAL	365	39	15	419
SHASTA				
ANDERSON PD	16	0	5	21
REDDING PD	96	0	0	96
SHASTA AREA SAFETY COMM AGCY	0	0	40	40
SHASTA CO DA	11	0	0	11
SHASTA CO MARSHAL	21	0	0	21
SHASTA CO SD	140	17	0	157
COUNTY TOTAL	284	17	45	346
SIERRA				
SIERRA CO SD	11	2	0	13
COUNTY TOTAL	11	2	0	13
SISKIYOU				
ETNA PD	2	1	0	3
LAKE SHASTINA DISTRICT PD	3	0	0	3
MOUNT SHASTA PD	8	3	2	13

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL  
 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
SISKIYOU CO DA	3	0	0	3
SISKIYOU CO SD	81	4	10	95
TULELAKE PD	3	0	0	3
WEED PD	10	1	5	16
YREKA PD	14	1	4	19
COUNTY TOTAL	124	10	21	155
SOLANO				
BENICIA PD	34	0	15	49
DIXON PD	24	1	0	25
FAIRFIELD PD	109	0	20	129
RIO VISTA PD	9	3	0	12
SOLANO CCD PD	3	0	0	3
SOLANO CO DA	10	0	0	10
SOLANO CO SD	108	16	14	138
SUISUN CITY PD	25	4	6	35
VACAVILLE PD	97	4	18	119
VALLEJO PD	90	6	20	116
COUNTY TOTAL	509	34	93	636
SONOMA				
CLOVERDALE PD	13	3	7	23
COTATI PD	10	2	6	18
CSU SONOMA PD	13	0	6	19
HEALDSBURG PD	16	1	6	23
PETALUMA PD	64	0	14	78
ROHNERT PARK DPS	58	2	15	75
SANTA ROSA JUNIOR COLLEGE PD	10	0	5	15
SANTA ROSA PD	166	0	23	189
SEBASTOPOL PD	14	9	6	29
SONOMA CO DA	16	0	0	16
SONOMA CO HUM SRV,WLF FRD INV	6	0	0	6
SONOMA CO SHERIFF'S OFFICE	233	10	32	275
COUNTY TOTAL	619	27	120	766
STANISLAUS				
CERES DPS	52	3	10	65
CSU STANISLAUS DPS	12	0	3	15
MODESTO PD	224	20	0	244
NEWMAN PD	11	2	0	13
OAKDALE PD	24	5	6	35
STANISLAUS CO DA	14	0	0	14
STANISLAUS CO SD	173	41	0	214
STANISLAUS REGIONAL 9-1-1	0	0	46	46
TURLOCK PD	81	1	17	99

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
 CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL  
 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
COUNTY TOTAL	591	72	82	745
SUTTER				
SUTTER CO DA	9	0	0	9
SUTTER CO SD	104	31	14	149
YUBA CITY PD	63	5	13	81
COUNTY TOTAL	176	36	27	239
TEHEMA				
CORNING PD	13	0	5	18
RED BLUFF PD	22	4	7	33
TEHAMA CO DA	7	0	0	7
TEHAMA CO SD	70	9	7	86
COUNTY TOTAL	112	13	19	144
TRINITY				
TRINITY CO DIST ATTORNEY	1	0	0	1
TRINITY CO MARSHAL	2	0	0	2
TRINITY COUNTY SD	17	9	0	26
COUNTY TOTAL	20	9	0	29
TULARE				
COLLEGE OF THE SEQUOIAS PD	5	2	1	8
DINUBA PD	35	2	6	43
EXETER PD	16	7	0	23
FARMERSVILLE PD	14	4	2	20
LINDSAY DPS	19	7	3	29
PORTERVILLE PD	57	6	10	73
TULARE CO DA	32	0	0	32
TULARE CO SD	300	34	17	351
TULARE PD	72	0	12	84
VISALIA PD	134	10	22	166
WOODLAKE PD	12	2	1	15
COUNTY TOTAL	696	74	74	844
TUOLUMNE				
SONORA PD	11	5	5	21
TUOLUMNE CO DA	2	0	0	2
TUOLUMNE CO SD	63	6	14	83
COUNTY TOTAL	76	11	19	106
VENTURA				

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

CURRENT EMPLOYED FULL-TIME SWORN, RESERVE & DISPATCHER PERSONNEL  
 ALL POST PARTICIPATING AGENCIES

COUNTY/ AGENCY	FULL-TIME SWORN	RESERVE	DISPATCHER	TOTAL
CSU CHANNEL ISLANDS PD	13	0	6	19
OXNARD PD	232	19	26	277
PORT HUENEME PD	24	8	6	38
SANTA PAULA PD	31	32	7	70
SIMI VALLEY PD	118	6	17	141
VENTURA CO CCD PD	15	0	0	15
VENTURA CO DA	43	0	0	43
VENTURA CO SD	730	25	33	788
VENTURA PD	122	0	13	135
COUNTY TOTAL	1,328	90	108	1,526
YOLO				
DAVIS PD	60	5	15	80
UC DAVIS PD	45	0	10	55
WEST SACRAMENTO PD	67	1	0	68
WINTERS PD	10	3	0	13
WOODLAND PD	64	0	0	64
YOLO CO COMM EMER	0	0	35	35
YOLO CO DA	12	0	0	12
YOLO CO SD	73	25	0	98
COUNTY TOTAL	331	34	60	425
YUBA				
MARYSVILLE PD	19	16	5	40
WHEATLAND PD	7	2	0	9
YUBA CO SD	84	23	12	119
YUBA COMMUNITY COLL DIST PD	5	3	0	8
COUNTY TOTAL	115	44	17	176
**GRAND TOTAL	80,536	6,075	8,113	94,724



<b>PROGRAM</b> <b>187</b>	<b>PEACE OFFICERS PROCEDURAL BILL OF RIGHTS (POBOR)</b> <b>CLAIM SUMMARY</b>						<b>FORM</b> <b>1</b>	
(01) Claimant				(02) Fiscal Year				
				20__/20__				
(03) Department								
<b>Claim Statistics</b>								
(04) Number of full-time sworn peace officers employed by the agency during this fiscal year								
<b>Flat Rate Method</b>								
(05) Total Cost						[Line (04) X \$41.64 for 2010-11 fy] [Skip (06) to (09) and carry forward total to line (10)]		
<b>Actual Cost Method</b>								
<b>Direct Costs</b>		<b>Object Accounts</b>						
		(a)	(b)	(c)	(d)	(e)	(f)	(g)
(06) Reimbursable Activities		Salaries	Benefits	Materials And Supplies	Contract Services	Fixed Assets	Travel And Training	Total
(A) Administrative Activities								
(B) Administrative Appeal								
(C) Interrogations								
(D) Adverse Comment								
(07) Total Direct Costs								
<b>Indirect Costs</b>								
(08) Indirect Cost Rate						[From ICRP or 10%]		%
(09) Total Indirect Costs						[Refer to claiming instructions]		
(10) Total Direct and Indirect Costs						[Refer to claiming instructions]		
<b>Cost Reduction</b>								
(11) Less: Offsetting Revenues								
(12) Less: Other Reimbursements								
(13) Total Claimed Amount						[Line (10) - {(line (11) + line (12))}]		

**Los Angeles County  
Parameters and Guidelines Amendment  
Reasonable Reimbursement Methodology  
Peace Officers Procedural Bill of Rights Program**

<b>EXHIBITS – VOLUME II</b>		<b><u>Page(s)</u></b>
<b>Exhibit 5</b>	<b>Commission Final POBOR Analysis (3/28/08)</b>	<b>1-22</b>
<b>Exhibit 6</b>	<b>CSAC POBAR Amendment (filed 6/30/11)</b>	<b>1-9</b>
<b>Exhibit 7</b>	<b>SCO's POBOR Letter to State Auditor (8/9/10)</b>	<b>1-2</b>
	<b>SCO's Audit Findings Report to State Legislature, Department of Finance (6/30/11)</b>	<b>3-5</b>
<b>Exhibit 8</b>	<b>Los Angeles County's Amended POBOR's Ps&amp;Gs</b>	<b>1-15</b>
<b>Exhibit 9</b>	<b>Schedule of Cities and Counties Unable to File a RRM Claim Under Current Versus Proposed RRM Reimbursement Rates</b>	<b>1-3</b>

Hearing: March 28, 2008  
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**ITEM 6**  
**FINAL STAFF ANALYSIS**  
**REQUESTS TO AMEND PARAMETERS AND GUIDELINES**

Government Code Sections 3301, 3303, 3304, 3305, 3306

As Added and Amended by Statutes 1976, Chapter 465 (AB 301); Statutes 1978, Chapters 775 (AB 2916), 1173 (AB 2443), 1174 (AB 2696), and 1178 (SB 1726); Statutes 1979, Chapter 405 (AB 1807); Statutes 1980, Chapter 1367 (AB 2977); Statutes 1982, Chapter 994 (AB 2397); Statutes 1983, Chapter 964 (AB 1216); Statutes 1989, Chapter 1165 (SB 353); and Statutes 1990, Chapter 675 (AB 389)

Directed by Government Code Section 3313, as added by  
Statutes 2005, Chapter 72 (Assem. Bill No. 138, § 6, eff. July 19 2005)

*Peace Officers Procedural Bill of Rights (POBOR)*<sup>1</sup>  
06-PGA-03, 06-PGA-06

Department of Finance and County of Los Angeles, Requestors

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**EXECUTIVE SUMMARY**

This item addresses three proposals to amend the parameters and guidelines for the *Peace Officers Procedural Bill of Rights* (POBOR) program. POBOR provides a series of rights and procedural safeguards to peace officers employed by local agencies and school districts that are subject to investigation or discipline. Pursuant to Government Code section 17557, the Commission has the authority, after public notice and a hearing to amend, modify, or supplement parameters and guidelines. In adopting parameters and guidelines, the Commission is required to consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider a reasonable reimbursement methodology that balances accuracy with simplicity.

**Requests to Amend the Parameters and Guidelines**

The POBOR program, the decisions of the Commission, the audits by the State Controller's Office, and the Bureau of State Audits report on this program have a long history. At issue are two proposed "reasonable reimbursement methodologies" in lieu of actual costs claimed, and an alternate proposal that would add a reasonable reimbursement methodology as an option to claiming actual costs. All of the proposals are effective for the reimbursement period beginning on July 1, 2006.

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<sup>1</sup> Staff substituted the acronym "POBOR" throughout this document for all variations used in requests, comments, and other filings from interested parties and affected state agencies.

### Department of Finance's Proposal

On January 12, 2007, the Department of Finance requested that the parameters and guidelines be amended to reimburse each eligible local agency at the rate of \$56.74 per officer employed by the agency. This rate was determined by analysis of 2004-2005 POBOR claims data. First, the per-officer rate for each claimant was calculated (total amount claimed divided by the number of officers employed by each agency). Then each agency's per-officer rate was reduced by 75 percent to reflect the claim reviews conducted by the State Controller's Office revealing that at least 75 percent of POBOR claims were unsubstantiated. The Department of Finance identified \$56.74 as the median of the reduced per-officer rates and proposed this as the per officer rate, beginning on July 1, 2006.

### Los Angeles County's Original Proposal

On June 25, 2007, Los Angeles County proposed that the parameters and guidelines be amended to reimburse each eligible jurisdiction \$302.37 per officer employed by the agency. This rate was calculated by reducing the total amount claimed in 2004-2005 by 37.5 percent to reflect the claim reviews conducted by the State Controller's Office. To obtain the allowable cost per officer, the adjusted total was then divided by the number of officers employed by each agency. Los Angeles County's calculation resulted in a proposed rate of \$302.37 per officer, beginning on July 1, 2006.

### Los Angeles County's Alternate Proposal

On March 3, 2008, in response to the Draft Staff Analysis, Los Angeles County offered an Alternate Proposal to allow claimants to continue to claim actual costs or be reimbursed based on a new reimbursement rate of \$36.86 per officer. This rate was calculated from the same 2004-2005 claims data and adjusted by a carefully computed average of the "allowed costs" reported by the State Controller's Office in their 2004-2007 final audit reports. The County multiplied the median cost/officer x the computed average of allowed costs reported in the 2004-2007 final audit reports. This calculation resulted in a rate of \$34.77 per officer for fiscal year 2004-2005. The County adjusted this rate by an Implicit Price Deflator to calculate a new reimbursement rate of \$36.86 per officer, beginning on July 1, 2006.

### **Staff Analysis and Conclusion**

Government Code section 17518.5, as amended by AB 1222 (Stats. 2007, ch. 329, eff. Jan. 1, 2008), defines a reasonable reimbursement methodology to "mean a formula for reimbursing local agencies and school districts for costs mandated by the state ..." The new definition requires that two elements be met:

1. A reasonable reimbursement methodology shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.
2. A reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a "cost-efficient manner." (Gov. Code, § 17518.5, subs. (b), (c).)

Staff finds that the Department of Finance and the Los Angeles County proposals satisfy the first element of the new definition of reasonable reimbursement methodology, but do not satisfy the second element of the definition.

Staff finds that the County's Alternate Proposal of \$36.86 per officer satisfies the two elements of the definition of reasonable reimbursement methodology for the following reasons:

- It is based on cost information from a representative sample of eligible claimants.
- It considers the variation in costs among local agencies to implement the mandate in a cost-efficient manner.

However, staff recommends that the County's Alternate RRM calculation be updated to include two additional audits issued by the State Controller's Office in 2008, and to apply the current Implicit Price Deflator. This technical modification to the County's formula will result in a recalculated 2004-2005 rate of \$ 33.22 per officer, and recalculated 2006-2007 rate of \$37.25 per officer.

Staff finds that the County's Alternate Proposal to amend the parameters and guidelines allows eligible claimants to be reimbursed based on actual costs or a reasonable reimbursement methodology and thus "balances accuracy and simplicity."

#### **Staff Recommendation**

Therefore, Staff recommends that the Commission:

- Deny the Department of Finance's proposal of \$56.74/officer because it does not satisfy the requirements for a reasonable reimbursement methodology. (Attachment 1)
- Deny Los Angeles County's original proposal of \$302.74/officer because it does not satisfy the requirements for a reasonable reimbursement methodology. (Attachment 2)
- Adopt Los Angeles County's Alternate Proposal, as updated by staff. This proposal allows eligible claimants to file reimbursement claims based on the proposed reasonable reimbursement methodology of \$ 37.25 per full-time sworn peace officer or actual cost claims. The RRM will be updated each year by the implicit price deflator. (Attachment 3)

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

### Requestors

Department of Finance  
County of Los Angeles

### Chronology

- 11/30/1999 Commission on State Mandates (Commission) adopts original Statement of Decision
- 07/27/2000 Commission adopts parameters and guidelines
- 03/29/2001 Commission adopts statewide cost estimate
- 10/15/2003 Bureau of State Audits issues report on Peace Officers' Procedural Bill of Rights (commonly referred to as POBOR) and Animal Adoption Programs, Report No. 2003-106
- 07/19/2005 AB 138 (Stats. 2005, ch. 72) becomes effective, directing the Commission to reconsider the original POBOR Statement of Decision by July 1, 2006
- 04/26/2006 Commission reconsiders POBOR test claim, adopts Statement of Decision, and directs staff to work with state agencies and interested parties to develop and recommend a reasonable reimbursement methodology pursuant to Government Code section 17518.5 for inclusion in the revised parameters and guidelines
- 12/05/2006 Commission adopts amendments to the parameters and guidelines and denies requests from the California State Association of Counties, County of Los Angeles, and Department of Finance to adopt proposed reasonable reimbursement methodologies<sup>2</sup>
- 1/12/2007 Department of Finance proposes amendment to add a reasonable reimbursement methodology to the parameters and guidelines<sup>3</sup>
- 1/24/2007 Commission conducts pre-hearing conference
- 3/12/2007 Commission notifies parties that State Controller's Office has made available updated claims data on the POBOR reimbursement claims, and posts to the Commission's website<sup>4</sup>
- 4/10/2007 Commission notifies parties that State Controller's Office has made available final audit reports on County of Contra Costs, County of Los Angeles, and Los Angeles Police Department, and posts to the Commission's website<sup>5</sup>

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<sup>2</sup> See Exhibit A.

<sup>3</sup> See Exhibit B.

<sup>4</sup> See Exhibit C.

<sup>5</sup> See Exhibit D.

- 6/5/2007 Department of Finance notifies Commission that the reasonable reimbursement methodology proposal filed on January 12, 2007, will not be amended and that comments should be filed<sup>6</sup>
- 6/13/2007 Commission notifies parties that State Controller's Office has made available final audit reports on County of San Diego and City of Oakland, and posts to the Commission's website<sup>7</sup>
- 6/25/2007 County of Los Angeles proposes amendment to add a reasonable reimbursement methodology to the parameters and guidelines<sup>8</sup>
- 7/16/2007 Cost Recovery Systems, Inc., files comments on Department of Finance and County of Los Angeles proposals<sup>9</sup>
- 7/19/2007 State Controller's Office files comments on County of Los Angeles proposal<sup>10</sup>
- 7/24/2007 City and County of San Francisco files comments on Department of Finance and the County of Los Angeles proposals<sup>11</sup>
- 08/7/2007 Department of Finance files comments on County of Los Angeles' proposal and clarifies proposal<sup>12</sup>
- 8/24/2007 County of Los Angeles requests postponement of hearing<sup>13</sup>
- 8/30/2007 Commission staff re-schedules hearing and comment period<sup>14</sup>
- 1/29/2008 Commission staff notifies parties that State Controller's Office has made available final audit reports on Orange County, San Bernardino County, City of Oceanside, City of Inglewood, Alameda County, Sacramento County, Ventura County, and City of Buena Park and posts to Commission's website<sup>15</sup>

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<sup>6</sup> See Exhibit E.

<sup>7</sup> See Exhibit F.

<sup>8</sup> See Exhibit G.

<sup>9</sup> See Exhibit H.

<sup>10</sup> See Exhibit H.

<sup>11</sup> See Exhibit H.

<sup>12</sup> See Exhibit H.

<sup>13</sup> See Exhibit I.

<sup>14</sup> See Exhibit I.

<sup>15</sup> See Exhibit J.

- 2/8/2008 Commission staff issues draft staff analysis<sup>16</sup>
- 3/3/2008 Commission staff notifies parties that State Controller's Office has made available final audit reports on City of Long Beach and the City and County of San Francisco and posts to Commission's website<sup>17</sup>
- 3/3/2008 County of Los Angeles files comments and alternate proposal<sup>18</sup>
- 3/13/2008 State Controller's Office files updated claims data on the POBOR reimbursement claims<sup>19</sup>
- 3/14/2008 Final Staff Analysis issued

## BACKGROUND

This item addresses three proposals to amend the parameters and guidelines for the *Peace Officers Procedural Bill of Rights (POBOR)* program.

Pursuant to Government Code section 17557, the Commission has the authority, after public notice and a hearing to amend, modify, or supplement parameters and guidelines. In adopting parameters and guidelines, the Commission is required to consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider a reasonable reimbursement methodology that balances accuracy with simplicity.

The POBOR program, the decisions of the Commission, the State Controller's Office, and the Bureau of State Audits report on this program have a long history. At issue are two proposed "reasonable reimbursement methodologies" in lieu of actual costs claimed, and an alternate proposal that would add a reasonable reimbursement methodology as an option to claiming actual costs. All of the proposals are effective for the reimbursement period beginning on July 1, 2006. The history of the test claim and a summary of the proposals follow.

### Statement of Decision and Parameters and Guidelines

The Legislature enacted the Peace Officers Procedural Bill of Rights Act (commonly abbreviated as "POBOR"), by adding Government Code sections 3300 through 3310, in 1976. POBOR provides a series of rights and procedural safeguards to peace officers employed by local agencies and school districts that are subject to investigation or discipline. Generally, POBOR prescribes certain procedural protections that must be afforded officers during interrogations that could lead to punitive action against them; gives officers the right to review and respond in writing to adverse comments entered in their personnel files; and gives officers the right to an administrative appeal when any punitive action, as defined by statute, is taken against them, or they are denied promotion on grounds other than merit.

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<sup>16</sup> See Exhibit K.

<sup>17</sup> See Exhibit L.

<sup>18</sup> See Exhibit M.

<sup>19</sup> See Exhibit N.



On November 30, 1999, the Commission approved the POBOR test claim and adopted the original Statement of Decision (CSM 4499). The Commission found that certain procedural requirements under POBOR were rights already provided to public employees under the due process clause of the United States and California Constitutions. Thus, the Commission denied the procedural requirements of POBOR that were already required by law on the ground that they did not impose a new program or higher level of service, or impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c). The Commission approved the activities required by POBOR that exceeded the requirements of existing state and federal law.

On July 27, 2000, the Commission adopted parameters and guidelines that authorized reimbursement, beginning July 1, 1994, to counties, cities, a city and county, school districts, and special districts that employ peace officers for the ongoing activities summarized below:

- Developing or updating policies and procedures.
- Training for human resources, law enforcement, and legal counsel.
- Updating the status of cases.
- Providing the opportunity for an administrative appeal for permanent, at-will, and probationary employees that were subject to certain disciplinary actions that were not covered by the due process clause of state and federal law.
- When a peace officer is under investigation, or becomes a witness to an incident under investigation, and is subjected to an interrogation by the employer that could lead to certain disciplinary actions, the following costs and activities are eligible for reimbursement: compensation to the peace officer for interrogations occurring during off-duty time; providing prior notice to the peace officer regarding the nature of the interrogation and identification of investigating officers; tape recording the interrogation; providing the peace officer employee with access to the tape prior to any further interrogation at a subsequent time or if any further specified proceedings are contemplated; and producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of complaints of reports or complaints made by investigators.
- Performing certain activities, specified by the type of local agency or school district, upon the receipt of an adverse comment against a peace officer employee.

#### **Reconsideration Directed by the Legislature**

In 2005, Statutes 2005, chapter 72, section 6 (AB 138) added section 3313 to the Government Code to direct the Commission to "review" the Statement of Decision, adopted in 1999, on POBOR to clarify whether the subject legislation imposed a mandate consistent with California Supreme Court Decision in *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859 and other applicable court decisions.

On April 26, 2006, the Commission reviewed its original findings and adopted a Statement of Decision on reconsideration (05-RL-4499-01). The Statement of Decision on reconsideration became final on May 1, 2006. On review of the claim, the Commission found that the *San Diego Unified School Dist.* case supports the Commission's 1999 Statement of Decision, which found that the POBOR legislation constitutes a state-mandated program within the meaning of

article XIII B, section 6 of the California Constitution for counties, cities, school districts, and special districts identified in Government Code section 3301 that employ peace officers.

The Commission further found that the *San Diego Unified School Dist.* case supports the Commission's 1999 Statement of Decision that the test claim legislation constitutes a partial reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for all activities previously approved by the Commission *except* the following:

- The activity of providing the opportunity for an administrative appeal to probationary and at-will peace officers (except when the chief of police is removed) pursuant to Government Code section 3304 is no longer a reimbursable state-mandated activity because the Legislature amended Government Code section 3304 in 1998. The amendment limited the right to an administrative appeal to only those peace officers "who successfully completed the probationary period that may be required" by the employing agency and to situations where the chief of police is removed. (Stats. 1998, ch. 786, § 1.)
- The activities of obtaining the signature of the peace officer on the adverse comment or noting the officer's refusal to sign the adverse comment, pursuant to Government Code sections 3305 and 3306, when the adverse comment results in a punitive action protected by the due process clause does not constitute a new program or higher level of service and does not impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c).

The Statement of Decision adopted by the Commission on this reconsideration applied to costs incurred and claimed beginning with the 2006-2007 fiscal year.

Parameters and Guidelines Amended Following the Reconsideration (For Costs Incurred Beginning July 1, 2006)

In May 2005, before the Commission reconsidered its original POBOR decision, the State Controller's Office filed a request to amend the parameters and guidelines. The request remained pending when the Commission adopted its Statement of Decision on reconsideration in May 2006.

At the time the Commission adopted the Statement of Decision on reconsideration, the Commission directed staff to work with state agencies and interested parties to develop and recommend a reasonable reimbursement methodology pursuant to Government Code section 17518.5 for inclusion in the revised parameters and guidelines. Subsequently, proposed amendments were filed by the State Controller's Office to supersede the proposed amendments previously filed in May 2005. The Counties of San Bernardino and Los Angeles; the California State Association of Counties (CSAC); and the Department of Finance also submitted proposed amendments. The parties proposed changes to the reimbursable activities and proposed different reasonable reimbursement methodologies as follows:

- The *California State Association of Counties* requested that the parameters and guidelines be amended to include a reasonable reimbursement methodology that would reimburse local agencies \$528 per peace officer employed by the agency on January 1 of the claim year, with annual adjustments based on the Implicit Price Deflator.

- The *County of Los Angeles* requested that the parameters and guidelines be amended to include a reasonable reimbursement methodology that would allow local agencies to be reimbursed based on *approximations of local costs mandated by the state*. This proposal was based on studies of claims data submitted to the Controller's Office for the 2001-2002 through 2004-2005 fiscal years. The County described its proposal as a reimbursement formula which reflected differences in POBOR case loads among local law enforcement agencies and differences in the numbers of peace officers employed by those agencies. The reasonable reimbursement methodology was comprised of three components: (1) *Unit Case Costs* were determined by multiplying the number of unit level cases X 12 standard hours X productive hourly rate; (2) *Extended Case Costs* were determined by multiplying number of extended cases X 162 standard hours X productive hourly rate; 3) *Uniform Costs* were determined by multiplying the number of peace officers X standard rate of \$100. The costs from these three components were then totaled for the annual claim amount.
- The *Department of Finance* requested that the parameters and guidelines be amended to include a reasonable reimbursement methodology. Under this methodology, a distinct "base rate" would be calculated for each claimant based on State Controller audited amounts for four years of claims. The annual reimbursement would be the result of multiplying the "base rate" by the number of covered officers. The base rates would be adjusted annually by an appropriate factor to capture the normal cost increases. Department of Finance requested a process for determining the *mean* reimbursement rates while final reimbursement rates are determined.

The hearing on the proposed amendments to the parameters and guidelines took place on December 5, 2006. Based on the plain meaning of Government Code section 17518.5, the statute defining *reasonable reimbursement methodology*, the Commission made the following findings with respect to the proposed reasonable reimbursement methodologies:

- The Department of Finance, the State Controller, affected state agencies, a claimant, or an interested party is authorized to develop a reasonable reimbursement methodology.
- There is no statutory requirement or authority for the Commission to audit reimbursement claims and to develop a reasonable reimbursement methodology proposal that complies with section 17518.5.
- The conditions or criteria for defining a reasonable reimbursement methodology are defined in section 17518.5 and may not be changed by the Commission.

The Commission denied the proposed reasonable reimbursement methodologies submitted by the *California State Association of Counties, the County of Los Angeles, and the Department of Finance* because they did not meet the following conditions in section 17518.5:

- (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.

The Commission did adopt the following changes to parameters and guidelines for costs incurred beginning July 1, 2006:

- The addition of time study language 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.
- Deletion of specific activities relating to the administrative appeal hearing and the receipt of an adverse comment that the Commission expressly denied in the Statement of Decision on reconsideration.
- Clarification of administrative activities, and activities related to the administrative appeal, interrogations, and adverse comments that are consistent with the Commission's Statement of Decision adopted in 1999, the Statement of Decision on reconsideration, and the Commission's prior findings when adopting the original parameters and guidelines. Language was included to clarify that certain activities are *not* reimbursable, including investigation and conducting the interrogation. The Commission expressly denied reimbursement for these activities when it adopted the original parameters and guidelines in 2000 and, again, when it adopted the Statement of Decision on reconsideration in April 2006.

#### **Department of Finance Request to Amend the Parameters and Guidelines (06-PGA-03)**

On January 12, 2007, the Department of Finance requested that the parameters and guidelines be amended to reimburse each eligible local agency at the rate of \$56.74 per officer employed by the agency, beginning July 1, 2006. According to the Department of Finance:

This rate was determined by an analysis of 2004-05 POBOR claims data. First, the per-officer rate for each claimant was calculated (total amount claimed divided by the number of officers employed by each agency). Pursuant to reviews conducted by the State Controller's Office (Controller) revealing that at least 75 percent of POBOR claims were unsubstantiated, we then reduced each agency's per-officer rate by 75 percent. The median of the reduced per-officer rates was calculated to be \$56.74.

The proposed reimbursement rate would then be adjusted after the Controller has completed one year of audits of all POBOR claims. The adjusted rate would be the median of all claimants' per-officer rates, which would be calculated by dividing the costs deemed to be reimbursable by the Controller by the number of officers employed by each agency. The rate would be adjusted again each year until three years of audits have been completed by the Controller.

The reimbursement rate also would be adjusted by the implicit price deflator each year.

On January 24, 2007, Commission staff held a pre-hearing conference regarding the Department of Finance's request. The Department of Finance notified the parties of its intention to modify the original proposal upon receipt and review of the State Controller's final report on the fiscal year 2004-2005 reimbursement claims, and receipt of final audit reports on 20-25 audits that are underway. Commission staff agreed to notify all parties, affected state agencies, and interested persons when these documents were available and to post all documents on the Commission's POBOR website.

On June 5, 2007, the Department of Finance notified the Commission that based on their review of the additional claiming data and audit reports that they were not amending the January proposal and that if before the Commission hearing, additional data became available supporting an adjustment to the per-officer amount, an adjustment to the per-officer amount may be recommended during the Commission hearing.

**Los Angeles County Request to Amend the Parameters and Guidelines (06-PGA-06)**

On June 25, 2007, Los Angeles County proposed that the parameters and guidelines be amended to provide a reasonable reimbursement methodology in recovering allowable costs for the POBOR program. The County proposes that "starting with the 2006-07 fiscal year, eligible jurisdictions be reimbursed \$302.37 per officer and, in subsequent fiscal years, be reimbursed at the same rate adjusted for inflation." The County explains its proposals as follows:

The \$302.37 rate was computed in accordance with Government Code section 17518.5 and based on state-wide data made available by the State Controller's Office for the 2004-05 fiscal year. The 2004-05 year was selected in order to compare computations and assumptions used here with those used by the State Department of Finance [Finance] in their POBOR's RRM proposal of \$56.74 per officer, filed with the Commission on January 12, 2007 and amended on June 5, 2007.

...The State Controller indicates that for all claimants, costs claimed for 2004-05 totaled \$24,529,434.

To compute the RRM then, the total costs of \$24,529,434 are divided by 50,701 officers, the number of officers Finance reported in their June 5, 2007 filing with the Commission. These officers were employed by local jurisdictions throughout the State on August 14, 2006. The result is \$483.80 of claimed cost per officer. But, the State Controller indicates that not all costs claimed were allowable under the parameters and guidelines for the POBOR's program.

The County then addressed the State Controller's concern that claimed costs may not be entirely reimbursable, and reduced the total statewide claimed amount reported to the State Controller for 2004-2005 by 37.5%.

Accordingly, the \$24,529,434 of costs claimed is reduced by 37.5% to obtain the allowable costs of \$15,330,897  $[(24,529,434) - (.375 \times 24,529,434)]$ .

To obtain the allowable cost per officer, the allowable cost of \$15,330,897 is divided by 50,701 officers. The result is \$302.37 per officer.

The County concluded that the reasonable reimbursement methodology meets the first and second criteria of Government Code section 17518.5, subdivision (a), regarding full reimbursement of the total statewide allowable costs claimed by all claimants and regarding full reimbursement of costs claimed by 50% or more of eligible claimants.

**State Controller's Comments on Los Angeles County Proposal**

On July 19, 2007, the State Controller's Office submitted comments on the County's proposal, pointing out that the county's computation assumes that 62.5% of claimed costs

are allowable on average based on an August 4, 2006 letter issued by the State Controller's Office, which used preliminary audit error rates that stated allowable costs might vary between 25-100% of claimed costs. The county computed a simple average between both extremes of 25-100% and declared that the simple average of 62.5% fairly determines an allowable percentage of claimed costs.

The State Controller's Office notes that on August 4, 2006, only two final audit reports for the POBOR program had been issued, and that:

SCO audits conducted to date have shown that average allowable costs, expressed as a percentage of claimed costs, are closer to 3.7%. This percentage includes costs deemed unallowable due to inadequate or missing supporting documentation. Therefore, the actual percentage of "actual" allowable costs could be somewhat higher, possibly as high as 11-12%. The county should consider the effects of actual audit data and its impact on the reasonableness of their proposed reimbursement percentage in light of the newly amended P's &G's that clear state which costs are and aren't reimbursable.<sup>20</sup>

The State Controller's Office reports that the actual audit exception rate is significantly higher than originally stated in the State Controller's Office's August 4, 2006 letter, and the parameters and guidelines have been amended to clarify the reimbursable activities, and the State Controller's Office proposes that the reasonable reimbursement methodology be calculated on 2006-2007 actual claimed costs instead of 2004-2005 actual claimed costs.

The State Controller's Office also notes that Los Angeles County's actual claimed costs for their 2005-06 claim amounted to \$279,775. The county had employed 9,028 sworn peace officers during FY 2004-2005, according to Department of Finance and the Commission on Peace Officer Standards and Training. Using the county's proposed rate of \$302.37/officer, their reimbursement claim for 2005-2006 would amount to \$2,729,796, a difference of \$2,450,021 or approximately 975% higher than what was actually claimed. Using the Department of Finance's proposed rate of \$56.74 per sworn officer is a more appropriate rate until an analysis can be made of the 2006-2007 actual costs claimed using the newly amended parameters and guidelines and the results of audits to verify actual costs incurred.

#### **Interested Party Comments on Department of Finance Proposal**

On July 16, 2007, Cost Recovery Systems, Inc. (CRSI) submitted comments criticizing the Department of Finance's approach to reduce the total amount claimed for all agencies by 75% based on the results of audits conducted on the largest and most "suspect" claims only, and not a random sampling. CRSI points out that some of the audit reductions were based on inadequate documentation findings, which does not mean that what was claimed was in error, but how time tracked did not meet State Controller's Office standards.

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<sup>20</sup> Staff notes that the State Controller's Office has not updated the percentage of allowable costs since the filing of this comment.

On July 24, 2007, the City and County of San Francisco commented on the proposed amendments. San Francisco argues “[t]he discounted median amount of \$56.74 per officer proposed by the Department of Finance grossly understates any reasonable estimation of costs given the breadth of mandated activities. San Francisco believes that Finance’s assumption that 75% of the value of POBOR claims are invalid or include only 25 percent eligible, reimbursable costs is unsubstantiated and flawed, given the complexity of tasks and provisions covered under POBOR. Basing a reimbursement amount on the median value disproportionately weights reimbursement to lower cost, smaller jurisdictions. Instead, San Francisco argues that a more reasonable approach would have been to use the mean value of submitted cost per officer statewide, which would have produced a per-officer reimbursement of \$414.81.

For San Francisco, Department of Finance’s proposal results in reimbursement of \$173,170 for fiscal year 2004-2005, compared to the actual claim of \$2,952,086.<sup>21</sup>

### **State Controller’s Final Audit Reports**

The Department of Finance notified the parties of its intention to modify their original proposal upon receipt and review of the State Controller’s final report on the fiscal year 2004-2005 reimbursement claims, and receipt of final audit reports on 20-25 audits that are underway. Commission staff agreed to notify all parties, affected state agencies, and interested persons when these documents were available and to post all documents on the Commission’s POBOR website.

Since 2004, the State Controller has issued final audit reports on reimbursement claims filed by eligible claimants. Before 2007, the State Controller issued three final audit reports on three cities.<sup>22</sup> Beginning in 2007, the State Controller issued 14 final audit reports on eight counties, five cities, and one city and county.<sup>23</sup>

These reports are available on the State Controller’s website and the Commission’s website and are included in this record. According to the State Controller, these claims were reduced, primarily because the local agencies claimed ineligible costs or did not provide supporting documentation.

**Issue: Should the Commission amend the parameters and guidelines to include a reasonable reimbursement methodology (RRM) proposed by the Department of Finance or Los Angeles County for claiming increased costs, beginning on July 1, 2006?**

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<sup>21</sup> Staff notes that in February 2008, the State Controller’s Office issued the Final Audit Report on their audit of the City and County of San Francisco’s claims for fiscal years 1994-95 through 2002-03. The audit resulted in allowing 6.49% of the total amount claimed (\$1,557,587 of \$24,014,018).

<sup>22</sup> Cities of Long Beach, Sacramento, and Stockton audits are in Exhibit M.

<sup>23</sup> Contra Costa County, Los Angeles County, Los Angeles Police Department, San Diego County, City of Oakland, Orange County, San Bernardino County, City of Oceanside, City of Inglewood, Alameda County, Sacramento County, Ventura County, City of Buena Park, City of Long Beach, and City and County of San Francisco audits are in Exhibits D, F, J, and L.

There are three proposed parameters and guidelines amendment proposals before the Commission. The proposals are described below:

1. Department of Finance Proposal (Exhibit B)

The Department of Finance proposal requests that the parameters and guidelines be amended to reimburse each eligible local agency at the rate of \$56.74 per officer employed by the agency, beginning July 1, 2006. According to Department of Finance:

This rate was determined by an analysis of 2004-05 POBOR claims data. First, the per-officer rate for each claimant was calculated (total amount claimed divided by the number of officers employed by each agency). Pursuant to reviews conducted by the State Controller's Office (Controller) revealing that at least 75 percent of POBOR claims were unsubstantiated, we then reduced each agency's per-officer rate by 75 percent. The median of the reduced per-officer rates was calculated to be \$56.74.

The proposed reimbursement rate would then be adjusted after the Controller has completed one year of audits of all POBOR claims. The adjusted rate would be the median of all claimants' per-officer rates, which would be calculated by dividing the costs deemed to be reimbursable by the Controller by the number of officers employed by each agency. The rate would be adjusted again each year until three years of audits have been completed by the Controller. The reimbursement rate also would be adjusted by the implicit price deflator each year.

2. Los Angeles County's Original Proposal (Exhibit G)

Los Angeles County proposes that beginning with the 2006-2007 fiscal year, "eligible jurisdictions be reimbursed \$302.37 per officer and, in subsequent fiscal years, be reimbursed at the same rate adjusted for inflation."

The County explains its proposal as follows:

The \$302.37 rate was computed in accordance with [former] Government Code section 17518.5 and based on state-wide data made available by the State Controller's Office for the 2004-05 fiscal year... The State Controller indicates that for all claimants, costs claimed for 2004-05 totaled \$24,529,434.

To compute the RRM then, the total costs of \$24,529,434 are divided by 50,701 officers, the number of officers Finance reported in their June 5, 2007 filing with the Commission. These officers were employed by local jurisdictions throughout the State on August 14, 2006. The result is \$483.80 of claimed cost per officer. But, the State Controller indicates that not all costs claimed were allowable under the parameters and guidelines for the POBOR's program.

The County then addressed the State Controller's concern that claimed costs may not be entirely reimbursable, and reduced the total statewide claimed amount reported to the State Controller for 2004-2005 by 37.5%.

Accordingly, the \$24,529,434 of costs claimed is reduced by 37.5% to obtain the allowable costs of \$15,330,897 [(24,529,434) - (.375 x 24,529,434)].



To obtain the allowable cost per officer, the allowable cost of \$15,330,897 is divided by 50,701 officers. The result is \$302.37 per officer.

### 3. Los Angeles County's Alternate Proposal (Exhibit M)

In response to the Draft Staff Analysis, Los Angeles County offered an Alternate Proposal to allow claimants to continue to claim actual costs or be reimbursed based on a new reimbursement rate.

Los Angeles County describes its proposal, as follows:

[C]laimants continue to be allowed to claim actual costs. In addition, it is proposed that claimants be permitted to utilize a RRM rate, in lieu of actual costs, which is based on audited costs to date. For this purpose, the County now proposes an audited cost RRM per officer rate.

The County's alternate formula begins from the same report of 2004-05 actual cost claims submitted to the State Controller's Office by 33 counties and 142 cities that is the basis for the original proposals submitted by the Department of Finance and the County.

The median cost per officer identified by the Department of Finance was \$226.97. From this number, the County developed an audited cost RRM per officer rate which uses a methodology that is similar to the analysis in the draft staff analysis to calculate a reduction.

The County adds three final audit reports that were issued in the period from 2004-2006, and one new audit report to calculate the average percentage of costs allowed by the State Controller's Office. According to the County:

The result is that the percentage of claimed to allowed costs increased from 9.17% to 11.49%. In addition, the County removed four audited claims because no claimed costs were allowed at all – highly unusual for any audit. The result is that the percentage of claimed to allowed costs increased from 11.49% to 15.32%. This then translated to \$34.77 reimbursement rate per officer [ $\$226.97 \times 15.32\% = \$34.77$ ] based on audited costs.

It should be noted that the \$34.77 per officer rate is a 2004-05 rate. According to the SCO's September 29, 2006 claiming instructions, attached in pertinent part, the implicit price deflator for 2005-06 was 6%. Therefore, for a rate which is effective on July 1, 2006, the 2004-2005 rate of \$34.77 should be increased by 6% to \$36.86 [ $1.06 \times \$34.77 = \$36.86$ ].

Therefore, using Commission staff's assumptions that the RRM be based on audited costs, a rate of \$36.86 per officer, effective July 1, 2006 is required.

Accordingly, it is recommended that claimants be permitted to claim a RRM rate of \$36.86 per officer or their actual costs.

### **Staff Findings**

For the reasons below, staff finds that the Department of Finance's proposal (\$56.74/officer) and the County of Los Angeles' original proposal (\$302.37/officer) do not satisfy the requirements of a "reasonable reimbursement methodology" and, thus, staff recommends that the Commission deny the proposed amendments to the parameters and guidelines.

However, staff finds that the Los Angeles County's alternate proposal satisfies the requirements for adoption of a reasonable reimbursement methodology and, thus, staff recommends that the Commission adopt Attachment 3, as modified by staff (\$37.25/officer or actual costs).

Government Code section 17557, subdivision (b) states that the Commission may adopt a reasonable reimbursement methodology when adopting parameters and guidelines. In adopting parameters and guidelines, Government Code section 17557, subdivision (f) states that "[t]he Commission shall consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider a reasonable reimbursement methodology that balances accuracy with simplicity."

Government Code section 17518.5, as amended by AB 1222 (eff. Jan. 1, 2008), defines a reasonable reimbursement methodology to "mean a formula for reimbursing local agencies and school districts for costs mandated by the state ..." The new definition requires that two elements be met:

1. A reasonable reimbursement methodology shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.
2. A reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a "cost-efficient manner." (Gov. Code, § 17518.5, subs. (b), (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."

Staff finds that the Department of Finance and the Los Angeles County proposals satisfy the first element of the new definition of reasonable reimbursement methodology. The original two proposals are based on statewide claiming data provided by the State Controller's Office for the 2004-2005 fiscal year. The Department of Finance data is limited to cities and counties and the County's proposal is based on the updated claiming information provided by the State Controller's Office as of March 6, 2007. Staff finds that the statewide claiming data is "cost information" from actual claims filed by local agencies that is a "representative sample of eligible local agencies" employing peace officers. Therefore, staff concludes that the three proposals satisfy Government Code section 17518.5, subdivision (b).

The second element of the definition states that "a reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner." For the reasons below, staff finds that neither the Department of Finance proposal nor the original Los Angeles County proposal satisfies the second element of the definition of reasonable reimbursement methodology.

Both the Department of Finance and Los Angeles County recognized that reductions made by the State Controller's audits must be applied to the development of a reasonable reimbursement methodology that considers the variation in costs to implement the mandate in a "cost efficient manner."

- The Department of Finance divided each claimant's actual costs claimed by the number of officers to calculate a per officer rate, then reduced each agency's per-officer rate by 75 percent, based on reviews conducted by the State Controller's Office. (Emphasis added.) The median of the reduced per-officer rates was then identified as the proposed unit cost of \$56.74 per officer.
- Los Angeles County addressed the State Controller's concern that claimed costs may not be entirely reimbursable, and reduced the total statewide claimed amount reported to the State Controller for 2004-05 by 37.5 percent. (Emphasis added.) Then, to obtain the allowable cost per officer, the adjusted total of \$15,330,897 was divided by the total number of officers (50,701). This calculation resulted in a proposed unit cost of \$302.37 per officer.

Although both requestors cite to the State Controller's Office as a source for calculating reductions and then rely on their own assumptions, neither party has provided or cited to supporting documentation for these assumptions. In fact, staff finds that the final audit reports issued by the State Controller's Office do not support the proposed reasonable reimbursement methodologies.

In 2007, the State Controller's Office issued final audit reports on eight counties and five cities. The audit scope included, but was not limited to, determining whether costs claimed were supported by appropriate source documents, were not funded by another source, and were not unreasonable and/or excessive.

The State Controller's Office reduced the audited claims primarily because the local agencies claimed ineligible costs or did not provide supporting documentation. The State Controller found that \$ 102,254,499 of \$105,036,650 was unallowable, and \$ 2,782,151 was allowable. For the audit population, staff calculated 2.65% as "the percent allowed of the total amount claimed" and 9.17% as the "average percent allowed for each claimant."<sup>24</sup> (See Table 1.)

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<sup>24</sup> Staff recognizes that the percentage of allowable costs could increase if costs originally denied due to inadequate source documentation were later restored because documentation was submitted.

Table 1  
 Overview of 2007 Final Audit Reports<sup>25</sup>  
 State Controller's Office

Claimant	Amount Claimed	SCO Findings		Percent Allowed
		Unallowable Costs	Allowable Costs	
Contra Costa County	\$532,160	\$491,524	\$40,636	7.64%
Los Angeles County	\$31,152,062	\$29,839,005	\$1,313,057	4.21%
Los Angeles Police Department	\$60,660,765	\$60,110,420	\$550,345	0.91%
San Diego County	\$1,848,251	\$1,848,251	\$0	0.00%
City of Oakland	\$3,497,273	\$3,496,086	\$1,187	0.03%
Orange County	\$1,676,796	\$1,580,812	\$95,984	5.72%
San Bernardino County	\$1,222,606	\$1,159,749	\$62,857	5.14%
City of Oceanside	\$951,689	\$939,138	\$12,551	1.32%
City of Inglewood	\$838,740	\$838,740	\$0	0.00%
Alameda County	\$388,851	\$309,257	\$79,594	20.47%
Sacramento County	\$1,186,488	\$805,778	\$380,710	32.09%
Ventura County	\$587,525	\$342,295	\$245,230	41.74%
City of Buena Park	\$493,444	\$493,444	\$0	0.00%
Totals	\$105,036,650	\$102,254,499	\$2,782,151	2.65%

Average Percent Allowed Per Claimant: 9.17 %

To evaluate the two original proposals the Commission must determine if the proposed reasonable reimbursement methodologies consider the variation in costs among local agencies to implement the mandate in a "cost-efficient manner."

Staff calculated what each local agency claimant would be eligible to claim based on the two proposals and the percent of the total amount claimed that would be reimbursed. The percent of the total claim that would be reimbursed was then compared with the results of the 13 final audit reports issued in 2007. This information is presented in Table 2 below. (The underlying data for Table 2 is in Tables 4, 5, and 6, following this analysis.)

<sup>25</sup> In 2008, the State Controller's Office issued two more final audit reports, for a city and a city and county. One audit resulted in a 100% reduction, and the other resulted in 6.49 % allowed. These reports are not included in Table 1.

TABLE 2

Comparison: State Controller's Office Audits (2007) and Reasonable Reimbursement Methodologies

	Total Amounts Claimed	Total Amounts Allowed	Percent of Total Allowed	Average Percent Allowed Per Local Agency
<b>State Controller's 13 Audits (2007) (8 counties) (5 cities)</b>	<b>\$ 105,036,650</b>	<b>\$ 2,782,151</b>	<b>2.65 %</b>	<b>9.17 %</b>
2004-2005 Claims				
33 Counties	\$ 6,722,152			
\$56.74/officer		\$ 1,512,802	22.5 %	71.06 %
\$302.37/officer		\$ 8,061,789	119.93 %	377.73 %
142 Cities	\$ 14,309,092			
\$56.74/officer		\$ 1,288,849	9.01 %	40.55 %
\$302.37/officer		\$ 7,225,736	50.5 %	216.07 %
<b>Combined</b>	<b>\$21,031,244</b>			
\$56.74/officer	X 50,701	\$ 2,876,775	13.68 %	46.30%
\$302.37/officer	X 50,701	\$ 15,330,461	72.89 %	246.73%

Source: Claiming Data was provided by the Department of Finance in their original proposal.

The two original proposals provide a significantly higher level of reimbursement than would result if the claimants were audited by the State Controller's Office, and 9.17% of their claimed costs were allowed.

For example, Table 2 shows:

- The Department of Finance proposal (\$56.74/officer) would allow 46.3% of costs claimed for cities/counties combined; 40.55% for cities; and 71.06% for counties.
- The Los Angeles County proposal (\$302.37/officer) would allow 246.73 % for cities/counties; 216.07% for cities; and 377.73 % for counties.

Staff finds that neither the Department of Finance, nor Los Angeles County's original proposals satisfy the second element of the definition of reasonable reimbursement methodology and should be denied. When reasonable reimbursement methodology proposals would result in reimbursing eligible claimants more than was originally claimed, or significantly more than the State Controller's Office audits have allowed, staff must conclude that the proposed reasonable

reimbursement methodologies have not given consideration to the variation in costs among local agencies to implement the mandate in a cost-efficient manner.

Therefore, staff concludes that the original "reasonable reimbursement methodology" proposals submitted by the Department of Finance and Los Angeles County do not meet the second element of the definition of reasonable reimbursement methodology (Gov. Code, § 17518.5, subd. (c)) and thus should be denied.

#### **Los Angeles County's Alternate Proposal Based on Audited Costs**

Los Angeles County filed an alternate proposal with its comments on the draft staff analysis. Staff has reviewed this proposal and finds that it satisfies the two elements of the definition of reasonable reimbursement methodology for the following reasons:

It is based on cost information from a representative sample of eligible claimants.

It considers the variation in costs among local agencies to implement the mandate in a "cost-efficient manner."

The County's Alternate Proposal includes a reasonable reimbursement methodology that satisfies the first element of the definition because it is based on statewide claiming data provided by the State Controller's Office for the 2004-2005 fiscal year and filed by the Department of Finance. Staff finds that the statewide claiming data is "cost information" from actual claims filed by local agencies that is a "representative sample of eligible local agencies" employing peace officers. Therefore, staff concludes that the County's Alternate proposal satisfies Government Code section 17518.5, subdivision (b).

The second element of the definition states that "a reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner." For the reasons below, staff finds that the County's Alternate proposal satisfies Government Code section 17518.5, subdivision (c), the second element of the definition of reasonable reimbursement methodology.

The County's formula establishes a per officer rate based on the \$226.97 median per officer rate identified by the Department of Finance. The County considers the variation in costs among local agencies to implement the mandate in a cost-efficient manner, by adjusting the median per officer rate by a new factor calculated from the 2004-2007 final audit reports.

The County calculates an audit reduction factor based on the State Controller's 2004-2007 final audit reports. (The Commission staff's analysis is based on the 2007 final audit reports.) Four audits that resulted in "no allowed costs" are excluded from the calculation of the average percent of claimed costs allowed. This results in a new average percent (15.32 %) of claimed costs allowed by the State Controller's Office auditors.

To calculate this rate, the County multiplies the median per officer rate by an audit adjustment of 15.32% ( $\$226.97 \times 15.32\%$ ). This results in a new proposed reimbursement rate of \$34.77 per officer. For fiscal year 2006-2007 costs, the County adjusted the \$34.77 per officer rate based on 2004-2005 costs, by multiplying the unit rate by the Implicit Price Deflator for 2005-2006 of 6%. This results in a new rate of \$36.86 for fiscal year 2006-2007.

Staff concludes that the County's methodology for calculating the proposed unit rate of \$36.86 per officer satisfies the two elements of the definition of reasonable reimbursement methodology.

However, staff recommends that the calculation of the proposed unit rate in County's Alternate Proposal be updated and corrected to include two additional audits issued by the State Controller's Office in 2008 (see Table 3) and to apply the current Implicit Price Deflator. These technical modifications will result in a recalculated 2004-2005 rate of \$ 33.22 per officer.

TABLE 3  
 STATE CONTROLLER'S OFFICE AUDITS, 2004-2008

Audit Report Issued	Claimant	DOJ 2006 Report Sworn Officers	Years Audited	Amount Claimed	SCO Finding Allowable Costs	Percent Allowed
2004	City of Long Beach	901	1994/95-01/02	\$13,640,845	0	0.00%
2005	City of Stockton (1)	404	1994/95-01/02	\$2,344,211	\$681,799	29.08%
2006	City of Sacramento (2)	663	2001/02-03/04	\$1,323,971	\$469,058	35.43%
2007	Contra Costa County (3)	711	2001/02-03/04	\$532,160	\$40,636	7.64%
2007	Los Angeles County (4)	8459	1994/95-02/03	\$31,152,062	\$1,313,057	4.21%
2007	Los Angeles P. D. (5)	9393	1994/95-01/02	\$60,660,765	\$550,345	0.91%
2007	San Diego County	2112	2001/02-03/04	\$1,848,251	0	0.00%
2007	City of Oakland (6)	688	2000/01-03/04	\$3,497,273	\$1,187	0.03%
2007	Orange County (7)	1695	2001/02-03/04	\$1,676,796	\$95,984	5.72%
2007	San Bernardino County (8)	1761	2000/01-03/04	\$1,222,606	\$62,857	5.14%
2007	City of Oceanside (9)	199	2002/03-04/05	\$951,689	\$12,551	1.32%
2007	City of Inglewood	192	2002/03-04/05	\$838,740	0	0.00%
2007	Alameda County (10)	935	2002/03-04/05	\$388,851	\$79,594	20.47%
2007	Sacramento County (11)	1392	2001/02-03/04	\$1,186,488	\$380,710	32.09%
2007	Ventura County (12)	733	2002/03-04/05	\$587,525	\$245,230	41.74%
2007	City of Buena Park	91	2002/03-02/03	\$493,444	0	0.00%
2008	City of Long Beach	0	2002/03-02/03	\$1,307,923	0	0.00%
2008	City and County of San Francisco (13)	2992	1994/95-02/03	\$24,014,018	\$1,557,587	6.49%
Totals		33,321		\$147,667,618	\$5,490,595	190.27%
					3.72%	14.64%
					2004-2005	\$33.22

The \$33.22 per officer rate is based on 2004-2005 costs and must be updated by the current Implicit Price Deflator<sup>26</sup> to calculate the 2006-2007 rate. The 2006-2007 rate is calculated as follows:

$$2005 \text{ Rate} = \$33.22 \text{ (2004 rate)} \times 1.064 \text{ (2005)} = \$35.34608$$

$$2006 \text{ Rate} = \$35.34608 \text{ (2005 rate)} \times 1.054 \text{ (2006)} = \$37.25477 \text{ (Rounded to } \$37.25)$$

Staff also finds that the 2004-2008 audit population is a representative sample of local agencies employing peace officers. All police chiefs and sheriffs annually report the number of full-time sworn peace officers employed by their law enforcement agencies to the Department of Justice. According to the Department of Justice, the audited local agencies listed in Table 3 employed 33,321 full-time sworn peace officers in 2006, which is about 2/3 of the peace officers employed by the local agencies filing reimbursement claims for fiscal year 2004-2005.

### **Conclusion and Recommendation**

Therefore, Staff recommends that the Commission:

- Deny the Department of Finance's proposal of \$56.74/officer because it does not satisfy the requirements for a reasonable reimbursement methodology. (Attachment 1)
- Deny Los Angeles County's original proposal of \$302.74/officer because it does not satisfy the requirements for a reasonable reimbursement methodology. (Attachment 2)
- Adopt Los Angeles County's Alternate Proposal, as updated by staff. This proposal allows eligible claimants to file reimbursement claims based on the proposed reasonable reimbursement methodology of \$ 37.25 per full-time sworn peace officer or actual cost claims. (Attachment 3)

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

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<sup>26</sup> The change in the Implicit Price Deflator pursuant to the Department of Finance Report of January 10, 2008, National Deflators, State and Local Purchases (Calendar Years 1950-2010).



California State Association of Counties



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Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

RE: Request to Amend the Parameters and Guidelines

**AMENDED PARAMETERS AND GUIDELINES**  
Government Code Sections 3301, 3303, 3304, 3305, 3306  
As Added and Amended by Statutes 1976, Chapter 465;  
Statutes 1978, Chapters 775, 1173, 1174, and 1178;  
Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982,  
Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and  
Statutes 1990, Chapter 675

***Peace Officers Procedural Bill of Rights***

**BEGINNING IN FISCAL YEAR 2006-2007**

Dear Mr. Bohan

The California State Association of Counties (CSAC) requests the Commission amend the current parameters and guidelines referenced above which were last amended on July 31, 2009. CSAC requests the parameters and guidelines be amended to update the reasonable reimbursement methodology (RRM) option based on the results of State Controller's audits, including audits that were completed both before and after the Commission adopted the current RRM for the POBOR program. The CSAC proposal is based on the final State Controller audit reports of local agency's POBOR programs that allowed at least 10% of the costs claimed. It is CSAC's position that those claims in which the Controller disallowed all claimed costs or more than 90% of the costs do not, in any way, represent a fair representation of the costs actually incurred for complying with the POBOR mandate.

CSAC also requests a change in the current language in the parameters and guidelines Section V, 2. formula for determining the number of sworn officers employed by the local agency. We request that the current method for determining the numbers of sworn employees in police and sheriff departments remain the same, namely the number

reported to the Department of Justice. However, we request that sworn employees employed by other departments which are not reported to the Department of Justice, such as the District Attorney or Probation departments, be determined by using the number of sworn officers reported on the first payroll in January of the fiscal year. This removes any confusion on how to report sworn officers. The specific language proposed is contained later in this letter titled Section V. Claim Preparation and Submission.

The amended RRM of \$193.91 for each sworn peace officer shall commence with the 2010-2011 fiscal year annual cost claims. That amount would be modified by the State's Implicit Price Deflator beginning with the 2011-2012 fiscal year.

The proposed modified RRM was calculated in the same manner as the current RRM adopted by the Commission at its March 28, 2008 hearing. All data used in calculating the new RRM was obtained from the State Controller's audited POBOR claims contained on its website. A summary of the audits can also be found in the State Controller's August 9, 2010 letter to State Auditor Elaine H. Howle, titled "Follow Up to Bureau of State Audits' Recommendation Related to the Peace Officers Procedural Bill of Rights Program.

The proposed amendment to the current RRM was prepared in accordance with the requirements of Government Code Section 17518.5. The proposed fully meets the two elements specified in that section:

1. A reasonable reimbursement methodology shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.
2. A reasonable reimbursement methodology shall consider the variation of costs among local agencies and school districts to implement the mandate in a "cost-effective manner." (Gov. Code, section 17518.5, subdivisions (b) and (c).

The CSAC proposed RRM satisfies the first requirement because it is based on a larger and more representative sample of local agencies than was used by the Commission staff to calculate the current RRM. The RRM includes agencies with far more than half of California's population. The current RRM is based on the audit of thirteen (13) local agencies. It was based on eight (8) counties and five (5) cities. The CSAC proposed amendment is based on eighteen (18) final Controller audits completed from March 2005 through January 2010. The agencies audits include the eight (8) counties of Alameda, Fresno, Los Angeles, Riverside, Sacramento, San Francisco, Santa Clara and Ventura and the ten (10) cities of El Monte, Fresno, Los Angeles, Oakland, Palo Alto, Riverside, Sacramento, San Jose, Stockton, and Walnut Creek.

The CSAC proposed RRM meets the second requirement since the costs considered are from a variation in costs among local agencies to implement the mandate and because they are costs approved for reimbursement by the State Controller. The State Controller may only approve costs claimed that are reasonable and completed in a cost effective manner.

As recommended by both the Department of Finance and Commission staff, the RRM is based on audited claims. The proposed RRM is calculated using the same audit reports used by the Commission staff in recommending the adoption of the current RRM, and augments the finding with the final audit reports subsequently adopted and reported by the State Controller prior to the submission of this request. The proposed RRM uses the same methodology for calculating the unit cost rate per officer used by the Commission staff. Exhibit A, attached, contains the data and calculations used to support the proposed RRM.

CSAC therefore request the current language in the parameters and guidelines Section V, 2. formula be amended to use the language in the current parameters and guidelines to obtain the number of sworn officers reported to the Department of Justice, but to add language that allows local agencies to report the number of sworn officer not reported to the Department of Justice by using the number of sworn officers on its first payroll reported in January of the fiscal year. The CSAC amended language is limited to Section V. Claim Preparation and Submission of the current parameters and guidelines. The proposed changes are shown in bold print below.

#### **V. CLAIM PREPARATION AND SUBMISSION**

Claimants may be reimbursed for the Reimbursable Activities described in Section IV above by claiming costs mandated by the state pursuant to the reasonable reimbursement methodology or by filing an actual cost claim, as described below:

##### **A. Reasonable Reimbursement Methodology**

The Commission is adopting a *reasonable reimbursement methodology* to reimburse local agencies for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV above.

##### **1. Definition**

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school districts for costs mandated by the state, as defined in Section 17514.
- (b) A reasonable reimbursement methodology shall be based on cost information from a 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 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, and other approximations of local costs mandated by the state rather than detailed

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

## 2. Formula

The reasonable reimbursement methodology shall allow each eligible claimant to be reimbursed at the rate of \$ 193.91 per full time peace officer employed by the agency for all direct and indirect costs of performing the activities, as described in Section IV, Reimbursable Activities.

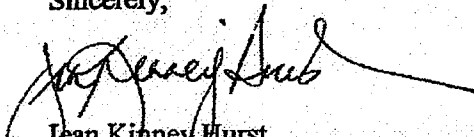
The rate per full-time sworn peace officer shall be adjusted each year by the Implicit Price Deflator referenced in Government Code section 17523.

Reimbursement is determined by multiplying the rate per full time sworn peace officer in a sheriff or police department for the appropriate fiscal year by the number of full time sworn peace officers employed by the agency and reported to the Department of Justice. Reimbursement is determined for sworn officers in other departments is determined by multiplying the rate per full time sworn officers employed by the agency in those departments and included on the agency's first payroll in January of the fiscal year.

A declaration from Allan Burdick asserting to the facts used to calculate the RRM is attached. If you have any questions, please contact Allan Burdick, CSAC SB 90 Service, at (916) 443-9236 extension 4513.

Thank you for your consideration of this matter and your attention is greatly appreciated.

Sincerely,



Jean Kinney Hurst  
Legislative Representative

## *Peace Officers Procedural Bill of Rights*

### **Amended Parameters and Guidelines**

Government Code Sections 3301, 3303, 3304, 3305, 3306  
As Added and Amended by Statutes 1976, Chapter 465;  
Statutes 1978, Chapters 775, 1173, 1174, and 1178;  
Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982,  
Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and  
Statutes 1990, Chapter 675

### **Declaration of Allan P. Burdick**

I, Allan P. Burdick, declare as follows:

1. I am the Director of the CSAC SB 90 Service, a membership service of the California State Association of Counties (CSAC) which serves counties both individually and statewide on matters related to state mandated local programs. I have served in that position since the Service was created in 1983. I have personal knowledge of the facts stated herein, and if called upon to testify, I could do so competently.
2. I have participated in the original test claim filed by the City of Sacramento in 1995 and all subsequent amendments to the parameters and guidelines since that time with the exception of the State Controller's recent boilerplate amendment to the parameters and guidelines.
3. I have calculated a revised or updated reasonable reimbursement methodology (RRM) for the POBOR program based solely on State Controller audit reports. Those audit reports include reports used by the Commission staff in calculating the current RRM and audit reports completed by after the RRM was adopted in March of 2008.
4. A true and correct copy of the analysis of the State Controller's audit reports for the Peace Officers Procedural Bill of Rights upon which the proposed adjustment to the existing RRM is attached as Exhibit A.
5. Based upon this analysis of the survey data, I believe that the calculation of \$193.93 per sworn officer satisfies the two elements of the definition of reasonable reimbursement methodology. The data used is based on cost information from a greater representative sample of claimants than the current

RRM. The audited costs consider the variation in costs among local agencies performing the mandate in a cost-efficient and timely manner.

I declare under penalty of perjury that the foregoing is true and correct and based on my personal knowledge, information or belief, and that this declaration is executed this 30 day of June, 2011, in Sacramento, California.



Allan P. Burdick  
Director  
CSAC SB 90 Service

# EXHIBIT A

1. **Calculation of CSAC Proposed RRM**
2. **State Controller Analysis of Published Mandated Cost Audits Related to the Peace Officers Procedural Bill of Rights As of June 21, 2010**

Calculation of CSAC Proposed POBOR RRM

State Controller Final Audit Reports  
Audits with less than 90% disallowance  
June 30, 2011

Agency	Beginning Period	Ending Period	Published Date	Years Audited	2006 Sworn	Sworn Audit Period	Claimed Costs	Allowable Costs	Audit Adjustment	Allowed Percent	Cost Per Sworn
Alameda County	07/01/02	06/30/05	11/16/07	3.00	1,210	3,630	\$388,851	\$79,594	\$309,257	20.5%	\$21.93
El Monte	07/01/03	06/30/06	02/18/09	3.00	159	477	\$230,030	\$42,137	\$187,893	18.3%	\$88.34
Fresno City	07/01/03	06/30/06	06/30/08	3.00	830	2,490	\$1,194,502	\$205,281	\$989,221	17.2%	\$82.44
Fresno County	07/01/01	06/30/05	03/21/08	4.00	569	2,276	\$742,995	\$188,729	\$554,266	25.4%	\$82.92
Los Angeles City	07/01/94	06/30/02	03/30/07	8.00	9,393	75,144	\$60,660,765	\$10,331,887	\$50,328,878	17.0%	\$137.49
Los Angeles City	07/01/03	06/30/08	09/29/09	5.00	9,393	46,965	\$50,281,773	\$20,131,194	\$30,150,579	40.0%	\$428.64
Los Angeles County	07/01/03	06/30/06	01/13/10	3.00	8,459	25,377	\$3,900,774	\$810,076	\$3,090,698	20.8%	\$31.92
Oakland City	07/01/01	06/30/04	02/13/09	3.00	688	2,064	\$3,497,273	\$432,158	\$3,065,115	12.4%	\$209.38
Palo Alto City	07/01/03	06/30/06	08/13/08	3.00	84	252	\$273,503	\$111,213	\$162,290	40.7%	\$441.32
Riverside City	07/01/01	06/30/05	04/23/08	3.00	389	1,167	\$924,052	\$464,118	\$459,934	50.2%	\$397.70
Riverside County	07/01/02	06/30/05	04/23/08	3.00	1,818	5,454	\$2,064,236	\$711,922	\$1,352,314	34.5%	\$130.53
Sacramento City	07/01/01	06/30/04	07/25/06	3.00	709	2,127	\$1,323,971	\$469,058	\$854,913	35.4%	\$220.53
Sacramento County	07/01/01	06/30/04	11/21/07	3.00	1,392	4,176	\$1,186,488	\$380,710	\$805,778	32.1%	\$91.17
San Francisco City & County	07/01/03	06/30/07	04/10/09	3.00	2,992	8,976	\$11,973,575	\$1,338,701	\$10,634,874	11.2%	\$149.14
San Jose City	07/01/03	06/30/06	08/05/09	3.00	1,373	4,119	\$235,320	\$135,158	\$100,162	57.4%	\$32.81
Santa Clara County	07/01/03	06/30/06	05/14/08	3.00	842	2,526	\$748,888	\$222,086	\$526,802	29.7%	\$87.92
Stockton City	07/01/94	06/30/02	03/30/05	3.00	404	1,212	\$2,344,211	\$681,799	\$1,662,412	29.1%	\$562.54
Ventura County	07/01/02	06/30/05	11/28/07	3.00	769	2,307	\$587,525	\$245,230	\$342,295	41.7%	\$106.30
Walnut Creek City	07/01/03	06/30/06	04/30/09	3.00	78	234	\$381,841	\$50,031	\$331,810	13.1%	\$213.81
<b>TOTAL:</b>				<b>41,551</b>	<b>190,973</b>	<b>\$142,940,573</b>	<b>\$37,031,082</b>	<b>\$105,909,491</b>			

Total Sworn Officers: 190,973  
Total Allowable Cost: \$37,031,082  
Cost Per Sworn Officer: \$193.91

Note: Five counties included costs in their claims from D.A. and/or Probation departments. The counties and average number of employees reported for each fiscal year audited in the spread sheet above are: Alameda County: Probation (275); Fresno County: D.A. (80); Sacramento County: D.A. (46); Santa Clara County: Probation (271) and D.A. (84); and Ventura County: D.A. (36).



**Analysis of Published Mandated Cost Audits  
 Related to the Peace Officers Procedural Bill of Rights Program  
 As of June 21, 2010**

Agency	Beginning Period	Ending Period	Published Date	Claimed Costs	Allowable Costs	Audit Adjustment	Cost Avoidance
Alameda County	07/01/2002	06/30/2005	11/16/2007	\$ 388,851	\$ 79,594	\$ 309,257	\$ 293,306
Beverly Hills City	07/01/2002	06/30/2005	11/07/2008	499,444	38,326	461,118	482,201
Buena Park City	07/01/2002	06/30/2003	11/30/2007	493,444	0	493,444	1,933,891
Cathedral City	07/01/2003	06/30/2006	06/18/2008	1,248,990	0	1,248,990	1,246,601
Contra Costa County	07/01/2001	06/30/2004	03/30/2007	532,160	40,636	491,524	789,699
Covina City	07/01/2004	06/30/2006	06/30/2009	491,548	25,604	465,944	732,613
El Monte City	07/01/2003	06/30/2006	02/18/2009	230,030	42,137	187,893	217,000
Fresno City	07/01/2003	06/30/2006	06/30/2008	1,194,502	205,281	989,221	744,785
Fresno County	07/01/2001	06/30/2005	03/21/2008	742,995	188,729	554,266	641,911
Glendale City	07/01/2002	06/30/2005	03/21/2008	459,272	0	459,272	537,606
Huntington Beach City	07/01/2003	06/30/2006	06/24/2009	209,708	4,061	205,647	125,717
Huntington Park City	07/01/2002	06/30/2004	06/18/2008	397,364	0	397,364	985,710
Inglewood City	07/01/2002	06/30/2005	08/29/2007	838,740	0	838,740	968,799
Kern County	07/01/2004	06/30/2006	12/31/2008	454,768	17,566	437,202	636,679
Long Beach City	07/01/1994	06/30/2002	12/30/2004	13,640,845	0	13,640,845	9,822,049
Long Beach City	07/01/2002	06/30/2003	02/06/2008	1,307,923	0	1,307,923	
Los Angeles City	07/01/1994	06/30/2002	03/30/2007	60,660,765	550,345	60,110,420	—
Los Angeles City	07/01/2003	06/30/2008	09/29/2009	50,281,773	20,131,194	30,150,579	
Los Angeles County	07/01/1994	06/30/2003	02/24/2010	31,152,062	2,037,198	29,114,864	7,697,952
Los Angeles County	07/01/2003	06/30/2006	01/13/2010	3,900,774	810,076	3,090,698	
Oakland City	07/01/2001	06/30/2004	02/13/2009	3,497,273	432,158	3,065,115	2,974,064
Oceanside City	07/01/2002	06/30/2005	08/24/2007	951,689	12,551	939,138	1,217,580
Orange County	07/01/2001	06/30/2004	06/29/2007	1,676,796	95,984	1,580,812	2,292,626
Palo Alto City	07/01/2003	06/30/2006	08/13/2008	273,503	111,213	162,290	260,482
Riverside City	07/01/2001	06/30/2005	04/23/2008	924,052	464,118	459,934	726,806
Riverside County	07/01/2002	06/30/2005	04/23/2008	2,064,236	711,922	1,352,314	1,251,871
Rocklin City	07/01/2002	06/30/2005	12/10/2008	321,165	4,499	316,666	421,904
Sacramento City	07/01/2001	06/30/2004	07/25/2006	1,323,971	469,058	854,913	1,933,846
Sacramento County	07/01/2001	06/30/2004	11/21/2007	1,186,488	380,710	805,778	1,556,742
San Bernardino County	07/01/2001	06/30/2004	06/29/2007	1,222,606	62,857	1,159,749	1,109,863
San Diego County	07/01/2001	06/30/2004	05/18/2007	1,848,251	0	1,848,251	3,080,418
San Francisco City & County	07/01/1994	06/30/2003	02/22/2008	24,014,018	1,557,587	22,456,431	5,288,211
San Francisco City & County	07/01/2003	06/30/2007	04/10/2009	11,973,575	1,338,701	10,634,874	
San Jose City	07/01/2003	06/30/2006	08/05/2009	235,320	135,158	100,162	73,287
Santa Clara County	07/01/2003	06/30/2006	05/14/2008	748,888	222,086	526,802	347,469
Siskiyou County	07/01/2001	06/30/2005	10/17/2008	410,541	2,196	408,345	390,263
Stockton City	07/01/1994	06/30/2002	03/30/2005	2,344,211	681,799	1,662,412	1,550,551
Ventura County	07/01/2002	06/30/2005	11/28/2007	587,525	245,230	342,295	458,843
Walnut Creek City	07/01/2003	06/30/2006	04/30/2009	381,841	50,031	331,810	375,616
<b>Total</b>				<b>\$ 225,111,907</b>	<b>\$ 31,148,605</b>	<b>\$ 193,963,302</b>	<b>\$ 53,166,961</b>



**JOHN CHIANG**  
California State Controller

August 9, 2010

Elaine H. Howle, CPA  
State Auditor  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814

Re: Follow Up to Bureau of State Audits' Recommendation Related  
to the Peace Officers Procedural Bill of Rights Program

Dear Ms. Howle:

I want to share with you the results of our audit effort to implement one of the recommendations in your audit report concerning mandated cost claims. In your audit report, *State Mandates: The High Level of Questionable Costs Claimed Highlights the Need for Structural Reforms of the Process*, dated October 15, 2003, you recommended that the State Controller's Office audit claims already paid under the Peace Officers Procedural Bill of Rights Program. While conducting these audits, we were to ensure the activities were consistent with the Commission on State Mandates' intent. In addition, we were asked to pay particular attention to the types of problems noted in your report. We took your recommendation seriously, which ultimately resulted in significant State savings.

After the release of your report, we conducted Peace Officers Procedural Bill of Rights Program claims from 39 local agencies. Of the \$225 million in claimed costs audited for this mandated cost program, we identified \$194 million (86%) in unallowable costs.

A significant portion of our audit findings have been under the cost component of Interrogations. Most local agencies and their consultants still assert that all costs related to conducting interrogations of peace officers—including costs to conduct investigations—are reimbursable. In actuality, reimbursement under this cost component is limited to very specific activities. Local agencies apparently have been taking the language within the original statement of decision out of context rather than relying on the specific language within the parameters and guidelines as to what is actually reimbursable. In addition, the language contained in the December 2006 and March 2008 versions of the amended parameters and guidelines provides clarifying information as to what is and what is not reimbursable.

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250-5874  
SACRAMENTO 300 Capitol Mall, Suite 518, Sacramento, CA 95814 (916) 324-8907  
LOS ANGELES 600 Corporate Pointe, Suite 1000, Culver City, CA 90230 (310) 342-5656

Elaine H. Howle, CPA  
August 9, 2010  
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While disputing our audit findings, none of the local agencies has formally appealed our audits by filing an Incorrect Reduction Claim with the Commission on State Mandates.

In addition, we analyzed the claims filed by the same 39 local agencies audited and found that, except for the City of Los Angeles, the amounts claimed under this mandated program have dropped substantially. We conducted this analysis by calculating the average amount claimed per year by each local agency in each of our audits and then compared this average with the average amount claimed in each of the subsequent years. Accordingly, we determined that the State has realized savings through cost avoidance totaling \$53 million over the past seven years.

Attached is a schedule summarizing the results of our audits of Peace Officers Procedural Bill of Rights Program claims for each of the 39 local agencies. The schedule identifies the dollar amount of audit adjustments taken and the subsequent reduction in claims filed by each local agency previously audited.

The above results clearly demonstrate that audits can be an effective tool to achieve State savings.

If you have any questions or wish to discuss this issue further, please call me at (916) 323-1696.

Sincerely,

*Original signed by*

JEFFREY V. BROWNFIELD  
Chief, Division of Audits

JVB/sk:wm

S10MCC913/8688

Attachment



**JOHN CHIANG**  
California State Controller

June 30, 2011

The Honorable Mark Leno, Chair  
Senate Budget Committee  
State Capitol, Room 5100  
Sacramento, CA 95814

The Honorable Robert Blumenfield, Chair  
Assembly Budget Committee  
State Capitol, Room 6026  
Sacramento, CA 95814

Ms. Ana J. Matosantos, Director  
Department of Finance  
State Capitol, Room 1145  
Sacramento, CA 95814

Re: State Mandated Program Costs Report of Audit Findings  
Chapter 712, Statutes of 2010,  
Budget Act, Item 0840-001-0001, Provision 10

Dear Senator Leno, Assembly Member Blumenfield, and Ms. Matosantos:

I have enclosed the State Mandated Program Costs Report of Audit Findings as required pursuant to the 2010-11 Budget Act, Item 0840-001-0001, Provision 10. This report lists each state mandated program, the amount claimed by fiscal year, adjustments as a result of field audits, initial desk reviews, other adjustments from April 1, 2010 to March 31, 2011, accounts receivables, and program payments. The adjustments to mandated costs claims that were made as a result of field audits and initial desk reviews for the period April 1, 2010 to March 31, 2011 are as follows:

Field Audits	\$77,881,593
Desk Review	<u>16,298,746</u>
Total Adjustments	<u>\$94,180,339</u>

In addition, \$23,708,968 other adjustments were made for various reasons, such as: State Mandated Apportionment System (SMAS), late penalty, duplicate from another program, consolidated payee balance, and insufficient documentation.

The Honorable Mark Leno  
The Honorable Robert Blumenfield  
Ms. Ana J. Matosantos  
June 30, 2011  
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If you have any questions, please contact Jill Kanemasu, Chief of the Bureau of Payments, at [jkanemasu@sco.ca.gov](mailto:jkanemasu@sco.ca.gov) or (916) 322-9891.

Sincerely,

*(Original Signed by John Chiang)*

JOHN CHIANG  
California State Controller

Enclosures

cc: Marianne O'Malley, Office of Legislative Analyst  
Drew Bohan, Commission on State Mandates

State Controller's Office  
Division of Accounting and Reporting  
State Mandated Program Costs  
Audit Findings Report  
For the Period April 1, 2010 through March 30, 2011

Fiscal Year	Program Costs	Adjustments Prior to 03/31/2010	Desk Review	Final Audits	Other Adjustments	Total Program Costs	Program Payments	Accounts Receivable	Collections	Receivable Balance	Net Balance
1994/1995	\$386,347	(\$254)	\$0	\$0	\$0	\$386,093	\$386,140	(\$47)	\$47	\$0	\$0
1993/1994	\$297,492	(\$15,571)	\$0	\$0	\$0	\$281,921	\$281,921	\$0	\$0	\$0	\$0
1992/1993	\$153,688	(\$12,560)	\$0	\$0	\$0	\$141,128	\$141,128	\$0	\$0	\$0	\$0
1991/1992	\$96,824	(\$24,070)	\$0	\$0	\$0	\$72,754	\$72,754	\$0	\$0	\$0	\$0
1990/1991	\$43,390	(\$1,368)	\$0	\$0	\$0	\$42,022	\$42,022	\$0	\$0	\$0	\$0
Sub-Total 118	\$30,112,466	(\$1,481,187)	\$0	\$0	(\$10,000)	\$28,621,279	\$19,191,384	(\$1,040,412)	\$1,003,563	(\$36,849)	\$10,470,307
<b>Peace Officers Personnel Records: Unfounded Complaints and Discovery (Program 264)</b>											
2009/2010	\$626,076	\$0	\$0	\$0	\$0	\$626,076	\$0	\$0	\$0	\$0	\$626,076
2008/2009	\$512,389	(\$94)	\$0	\$0	\$0	\$512,295	\$511,449	\$0	\$0	\$0	\$846
2007/2008	\$715,965	(\$648)	\$0	\$0	\$0	\$715,317	\$715,317	\$0	\$0	\$0	\$0
2006/2007	\$585,148	(\$322)	\$0	\$0	\$0	\$584,826	\$584,826	\$0	\$0	\$0	\$0
2005/2006	\$524,996	\$24,523	\$0	\$0	\$0	\$549,519	\$549,519	\$0	\$0	\$0	\$0
2004/2005	\$292,437	(\$823)	\$0	\$0	\$0	\$291,614	\$291,614	\$0	\$0	\$0	\$0
2003/2004	\$269,439	\$0	\$0	\$0	\$0	\$269,439	\$269,439	\$0	\$0	\$0	\$0
2002/2003	\$232,369	\$0	\$0	\$0	\$0	\$232,369	\$232,369	\$0	\$0	\$0	\$0
2001/2002	\$218,108	\$0	\$0	\$0	\$0	\$218,108	\$218,108	\$0	\$0	\$0	\$0
2000/2001	\$83,946	\$0	\$0	\$0	\$0	\$83,946	\$83,946	\$0	\$0	\$0	\$0
1999/2000	\$62,123	\$0	\$0	\$0	\$0	\$62,123	\$62,123	\$0	\$0	\$0	\$0
Sub-Total 264	\$4,122,996	\$22,636	\$0	\$0	\$0	\$4,145,632	\$3,518,710	\$0	\$0	\$0	\$626,922
<b>Peace Officers Procedural Bill of Rights (Program 187)</b>											
2009/2010	\$17,025,370	\$0	(\$13,788,295)	\$0	\$0	\$3,237,075	\$0	\$0	\$0	\$0	\$3,237,075
2008/2009	\$12,830,401	\$0	\$0	\$0	(\$6,113)	\$12,824,288	\$0	\$0	\$0	\$0	\$12,824,288
2007/2008	\$17,587,042	(\$8,204,578)	(\$16,117)	\$0	(\$704)	\$9,365,643	\$0	\$0	\$0	\$0	\$9,365,643
2006/2007	\$17,753,361	(\$7,906,496)	\$0	\$0	\$0	\$9,846,865	\$18,460,565	(\$10,543,101)	\$5,492,009	(\$5,051,092)	\$1,929,401
2005/2006	\$23,090,363	(\$9,780,138)	\$0	\$0	\$0	\$13,310,225	\$17,122,822	(\$6,047,022)	\$4,072,638	(\$1,974,384)	\$2,234,425
2004/2005	\$24,529,434	(\$11,342,356)	\$0	\$0	\$0	\$13,187,078	\$0	\$0	\$0	\$0	\$13,187,078
2003/2004	\$29,025,196	(\$19,350,288)	\$0	\$0	\$0	\$9,674,908	\$0	\$0	\$0	\$0	\$9,674,908
2002/2003	\$27,886,756	(\$12,138,986)	\$0	\$0	\$0	\$15,747,770	\$993	(\$78)	\$78	\$0	\$15,746,855
2001/2002	\$36,547,698	(\$22,097,692)	\$0	\$0	\$0	\$14,450,006	\$0	\$0	\$0	\$0	\$14,450,006
2000/2001	\$40,029,528	(\$24,860,971)	\$0	\$0	\$0	\$15,168,557	\$8,032,281	(\$5,245,281)	\$1,653,488	(\$3,591,813)	\$12,381,557
1999/2000	\$34,186,573	(\$19,500,040)	\$0	\$0	\$0	\$14,686,533	\$10,350,476	(\$5,852,305)	\$5,852,305	\$0	\$10,188,362
1998/1999	\$28,335,925	(\$13,613,294)	\$0	\$0	\$0	\$14,722,631	\$8,796,321	(\$5,267,106)	\$5,267,106	\$0	\$11,193,416
1997/1998	\$22,933,945	(\$9,957,094)	\$0	\$0	\$0	\$12,976,851	\$6,628,422	(\$3,359,034)	\$3,359,034	\$0	\$9,707,463
1996/1997	\$21,614,501	(\$7,487,125)	\$0	\$0	\$0	\$14,127,376	\$5,802,484	(\$2,221,701)	\$2,221,701	\$0	\$10,546,593
1995/1996	\$21,045,170	(\$8,584,816)	\$0	\$0	\$0	\$12,460,354	\$5,693,599	(\$2,500,771)	\$2,500,771	\$0	\$9,267,536
1994/1995	\$18,386,343	(\$8,111,275)	\$0	\$0	\$0	\$10,275,068	\$4,696,422	(\$2,174,712)	\$2,174,712	\$0	\$7,793,358
Sub-Total 187	\$392,807,606	(\$1,822,935,149)	(\$13,804,412)	\$0	(\$6,817)	\$196,061,228	\$85,584,375	(\$43,211,111)	\$32,593,822	(\$10,617,289)	\$153,687,954

Adopted: July 27, 2000  
Corrected: August 17, 2000  
Amended: December 4, 2006  
Amended: March 28, 2008  
Amended: July 31, 2009

## LOS ANGELES COUNTY'S PROPOSED PARAMETERS AND GUIDELINES AMENDMENT

### *Peace Officers Procedural Bill of Rights*

Government Code Sections 3301, 3303, 3304, 3305, 3306, as added and amended by Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675

### BEGINNING IN FISCAL YEAR 2010-11

#### I. SUMMARY AND SOURCE OF THE MANDATE

In order to ensure stable employer-employee relations and effective law enforcement services, the Legislature enacted Government Code sections 3300 through 3310, known as the Peace Officers Procedural Bill of Rights (POBOR).

The test claim legislation provides procedural protections to peace officers employed by local agencies and school districts<sup>1</sup> when a peace officer is subject to an interrogation by the employer, is facing punitive action or receives an adverse comment in his or her personnel file.

In 1999, the Commission approved the test claim and adopted the original Statement of Decision. The Commission found that certain procedural requirements under POBOR were rights already provided to public employees under the due process clause of the United States and California Constitutions. Thus, the Commission denied the procedural requirements of POBOR that were already required by law on the ground that they did not impose a new program or higher level of service, or impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c). Government Code section 17556, subdivision (c), generally provides that the Commission shall not find costs mandated by the state for test claim statutes that implement a federal law, unless the test claim statute mandates costs that exceed the federal mandate. The Commission approved

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<sup>1</sup> Government Code section 3301 states: "For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code."

the activities required by POBOR that exceeded the requirements of existing state and federal law.

On July 27, 2000, the Commission adopted parameters and guidelines that authorized reimbursement, beginning July 1, 1994, to counties, cities, a city and county, school districts, and special districts that employ peace officers for the ongoing activities summarized below:

- Developing or updating policies and procedures.
- Training for human resources, law enforcement, and legal counsel.
- Updating the status of cases.
- Providing the opportunity for an administrative appeal for permanent, at-will, and probationary employees that were subject to certain disciplinary actions that were not covered by the due process clause of state and federal law.
- When a peace officer is under investigation, or becomes a witness to an incident under investigation, and is subjected to an interrogation by the employer that could lead to certain disciplinary actions, the following costs and activities are eligible for reimbursement: compensation to the peace officer for interrogations occurring during off-duty time; providing prior notice to the peace officer regarding the nature of the interrogation and identification of investigating officers; tape recording the interrogation; providing the peace officer employee with access to the tape prior to any further interrogation at a subsequent time or if any further specified proceedings are contemplated; and producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of complaints of reports or complaints made by investigators.
- Performing certain activities, specified by the type of local agency or school district, upon the receipt of an adverse comment against a peace officer employee.

A technical correction was made to the parameters and guidelines on August 17, 2000.

In 2005, Statutes 2005, chapter 72, section 6 (AB 138) added section 3313 to the Government Code to direct the Commission to “review” the Statement of Decision, adopted in 1999, on the *Peace Officer Procedural Bill of Rights* test claim (commonly abbreviated as “POBOR”) to clarify whether the subject legislation imposed a mandate consistent with California Supreme Court Decision in *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859 and other applicable court decisions.

On April 26, 2006, the Commission reviewed its original findings and adopted a Statement of Decision on reconsideration (05-RL-4499-01). The Statement of Decision on reconsideration became final on May 1, 2006.

The Commission found that the *San Diego Unified School Dist.* case supports the Commission’s 1999 Statement of Decision that the test claim legislation constitutes a partial reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for all activities previously approved by the Commission for counties, cities, school districts, and



special districts identified in Government Code section 3301 that employ peace officers, except the following:

- The activity of providing the opportunity for an administrative appeal to probationary and at-will peace officers (except when the chief of police is removed) pursuant to Government Code section 3304 is no longer a reimbursable state-mandated activity because the Legislature amended Government Code section 3304 in 1998. The amendment limited the right to an administrative appeal to only those peace officers “who successfully completed the probationary period that may be required” by the employing agency and to situations where the chief of police is removed. (Stats. 1998, ch. 786, § 1.)
- The activities of obtaining the signature of the peace officer on the adverse comment or noting the officer’s refusal to sign the adverse comment, pursuant to Government Code sections 3305 and 3306, when the adverse comment results in a punitive action protected by the due process clause<sup>2</sup> does not constitute a new program or higher level of service and does not impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c).

The Statement of Decision adopted by the Commission on this reconsideration applies to costs incurred and claimed for the 2006-2007 fiscal year.

On February 6, 2009, the Third District Court of Appeal, in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1357, determined that POBOR is not a reimbursable mandate as to school districts and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties.

On May 8, 2009, the Sacramento County Superior Court issued a judgment and writ in Case No. 07CS00079, pursuant to the Third District Court of Appeal’s decision in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, requiring the Commission to:

- a. Set aside the portion of its reconsideration decision in “Case No. 05-RL-4499-01 Peace Officer Procedural Bill of Rights” (reconsideration decision) that found that the Peace Officer Procedural Bill of Rights program constitutes a reimbursable state-mandated program for school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties;
- b. Issue a new decision denying the portion of the reconsideration decision approving reimbursement for school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties; and

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<sup>2</sup> Due process attaches when a permanent employee is dismissed, demoted, suspended, receives a reduction in salary, or receives a written reprimand. Due process also attaches when the charges supporting a dismissal of a probationary or at-will employee constitute moral turpitude that harms the employee’s reputation and ability to find future employment and, thus, a name-clearing hearing is required.

c. Amend the parameters and guidelines consistent with this judgment.

This judgment does not affect cities, counties, or special police protection districts named in Government Code section 53060.7, which wholly supplant the law enforcement functions of the County within their jurisdiction.

Accordingly, on July 31, 2009, the Commission amended the decision to deny reimbursement to school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties.

## II. ELIGIBLE CLAIMANTS

Counties, cities, a city and county, and special police protection districts named in Government Code section 53060.7 that wholly supplant the law enforcement functions of the county within their jurisdiction are eligible claimants.

School districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties are not eligible claimants entitled to reimbursement.

## III. PERIOD OF REIMBURSEMENT

The period of reimbursement for the activities and reasonable reimbursement methodology in this parameters and guidelines amendment begins on July 1, 2006.

Pursuant to Government Code section 17560, reimbursement for state-mandated costs may be claimed as follows:

1. A local agency may, by February 15 following the fiscal year in which costs are incurred, file an annual reimbursement claim for that fiscal year.
2. In the event revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 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.

Reimbursable costs for one fiscal year shall be included in each claim. If 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 fiscal year, an eligible claimant may file a reimbursement claim based on the reasonable reimbursement methodology described in Section V A. or for actual costs, as described in Section V. B.

For each eligible claimant, the following activities are reimbursable:

### A. Administrative Activities (On-going Activities)

1. Developing or updating internal policies, procedures, manuals and other materials pertaining to the conduct of the mandated activities.

2. Attendance at specific training for human resources, law enforcement and legal counsel regarding the requirements of the mandate. The training must relate to mandate-reimbursable activities.

3. Updating the status report of mandate-reimbursable POBOR activities. "Updating the status report of mandate-reimbursable POBOR-activities" means tracking the procedural status of the mandate-reimbursable activities only. Reimbursement is not required to maintain or update the cases, set up the cases, review the cases, evaluate the cases, or close the cases.

**B. Administrative Appeal**

1. The administrative appeal activities listed below apply to permanent peace officer employees as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5. The administrative appeal activities do not apply to reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff security officers, police security officers, and school security officers.<sup>3</sup>

The following activities and costs are reimbursable:

- a. Providing the opportunity for, and the conduct of an administrative appeal hearing for the following disciplinary actions (Gov. Code, § 3304, subd. (b)):
  - Transfer of permanent-employees for purposes of punishment;
  - Denial of promotion for permanent-employees for reasons other than merit; and
  - Other actions against permanent employees that result in disadvantage, harm, loss or hardship and impact the career opportunities of the employee.
- b. Preparation and review of the various documents necessary to commence and proceed with the administrative appeal hearing.
- c. Legal review and assistance with the conduct of the administrative appeal hearing.
- d. Preparation and service of subpoenas.
- e. Preparation and service of any rulings or orders of the administrative body.
- f. The cost of witness fees.
- g. The cost of salaries of employee witnesses, including overtime, the time and labor of the administrative appeal hearing body and its attendant clerical services.

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<sup>3</sup> *Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.

The following activities are **not** reimbursable:

- a. Investigating charges.
- b. Writing and reviewing charges.
- c. Imposing disciplinary or punitive action against the peace officer.
- d. Litigating the final administrative decision.

2. Providing the opportunity for, and the conduct of an administrative appeal hearing for removal of the chief of police under circumstances that do not create a liberty interest (i.e., the charges do not constitute moral turpitude, which harms the employee's reputation and ability to find future employment). (Gov. Code, § 3304, subd. (b).)

The following activities and costs are reimbursable:

- a. Preparation and review of the various documents necessary to commence and proceed with the administrative appeal hearing.
- b. Legal review and assistance with the conduct of the administrative appeal hearing.
- c. Preparation and service of subpoenas.
- d. Preparation and service of any rulings or orders of the administrative body.
- e. The cost of witness fees.
- f. The cost of salaries of employee witnesses, including overtime, the time and labor of the administrative appeal hearing body and its attendant clerical services.

The following activities are **not** reimbursable:

- a. Investigating charges.
- b. Writing and reviewing charges.
- c. Imposing disciplinary or punitive action against the chief of police.
- d. Litigating the final administrative decision.

### **C. Interrogations**

The performance of the activities listed in this section are eligible for reimbursement only when a peace officer, as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5, is under investigation, or becomes a witness to an incident under investigation, and is subjected to an interrogation by the commanding officer, or any other member of the employing public safety department, that could lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment. (Gov. Code, § 3303.)<sup>4</sup>

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<sup>4</sup> Interrogations of reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff

Claimants are not eligible for reimbursement for the activities listed in this section when an interrogation of a peace officer is in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer. Claimants are also not eligible for reimbursement when the investigation is concerned solely and directly with alleged criminal activities. (Gov. Code, § 3303, subd. (i).)

The following activities are reimbursable:

1. When required by the seriousness of the investigation, compensating the peace officer for interrogations occurring during off-duty time in accordance with regular department procedures. (Gov. Code, § 3303, subd. (a).)

Preparation and review of overtime compensation requests are reimbursable.

2. Providing notice to the peace officer before the interrogation. The notice shall inform the peace officer of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. The notice shall inform the peace officer of the nature of the investigation. (Gov. Code, § 3303, subds. (b) and (c).)

The following activities relating to the notice of interrogation are reimbursable:

- a. Review of agency complaints or other documents to prepare the notice of interrogation.
  - b. Identification of the interrogating officers to include in the notice of interrogation.
  - c. Preparation of the notice.
  - d. Review of notice by counsel.
  - e. Providing notice to the peace officer prior to interrogation.
3. Recording the interrogation when the peace officer employee records the interrogation. (Gov. Code, § 3303, subd. (g).)

The cost of media and storage, and the cost of transcription are reimbursable. The investigator's time to record the session and transcription costs of non-sworn peace officers are **not** reimbursable.

4. Providing the peace officer employee with access to the recording prior to any further interrogation at a subsequent time, or if any further proceedings are contemplated and the further proceedings fall within the following categories (Gov. Code, § 3303, subd. (g)):
  - a. The further proceeding is not a disciplinary action;
  - b. The further proceeding is a dismissal, demotion, suspension, salary reduction or written reprimand received by a probationary or at-will employee whose liberty

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security officers, police security officers, and school security officers are not reimbursable. (*Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.)

interest is not affected (i.e., the charges supporting the dismissal does not harm the employee's reputation or ability to find future employment);

- c. The further proceeding is a transfer of a permanent, probationary or at-will employee for purposes of punishment;
- d. The further proceeding is a denial of promotion for a permanent, probationary or at-will employee for reasons other than merit;
- e. The further proceeding is an action against a permanent, probationary or at-will employee that results in disadvantage, harm, loss or hardship and impacts the career of the employee.

The cost of media copying is reimbursable.

5. Producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of reports or complaints made by investigators or other persons, except those that are deemed confidential, when requested by the officer, in the following circumstances (Gov. Code, § 3303, subd. (g)):
  - a) When the investigation does not result in disciplinary action; and
  - b) When the investigation results in:
    - A dismissal, demotion, suspension, salary reduction or written reprimand received by a probationary or at-will employee whose liberty interest *is not* affected (i.e.; the charges supporting the dismissal do not harm the employee's reputation or ability to find future employment);
    - A transfer of a permanent, probationary or at-will employee for purposes of punishment;
    - A denial of promotion for a permanent, probationary or at-will employee for reasons other than merit; or
    - Other actions against a permanent, probationary or at-will employee that result in disadvantage, harm, loss or hardship and impact the career of the employee.

Review of the complaints, notes or recordings for issues of confidentiality by law enforcement, human relations or counsel; and the cost of processing, service and retention of copies are reimbursable.

The following activities are **not** reimbursable:

1. Activities occurring before the assignment of the case to an administrative investigator. These activities include taking an initial complaint, setting up the complaint file, interviewing parties, reviewing the file, and determining whether the complaint warrants an administrative investigation.
2. Investigation activities, including assigning an investigator to the case, reviewing the allegation, communicating with other departments, visiting the scene of the alleged incident, gathering evidence, identifying and contacting complainants and witnesses.

3. Preparing for the interrogation, reviewing and preparing interrogation questions, conducting the interrogation, and reviewing the responses given by the officer and/or witness during the interrogation.
4. Closing the file, including the preparation of a case summary disposition reports and attending executive review or committee hearings related to the investigation.

#### **D. Adverse Comment**

Performing the following activities upon receipt of an adverse comment concerning a peace officer, as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5. (Gov. Code, §§ 3305 and 3306.):<sup>5</sup>

#### **Counties**

- (a) If an adverse comment *is* related to the investigation of a possible criminal offense, then counties are entitled to reimbursement for the following activities:
  1. Providing notice of the adverse comment;
  2. Providing an opportunity to review and sign the adverse comment;
  3. Providing an opportunity to respond to the adverse comment within 30 days; and
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.
- (b) If an adverse comment *is not* related to the investigation of a possible criminal offense, then counties obtained are entitled to reimbursement for:
  1. Providing notice of the adverse comment; and
  2. Obtaining the signature of the peace officer on the adverse comment; or
  3. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.

#### **Cities and Special Police Protection Districts**

- (a) If an adverse comment *is* related to the investigation of a possible criminal offense, then cities and special districts are entitled to reimbursement for the following activities:
  1. Providing notice of the adverse comment;
  2. Providing an opportunity to review and sign the adverse comment;

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<sup>5</sup> The adverse comment activities do not apply to reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff security officers, police security officers, or school security officers. (*Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.)

3. Providing an opportunity to respond to the adverse comment within 30 days; and
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.
- (b) If an adverse comment *is not* related to the investigation of a possible criminal offense, then cities and special districts are entitled to reimbursement for the following activities:
1. Providing notice of the adverse comment;
  2. Providing an opportunity to respond to the adverse comment within 30 days; and
  3. Obtaining the signature of the peace officer on the adverse comment; or
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.

The following adverse comment activities are reimbursable:

1. Review of the circumstances or documentation leading to the adverse comment by supervisor, command staff, human resources staff, or counsel to determine whether the comment constitutes a written reprimand or an adverse comment.
2. Preparation of notice of adverse comment.
3. Review of notice of adverse comment for accuracy:
4. Informing the peace officer about the officer's rights regarding the notice of adverse comment.
5. Review of peace officer's response to adverse comment.
6. Attaching the peace officers' response to the adverse comment and filing the document in the appropriate file.

The following activities are **not** reimbursable:

1. Investigating a complaint.
2. Interviewing a complainant.
3. Preparing a complaint investigation report.

## V. CLAIM PREPARATION AND SUBMISSION

Claimants may be reimbursed for the Reimbursable Activities described in Section IV above by claiming costs mandated by the state pursuant to the reasonable reimbursement methodology or by filing an actual cost claim, as described below:

### A. Reasonable Reimbursement Methodology

The Commission is adopting a *reasonable reimbursement methodology* to reimburse local agencies for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV above.



## 1. Definition

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school districts for costs mandated by the state, as defined in Section 17514.
- (b) A reasonable reimbursement methodology shall be based on cost information from a 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 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, and other approximations of local costs mandated by the state rather than detailed 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.

## 2. Formula

The reasonable reimbursement methodology (RRM) shall allow each eligible claimant to be reimbursed at the rate of \$ 152.77 per full-time sworn peace officer employed by the agency, except for full-time sworn probation peace officers, to be reimbursed at the rate of \$111.99 per officer. These RRM rates provide eligible claimants with all the direct and indirect costs of performing activities, as described in Section IV, Reimbursable Activities.

The rate per full-time sworn peace officer shall be adjusted each year by the Implicit Price Deflator referenced in Government Code section 17523.

Reimbursement is determined by multiplying the rate per full time sworn peace officer for the appropriate fiscal year by the number of full time sworn peace officers employed by the agency and reported to the Department of Justice.

### B. ACTUAL COST CLAIMS

Although the Commission adopted a reasonable reimbursement methodology for this mandated program, any eligible claimant may instead choose to file a reimbursement claim based on actual costs.

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, 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 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 in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

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.

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

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 above. Additionally, each reimbursement claim must be filed in a timely manner.

#### 1. Direct Cost Reporting

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

##### a. 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.

##### b. 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.

##### c. 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 attorney invoices with the claim and a description of the contract scope of services.

d. 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.

e. 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 B. 1. a. Salaries and Benefits, for each applicable reimbursable activity.

f. 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 B.1.a, Salaries and Benefits, and B.1.b, Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element B.1.c, Contracted Services.

## 2. Indirect Cost Rates

a. Local Agencies

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 both (1) 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 2 CFR Part 225 (the Office of Management and Budget

(OMB) Circular A-87). Claimants have the option of using 10% of direct 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 (OMB Circular A-87 Attachments A and B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR Part 225 (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 distribution 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:

- i. 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) 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
- ii 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) 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 for actual costs filed by a local agency or school district pursuant to this chapter<sup>6</sup> 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 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. 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 application of a reasonable reimbursement methodology

<sup>6</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

must also 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 OTHER 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 source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

#### **VIII. STATE CONTROLLER'S REVISED CLAIMING INSTRUCTIONS**

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

Pursuant to Government Code section 17561, subdivision (d)(2), issuance of the revised claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon the revised 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 GUIDELINES**

The Statement of Decision (CSM 4499) and the Statement of Decision on Reconsideration (05-RL-4499-01) are legally binding on all parties and provide 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, and in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355. The administrative record, including the Statement of Decision and the Statement of Decision on Reconsideration, is on file with the Commission.

Schedule 4: Cities, Counties Unable to File a \$1,000 or More RRM Claim

City, County	//--Under Proposed RRM --// (If Less than 7 Officers)		//--Under Current RRM ---// (If Less than 25 Officers)		P.O.S.T.'s 2010-11 Officer Report in:
	Number of Officers	Ineligible Agency Count	Number of Officers	Ineligible Agency Count	
1 Moraga City			10	1	Exhibit 4, page 4
2 Piedmont City			19	2	Exhibit 4, page 4
3 Alpine County			16	3	Exhibit 4, page 4
4 Lone City	6	1	6	4	Exhibit 4, page 4
5 Jackson City			9	5	Exhibit 4, page 4
6 Sutter Creek	5	2	5	6	Exhibit 4, page 4
7 Gridley City			15	7	Exhibit 4, page 5
8 Oroville City			22	8	Exhibit 4, page 5
9 Angels Camp City	6	3	6	9	Exhibit 4, page 5
10 Colusa City			8	10	Exhibit 4, page 5
11 Williams City			11	11	Exhibit 4, page 5
12 Kensington City			9	12	Exhibit 4, page 5
13 Crescent City			13	13	Exhibit 4, page 5
14 Placerville City			18	14	Exhibit 4, page 6
15 Coalinga City			21	15	Exhibit 4, page 6
16 Firebaugh City			12	16	Exhibit 4, page 6
17 Fowler City			11	17	Exhibit 4, page 6
18 Huron City			9	18	Exhibit 4, page 6
19 Kerman City			17	19	Exhibit 4, page 6
20 Kingsberg City			14	20	Exhibit 4, page 6
21 Mendota City			10	21	Exhibit 4, page 6
22 Orange Cove City			13	22	Exhibit 4, page 6
23 Parlier City			16	23	Exhibit 4, page 6
24 Orland City			11	24	Exhibit 4, page 6
25 Willow City			10	25	Exhibit 4, page 6
26 Ferndale City	5	4	5	26	Exhibit 4, page 6
27 Fortuna City			18	27	Exhibit 4, page 7
28 Rio Dell City	5	5	5	28	Exhibit 4, page 7
29 Calipatria City	6	6	6	29	Exhibit 4, page 7
30 Imperial City			14	30	Exhibit 4, page 7
31 Westmoreland City	5	7	5	31	Exhibit 4, page 7
32 Bishop City			12	32	Exhibit 4, page 7
33 Arvin City			19	33	Exhibit 4, page 7
34 Bear Valley City			8	34	Exhibit 4, page 7
35 California City			14	35	Exhibit 4, page 7
36 Maricopa City			15	36	Exhibit 4, page 7
37 Mcfarland City			9	37	Exhibit 4, page 7
38 Shafter City			21	38	Exhibit 4, page 7
39 Stallion Springs City	3	8	3	39	Exhibit 4, page 7
40 Taft City			15	40	Exhibit 4, page 7
41 Tehachapi City			14	41	Exhibit 4, page 7
42 Avenal City			16	42	Exhibit 4, page 8
43 Corcoran City			19	43	Exhibit 4, page 8
44 Clearlake City			18	44	Exhibit 4, page 8
45 Lakeport City			10	45	Exhibit 4, page 8
46 Susanville City			16	46	Exhibit 4, page 8
47 Palos Verdes Estates City			22	47	Exhibit 4, page 9
48 Sierra Madre City			16	48	Exhibit 4, page 9
49 Chowchilla City			16	49	Exhibit 4, page 10
50 Belvedere City			8	50	Exhibit 4, page 10
<b>Officer Subtotals</b>	<b>41</b>		<b>635</b>		

Schedule 4: Cities, Counties Unable to File a \$1,000 or More RRM Claim

<u>City, County</u>	<u>//--Under Proposed RRM --//</u> (If Less than 7 Officers)		<u>//----Under Current RRM -----//</u> (If Less than 25 Officers)		<u>P.O.S.T.'s</u> <u>2010-11 Officer</u> <u>Report in:</u>
	<u>Number of</u> <u>Officers</u>	<u>Ineligible</u> <u>Agency Count</u>	<u>Number of</u> <u>Officers</u>	<u>Ineligible</u> <u>Agency Count</u>	
51 Fairfax City			10	51	Exhibit 4, page 10
52 Mill Valley City			20	52	Exhibit 4, page 10
53 Ross City			8	53	Exhibit 4, page 10
54 San Anselmo City			20	54	Exhibit 4, page 10
55 Sausalito City			17	55	Exhibit 4, page 10
56 Tiburon City			13	56	Exhibit 4, page 10
57 Fort Bragg City			17	57	Exhibit 4, page 10
58 Willits City			13	58	Exhibit 4, page 11
59 Dos Palos City			7	59	Exhibit 4, page 11
60 Gustine City			8	60	Exhibit 4, page 11
61 Livingston City			19	61	Exhibit 4, page 11
62 Alturas City	6	9	6	62	Exhibit 4, page 11
63 Modoc County			14	63	Exhibit 4, page 11
64 Mammoth Lakes City			19	64	Exhibit 4, page 11
65 Carmel City			12	65	Exhibit 4, page 11
66 Del Rey Oaks City	6	10	6	66	Exhibit 4, page 11
67 Gonzales City			11	67	Exhibit 4, page 11
68 Greenfield City			17	68	Exhibit 4, page 11
69 King City			14	69	Exhibit 4, page 11
70 Pacific Grove City			22	70	Exhibit 4, page 11
71 Sand City			10	71	Exhibit 4, page 11
72 Soledad City			20	72	Exhibit 4, page 12
73 Calistoga City			11	73	Exhibit 4, page 12
74 Gras Valley City			11	74	Exhibit 4, page 12
75 Nevada City			23	75	Exhibit 4, page 12
76 La Palma City			12	76	Exhibit 4, page 12
77 Los Alamitos City			22	77	Exhibit 4, page 12
78 Auburn City			22	78	Exhibit 4, page 13
79 Blythe City			22	79	Exhibit 4, page 13
80 Isleton City	3	11	3	80	Exhibit 4, page 14
81 Hollister City			24	81	Exhibit 4, page 15
82 Escalon City			9	82	Exhibit 4, page 16
83 Ripon City			23	83	Exhibit 4, page 16
84 Grover Beach City			17	84	Exhibit 4, page 16
85 Morro Bay City			17	85	Exhibit 4, page 16
86 Pismo Beach City			22	86	Exhibit 4, page 16
87 Atherton City			16	87	Exhibit 4, page 17
88 Brisbane City			12	88	Exhibit 4, page 17
89 Broadmoor City			9	89	Exhibit 4, page 17
90 Colma City			17	90	Exhibit 4, page 17
91 Half Moon Bay City			13	91	Exhibit 4, page 17
92 Millbrae City			19	92	Exhibit 4, page 17
93 Guadalupe City			11	93	Exhibit 4, page 17
94 Capitola City			21	94	Exhibit 4, page 18
95 Scotts Valley City			19	95	Exhibit 4, page 18
96 Anderson City			16	96	Exhibit 4, page 18
97 Sierra County			11	97	Exhibit 4, page 18
98 Etna City	2	12	2	98	Exhibit 4, page 18
99 Mount Shasta City			8	99	Exhibit 4, page 18
100 Tulelake City	3	13	3	100	Exhibit 4, page 19
<b>Officer Subtotals</b>	<b>20</b>		<b>718</b>		

Schedule 4: Cities, Counties Unable to File a \$1,000 or More RRM Claim

<u>City, County</u>	<u>//--Under Proposed RRM --//</u> (If Less than 7 Officers)		<u>//----Under Current RRM ----//</u> (If Less than 25 Officers)		<u>P.O.S.T.'s</u> <u>2010-11 Officer</u> <u>Report in:</u>
	<u>Number of</u> <u>Officers</u>	<u>Ineligible</u> <u>Agency Count</u>	<u>Number of</u> <u>Officers</u>	<u>Ineligible</u> <u>Agency Count</u>	
101 Weed City			10	101	Exhibit 4, page 19
102 Yreka City			14	102	Exhibit 4, page 19
103 Dixon City			24	103	Exhibit 4, page 19
104 Rio Vista City			9	104	Exhibit 4, page 19
105 Cloverdale City			13	105	Exhibit 4, page 19
106 Cotati City			10	106	Exhibit 4, page 19
107 Healdsburg City			16	107	Exhibit 4, page 19
108 Sebastopol City			14	108	Exhibit 4, page 19
109 Newman City			11	109	Exhibit 4, page 19
110 Oakdale City			24	110	Exhibit 4, page 19
111 Corning City			13	111	Exhibit 4, page 20
112 Red Bluff City			22	112	Exhibit 4, page 20
113 Trinity County			20	113	Exhibit 4, page 20
114 Exeter City			16	114	Exhibit 4, page 20
115 Farmersville City			14	115	Exhibit 4, page 20
116 Woodlake City			12	116	Exhibit 4, page 20
117 Sonora City			11	117	Exhibit 4, page 20
118 Port Hueneme City			24	118	Exhibit 4, page 21
119 Winters City			10	119	Exhibit 4, page 21
120 Marysville City			19	120	Exhibit 4, page 21
121 Wheatland City			7	121	Exhibit 4, page 21
<b>Officer Subtotals</b>	<b>0</b>		<b>313</b>		
<b>Page 1 Subtotals</b>	<b>41</b>		<b>635</b>		
<b>Page 2 Subtotals</b>	<b>20</b>		<b>718</b>		
<b>Totals</b>	<b><u>61</u></b>		<b><u>1666</u></b>		
<b>Final Ineligible Agency Count</b>		<b><u>13</u></b>		<b><u>121</u></b>	





EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

May 18, 2012

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

Dear Ms. Halsey:

The Department of Finance (Finance) has reviewed the Los Angeles County proposed reasonable reimbursement methodology amending the parameters and guidelines of the Peace Officers Procedural Bill of Rights (POBOR) mandate program (11-PGA-09).

Specifically, Finance notes the following concerns that affect the formulas Los Angeles County (claimant) used to develop the proposed reasonable reimbursement methodology (RRM) rates of \$152.77 for sworn peace officers (general) and \$111.99 for probation sworn peace officers.

1. The claimant's proposed RRM excludes eight eligible local agencies that did not have any allowable costs due to audit exceptions from the formula used to calculate the proposed RRM rate per sworn peace officer (general). The claimant's methodology differs from the Commission on State Mandates' (Commission) methodology adopted in the POBOR parameters and guidelines in 2008. The Commission established an **average percentage** of allowable costs that considers the variation of costs among eligible local agencies who implement the mandate in a cost efficient manner. (See Table 1 in the Parameters and Guidelines on page 18.) Finance notes that the average percentage of allowable costs would be approximately 14.97 percent based on the State Controller's (Controller) Report, *Analysis of Published Mandated Cost Audits; Related to the Peace Officers Procedural Bill of Rights Program; As of June 21, 2010*. Please review the *Department of Finance's Average Percentage of Allowable Costs* report for the actual calculations of the average percentage.

Finance also notes that the claimant used the Controller's report to calculate the proposed general RRM rate per sworn peace officer. However, the claimant used an average of actual allowable costs, which excluded the audits that resulted in "no allowed costs", not an **average percentage** of the allowable costs. Finance believes that the average percentage methodology captures the variation of costs among eligible local agencies and ensures costs are not unreasonable and/or excessive.

2. The claimant's proposed RRM does not clearly address why sworn peace officers, who are classified as probation officers, should have a separate rate proposal. According to the POBOR parameters and guidelines, reimbursement is determined by multiplying the rate per full time sworn peace officer for the appropriate fiscal year by the number of full time sworn peace officers employed by the agency and reported to the Department of Justice. Therefore, the total costs and numbers for probation officers, who are classified as sworn peace officers, can be included in the claimant's general sworn peace officer RRM. Under

Ms. Heather Halsey  
May 18, 2012  
Page 2


Government Code section 3301, the "term public safety officer means all peace officers specified in Sections 830.1, 830.2, ... and 830.5 of the Penal Code." Penal Code section 830.5 extends the peace officer authority to probation officers. As a result, Finance believes that the total cost and number calculations related to probation officers should be included in the general RRM for sworn peace officers, which in effect may reduce the claimant's general RRM rate.

Finance believes that the claimant's methodology to calculate the proposed RRM rates are not consistent with the methodology of POBOR's current parameter and guideline RRM rate, and therefore, may not be cost-efficient RRM rates pursuant to Government Code section 17518.5.

Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, "documents e-filed with the Commission need not be otherwise served on persons that have provided an e-mail address for the mailing list."

If you have any questions regarding this letter, please contact Carla Shelton, Associate Finance Budget Analyst at (916) 445-3274.

Sincerely,



TOM DYER  
Assistant Program Budget Manager

Enclosure

Enclosure A

DECLARATION OF CARLA SHELTON  
DEPARTMENT OF FINANCE  
CLAIM NO. 11-PGA-09 (CSM—4499, 05RL-4499-01, 06-PGA-06)

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.

May 18, 2012  
at Sacramento, CA

Carla Shelton  
Carla Shelton

## Analysis of Published Mandated Cost Audits Related to the Peace Officers Procedural Bill of Rights Program As of June 21, 2010

Agency	Beginning Period	Ending Period	Published Date	Claimed Costs	Allowable Costs	Audit Adjustment	Cost Avoidance
Alameda County	07/01/2002	06/30/2005	11/16/2007	\$ 388,851	\$ 79,594	\$ 309,257	\$ 293,306
Beverly Hills City	07/01/2002	06/30/2005	11/07/2008	499,444	38,326	461,118	482,201
Buena Park City	07/01/2002	06/30/2003	11/30/2007	493,444	0	493,444	1,933,891
Cathedral City	07/01/2003	06/30/2006	06/18/2008	1,248,990	0	1,248,990	1,246,601
Contra Costa County	07/01/2001	06/30/2004	03/30/2007	532,160	40,636	491,524	789,699
Covina City	07/01/2004	06/30/2006	06/30/2009	491,548	25,604	465,944	732,613
El Monte City	07/01/2003	06/30/2006	02/18/2009	230,030	42,137	187,893	217,000
Fresno City	07/01/2003	06/30/2006	06/30/2008	1,194,502	205,281	989,221	744,785
Fresno County	07/01/2001	06/30/2005	03/21/2008	742,995	188,729	554,266	641,911
Glendale City	07/01/2002	06/30/2005	03/21/2008	459,272	0	459,272	537,606
Huntington Beach City	07/01/2003	06/30/2006	06/24/2009	209,708	4,061	205,647	125,717
Huntington Park City	07/01/2002	06/30/2004	06/18/2008	397,364	0	397,364	985,710
Inglewood City	07/01/2002	06/30/2005	08/29/2007	838,740	0	838,740	968,799
Kern County	07/01/2004	06/30/2006	12/31/2008	454,768	17,566	437,202	636,679
Long Beach City	07/01/1994	06/30/2002	12/30/2004	13,640,845	0	13,640,845	9,822,049
Long Beach City	07/01/2002	06/30/2003	02/06/2008	1,307,923	0	1,307,923	
Los Angeles City	07/01/1994	06/30/2002	03/30/2007	60,660,765	550,345	60,110,420	—
Los Angeles City	07/01/2003	06/30/2008	09/29/2009	50,281,773	20,131,194	30,150,579	
Los Angeles County	07/01/1994	06/30/2003	02/24/2010	31,152,062	2,037,198	29,114,864	7,697,952
Los Angeles County	07/01/2003	06/30/2006	01/13/2010	3,900,774	810,076	3,090,698	
Oakland City	07/01/2001	06/30/2004	02/13/2009	3,497,273	432,158	3,065,115	2,974,064
Oceanside City	07/01/2002	06/30/2005	08/24/2007	951,689	12,551	939,138	1,217,580
Orange County	07/01/2001	06/30/2004	06/29/2007	1,676,796	95,984	1,580,812	2,292,626
Palo Alto City	07/01/2003	06/30/2006	08/13/2008	273,503	111,213	162,290	260,482
Riverside City	07/01/2001	06/30/2005	04/23/2008	924,052	464,118	459,934	726,806
Riverside County	07/01/2002	06/30/2005	04/23/2008	2,064,236	711,922	1,352,314	1,251,871
Rocklin City	07/01/2002	06/30/2005	12/10/2008	321,165	4,499	316,666	421,904
Sacramento City	07/01/2001	06/30/2004	07/25/2006	1,323,971	469,058	854,913	1,933,846
Sacramento County	07/01/2001	06/30/2004	11/21/2007	1,186,488	380,710	805,778	1,556,742
San Bernardino County	07/01/2001	06/30/2004	06/29/2007	1,222,606	62,857	1,159,749	1,109,863
San Diego County	07/01/2001	06/30/2004	05/18/2007	1,848,251	0	1,848,251	3,080,418
San Francisco City & County	07/01/1994	06/30/2003	02/22/2008	24,014,018	1,557,587	22,456,431	5,288,211
San Francisco City & County	07/01/2003	06/30/2007	04/10/2009	11,973,575	1,338,701	10,634,874	
San Jose City	07/01/2003	06/30/2006	08/05/2009	235,320	135,158	100,162	73,287
Santa Clara County	07/01/2003	06/30/2006	05/14/2008	748,888	222,086	526,802	347,469
Siskiyou County	07/01/2001	06/30/2005	10/17/2008	410,541	2,196	408,345	390,263
Stockton City	07/01/1994	06/30/2002	03/30/2005	2,344,211	681,799	1,662,412	1,550,551
Ventura County	07/01/2002	06/30/2005	11/28/2007	587,525	245,230	342,295	458,843
Walnut Creek City	07/01/2003	06/30/2006	04/30/2009	381,841	50,031	331,810	375,616
<b>Total</b>				<b>\$ 225,111,907</b>	<b>\$ 31,148,605</b>	<b>\$ 193,963,302</b>	<b>\$ 53,166,961</b>



**JOHN CHIANG**  
**California State Controller**

August 9, 2010

PC 830.1  
pg. 5

Elaine H. Howle, CPA  
State Auditor  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814

Re: Follow Up to Bureau of State Audits' Recommendation Related  
to the Peace Officers Procedural Bill of Rights Program

Dear Ms. Howle:

I want to share with you the results of our audit effort to implement one of the recommendations in your audit report concerning mandated cost claims. In your audit report, *State Mandates: The High Level of Questionable Costs Claimed Highlights the Need for Structural Reforms of the Process*, dated October 15, 2003, you recommended that the State Controller's Office audit claims already paid under the Peace Officers Procedural Bill of Rights Program. While conducting these audits, we were to ensure the activities were consistent with the Commission on State Mandates' intent. In addition, we were asked to pay particular attention to the types of problems noted in your report. We took your recommendation seriously, which ultimately resulted in significant State savings.

After the release of your report, we conducted Peace Officers Procedural Bill of Rights Program claims from 39 local agencies. Of the \$225 million in claimed costs audited for this mandated cost program, we identified \$194 million (86%) in unallowable costs.

A significant portion of our audit findings have been under the cost component of Interrogations. Most local agencies and their consultants still assert that all costs related to conducting interrogations of peace officers—including costs to conduct investigations—are reimbursable. In actuality, reimbursement under this cost component is limited to very specific activities. Local agencies apparently have been taking the language within the original statement of decision out of context rather than relying on the specific language within the parameters and guidelines as to what is actually reimbursable. In addition, the language contained in the December 2006 and March 2008 versions of the amended parameters and guidelines provides clarifying information as to what is and what is not reimbursable.

Elaine H. Howle, CPA  
August 9, 2010  
Page 2

While disputing our audit findings, none of the local agencies has formally appealed our audits by filing an Incorrect Reduction Claim with the Commission on State Mandates.

In addition, we analyzed the claims filed by the same 39 local agencies audited and found that, except for the City of Los Angeles, the amounts claimed under this mandated program have dropped substantially. We conducted this analysis by calculating the average amount claimed per year by each local agency in each of our audits and then compared this average with the average amount claimed in each of the subsequent years. Accordingly, we determined that the State has realized savings through cost avoidance totaling \$53 million over the past seven years.

Attached is a schedule summarizing the results of our audits of Peace Officers Procedural Bill of Rights Program claims for each of the 39 local agencies. The schedule identifies the dollar amount of audit adjustments taken and the subsequent reduction in claims filed by each local agency previously audited.

The above results clearly demonstrate that audits can be an effective tool to achieve State savings.

If you have any questions or wish to discuss this issue further, please call me at (916) 323-1696.

Sincerely,

*Original signed by*

JEFFREY V. BROWNFIELD  
Chief, Division of Audits

JVB/sk:wm

S10MCC913/8688

Attachment

Department of Finance  
Average Percentage of Allowable Costs

Claimant	Beginning Period	Ending Period	# of Years	Published Date	Claimed Costs	Allowable Costs	Audit Adjustment	Avoidance	Avg. Cost/Year	Percent Allowed
Alameda County	7/1/2002	6/30/2005	3	11/16/2007	\$388,851	\$79,594	\$309,257	\$293,306	\$26,531.33	20.47%
Beverly Hills City	7/1/2002	6/30/2005	3	11/7/2008	499,444	38,326	461,118	482,201	\$12,775.33	7.67%
Buena Park City	7/1/2002	6/30/2003	3	11/30/2007	493,444	0	493,444	1,933,891	\$0.00	0.00%
Cathedral City	7/1/2003	6/30/2006	3	6/18/2008	1,248,990	0	1,248,990	1,246,601	\$0.00	0.00%
Contra Costa County	7/1/2001	6/30/2004	3	3/30/2007	532,160	40,636	491,524	789,699	\$13,545.33	7.64%
Covina City	7/1/2004	6/30/2006	2	6/30/2009	491,548	25,604	465,944	732,613	\$12,802.00	5.21%
El Monte City	7/1/2003	6/30/2006	3	2/18/2009	230,030	42,137	187,893	217,000	\$14,045.67	18.32%
Fresno City	7/1/2003	6/30/2006	3	6/30/2008	1,194,502	205,281	989,221	744,785	\$68,427.00	17.19%
Fresno County	7/1/2001	6/30/2005	4	3/21/2008	742,995	188,729	554,266	641,911	\$47,182.25	25.40%
Glendale City	7/1/2002	6/30/2005	3	6/24/2009	459,272	0	459,272	537,606	\$0.00	0.00%
Huntington Beach City	7/1/2003	6/30/2006	3	6/18/2008	209,708	4,061	205,647	125,717	\$1,353.67	1.94%
Huntington Park City	7/1/2002	6/30/2004	2	8/29/2007	397,364	0	397,364	985,710	\$0.00	0.00%
Inglewood City	7/1/2002	6/30/2005	3	8/29/2007	838,740	0	838,740	968,799	\$0.00	0.00%
Kern County	7/1/2004	6/30/2006	2	12/31/2008	454,768	17,566	437,202	636,679	\$8,783.00	3.86%
Long Beach City	7/1/1994	6/30/2002	8	12/30/2004	13,640,845	0	13,640,845	9,822,049	\$0.00	0.00%
Long Beach City	7/1/2002	6/30/2003	1	2/6/2008	1,307,923	0	1,307,923	—	\$0.00	0.00%
Los Angeles City	7/1/1994	6/30/2002	8	3/30/2007	60,660,765	550,345	60,110,420	—	\$68,793.13	0.91%
Los Angeles City	7/1/2003	6/30/2008	5	9/29/2009	50,281,773	20,131,194	30,150,579	—	\$4,026,238.80	40.04%
Los Angeles County	7/1/1994	6/30/2003	8	2/24/2010	31,152,062	2,037,198	29,114,864	7,697,952	\$254,649.75	6.54%
Los Angeles County	7/1/2003	6/30/2006	3	1/13/2010	3,900,774	810,076	3,090,698	—	\$270,025.33	20.77%
Oakland City	7/1/2001	6/30/2004	3	2/13/2009	3,497,273	432,158	3,065,115	2,974,064	\$144,052.67	12.36%
Oceanside City	7/1/2002	6/30/2005	3	8/24/2007	951,689	12,551	939,138	1,217,580	\$4,183.67	1.32%
Orange County	7/1/2001	6/30/2004	3	6/29/2007	1,676,796	95,984	1,580,812	2,292,626	\$31,994.67	5.72%
Palo Alto City	7/1/2003	6/30/2006	3	8/13/2008	273,503	111,213	162,290	260,482	\$37,071.00	40.66%
Riverside City	7/1/2001	6/30/2005	4	4/23/2008	924,052	464,118	459,934	726,806	\$116,029.50	50.23%
Riverside County	7/1/2002	6/30/2005	3	4/23/2008	2,064,236	711,922	1,352,314	1,251,871	\$237,307.33	34.49%
Rocklin City	7/1/2002	6/30/2005	3	12/10/2008	321,165	4,499	316,666	421,904	\$1,499.67	1.40%
Sacramento City	7/1/2001	6/30/2004	3	7/25/2006	1,323,971	469,058	854,913	1,933,846	\$156,352.67	35.43%
Sacramento County	7/1/2001	6/30/2004	3	11/21/2007	1,186,488	380,710	805,778	1,556,742	\$126,903.33	32.09%
San Bernardino County	7/1/2001	6/30/2004	3	6/29/2007	1,222,606	62,857	1,159,749	1,109,863	\$20,952.33	5.14%
San Diego County	7/1/2001	6/30/2004	3	5/18/2007	1,848,251	0	1,848,251	3,080,418	\$0.00	0.00%
San Francisco City & County	7/1/1994	6/30/2003	9	2/22/2008	24,014,018	1,557,587	22,456,431	5,288,211	\$173,065.22	6.49%
San Francisco City & County	7/1/2003	6/30/2007	4	4/10/2009	11,973,575	1,338,701	10,634,874	—	\$334,675.25	11.18%

		Department of Finance		Average Percentage of Allowable Costs							
City of Siskiyou	7/1/2003	6/30/2006	3	8/5/2009	235,320	135,158	100,162	73,287	\$45,052.67	57.44%	
Santa Clara County	7/1/2003	6/30/2006	3	5/14/2008	748,888	222,086	526,802	347,469	\$74,028.67	29.66%	
Siskiyou County	7/1/2001	6/30/2005	4	10/17/2008	410,541	2,196	408,345	390,263	\$549.00	0.53%	
Stockton City	7/1/1994	6/30/2002	8	3/30/2005	2,344,211	681,799	1,662,412	1,550,551	\$85,224.88	29.08%	
Ventura County	7/1/2002	6/30/2005	3	11/28/2007	587,525	245,230	342,295	458,843	\$81,743.33	41.74%	
Walnut Creek City	7/1/2003	6/30/2006	3	4/30/2009	381,841	50,031	331,810	375,616	\$16,677.00	13.10%	
Totals			144		225,111,907	31,148,605	193,963,302	53,166,961	\$6,512,515.44	584.00%	
Averages									\$166,987.58	14.97%	



**COMMISSION ON STATE MANDATES**

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**DECLARATION OF SERVICE BY EMAIL**

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.

On May 22, 2012, I served the:

**Department of Finance Comments**

Request to Amend Parameters and Guidelines

*Peace Officers Procedural Bill of Rights*, 11-PGA-09 (CSM-4499, 05-RL-4499-01, 06-PGA-06)

Government Code Sections 3301, 3303, 3304, 3305, 3306

Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174,

and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994;

Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and

Statutes 1990, Chapter 675

County of Los Angeles, Requestor

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 May 22, 2012 at Sacramento, California.

A handwritten signature in black ink, appearing to read "Lorenzo Duran", written over a horizontal line.

Lorenzo Duran

## Commission on State Mandates

Original List Date: 4/6/2012  
Last Updated: 5/22/2012  
List Print Date: 05/22/2012  
Claim Number: 11-PGA-09  
Issue: Peace Officer Procedural Bill of Rights (POBOR)

### Mailing List

#### 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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**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

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ASST. AUDITOR-CONTROLLERS

ROBERT A. DAVIS  
JOHN NAIMO  
JAMES L. SCHNEIDERMAN

June 19, 2012

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

Dear Ms. Halsey:

**LOS ANGELES COUNTY  
REVISED PARAMETERS AND GUIDELINES AMENDMENT  
REVIEW OF STATE AGENCY COMMENTS ON PRIOR AMENDMENT  
PEACE OFFICERS PROCEDURAL BILL OF RIGHTS REIMBURSEMENT PROGRAM**

The County of Los Angeles (County) respectfully submits its revised parameters and guidelines (Ps&Gs) amendment for the Peace Officers Procedural Bill of Rights reimbursement program and a review of State agency comments on the County's prior Ps&Gs amendment filed on March 27, 2012.

If you have any questions, please contact Leonard Kaye at (213) 974-9791 or via e-mail at [lkaye@auditor.lacounty.gov](mailto:lkaye@auditor.lacounty.gov).

Very truly yours,

A handwritten signature in black ink that reads "Wendy L. Watanabe".

Wendy L. Watanabe  
Auditor-Controller

WLW:JN:CY:lk  
H:\SB901A 1 New 06 05 12 ++ POBAR RRM/cover letter 06 19 12.doc

Enclosure

Los Angeles County  
Revised Parameters and Guidelines Amendment  
Review of State Agency Comments on Prior Amendment  
Peace Officers Procedural Bill of Rights Reimbursement Program

Executive Summary

The County of Los Angeles [County] and the State Controller's Office (SCO) have collaborated in developing a 'reasonable reimbursement methodology' [RRM] rate for the Peace Officers Procedural Bill of Rights [POBOR] reimbursement program starting with the 2010-11 claim year.

The rate that is proposed is \$169.21 per sworn peace officer, including sworn probation officers.

The County filed a prior POBOR RRM amendment with the Commission on State Mandates (Commission) on March 27, 2012 and proposed two RRM rates, one for sworn probation officers and one for all others. However, the State Department of Finance (Finance) and SCO maintain that a single POBOR RRM rate for all eligible peace officers, including probation officers, is preferable. Therefore, the County's revised its POBOR RRM as one rate for all.

In addition, comments were received from Finance staff indicating that the sample used to calculate RRM values should include SCO audits where no allowable costs were found. The County respectfully disagrees. The Commission, in adopting the original POBOR RRM rates on March 28, 2008, excluded zero allowable cost audits. Also, SCO excluded such audits in deriving their RRM rate.

In deriving the currently proposed POBOR RRM rate, the sample size of allowable cost audits was increased. This was done by including each year in a jurisdiction's audit period as a sample value. This provided a total of 115 sample values. This was an improvement over the County's prior (March 27, 2012) RRM rate proposal where the sample was based on the most recent audit year's finding – resulting in a sample of only 31 values.

Accordingly, based on new samples of allowable cost audit findings, adoption of the proposed 2010-11 POBOR RRM reimbursement rate of \$169.21 per sworn peace officer is required.



## Finance

On May 18, 2012, Tom Dyer, Assistant Program Budget Manager, for the State Department of Finance wrote the Commission and indicated that:

“... Finance believes that the total cost and number calculations related to probation officers should be included in the general RRM for sworn peace officers, which in effect may reduce the claimant’s general RRM rate.”

The County concurs with Finance’s assertion that one general RRM rate is better than two – particularly when the probation sample is much smaller than the general sample. In addition, this single RRM approach is used by SCO in their RRM general rate proposal of \$169.21 for 2010-11.

However, the County respectfully disagrees with Finance in their assertion that audits, where no allowable costs are found, should be included in RRM rate computations. In this regard, Mr. Dyer notes:

“The claimant’s proposed RRM excludes eight eligible local agencies that did not have any allowable costs due to audit exceptions from the formula used to calculate the proposed RRM rate per sworn peace officer (general). The claimant’s methodology differs from the Commission on State Mandates (commission) methodology adopted in the POBOR parameters and guidelines in 2008.”

Mr. Dyer is correct in finding that the County has excluded eligible local agencies that did not have any allowable costs due to audit exceptions from the formula used to calculate the proposed RRM rate per sworn peace officer, but wrong in discrediting this exclusion. In particular, this is the type of exclusion actually used by the Commission in computing their first POBOR RRM rate which was adopted on March 28, 2008.

To illustrate the Commission’s exclusion of audits, where no allowable costs were found, from RRM computations, a table has been developed which excerpts columns used by the Commission in developing their first RRM rate for 2004-05 of \$33.22.

On page 1 of Exhibit 3, the County’s excerpt of the Commission’s computational table shows that the average of allowed cost percentages

encompassed 13 audits and did not include the 5 audits where no allowed costs were found. As a result, the allowed percentages totaled 190.27%. This total was then divided by 13 to provide an “average allowable cost percentage” of 14.64%. This average was then multiplied by the median 2004-05 claimed cost per officer of \$226.97, found on Exhibit 3, page 5 (Lake County). The result was \$33.22 RRM for 2004-05 which was subsequently adopted by the Commission.

Accordingly, the Commission never has included audits where no allowable costs were found in its POBOR RRM computations. And, neither has the County.

### SCO Collaboration

County staff worked closely with SCO staff in developing the currently proposed 2010-11 POBOR RRM rate of \$169.21 per sworn peace officer. The detailed computational schedules and notes supporting this rate are found on pages 1 through 6 of Exhibit 2.

In deriving the currently proposed POBOR RRM rate, the sample size of allowable cost audits was increased. This was done by including each year in a jurisdiction’s audit period as a sample value. This provided a total of 115 sample values. This was an improvement over the County’s prior (March 27, 2012) RRM rate proposal where the sample was based on the most recent audit year’s finding – resulting in a sample of only 31 values.

Accordingly, based on new samples of allowable cost audit findings, adoption of the proposed 2010-11 POBOR RRM reimbursement rate of \$169.21 per sworn peace officer is required.

A copy of the County’s revised POBOR’s Ps&Gs RRM amendment is found in Exhibit 4.

**EXHIBITS**

**LOS ANGELES COUNTY  
REVISED PARAMETERS AND GUIDELINES AMENDMENT  
REVIEW OF STATE AGENCY COMMENTS ON PRIOR AMENDMENT  
PEACE OFFICERS PROCEDURAL BILL OF RIGHTS (POBOR) PROGRAM**

	<u>Page(s)</u>
<b>Exhibit 1 Declaration of Leonard Kaye</b>	<b>1</b>
<b>Exhibit 2 State Controller's Office (SCO)</b>	
<b>RRM Computation Schedule</b>	<b>1-2</b>
<b>National Deflators Schedule</b>	<b>3-4</b>
<b>SCO's Computation Memos</b>	<b>5-6</b>
<b>Exhibit 3 Commission on State Mandates (CSM)</b>	
<b>CSM's 2008 RRM Computation Table</b>	<b>1</b>
<b>CSM's 2004-05 Claimed Cost Table</b>	<b>2-5</b>
<b>Exhibit 4 Los Angeles County's Revised POBOR's Ps&amp;Gs</b>	<b>1-15</b>



**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

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**Los Angeles County  
Revised Parameters and Guidelines Amendment  
Review of State Agency Comments on Prior Amendment  
Peace Officers Procedural Bill of Rights Reimbursement Program**

**Declaration of Leonard Kaye**

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, Los Angeles County's [County] representative in this matter, have prepared the attached review of State agency comments and revised parameters and guidelines (Ps&Gs) amendment in order to update reasonable reimbursement methodology (RRM) rates in the Peace Officer Procedural Bill of Rights (POBOR) Ps&Gs amendment adopted by the Commission on State Mandates (Commission) on March 28, 2008.

I declare that I have conferred and collaborated with the State Controller's Office audit staff responsible for conducting POBOR audits in preparing the attached Ps&Gs amendment revision of the County's prior POBOR Ps&Gs amendment filed with the Commission on March 27, 2012.

I declare that it is my information and belief that the attached revised POBOR Ps&Gs amendment meets requirements specified in Government Code 17518.5.

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 and belief, and as to those matters I believe them to be true.

*6/14/12; Los Angeles, CA*  
Date and Place

*Leonard Kaye*  
Signature



Peace Officer Procedural Bill of Rights  
Summary of Allowable Costs by Fiscal Year

Auditee	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
National Deflator <sup>2</sup>	---	1.022985	1.020206	1.015787	1.0221015	1.043184	1.040213	1.018885	1.036897	1.033484	1.056155	1.061926	1.050305	1.060237	1.027408	1.005644	1.027200
19 Riverside County										120.02	126.76	134.60	141.38	149.89	154.00	154.87	159.08
19 Riverside County											133.70	163.22	171.43	181.76	186.74	187.79	192.90
20 Rocklin								23.65		24.44	25.81	27.41	28.79	30.53	31.36	31.54	32.40
20 Rocklin									79.47		83.93	89.12	93.61	99.25	101.97	102.54	105.33
20 Rocklin											8.84	9.39	9.86	10.45	10.74	10.80	11.10
21 Sacramento City							375.69	389.55	389.55	402.60	425.20	451.54	474.25	502.82	516.60	519.51	533.65
21 Sacramento City								384.80	384.80	190.99	201.72	214.21	224.98	238.53	245.07	246.46	253.16
21 Sacramento City									168.16	177.60	188.60	198.08	210.02	215.77	216.99	222.89	222.89
22 Sacramento County							89.71	93.02	93.02	96.13	101.53	107.82	113.24	120.07	123.36	124.05	127.43
22 Sacramento County								88.27	88.27	70.56	74.52	79.14	83.12	88.13	90.54	91.05	93.53
22 Sacramento County										88.28	93.24	99.01	103.99	110.25	113.28	113.91	117.01
23 San Bernardino County							3.28	3.40	3.40	3.51	3.71	3.94	4.14	4.39	4.51	4.53	4.66
23 San Bernardino County								10.44	10.79	11.40	12.11	12.71	13.48	13.85	13.93	14.31	14.31
23 San Bernardino County									19.13	20.23	21.48	22.56	23.92	24.57	24.71	25.39	25.39
24 San Francisco City/County (2/22/08)						39.14	39.93	40.56	45.88	49.17	51.93	55.14	57.92	61.40	63.09	63.44	65.17
24 San Francisco City/County (2/22/08)						40.43	41.26	41.92	47.41	50.81	53.66	56.98	59.85	63.45	65.19	65.56	67.34
24 San Francisco City/County (2/22/08)								37.68	44.89	46.39	49.00	52.03	54.65	57.94	59.53	59.86	61.49
24 San Francisco City/County (2/22/08)								46.80	54.88	56.72	59.91	63.62	66.82	70.84	72.78	73.19	75.19
24 San Francisco City/County (2/22/08)								46.61	55.22	58.32	61.93	65.05	68.97	70.86	71.26	73.19	75.19
24 San Francisco City/County (2/22/08)									51.15	53.04	57.89	61.48	64.57	68.46	70.34	70.73	72.66
24 San Francisco City/County (2/22/08)									92.63	96.05	104.84	112.14	117.78	124.88	128.30	129.02	132.53
24 San Francisco City/County (2/22/08)								93.31	96.75	99.99	105.60	112.14	116.93	123.97	127.37	128.09	131.58
24 San Francisco City/County (2/22/08)									95.58	98.76	104.30	110.76	116.33	123.34	126.72	127.44	130.90
24 San Francisco City/County (2/22/08)									102.55	108.31	115.02	120.01	126.05	133.64	137.31	138.08	141.84
25 San Francisco City/County (4/10/09)											113.02	120.01	122.58	129.96	133.52	134.27	137.93
25 San Francisco City/County (4/10/09)											116.79	123.70	128.70	136.45	140.19	140.98	144.82
25 San Francisco City/County (4/10/09)											5.64	5.99	6.29	6.67	6.85	6.89	7.08
25 San Francisco City/County (4/10/09)											14.54	15.27	16.19	16.19	16.63	16.72	17.18
26 San Jose											8.47	8.90	9.43	9.99	9.99	9.74	10.01
26 San Jose											56.61	60.11	63.14	66.94	68.78	69.17	71.05
27 Santa Clara County											137.30	144.21	152.90	157.09	157.09	157.97	162.27
27 Santa Clara County											139.29	144.21	152.90	157.09	157.09	157.97	162.27
27 Santa Clara County											73.68	78.12	80.26	80.72	82.91	82.91	85.91
28 Stanislaus County											20.28	21.54	22.62	23.98	24.64	24.78	25.45
28 Stanislaus County											14.56	15.46	16.24	17.22	17.69	17.79	18.27
29 Stockton							17.92	18.58	18.58	19.20	20.28	21.54	22.62	23.98	24.64	24.78	25.45
29 Stockton											45.35	48.35	51.35	54.35	57.35	58.35	61.35
29 Stockton											427.85	454.35	477.21	505.95	519.82	522.75	536.97
29 Stockton											350.09	369.75	392.65	412.40	437.24	449.23	451.76
29 Stockton											373.59	396.72	416.68	441.78	453.88	456.45	468.86
29 Stockton											338.30	359.25	377.32	400.05	411.01	413.33	424.58
29 Stockton											89.30	94.31	100.15	105.19	111.53	114.58	118.37
29 Stockton											282.31	298.17	316.63	332.56	352.59	362.25	364.30
29 Stockton											273.17	282.31	298.17	316.63	332.56	352.59	362.25
29 Stockton											217.73	231.21	242.84	257.47	264.53	266.02	273.26
29 Stockton											128.52	135.74	144.14	151.39	160.51	167.91	170.35
30 Ventura County											88.64	94.13	98.87	104.82	107.70	108.31	111.25
30 Ventura County											120.35	127.80	134.23	142.31	146.22	147.04	151.04
31 Walnut Creek											246.50	261.76	274.93	291.49	299.48	301.17	309.36
31 Walnut Creek											233.01	248.74	263.72	270.95	272.48	279.89	285.27
31 Walnut Creek											173.68	182.42	193.41	198.71	199.83	205.27	210.71

Legend:

Included the 31 audits where the SCO identified allowable costs. Excluded the 8 audits with no allowable costs (City of Buena Park, City of Cathedral City, City of Glendale, City of Huntington Park, City of Inglewood, City of Long Beach (report dated 12/30/04), City of Long Beach (report dated 2/6/08), and San Diego County). The 8 audits were excluded because the agency did not provide any documentation during the course of the audit to support allowable POBOR costs (as opposed to the SCO identifying ineligible costs).

<sup>2</sup> National Deflators for "State and Local Purchases" from: [http://www.dof.ca.gov/HTML/FS\\_DATA/LatestEconData/FS\\_Price.htm](http://www.dof.ca.gov/HTML/FS_DATA/LatestEconData/FS_Price.htm) (as of 5/11/12)

Allowable Cost per Peace Officer based on actual audit results ((Schedule 1, Part A (Exhibit 2, page 1 of 27) + Schedule 2, Part A (Exhibit 3, Page 1 of 14)) / (Schedule 1, Part B (Exhibit 2, page 2 of 27) + Schedule 2, Part B (Exhibit 3, Page 1 of 14))

NATIONAL DEFLATORS (2005=100)

	Gross Domestic Product		Personal Consumption Expenditures		State and Local Purchases	
	Index	% change	Index	% change	Index	% change
1950-51	15.26	--	15.57	--	8.95	--
1951-52	15.83	3.7	16.19	--	9.58	7.1
1952-53	16.11	1.8	16.44	--	9.93	3.6
1953-54	16.26	0.9	16.68	--	9.98	0.5
1954-55	16.41	1.0	16.68	--	10.21	2.2
1955-56	16.87	2.8	16.88	--	10.64	4.2
1956-57	17.49	3.7	17.36	--	11.27	5.9
1957-58	17.94	2.6	17.88	--	11.53	2.3
1958-59	18.27	1.8	18.12	--	11.76	2.0
1959-60	18.48	1.2	18.46	--	11.94	1.5
1960-61	18.72	1.3	18.72	1.4	12.19	2.1
1961-62	18.95	1.3	18.90	1.0	12.58	3.2
1962-63	19.17	1.1	19.12	1.2	12.88	2.4
1963-64	19.42	1.3	19.39	1.4	13.16	2.2
1964-65	19.75	1.7	19.66	1.4	13.46	2.3
1965-66	20.16	2.1	20.02	1.8	13.95	3.6
1966-67	20.82	3.2	20.56	2.7	14.74	5.7
1967-68	21.55	3.5	21.19	3.1	15.54	5.4
1968-69	22.54	4.6	22.09	4.3	16.42	5.7
1969-70	23.76	5.4	23.15	4.8	17.70	7.8
1970-71	24.94	5.0	24.19	4.5	19.11	8.0
1971-72	26.11	4.7	25.11	3.8	20.28	6.1
1972-73	27.26	4.4	26.05	3.8	21.66	6.8
1973-74	29.25	7.3	28.16	8.1	23.52	8.6
1974-75	32.28	10.4	31.06	10.3	26.36	12.1
1975-76	34.59	7.2	33.09	6.5	28.32	7.4
1976-77	36.61	5.8	35.00	5.8	29.98	5.8
1977-78	39.02	6.6	37.33	6.7	32.04	6.9
1978-79	41.99	7.6	40.23	7.8	34.25	6.9
1979-80	45.70	8.8	44.35	10.2	37.96	10.8
1980-81	50.13	9.7	48.84	10.1	42.21	11.2
1981-82	53.98	7.7	52.21	6.9	45.37	7.5
1982-83	56.65	4.9	54.76	4.9	47.93	5.6
1983-84	58.75	3.7	56.98	4.1	49.96	4.2
1984-85	60.79	3.5	58.94	3.4	52.02	4.1
1985-86	62.28	2.4	60.64	2.9	53.75	3.3
1986-87	63.85	2.5	62.35	2.8	55.69	3.6
1987-88	65.83	3.1	64.81	3.9	57.80	3.8
1988-89	68.38	3.9	67.68	4.4	59.60	3.1
1989-90	70.83	3.6	70.43	4.1	61.92	3.9
1990-91	73.62	3.9	73.66	4.6	64.68	4.5
1991-92	75.77	2.9	75.91	3.1	66.11	2.2
1992-93	77.44	2.2	77.90	2.6	67.74	2.5

1993-94	79.09	2.1	79.40	1.9	69.30	2.3
1994-95	80.79	2.2	81.26	2.3	71.40650	3.04080
1995-96	82.41	2.0	82.92	2.0	73.04775	2.29846
1996-97	83.91	1.8	84.75	2.2	74.52375	2.02060
1997-98	85.10	1.4	85.83	1.3	75.70025	1.57869
1998-99	86.19	1.3	86.83	1.2	77.44250	2.30151
1999-00	87.69	1.7	88.72	2.2	80.78675	4.31837
2000-01	89.79	2.4	90.85	2.4	84.03550	4.02139
2001-02	91.43	1.8	91.96	1.2	85.62250	1.88849
2002-03	93.15	1.9	93.76	2.0	88.78175	3.68974
2003-04	95.31	2.3	95.76	2.1	91.75450	3.34838
2004-05	98.31	3.1	98.42	2.8	96.90700	5.61553
2005-06	101.69	3.4	101.55	3.2	102.90800	6.19254
2006-07	104.85	3.1	103.99	2.4	108.08475	5.03046
2007-08	107.33	2.4	107.37	3.2	114.59550	6.02375
2008-09	109.44	2.0	108.94	1.5	117.73625	2.74073
2009-10	110.19	0.7	110.35	1.3	118.40075	0.56440
2010-11	112.08	1.7	112.30	1.8	121.62125	2.72000
2011-12	f/ 114.22	1.9	NA	NA	124.89	2.7
2012-13	f/ 115.71	1.3	NA	NA	127.40	2.0
2013-14	f/ 117.47	1.5	NA	NA	130.21	2.2
2014-15	f/ 119.47	1.7	NA	NA	133.17	2.3

f/ May Revision Forecast, April 2012

Note: The reference year was changed from 1996 to 2000 (BEA December 10, 2003)



**Kaye, Leonard**

---

**From:** LKurokawa@sco.ca.gov  
**Sent:** Thursday, June 07, 2012 6:48 PM  
**To:** Kaye, Leonard  
**Cc:** jspano@sco.ca.gov  
**Subject:** POBOR RRM  
**Attachments:** POBOR RRM.xlsx

Leonard,

We have reviewed your initial RRM proposal of \$152.77 per sworn officer and \$111.99 per probation officer, which was submitted on March 27, 2012.

Attached, you will find the result of our collaboration, which is an updated RRM rate of \$169.21 per peace officer (which includes the Probation Department).

Let me know if you have any questions or concerns.

Thank you,

**Lisa Kurokawa**  
Audit Manager  
State Controller's Office  
Division of Audits | Mandated Cost Bureau  
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**Kaye, Leonard**

**From:** LKurokawa@sco.ca.gov  
**Sent:** Thursday, June 07, 2012 6:38 PM  
**To:** Kaye, Leonard  
**Cc:** jspano@sco.ca.gov; jvenneman@sco.ca.gov; MVorobyova@sco.ca.gov  
**Subject:** POBOR RRM  
**Attachments:** POBOR RRM.xlsx

Leonard,

Attached is our revised RRM identifying a rate of \$169.21 per officer. We made the following changes:

Probation Department

We included the Probation Department costs in both the numerator and the denominator for the following four agencies:

1. Alameda County
2. Orange County
3. San Bernardino County – Only for FY 2002-03 and 2003-04 (because there were no Probation Department costs in 2001-02)
4. Santa Clara County

Transposition Errors

5. El Monte – There was a transposition error in FY 2004-05. We revised the denominator to be 157 (versus 167)
6. Sacramento County – In FY 2001-02, the wrong number of officers was reported (1,525). We revised it to be 1,546 (SD =1,489 + DA= 57)
7. San Francisco City/County – In FY 1995-96, the wrong number of officers was reported (2,544). We revised it to be 2,644 (PD=2,039 + SD=605).

Excluded D/A Costs & Parks and Recreation Costs

8. Contra Costa County – Excluded the number of D/A officers from the denominator because we did not allow any D/A costs in the audit.
9. Orange County – Excluded the number of D/A officers from the denominator because we did not allow any D/A costs in the audit.
10. Kern County – Excluded D/A officers from the denominator because we did not allow any D/A costs in the audit. Also, excluded Dept. of Parks and Recreation from the denominator because it was accidentally included.

Please review and let me know if you disagree with the changes we made.

**Lisa Kurokawa**

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State Controller's Office  
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**Table 2**  
**Peace Officer Procedural Bill of Rights (POBOR) Reimbursements**  
**Reasonable Reimbursement Methodology (RRM) Unit Cost Computations**  
**Adopted by the Commission on State Mandates (CSM) on March 28, 2008 (A)**

<u>CSM</u> <u>Selected</u> <u>Audits (B)</u>	<u>Claimant</u>	<u>Years Audited</u>	<u>Amount</u> <u>Claimed</u>	<u>Allowable</u> <u>Costs(C)</u>	<u>Percent</u> <u>Allowed</u>
	City of Long Beach	1994/95-01/02	\$ 13,640,845	\$ -	0.00%
1	City of Stockton	1994/95-01/02	\$ 2,344,211	\$ 681,799	29.08%
2	City of Sacramento	2001/02-03/04	\$ 1,323,971	\$ 469,058	35.43%
3	Contra Costa County	2001/02-03/04	\$ 532,160	\$ 40,636	7.64%
4	Los Angeles County	1994/95-02/03	\$ 31,152,062	\$ 1,313,057	4.21%
5	Los Angeles P.D.	1994/95-01/02	\$ 60,660,765	\$ 550,345	0.91%
	San Diego County	2001/02-03/04	\$ 1,848,251	\$ -	0.00%
6	City of Oakland	2000/01-03/04	\$ 3,497,273	\$ 1,187	0.03%
7	Orange County	2001/02-03/04	\$ 1,676,796	\$ 95,984	5.72%
8	San Bernardino County	2000/01-03/04	\$ 1,222,606	\$ 62,857	5.14%
9	City of Oceanside	2002/03-04/05	\$ 951,689	\$ 12,551	1.32%
	City of Inglewood	2002/03-04/05	\$ 838,740	\$ -	0.00%
10	Alameda County	2002/03-04/05	\$ 388,851	\$ 79,594	20.47%
11	Sacramento County	2001/02-03/04	\$ 1,186,488	\$ 380,710	32.09%
12	Ventura County	2002/03-04/05	\$ 587,525	\$ 245,230	41.74%
	City of Buena Park	2002/03-02/03	\$ 493,444	\$ -	0.00%
	City of Long Beach	2002/03-02/03	\$ 1,307,923	\$ -	0.00%
13	San Francisco	1994/95-02/03	\$ 24,014,018	\$ 1,557,587	6.49%
<b>Totals</b>			\$ 147,667,618	\$ 5,490,595	190.27%
Average Allowable Cost Percentage (13 audits)					14.64%
Median Claimed Costs (D)					\$ 226.97
RRM Computation (E)					<u>\$ 33.22</u>

**Notes**

- (A) Source: Abstracted from the table on page 21 of CSM's March 28, 2008 POBOR's RRM decision.  
 (B) CSM selected POBOR audits completed by the State Controller's Office (SCO) prior to March 28, 2008.  
 (C) CSM only excluded SCO POBOR audits where no allowable costs were found.  
 (D) CSM used the median claimed cost per officer in 2004-05 (\$226.97) in deriving an RRM. See Table 3.  
 (E) CSM then multiplied the per officer claimed unit cost (\$226.97) by an audit allowance average (14.64%) to obtain the 2004-05 RRM result (\$33.22).

Table 6. Combined Local Agencies: Comparison: Actuals, RRRMs, Percents

	2004-05 Actual Claims <sup>1</sup>	Number of Officers <sup>2</sup>	Per Officer	DOF - 56.74	Percent	LA- 302.37	Percent
6 CATHEDRAL CITY	\$ 339,824	52	\$ 6,535.08	2950.48	0.87%	15,723	4.63%
2 CITY & COUNTY OF SAN FRANCISCO	\$ 2,952,086	3052	\$ 967.26	173170.48	5.87%	922,833	31.26%
142 CITY OF ALAMEDA	\$ 8,052	98	\$ 82.16	5560.52	69.06%	29,632	368.01%
59 CITY OF ALHAMBRA	\$ 32,698	81	\$ 403.68	4595.94	14.06%	24,492	74.90%
38 CITY OF ANTIPOCH	\$ 67,184	102	\$ 658.67	5787.48	8.61%	30,842	45.91%
124 CITY OF ATASCADERO	\$ 10,689	30	\$ 356.30	1702.2	15.92%	9,071	84.86%
62 CITY OF AZUSA	\$ 31,129	55	\$ 565.98	3120.7	10.03%	16,630	53.42%
149 CITY OF BAKERSFIELD	\$ 6,730	323	\$ 20.84	18327.02	272.32%	97,666	1451.20%
47 CITY OF BALDWIN PARK	\$ 45,532	73	\$ 623.73	4142.02	9.10%	22,073	48.48%
189 CITY OF BARSTOW	\$ 1,658	34	\$ 48.76	1929.16	116.35%	10,281	620.06%
170 CITY OF BELL GARDENS	\$ 4,108	52	\$ 79.00	2950.48	71.82%	15,723	382.75%
187 CITY OF BENICIA	\$ 2,057	32	\$ 64.28	1815.68	88.27%	9,676	470.39%
57 CITY OF BERKELEY	\$ 34,608	180	\$ 192.27	10213.2	29.51%	54,427	157.27%
8 CITY OF BEVERLY HILLS	\$ 316,298	131	\$ 2,414.49	7432.94	2.35%	39,610	12.52%
73 CITY OF BRENTWOOD	\$ 25,033	53	\$ 472.32	3007.22	12.01%	16,026	64.02%
20 CITY OF BURBANK	\$ 148,430	153	\$ 970.13	8881.22	5.85%	46,263	31.17%
126 CITY OF BURLINGAME	\$ 10,636	40	\$ 265.90	2269.6	21.34%	12,095	113.72%
150 CITY OF CALEXICO	\$ 6,674	47	\$ 142.00	2866.78	39.96%	14,211	212.94%
41 CITY OF CARLSBAD	\$ 59,093	107	\$ 552.27	6071.18	10.27%	32,354	54.75%
115 CITY OF CHICO	\$ 12,366	93	\$ 132.97	5276.82	42.67%	28,120	227.40%
120 CITY OF CLAREMONT	\$ 11,652	37	\$ 314.92	2099.38	18.02%	11,188	96.02%
63 CITY OF CORONA	\$ 29,811	168	\$ 177.45	9532.32	31.98%	50,798	170.40%
157 CITY OF COSTA MESA	\$ 6,064	151	\$ 40.16	8567.74	141.29%	45,658	752.93%
194 CITY OF COTATI	\$ 1,077	13	\$ 82.85	737.62	68.49%	3,931	364.98%
12 CITY OF COVINA	\$ 257,535	51	\$ 5,049.71	2893.74	1.12%	15,421	5.99%
92 CITY OF DALY CITY	\$ 17,197	108	\$ 159.23	6127.92	35.63%	32,656	189.89%
67 CITY OF DAVIS	\$ 27,071	53	\$ 510.77	3007.22	11.11%	16,026	59.20%
167 CITY OF DINUBA	\$ 4,598	32	\$ 143.69	1815.68	39.49%	9,676	210.44%
103 CITY OF DOWNEY	\$ 15,113	105	\$ 143.93	5957.7	39.42%	31,749	210.08%
72 CITY OF EAST PALO ALTO	\$ 25,549	35	\$ 729.97	1985.9	7.77%	10,583	41.42%
105 CITY OF EL CAJON	\$ 14,877	126	\$ 118.07	7149.24	48.06%	38,099	256.09%
102 CITY OF EL CERRITO	\$ 15,254	39	\$ 391.13	2212.86	14.51%	11,792	77.31%
24 CITY OF EL MONTE	\$ 107,699	162	\$ 664.81	9191.88	8.53%	48,984	45.48%
84 CITY OF EL SEGUNDO	\$ 19,944	61	\$ 326.95	3461.14	17.35%	18,445	92.48%
135 CITY OF EMERYVILLE	\$ 9,301	35	\$ 265.74	1985.9	21.35%	10,583	113.78%
52 CITY OF ESCONDIDO	\$ 38,532	160	\$ 240.83	9078.4	23.56%	48,379	125.56%
48 CITY OF FAIRFIELD	\$ 44,232	117	\$ 378.05	6638.58	15.01%	35,377	79.98%
119 CITY OF FIREBAUGH	\$ 11,715	11	\$ 1,065.00	624.11	5.33%	3,326	28.39%
44 CITY OF FONTANA	\$ 52,549	168	\$ 312.79	9532.32	18.14%	50,798	96.67%
82 CITY OF FOSTER CITY	\$ 21,446	36	\$ 595.72	2042.64	9.52%	10,885	50.76%
151 CITY OF FREMONT	\$ 6,498	191	\$ 34.02	10837.34	166.78%	57,753	888.78%
9 CITY OF FRESNO	\$ 306,626	802	\$ 382.33	45505.48	14.84%	242,501	79.09%
33 CITY OF GARDEN GROVE	\$ 74,268	156	\$ 476.08	8851.44	11.92%	47,170	63.51%
13 CITY OF GLENDALE	\$ 232,607	269	\$ 864.71	15263.06	6.56%	81,338	34.97%
81 CITY OF GLENDORA	\$ 21,539	55	\$ 391.62	3120.7	14.49%	16,630	77.21%
186 CITY OF GRASS VALLEY	\$ 2,110	26	\$ 81.15	1475.24	69.92%	7,862	372.59%
195 CITY OF GREENFIELD	\$ 1,041	16	\$ 65.06	907.84	87.21%	4,838	464.74%

	2004-05 Actual Claims <sup>1</sup>	Number of Officers <sup>2</sup>	Per Officer	DOF - 56.74	Percent	LA- 302.37	Percent
109	CITY OF HANFORD	14,247	\$ 273.98	2950.48	20.71%	15,723	110.36%
51	CITY OF HAYWARD	39,280	\$ 215.82	10326.68	26.29%	55,031	140.10%
117	CITY OF HERMOSA BEACH	11,925	\$ 340.71	1985.9	16.65%	10,583	88.75%
175	CITY OF HILLSBOROUGH	3,210	\$ 128.40	1418.5	44.19%	7,559	235.49%
46	CITY OF HUNTINGTON BEACH	48,311	\$ 226.81	12085.62	25.02%	64,405	133.31%
159	CITY OF INDIO	5,275	\$ 82.42	3631.36	68.84%	19,352	366.86%
7	CITY OF INGLEWOOD	338,790	\$ 1,711.06	11234.52	3.32%	59,869	17.67%
125	CITY OF JACKSON	10,655	\$ 1,183.89	510.66	4.79%	2,721	25.54%
18	CITY OF KERMAN	167,753	\$ 11,183.53	851.1	0.51%	4,536	2.70%
130	CITY OF LA HABRA	10,043	\$ 154.51	3688.1	36.72%	19,654	195.70%
134	CITY OF LAGUNA BEACH	9,310	\$ 193.96	2723.52	29.25%	14,514	155.89%
94	CITY OF LIVERMORE	17,091	\$ 187.81	5163.34	30.21%	27,516	161.00%
104	CITY OF LIVINGSTON	15,061	\$ 792.68	1078.06	7.16%	5,745	38.15%
144	CITY OF LOMPOC	7,982	\$ 159.64	2837	35.54%	15,119	189.41%
1	CITY OF LOS ANGELES	8,749,350	\$ 913.58	543398.98	6.21%	2,895,797	33.10%
76	CITY OF MANHATTAN BEACH	23,825	\$ 397.08	3404.4	14.29%	18,142	76.15%
181	CITY OF MANTECA	2,264	\$ 32.81	3915.06	172.93%	20,864	921.53%
177	CITY OF MARTINEZ	2,808	\$ 73.89	2156.12	76.78%	11,490	409.19%
69	CITY OF MENLO PARK	26,236	\$ 624.67	2383.08	9.08%	12,700	48.41%
98	CITY OF MERCED	15,900	\$ 203.85	4425.72	27.83%	23,585	148.33%
70	CITY OF MILL VALLEY	25,892	\$ 1,294.60	1134.8	4.38%	6,047	23.36%
31	CITY OF MODESTO	74,808	\$ 278.10	15263.06	20.40%	81,338	108.73%
55	CITY OF MONROVIA	36,977	\$ 739.54	2837	7.67%	15,119	40.89%
83	CITY OF MONTCLAIR	21,049	\$ 397.15	3007.22	14.29%	16,026	76.13%
37	CITY OF MONTEREY	67,531	\$ 1,436.83	2666.78	3.95%	14,211	21.04%
111	CITY OF MONTEREY PARK	13,829	\$ 179.60	4368.98	31.59%	23,282	168.36%
45	CITY OF MOUNTAIN VIEW	51,879	\$ 540.41	5447.04	10.50%	29,028	55.95%
155	CITY OF MURRIETA	6,386	\$ 87.48	4142.02	64.86%	22,073	345.65%
153	CITY OF NATIONAL CITY	6,478	\$ 80.98	4539.2	70.07%	24,190	373.41%
171	CITY OF NEWARK	4,091	\$ 74.38	3120.7	76.28%	16,630	406.51%
179	CITY OF NEWPORT BEACH	2,484	\$ 17.49	8057.08	324.36%	42,937	1728.52%
93	CITY OF NOVATO	17,178	\$ 55	3120.7	18.17%	16,630	96.81%
80	CITY OF OCEANSIDE	21,778	\$ 108.35	11404.74	52.37%	60,776	279.07%
75	CITY OF ORANGE	24,049	\$ 159.26	8567.74	35.63%	45,658	189.85%
172	CITY OF OROVILLE	3,921	\$ 170.48	1305.02	33.28%	6,955	177.37%
26	CITY OF OXNARD	96,948	\$ 434.74	12653.02	13.05%	67,429	69.55%
129	CITY OF PACIFICA	10,204	\$ 283.44	2042.64	20.02%	10,385	106.68%
65	CITY OF PALO ALTO	27,823	\$ 339.30	4652.68	16.72%	24,794	89.11%
168	CITY OF PARLIER	4,468	\$ 139.14	794.36	17.78%	4,233	94.74%
85	CITY OF PATALUMA	19,749	\$ 263.32	4255.5	21.55%	22,678	114.83%
183	CITY OF PIEDMONT	2,250	\$ 125.00	1021.32	45.39%	5,443	241.90%
138	CITY OF PISMO BEACH	8,673	\$ 377.09	1305.02	15.05%	6,955	80.19%
114	CITY OF PLACENTIA	13,017	\$ 250.33	2950.48	22.67%	15,723	120.79%
191	CITY OF PORT HUENEME	1,448	\$ 62.96	1305.02	90.13%	6,955	480.28%
174	CITY OF PORTERVILLE	3,749	\$ 73.51	2893.74	77.19%	15,421	411.33%
68	CITY OF RED BLUFF	26,806	\$ 1,116.92	1361.76	5.08%	7,257	27.07%
173	CITY OF REDDING	3,757	\$ 114	6468.36	172.17%	34,470	917.49%
60	CITY OF REDLANDS	32,335	\$ 94	5333.56	16.49%	28,423	87.90%
121	CITY OF REDONDO BEACH	11,509	\$ 110.66	5900.96	51.27%	31,446	273.23%

	2004-05 Actual Claims <sup>1</sup>	Number of Officers <sup>2</sup>	Per Officer	DOF - 56.74	Percent	LA- 302.37	Percent	
169	CITY OF REDWOOD CITY	\$ 4,356	95	\$ 45.85	5390.3	123.74%	28,725	659.44%
89	CITY OF REEDLEY	\$ 18,097	29	\$ 624.03	1645.46	9.09%	8,769	48.45%
71	CITY OF RIALTO	\$ 25,770	96	\$ 268.44	5447.04	21.14%	29,028	112.64%
166	CITY OF RICHMOND	\$ 4,673	151	\$ 30.95	8567.74	183.35%	45,658	977.06%
17	CITY OF RIVERSIDE	\$ 200,265	366	\$ 547.17	20766.84	10.37%	110,667	55.26%
21	CITY OF ROCKLIN	\$ 130,474	49	\$ 2,662.73	2780.26	2.13%	14,816	11.36%
78	CITY OF ROSEVILLE	\$ 22,316	131	\$ 170.35	7432.94	33.31%	39,610	177.50%
35	CITY OF SAN BERNARDINO	\$ 69,399	303	\$ 229.04	17192.22	24.77%	91,618	132.02%
128	CITY OF SAN CARLOS	\$ 10,433	32	\$ 326.03	1815.68	17.40%	9,676	92.74%
113	CITY OF SAN FERNANDO	\$ 13,142	35	\$ 375.49	1985.9	15.11%	10,583	80.53%
131	CITY OF SAN GABRIEL	\$ 9,768	54	\$ 180.39	3063.96	31.37%	16,328	167.16%
30	CITY OF SAN JOSE	\$ 76,383	1352	\$ 56.50	76712.48	100.43%	408,804	535.20%
139	CITY OF SAN LEANDRO	\$ 8,631	88	\$ 98.08	4993.12	57.85%	26,609	308.29%
66	CITY OF SAN LUIS OBISPO	\$ 27,144	55	\$ 493.53	3120.7	11.50%	16,630	61.27%
180	CITY OF SAN MARINO	\$ 2,336	24	\$ 97.33	1361.76	58.29%	7,257	310.65%
58	CITY OF SAN RAFAEL	\$ 33,920	66	\$ 513.94	3744.84	11.04%	19,956	58.83%
90	CITY OF SANTA ANA	\$ 17,480	350	\$ 49.94	19859	113.61%	105,830	605.43%
158	CITY OF SANTA BARBARA	\$ 5,701	128	\$ 44.54	7262.72	127.39%	38,703	678.89%
110	CITY OF SANTA CLARA	\$ 14,148	128	\$ 110.53	7262.72	51.33%	38,703	273.56%
118	CITY OF SANTA MARIA	\$ 11,924	108	\$ 110.41	6127.92	51.39%	32,656	273.87%
32	CITY OF SANTA MONICA	\$ 74,732	206	\$ 362.78	11688.44	15.64%	62,288	83.35%
88	CITY OF SEASIDE	\$ 18,430	39	\$ 472.56	2212.86	12.01%	11,792	63.98%
164	CITY OF SIGNAL HILL	\$ 4,790	32	\$ 149.69	1815.68	37.91%	9,676	202.00%
28	CITY OF SIMI VALLEY	\$ 84,710	118	\$ 717.88	6695.32	7.90%	35,680	42.12%
99	CITY OF SOUTH GATE	\$ 15,829	84	\$ 188.44	4766.16	30.11%	25,399	160.46%
162	CITY OF SOUTH LAKE TAHOE	\$ 5,052	37	\$ 136.54	2099.38	41.56%	11,188	221.45%
182	CITY OF SOUTH PASADENA	\$ 2,257	35	\$ 64.49	1985.9	87.99%	10,583	468.89%
10	CITY OF SOUTH SAN FRANCISCO	\$ 284,763	70	\$ 4,068.04	3971.8	1.39%	21,166	7.43%
36	CITY OF STOCKTON	\$ 69,290	380	\$ 182.34	21561.2	31.12%	114,901	165.83%
156	CITY OF SUISUN CITY	\$ 6,224	20	\$ 311.20	1134.8	18.23%	6,047	97.16%
136	CITY OF TIBURON	\$ 9,258	13	\$ 712.15	737.62	7.97%	3,931	42.46%
133	CITY OF TRACY	\$ 9,492	76	\$ 124.89	4312.24	45.43%	22,980	242.10%
147	CITY OF TULELAKE	\$ 7,356	3	\$ 2,452.00	170.22	2.31%	907	12.33%
116	CITY OF TURLOCK	\$ 12,350	60	\$ 205.83	3404.4	27.57%	18,142	146.90%
49	CITY OF TUSTIN	\$ 43,508	95	\$ 457.98	5390.3	12.39%	28,725	66.02%
107	CITY OF UNION CITY	\$ 14,513	78	\$ 186.06	4425.72	30.49%	23,585	162.51%
42	CITY OF UPLAND	\$ 57,458	77	\$ 746.21	4368.98	7.60%	23,282	40.52%
96	CITY OF VACAVILLE	\$ 16,703	101	\$ 165.38	5730.74	34.31%	30,539	182.84%
91	CITY OF VERNON	\$ 17,356	52	\$ 333.77	2950.48	17.00%	15,723	90.59%
145	CITY OF VISALIA	\$ 7,531	116	\$ 64.92	6581.84	87.40%	35,075	465.74%
40	CITY OF WALNUT CREEK	\$ 61,930	77	\$ 804.29	4368.98	7.05%	23,282	37.59%
127	CITY OF WEED	\$ 10,447	10	\$ 1,044.70	567.4	5.43%	3,024	28.94%
137	CITY OF WEST COVINA	\$ 8,916	115	\$ 77.53	6525.1	73.18%	34,773	390.00%
74	CITY OF WESTMINSTER	\$ 24,272	94	\$ 258.21	5333.56	21.97%	28,423	117.10%
64	CITY OF WHITTIER	\$ 29,507	117	\$ 252.20	6638.58	22.50%	35,377	119.89%
165	CITY OF WOODLAND	\$ 4,788	65	\$ 73.66	3688.1	77.03%	19,654	410.49%
185	CITY OF YUBA CITY	\$ 2,184	55	\$ 39.71	3120.7	142.89%	16,630	761.46%
19	COUNTY OF ALAMEDA	\$ 160,800	1049	\$ 153.29	59520.26	37.02%	317,186	197.26%
178	COUNTY OF EL DORADO	\$ 2,628	185	\$ 14.21	10496.9	399.43%	55,938	2128.56%

	2004-05 Actual Claims <sup>1</sup>	Number of Officers <sup>2</sup>	Per Officer	DOF - 56.74	Percent	LA- 302.37	Percent
23 COUNTY OF FRESNO	\$ 110,494	529	\$ 208.87	30015.46	27.16%	159,954	144.76%
112 COUNTY OF HUMBOLDT	\$ 13,235	182	\$ 72.72	10326.68	78.03%	55,031	415.80%
193 COUNTY OF INYO	\$ 1,299	40	\$ 32.48	2269.6	174.72%	12,095	931.09%
16 COUNTY OF KERN	\$ 215,162	790	\$ 272.36	44824.6	20.83%	238,872	111.02%
100 COUNTY OF LAKE	\$ 15,434	68	\$ 226.97	3858.32	25.00%	20,561	133.22%
5 COUNTY OF LOS ANGELES	\$ 507,741	9028	\$ 56.24	512248.72	100.89%	2,729,796	537.64%
176 COUNTY OF MARIN	\$ 2,977	213	\$ 13.98	12085.62	405.97%	64,405	2163.41%
87 COUNTY OF MONO	\$ 18,923	28	\$ 675.82	1588.72	8.40%	8,466	44.74%
34 COUNTY OF MONTEREY	\$ 70,153	329	\$ 213.23	18667.46	26.61%	99,480	141.80%
140 COUNTY OF NAPA	\$ 8,330	94	\$ 88.62	5333.56	64.03%	28,423	341.21%
22 COUNTY OF ORANGE	\$ 126,831	1928	\$ 65.78	109394.72	86.25%	582,969	459.64%
39 COUNTY OF PLACER	\$ 63,618	231	\$ 275.40	13106.94	20.60%	69,847	109.79%
4 COUNTY OF RIVERSIDE	\$ 598,214	1824	\$ 327.97	103493.76	17.30%	551,523	92.19%
14 COUNTY OF SACRAMENTO	\$ 227,643	1512	\$ 150.56	85790.88	37.69%	457,183	200.83%
3 COUNTY OF SAN BERNARDINO	\$ 653,148	1781	\$ 366.73	101053.94	15.47%	538,521	82.45%
27 COUNTY OF SAN JOAQUIN	\$ 92,467	326	\$ 283.64	18497.24	20.00%	98,573	106.60%
54 COUNTY OF SAN LUIS OBISPO	\$ 37,454	167	\$ 224.28	9475.58	25.30%	50,496	134.82%
43 COUNTY OF SAN MATEO	\$ 56,566	349	\$ 162.08	19802.26	35.01%	105,527	186.56%
11 COUNTY OF SANTA CLARA	\$ 270,774	544	\$ 497.75	30866.56	11.40%	164,489	60.75%
95 COUNTY OF SHASTA	\$ 17,025	168	\$ 101.34	9532.32	55.99%	50,798	298.37%
29 COUNTY OF SISKIYOU	\$ 81,403	93	\$ 875.30	5276.82	6.48%	28,120	34.54%
77 COUNTY OF SOLANO	\$ 23,537	115	\$ 204.67	6525.1	27.72%	34,773	147.74%
25 COUNTY OF SONOMA	\$ 105,661	327	\$ 323.12	18553.98	17.56%	98,875	93.58%
163 COUNTY OF STANISLAUS	\$ 5,014	249	\$ 20.14	14128.26	281.78%	75,290	1501.60%
108 COUNTY OF SUTTER	\$ 14,468	88	\$ 164.41	4993.12	34.51%	26,609	183.91%
143 COUNTY OF TEHAMA	\$ 8,049	88	\$ 91.47	4993.12	62.03%	26,609	330.58%
86 COUNTY OF TULARE	\$ 19,183	371	\$ 51.71	21050.54	109.74%	112,179	584.78%
15 COUNTY OF VENTURA	\$ 216,825	726	\$ 298.66	41193.24	19.00%	219,521	101.24%
101 COUNTY OF YOLO	\$ 15,373	107	\$ 143.67	6071.18	39.49%	32,354	210.46%
132 COUNTY OF YUBA	\$ 9,637	81	\$ 118.98	4595.94	47.69%	24,492	254.15%
<b>Totals:</b>	<b>\$ 21,031,244</b>	<b>50,701</b>	<b>Median: \$ 118.98</b>	<b>\$ 2,876,774.74</b>	<b>46.30%</b>	<b>15,330,461</b>	<b>246.73%</b>

1. Source: State Controller's Office  
2. Number of officers as of 8/14/06. Source: Commission on Peace Officer Standards and Training.

Adopted: July 27, 2000  
Corrected: August 17, 2000  
Amended: December 4, 2006  
Amended: March 28, 2008  
Amended: July 31, 2009

**Exhibit 4**  
**Page 1 of 15**

## **LOS ANGELES COUNTY'S PROPOSED PARAMETERS AND GUIDELINES AMENDMENT**

### *Peace Officers Procedural Bill of Rights*

**Government Code Sections 3301, 3303, 3304, 3305, 3306, as added and amended by Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675**

### **BEGINNING IN FISCAL YEAR 2010-11**

#### **I. SUMMARY AND SOURCE OF THE MANDATE**

In order to ensure stable employer-employee relations and effective law enforcement services, the Legislature enacted Government Code sections 3300 through 3310, known as the Peace Officers Procedural Bill of Rights (POBOR).

The test claim legislation provides procedural protections to peace officers employed by local agencies and school districts<sup>1</sup> when a peace officer is subject to an interrogation by the employer, is facing punitive action or receives an adverse comment in his or her personnel file.

In 1999, the Commission approved the test claim and adopted the original Statement of Decision. The Commission found that certain procedural requirements under POBOR were rights already provided to public employees under the due process clause of the United States and California Constitutions. Thus, the Commission denied the procedural requirements of POBOR that were already required by law on the ground that they did not impose a new program or higher level of service, or impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c). Government Code section 17556, subdivision (c), generally provides that the Commission shall not find costs mandated by the state for test claim statutes that implement a federal law, unless the test claim statute mandates costs that exceed the federal mandate. The Commission approved

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<sup>1</sup> Government Code section 3301 states: "For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code."



the activities required by POBOR that exceeded the requirements of existing state and federal law.

On July 27, 2000, the Commission adopted parameters and guidelines that authorized reimbursement, beginning July 1, 1994, to counties, cities, a city and county, school districts, and special districts that employ peace officers for the ongoing activities summarized below:

- Developing or updating policies and procedures.
- Training for human resources, law enforcement, and legal counsel.
- Updating the status of cases.
- Providing the opportunity for an administrative appeal for permanent, at-will, and probationary employees that were subject to certain disciplinary actions that were not covered by the due process clause of state and federal law.
- When a peace officer is under investigation, or becomes a witness to an incident under investigation, and is subjected to an interrogation by the employer that could lead to certain disciplinary actions, the following costs and activities are eligible for reimbursement: compensation to the peace officer for interrogations occurring during off-duty time; providing prior notice to the peace officer regarding the nature of the interrogation and identification of investigating officers; tape recording the interrogation; providing the peace officer employee with access to the tape prior to any further interrogation at a subsequent time or if any further specified proceedings are contemplated; and producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of complaints of reports or complaints made by investigators.
- Performing certain activities, specified by the type of local agency or school district, upon the receipt of an adverse comment against a peace officer employee.

A technical correction was made to the parameters and guidelines on August 17, 2000.

In 2005, Statutes 2005, chapter 72, section 6 (AB 138) added section 3313 to the Government Code to direct the Commission to "review" the Statement of Decision, adopted in 1999, on the *Peace Officer Procedural Bill of Rights* test claim (commonly abbreviated as "POBOR") to clarify whether the subject legislation imposed a mandate consistent with California Supreme Court Decision in *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859 and other applicable court decisions.

On April 26, 2006, the Commission reviewed its original findings and adopted a Statement of Decision on reconsideration (05-RL-4499-01). The Statement of Decision on reconsideration became final on May 1, 2006.

The Commission found that the *San Diego Unified School Dist.* case supports the Commission's 1999 Statement of Decision that the test claim legislation constitutes a partial reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for all activities previously approved by the Commission for counties, cities, school districts, and

special districts identified in Government Code section 3301 that employ peace officers, except the following:

- The activity of providing the opportunity for an administrative appeal to probationary and at-will peace officers (except when the chief of police is removed) pursuant to Government Code section 3304 is no longer a reimbursable state-mandated activity because the Legislature amended Government Code section 3304 in 1998. The amendment limited the right to an administrative appeal to only those peace officers “who successfully completed the probationary period that may be required” by the employing agency and to situations where the chief of police is removed. (Stats. 1998, ch. 786, § 1.)
- The activities of obtaining the signature of the peace officer on the adverse comment or noting the officer’s refusal to sign the adverse comment, pursuant to Government Code sections 3305 and 3306, when the adverse comment results in a punitive action protected by the due process clause<sup>2</sup> does not constitute a new program or higher level of service and does not impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c).

The Statement of Decision adopted by the Commission on this reconsideration applies to costs incurred and claimed for the 2006-2007 fiscal year.

On February 6, 2009, the Third District Court of Appeal, in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1357, determined that POBOR is not a reimbursable mandate as to school districts and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties.

On May 8, 2009, the Sacramento County Superior Court issued a judgment and writ in Case No. 07CS00079, pursuant to the Third District Court of Appeal’s decision in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, requiring the Commission to:

- a. Set aside the portion of its reconsideration decision in “Case No. 05-RL-4499-01 Peace Officer Procedural Bill of Rights” (reconsideration decision) that found that the Peace Officer Procedural Bill of Rights program constitutes a reimbursable state-mandated program for school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties;
- b. Issue a new decision denying the portion of the reconsideration decision approving reimbursement for school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties; and

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<sup>2</sup> Due process attaches when a permanent employee is dismissed, demoted, suspended, receives a reduction in salary, or receives a written reprimand. Due process also attaches when the charges supporting a dismissal of a probationary or at-will employee constitute moral turpitude that harms the employee’s reputation and ability to find future employment and, thus, a name-clearing hearing is required.

c. Amend the parameters and guidelines consistent with this judgment.

This judgment does not affect cities, counties, or special police protection districts named in Government Code section 53060.7, which wholly supplant the law enforcement functions of the County within their jurisdiction.

Accordingly, on July 31, 2009, the Commission amended the decision to deny reimbursement to school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties.

## II. ELIGIBLE CLAIMANTS

Counties, cities, a city and county, and special police protection districts named in Government Code section 53060.7 that wholly supplant the law enforcement functions of the county within their jurisdiction are eligible claimants.

School districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties are not eligible claimants entitled to reimbursement.

## III. PERIOD OF REIMBURSEMENT

The period of reimbursement for the activities and reasonable reimbursement methodology in this parameters and guidelines amendment begins on July 1, 2006.

Pursuant to Government Code section 17560, reimbursement for state-mandated costs may be claimed as follows:

1. A local agency may, by February 15 following the fiscal year in which costs are incurred, file an annual reimbursement claim for that fiscal year.
2. In the event revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 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.

Reimbursable costs for one fiscal year shall be included in each claim. If 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 fiscal year, an eligible claimant may file a reimbursement claim based on the reasonable reimbursement methodology described in Section V A. or for actual costs, as described in Section V. B.

For each eligible claimant, the following activities are reimbursable:

### A. Administrative Activities (On-going Activities)

1. Developing or updating internal policies, procedures, manuals and other materials pertaining to the conduct of the mandated activities.

2. Attendance at specific training for human resources, law enforcement and legal counsel regarding the requirements of the mandate. The training must relate to mandate-reimbursable activities.

3. Updating the status report of mandate-reimbursable POBOR activities. "Updating the status report of mandate-reimbursable POBOR-activities" means tracking the procedural status of the mandate-reimbursable activities only. Reimbursement is not required to maintain or update the cases, set up the cases, review the cases, evaluate the cases, or close the cases.

#### **B. Administrative Appeal**

1. The administrative appeal activities listed below apply to permanent peace officer employees as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5. The administrative appeal activities do not apply to reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff security officers, police security officers, and school security officers.<sup>3</sup>

#### **The following activities and costs are reimbursable:**

- a. Providing the opportunity for, and the conduct of an administrative appeal hearing for the following disciplinary actions (Gov. Code, § 3304, subd. (b)):
  - Transfer of permanent-employees for purposes of punishment;
  - Denial of promotion for permanent-employees for reasons other than merit; and
  - Other actions against permanent employees that result in disadvantage, harm, loss or hardship and impact the career opportunities of the employee.
- b. Preparation and review of the various documents necessary to commence and proceed with the administrative appeal hearing.
- c. Legal review and assistance with the conduct of the administrative appeal hearing.
- d. Preparation and service of subpoenas.
- e. Preparation and service of any rulings or orders of the administrative body.
- f. The cost of witness fees.
- g. The cost of salaries of employee witnesses, including overtime, the time and labor of the administrative appeal hearing body and its attendant clerical services.

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<sup>3</sup> *Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.

The following activities are **not** reimbursable:

- a. Investigating charges.
- b. Writing and reviewing charges.
- c. Imposing disciplinary or punitive action against the peace officer.
- d. Litigating the final administrative decision.

2. Providing the opportunity for, and the conduct of an administrative appeal hearing for removal of the chief of police under circumstances that do not create a liberty interest (i.e., the charges do not constitute moral turpitude, which harms the employee's reputation and ability to find future employment). (Gov. Code, § 3304, subd. (b).)

The following activities and costs are reimbursable:

- a. Preparation and review of the various documents necessary to commence and proceed with the administrative appeal hearing.
- b. Legal review and assistance with the conduct of the administrative appeal hearing.
- c. Preparation and service of subpoenas.
- d. Preparation and service of any rulings or orders of the administrative body.
- e. The cost of witness fees.
- f. The cost of salaries of employee witnesses, including overtime, the time and labor of the administrative appeal hearing body and its attendant clerical services.

The following activities are **not** reimbursable:

- a. Investigating charges.
- b. Writing and reviewing charges.
- c. Imposing disciplinary or punitive action against the chief of police.
- d. Litigating the final administrative decision.

### **C. Interrogations**

The performance of the activities listed in this section are eligible for reimbursement only when a peace officer, as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5, is under investigation, or becomes a witness to an incident under investigation, and is subjected to an interrogation by the commanding officer, or any other member of the employing public safety department, that could lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment. (Gov. Code, § 3303.)<sup>4</sup>

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<sup>4</sup> Interrogations of reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff

Claimants are not eligible for reimbursement for the activities listed in this section when an interrogation of a peace officer is in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer. Claimants are also not eligible for reimbursement when the investigation is concerned solely and directly with alleged criminal activities. (Gov. Code, § 3303, subd. (i).)

The following activities are reimbursable:

1. When required by the seriousness of the investigation, compensating the peace officer for interrogations occurring during off-duty time in accordance with regular department procedures. (Gov. Code, § 3303, subd. (a).)

Preparation and review of overtime compensation requests are reimbursable.

2. Providing notice to the peace officer before the interrogation. The notice shall inform the peace officer of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. The notice shall inform the peace officer of the nature of the investigation. (Gov. Code, § 3303, subs. (b) and (c).)

The following activities relating to the notice of interrogation are reimbursable:

- a. Review of agency complaints or other documents to prepare the notice of interrogation.
  - b. Identification of the interrogating officers to include in the notice of interrogation.
  - c. Preparation of the notice.
  - d. Review of notice by counsel.
  - e. Providing notice to the peace officer prior to interrogation.
3. Recording the interrogation when the peace officer employee records the interrogation. (Gov. Code, § 3303, subd. (g).)

The cost of media and storage, and the cost of transcription are reimbursable. The investigator's time to record the session and transcription costs of non-sworn peace officers are not reimbursable.

4. Providing the peace officer employee with access to the recording prior to any further interrogation at a subsequent time, or if any further proceedings are contemplated and the further proceedings fall within the following categories (Gov. Code, § 3303, subd. (g)):
  - a. The further proceeding is not a disciplinary action;
  - b. The further proceeding is a dismissal, demotion, suspension, salary reduction or written reprimand received by a probationary or at-will employee whose liberty

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security officers, police security officers, and school security officers are not reimbursable. (*Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.)

interest is not affected (i.e., the charges supporting the dismissal does not harm the employee's reputation or ability to find future employment);

c. The further proceeding is a transfer of a permanent, probationary or at-will employee for purposes of punishment;

d. The further proceeding is a denial of promotion for a permanent, probationary or at-will employee for reasons other than merit;

e. The further proceeding is an action against a permanent, probationary or at-will employee that results in disadvantage, harm, loss or hardship and impacts the career of the employee.

The cost of media copying is reimbursable.

5. Producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of reports or complaints made by investigators or other persons, except those that are deemed confidential, when requested by the officer, in the following circumstances (Gov. Code, § 3303, subd. (g)):

a) When the investigation does not result in disciplinary action; and

b) When the investigation results in:

- A dismissal, demotion, suspension, salary reduction or written reprimand received by a probationary or at-will employee whose liberty interest *is not* affected (i.e.; the charges supporting the dismissal do not harm the employee's reputation or ability to find future employment);
- A transfer of a permanent, probationary or at-will employee for purposes of punishment;
- A denial of promotion for a permanent, probationary or at-will employee for reasons other than merit; or
- Other actions against a permanent, probationary or at-will employee that result in disadvantage, harm, loss or hardship and impact the career of the employee.

Review of the complaints, notes or recordings for issues of confidentiality by law enforcement, human relations or counsel; and the cost of processing, service and retention of copies are reimbursable.

The following activities are **not** reimbursable:

1. Activities occurring before the assignment of the case to an administrative investigator. These activities include taking an initial complaint, setting up the complaint file, interviewing parties, reviewing the file, and determining whether the complaint warrants an administrative investigation.
2. Investigation activities, including assigning an investigator to the case, reviewing the allegation, communicating with other departments, visiting the scene of the alleged incident, gathering evidence, identifying and contacting complainants and witnesses.

3. Preparing for the interrogation, reviewing and preparing interrogation questions, conducting the interrogation, and reviewing the responses given by the officer and/or witness during the interrogation.
4. Closing the file, including the preparation of a case summary disposition reports and attending executive review or committee hearings related to the investigation.

#### **D. Adverse Comment**

Performing the following activities upon receipt of an adverse comment concerning a peace officer, as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5. (Gov. Code, §§ 3305 and 3306.):<sup>5</sup>

#### **Counties**

- (a) If an adverse comment *is* related to the investigation of a possible criminal offense, then counties are entitled to reimbursement for the following activities:
  1. Providing notice of the adverse comment;
  2. Providing an opportunity to review and sign the adverse comment;
  3. Providing an opportunity to respond to the adverse comment within 30 days; and
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.
- (b) If an adverse comment *is not* related to the investigation of a possible criminal offense, then counties obtained are entitled to reimbursement for:
  1. Providing notice of the adverse comment: and
  2. Obtaining the signature of the peace officer on the adverse comment; or
  3. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.

#### **Cities and Special Police Protection Districts**

- (a) If an adverse comment *is* related to the investigation of a possible criminal offense, then cities and special districts are entitled to reimbursement for the following activities:
  1. Providing notice of the adverse comment;
  2. Providing an opportunity to review and sign the adverse comment;

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<sup>5</sup> The adverse comment activities do not apply to reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff security officers, police security officers, or school security officers. (*Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.)



3. Providing an opportunity to respond to the adverse comment within 30 days;  
and
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.
- (b) If an adverse comment *is not* related to the investigation of a possible criminal offense, then cities and special districts are entitled to reimbursement for the following activities:
1. Providing notice of the adverse comment;
  2. Providing an opportunity to respond to the adverse comment within 30 days;  
and
  3. Obtaining the signature of the peace officer on the adverse comment; or
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.

The following adverse comment activities are reimbursable:

1. Review of the circumstances or documentation leading to the adverse comment by supervisor, command staff, human resources staff, or counsel to determine whether the comment constitutes a written reprimand or an adverse comment.
2. Preparation of notice of adverse comment.
3. Review of notice of adverse comment for accuracy.
4. Informing the peace officer about the officer's rights regarding the notice of adverse comment.
5. Review of peace officer's response to adverse comment.
6. Attaching the peace officers' response to the adverse comment and filing the document in the appropriate file.

The following activities are **not** reimbursable:

1. Investigating a complaint.
2. Interviewing a complainant.
3. Preparing a complaint investigation report.

#### V. CLAIM PREPARATION AND SUBMISSION

Claimants may be reimbursed for the Reimbursable Activities described in Section IV above by claiming costs mandated by the state pursuant to the reasonable reimbursement methodology or by filing an actual cost claim, as described below:

##### A. Reasonable Reimbursement Methodology

The Commission is adopting a *reasonable reimbursement methodology* to reimburse local agencies for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV above.

## 1. Definition

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school districts for costs mandated by the state, as defined in Section 17514.
- (b) A reasonable reimbursement methodology shall be based on cost information from a 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 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, and other approximations of local costs mandated by the state rather than detailed 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.

## 2. Formula

The reasonable reimbursement methodology (RRM) shall allow each eligible claimant to be reimbursed at the rate of \$169.21 per full-time sworn peace officer employed by the agency, including full-time sworn probation peace officers and other sworn peace officers specified in Section IV. (REIMBURSABLE ACTIVITIES) herein. The RRM rate provides claimants with all the direct and indirect costs of performing activities, as described in Section IV. The rate per full-time sworn peace officer shall be adjusted each year by the Implicit Price Deflator referenced in Government Code section 17523.

Reimbursement is determined by multiplying the rate per full time sworn peace officer for the appropriate fiscal year by the number of full time sworn peace officers employed by the agency and reported to the Department of Justice.

### B. ACTUAL COST CLAIMS

Although the Commission adopted a reasonable reimbursement methodology for this mandated program, any eligible claimant may instead choose to file a reimbursement claim based on actual costs.

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, 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 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 in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

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.

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

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 above. Additionally, each reimbursement claim must be filed in a timely manner.

#### 1. Direct Cost Reporting

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

##### a. 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.

##### b. 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.

##### c. 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 attorney invoices with the claim and a description of the contract scope of services.

d. 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.

e. 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 B. 1. a. Salaries and Benefits, for each applicable reimbursable activity.

f. 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 B.1.a, Salaries and Benefits, and B.1.b, Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element B.1.c, Contracted Services.

2. Indirect Cost Rates

a. Local Agencies

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 both (1) 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 2 CFR Part 225 (the Office of Management and Budget

(OMB) Circular A-87). Claimants have the option of using 10% of direct 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 (OMB Circular A-87 Attachments A and B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR Part 225 (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 distribution 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:

i. 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) 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

ii 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) 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 for actual costs filed by a local agency or school district pursuant to this chapter<sup>6</sup> 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 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. 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 application of a reasonable reimbursement methodology

<sup>6</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

must also 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 OTHER 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 source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

#### **VIII. STATE CONTROLLER'S REVISED CLAIMING INSTRUCTIONS**

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

Pursuant to Government Code section 17561, subdivision (d)(2), issuance of the revised claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon the revised 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 GUIDELINES**

The Statement of Decision (CSM 4499) and the Statement of Decision on Reconsideration (05-RL-4499-01) are legally binding on all parties and provide 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, and in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355. The administrative record, including the Statement of Decision and the Statement of Decision on Reconsideration, is on file with the Commission.

**COMMISSION ON STATE MANDATES**

980 NINTH STREET, SUITE 300  
SACRAMENTO, CA 95814  
PHONE: (916) 323-3562  
FAX: (916) 445-0278  
E-mail: csminfo@csm.ca.gov

**DECLARATION OF SERVICE BY EMAIL**

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.

On June 21, 2012, I served the:

**Claimant Response to State Agency Comments**

*Peace Officers Procedural Bill of Rights*, 11-PGA-09 (CSM-4499, 05-RL-4499-01, 06-PGA-06)

Government Code Sections 3301, 3303, 3304, 3305, 3306

Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174,

and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994;

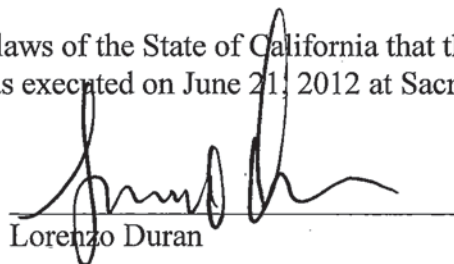
Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and

Statutes 1990, Chapter 675

County of Los Angeles, Requestor

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 June 21, 2012 at Sacramento, California.



Lorenzo Duran

## Commission on State Mandates

Original List Date: 4/6/2012  
Last Updated: 6/21/2012  
List Print Date: 06/21/2012  
Claim Number: 11-PGA-09  
Issue: Peace Officer Procedural Bill of Rights (POBOR)

### Mailing List

#### 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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## COMMISSION ON STATE MANDATES

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March 28, 2014

Ms. Wendy Watanabe  
County of Los Angeles, Auditor-Controller  
500 West Temple Street, Room 525  
Los Angeles, CA 90012

Mr. Ed Jewik  
County of Los Angeles, Auditor-Controller's Office  
500 West Temple Street, Room 603  
Los Angeles, CA 90012

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Draft Staff Analysis and Proposed Parameters and Guidelines Amendments, Schedule for Comments, and Notice of Hearing**  
*Peace Officers Procedural Bill of Rights, 11-PGA-09*  
Government Code Sections 3301 et al.  
County of Los Angeles, Claimant

Dear Ms. Watanabe and Mr. Jewik:

The draft staff analysis and proposed parameters and guidelines amendments for the above-named matter is enclosed for your review and comment.

### Written Comments

Written comments may be filed on the draft staff analysis by **April 17, 2014**. 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. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (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(c)(1) of the Commission's regulations.

### Hearing

This matter is set for hearing on **Friday, May 30, 2014**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The final staff analysis will be issued on or about May 16, 2014. 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(c)(2) of the Commission's regulations.

Please contact Matthew Jones at (916) 323-3562 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey".

Heather Halsey  
Executive Director

**ITEM \_\_\_\_**  
**DRAFT STAFF ANALYSIS**  
**AND**  
**PROPOSED PARAMETERS AND GUIDELINES AMENDMENTS**

Government Code Sections 3301, 3303, 3304, 3305, 3306

Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1187; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675

*Peace Officers Procedural Bill of Rights*

11-PGA-09 (CSM-4499, 05-RL-4499-01, 06-PGA-06)

County of Los Angeles, Requestor

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**EXECUTIVE SUMMARY**

The following is the proposed statement of decision for this matter prepared pursuant to section 1188.1 of the Commission's regulations. As of January 1, 2011, Commission hearings on the adoption of proposed amendments to parameters and guidelines are conducted under article 7 of the Commission's regulations.<sup>1</sup> Article 7 hearings are quasi-judicial hearings. The Commission is required to adopt a decision that is correct as a matter of law and based on substantial evidence in the record.<sup>2</sup> Oral or written testimony is offered under oath or affirmation in article 7 hearings.<sup>3</sup>

**I. Background**

This request to amend parameters and guidelines for the *Peace Officers Procedural Bill of Rights* program (POBOR) proposes to increase the current unit cost reasonable reimbursement methodology (RRM) adopted March 28, 2008 from \$37.25 per sworn officer to \$169.21 per sworn officer, to reimburse local agencies for all direct and indirect costs of the program. The proposed amended parameters and guidelines also provide for actual cost claiming instead of claiming under the RRM, at the option of each individual claimant in any claim year. The Department of Finance (Finance) opposes the request and challenges the methodology used by the claimant to support the proposed increase in the unit cost RRM.

The POBOR mandate was first adopted November 30, 1999, and parameters and guidelines for the POBOR mandate most recently amended March 28, 2008. The most recent parameters and guidelines provide for reimbursement to counties and cities, and some special districts, as specified, for providing an administrative appeal to an officer subject to certain disciplinary actions, providing notice and transcripts of an interrogation to an officer under investigation or to

<sup>1</sup> California Code of Regulations, title 2, section 1187.

<sup>2</sup> Government Code section 17559(b); California Code of Regulations, title 2, 1187.5.

<sup>3</sup> *Ibid.*

an officer who is a witness to an investigation, and providing an officer the opportunity to review and respond to adverse comments placed in the officer's personnel file.

## **II. Procedural History**

On March 27, 2012, the County of Los Angeles filed a request to amend the parameters and guidelines to update the RRM and increase reimbursement under the RRM from \$37.25 per sworn officer to \$111.99 per sworn probation officer, and \$152.77 per all other sworn officers.<sup>4</sup> The County's proposed amendment also preserves the ability of claimants to file actual cost claims.<sup>5</sup> On May 18, 2012, Finance submitted written comments on the County's request to amend the parameters and guidelines.<sup>6</sup> On June 19, 2012, the County submitted a response to state agency comments in which it revised its request to amend parameters and guidelines, consolidating the RRM proposal to \$169.21 for all sworn officers.<sup>7</sup>

## **III. Staff Analysis**

Commission staff analyzed the evidence and arguments submitted by the County and concludes that the statutory requirements of an RRM have not been satisfied, and substantial evidence does not support a finding that the County's proposal would reasonably reimburse local government for their actual costs to comply with the mandate.

An RRM is meant to be based on an *approximation* of local costs, and need not precisely reimburse every actual dollar expended on the program. However, an RRM must be reasonable; satisfying the statutory requirements of an RRM is not the end of the inquiry. Government Code section 17559 allows a claimant or the state to petition for a writ of administrative mandamus under section 1094.5 of the Code of Civil Procedure, "to set aside a decision of the commission on the ground that the commission's decision is not supported by substantial evidence."<sup>8</sup>

Here, the County has proposed an amendment to the parameters and guidelines that preserves the option for actual cost claiming, but also "updates" the RRM for all eligible claimants from \$37.25 to \$169.21 per sworn peace officer employed for all direct and indirect costs of the program.

The County's RRM proposal is based 115 sample values of allowable costs from 31 jurisdictions over a period of years, and excludes those claims that were reduced to zero pursuant to audit. However, the sample data, because it consists of audited actual cost claims, also excludes agencies that experienced sufficiently low costs to make reimbursement under the \$37.25 RRM appropriate, or agencies for which it was not cost-effective to file a claim at all.<sup>9</sup> The use of audited claim data from only those jurisdictions that filed actual cost claims very likely excludes

<sup>4</sup> Exhibit A, Request to Amend Parameters and Guidelines, March 27, 2012. Based on the filing date of the request, if the Commission adopts the proposal and amends the parameters and guidelines, it will affect costs incurred beginning July 1, 2011. (Gov. Code, § 17557.)

<sup>5</sup> Exhibit A, Request to Amend Parameters and Guidelines.

<sup>6</sup> Exhibit B, Finance Comments on Request to Amend, May 18, 2012.

<sup>7</sup> Exhibit C, Revised Request to Amend Parameters and Guidelines, June 19, 2012.

<sup>8</sup> Government Code section 17559(b) (Stats. 1999, ch. 643 (AB 1679)).

<sup>9</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 4.

smaller, less-expensive jurisdictions, and necessarily excludes jurisdictions that filed for reimbursement under the RRM.

Furthermore, the County asserts that it utilized the same methodology as the current RRM.<sup>10</sup> But the procedures used in developing the current RRM were applied to a subset of cost claims from *all claimants* and, here, the sample comes from only those that chose to file higher actual cost claims rather than utilize the \$37.25 per officer RRM. At the time the current RRM was proposed and adopted, all claimants filing for reimbursement under the POBOR mandate were required to file actual cost claims; no RRM option was previously available. Now, the County proposes to develop an updated RRM rate on the basis of audited cost claims, as was done before, but those claims are necessarily skewed toward agencies for which it is more advantageous to file actual cost claims instead of utilizing the RRM.

Therefore, because the data include only those jurisdictions that filed actual cost claims, which can be expected to be the jurisdictions experiencing the highest costs, the RRM proposal does not “consider the variation in costs among local agencies,” as required by section 17518.5.

Based on the evidence in the record, staff finds that there is not substantial evidence that the County’s RRM proposal considers the variation in costs among local government claimants to implement the mandate in a cost efficient manner, and therefore the RRM must be denied.

Moreover, perpetuating the actual cost claiming option only serves to show that the County believes that the “updated” RRM will still be inadequate to fully reimburse eligible claimants. The County states that under its proposed RRM rate, “*fewer claimants* would be inclined to go to the expense of filing small actual cost claims.” The County acknowledges, however, that some claimants would still choose to file actual cost claims:

According to claiming scenarios developed by the County, under the current 2010-11 POBOR RRM rate structure, 16 claimants would need to file actual cost claims to recover their allowable costs. This compares with half as many or 8 claimants that would need to file actual cost claims to recover their allowable audited costs if the proposed 2010-11 general RRM rate was adopted.<sup>11</sup>

Based on the County’s evidence and conclusions, then, the RRM alone cannot reasonably reimburse all claimants, and must be coupled with an actual cost claiming option. Therefore, staff finds that the RRM does not balance accuracy with simplicity, as required by section 17557, and does not reimburse all costs mandated by the state, as require by Government Code sections 17514 and 17561 and article XIII B, section 6.

### **Staff Recommendation**

Staff recommends that the Commission adopt the statement of decision denying the request to amend parameters and guidelines, and direct staff to make any technical, non-substantive changes following the hearing.

<sup>10</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3 [emphasis added].

<sup>11</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 6.



BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES  
AMENDMENT FOR:

Government Code sections 3301, 3303, 3304,  
3305, 3306;

Statutes 1976, Chapter 465; Statutes 1978,  
Chapters 775, 1173, 1174, 1178; Statutes 1979,  
Chapter 405; Statutes 1980, Chapter 1367;  
Statutes 1982, Chapter 994; Statutes 1983,  
Chapter 964; Statutes 1989, Chapter 1165;  
Statutes 1990, Chapter 675

County of Los Angeles, Requestor

Case No.: 11-PGA-09 (CSM-4499,  
05-RL-4499-01, 06-PGA-06)

*Peace Officers Procedural Bill of Rights*

STATEMENT OF DECISION PURSUANT  
TO GOVERNMENT CODE SECTION  
17500 ET SEQ.; CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, DIVISION 2,  
CHAPTER 2.5, ARTICLE 7.

*(Adopted May 30, 2014)*

**STATEMENT OF DECISION**

The Commission on State Mandates (Commission) adopted this statement of decision during a regularly scheduled hearing on May 30, 2014. [Witness list will be included in the final statement of decision.]

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 statement of decision to deny the request to amend the parameters and guidelines by a vote of [Vote count will be included in the final statement of decision].

**I. BACKGROUND**

This request to amend parameters and guidelines for the *Peace Officers Procedural Bill of Rights* program (POBOR) proposes to increase the current unit cost reasonable reimbursement methodology (RRM) adopted March 28, 2008 from \$37.25 per sworn officer to \$169.21 per sworn officer, to reimburse local agencies for all direct and indirect costs of the program. The proposed amended parameters and guidelines also provide for actual cost claiming instead of claiming under the RRM, at the option of each individual claimant in any claim year. The Department of Finance (Finance) opposes the request and challenges the methodology used by the claimant to support the proposed increase in the unit cost RRM.

The POBOR mandate was first adopted November 30, 1999, and approved reimbursement for procedural rights and protections provided by statute to peace officers under interrogation, facing punitive action, or facing an adverse comment in the officer's personnel file. The activities eligible for reimbursement include providing an administrative appeal to an officer subject to certain disciplinary actions, providing notice and transcripts of an interrogation to an officer under investigation or to an officer who is a witness to an investigation, and providing an officer the opportunity to review and respond to adverse comments placed in the personnel file.

On April 26, 2006, the Commission reviewed its original findings pursuant to Legislative direction enacted in Statutes 2005, chapter 72 (AB 138) and adopted a statement of decision on reconsideration (05-RL-4499-01), which revised the activities approved in the prior decision in light of the California Supreme Courts intervening decision in *San Diego Unified School District v. State of California* (2003) 33 Cal.4th 859.<sup>12</sup> On December 4, 2006, the Commission adopted amended parameters and guidelines<sup>13</sup> pursuant to its April 26, 2006 reconsideration decision and a number of parameters and guidelines amendment requests.<sup>14</sup>

On March 28, 2008, the Commission adopted amended parameters and guidelines providing for an RRM in the amount of \$37.25 per sworn officer, to reimburse eligible claimants for all direct and indirect costs of the program. The amended parameters and guidelines also provided an option for each individual claimant to file a reimbursement claim based on actual costs.<sup>15</sup>

On February 6, 2009, the Third District Court of Appeal, in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, held that the POBOR mandate is not reimbursable to school districts and special districts that are permitted, but not required, to employ peace officers. On May 8, 2009, the Superior Court for the County of Sacramento issued a judgment and writ pursuant to the Third District Court of Appeal's decision, directing the Commission to set aside and issue a new decision and parameters and guidelines consistent with the Court of Appeal's decision.<sup>16</sup> The Commission complied with the writ and amended the parameters and guidelines on July 31, 2009 to omit as eligible claimants school districts, community college districts, and special districts, except for special police protection districts that wholly supplant the law enforcement functions of the county within their jurisdiction.

On March 29, 2012, the County of Los Angeles filed a request to amend the parameters and guidelines to update the RRM and increase reimbursement under the RRM from \$37.25 per sworn officer to \$111.99 per sworn probation officer, and \$152.77 per all other sworn officers.<sup>17</sup> On June 19, 2012, the County, in its response to state agency comments, revised its request to amend parameters and guidelines, consolidating the RRM proposal to \$169.21 for all sworn officers.<sup>18</sup>

## **II. REQUEST TO AMEND**

On June 19, 2012, the County submitted a revised request to amend parameters and guidelines, consolidating the RRM proposal to \$169.21 for all sworn officers.<sup>19</sup> The RRM "is still based on measurements of allowed costs per sworn peace officer," and "still incorporates allowable

<sup>12</sup> Exhibit X, Adopted Statement of Decision on Reconsideration, April 26, 2006.

<sup>13</sup> Exhibit X, Amended Parameters and Guidelines, December 4, 2006.

<sup>14</sup> 05-PGA-18, filed by the County of Los Angeles; 05-PGA-19, filed by the California State Association of Counties; 05-PGA-20, filed by the County of San Bernardino; 05-PGA-21, filed by the State Controller's Office; and 05-PGA-22, filed by the Department of Finance.

<sup>15</sup> Exhibit X, Amended Parameters and Guidelines, March 28, 2008.

<sup>16</sup> Exhibit X, Amended Parameters and Guidelines, July 31, 2009, at pp. 3-4.

<sup>17</sup> Exhibit A, Parameters and Guidelines Amendment Request, at p. 2.

<sup>18</sup> Exhibit C, Revised Request to Amend Parameters and Guidelines, June 19, 2012.

<sup>19</sup> Exhibit C, Revised Request to Amend Parameters and Guidelines, June 19, 2012.

POBOR costs reported in SCO's POBOR audits."<sup>20</sup> The County's proposed amendment also preserves the ability of claimants to file actual cost claims.<sup>21</sup>

### **III. POSITIONS OF THE PARTIES**

#### **A. Requestors' Position**

The County of Los Angeles proposes to revise the RRM adopted March 28, 2008, from \$37.25 to \$169.21 per sworn peace officer.<sup>22</sup>

The County asserts that "[t]his revision was prompted by the recent availability of a large sample of audited allowable POBOR costs and an analysis that found that the average of the sampled values resulted in substantially greater RRM reimbursement rates than those currently available to eligible claimants."<sup>23</sup>

The County asserts that "[t]he development of the updated RRM closely follows the procedures and assumptions the County used in developing the prior POBOR RRM."<sup>24</sup> Under the proposed amended parameters and guidelines, "claimants would be able to file reimbursement [claims] using either an RRM option or an actual cost option, as is the case now."<sup>25</sup> The County characterizes its proposal as an "update" of the current RRM because the proposal "is still based on measurements of allowed costs per sworn peace officer," and "still incorporates allowable POBOR costs reported in SCO's POBOR audits."<sup>26</sup>

The County asserts that "[a]ccording to a recent POBOR RRM rate study performed by the California State Association of Counties (CSAC)...current RRM reimbursement rates were found to be inaccurate." The CSAC study concluded that "the updated POBOR RRM rate for 2010-2011 should be \$193.91 per officer," and that "claimants electing to use the RRM claiming option were underpaid[,]. . .receiving only 21% of the reimbursement due them."<sup>27</sup> CSAC arrived at the 21 percent figure by dividing current RRM by its proposed updated rate of \$193.91.<sup>28</sup>

The County asserts that its RRM rate update study "was prompted by the promising results from the CSAC study." However, while the CSAC study excluded from its updated rate those audited claims in which less than 10 percent of claimed costs were allowable, the County did not exclude those claims. The County, "upon SCO's recommendation," only excluded from its rate study "8 findings of no allowable costs."<sup>29</sup> The County argues that this approach is consistent with the

<sup>20</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3.

<sup>21</sup> Exhibit A, Request to Amend Parameters and Guidelines.

<sup>22</sup> Exhibit C, Revised Request to Amend Parameters and Guidelines, at pp. 2; 28.

<sup>23</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 2.

<sup>24</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3.

<sup>25</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3.

<sup>26</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3.

<sup>27</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3.

<sup>28</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3.

<sup>29</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 4.

methodology of the current RRM, and submits evidence that the current RRM was based on an average of allowable costs, and therefore excluded from the per-officer rate calculation those claims in which costs were reduced to zero pursuant to audit.<sup>30</sup> Accordingly, the County states that its RRM rate update study relied on a sample of 31 jurisdictions, while the CSAC studies relied on only 19 sample values, and found that “claimants electing to use the RRM claiming option...were receiving only 27% of the reimbursement due them.”<sup>31</sup> This conclusion also was based on comparing the current RRM rate to the proposed updated rate.<sup>32</sup>

The County asserts that an “update of the current POBOR RRM is now necessary as it has been four years since it was last studied and adopted.”<sup>33</sup> The County asserts that it has collaborated with the State Controller’s Office (SCO) to develop the current RRM proposal: “SCO provided the County with schedules of allowable cost audit findings which were then incorporated in the County’s computation of updated RRM rates.”<sup>34</sup> The County further asserts that it included “each year in a jurisdiction’s audit period as a sample value,” resulting in 115 sample values.<sup>35</sup>

The County asserts that “[i]n addition to providing POBOR claimants electing to use the POBOR RRM claiming option with the full amount due them, there are other benefits to adopting the proposed rates.” Specifically, the County asserts that under the current RRM, “121 cities and counties which have less than 25 sworn peace officers, cannot meet the \$1,000 minimum requirement to file a RRM reimbursement claim.” The County further asserts that “[i]t is also unlikely that these small agencies will be able or willing to file small actual cost claims requiring extensive documentation.”<sup>36</sup>

Under the County’s proposed updated RRM, “only 13 of the (above) 121 cities and counties, which have less than 7 officers, would not be able to meet the \$1,000 minimum requirement to file a RRM reimbursement claim.” The County further maintains that “under the proposed RRM rate structure, fewer claimants would be inclined to go to the expense of filing small actual cost claims, resulting in savings to local government.” And, the County asserts, “the State would have fewer actual cost claims to audit and review, resulting in savings to the State.” The County finds that “under the current 2010-11 POBOR RRM rate structure, 16 claimants would need to file actual cost claims to recover their allowable costs,” while “half as many or 8 claimants...would need to file actual cost claims to recover their allowable audited costs if the proposed [updated] RRM rate was adopted.”<sup>37</sup>

<sup>30</sup> Exhibit C, Revised Request to Amend Parameters and Guidelines, at pp. 3; 13.

<sup>31</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 4.

<sup>32</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 4, fn. 6.

<sup>33</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3.

<sup>34</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 4.

<sup>35</sup> Exhibit C, Revised Request to Amend Parameters and Guidelines, at p. 4.

<sup>36</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 6.

<sup>37</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 6.

The County therefore concludes that “based on new samples of allowable cost audit findings, adoption of the proposed 2010-11 POBOR RRM reimbursement rate of \$169.21 per sworn peace officer is required.”<sup>38</sup>

## **B. Department of Finance Position**

On May 18, 2012, Finance submitted written comments on the County’s request to amend the parameters and guidelines.<sup>39</sup> Finance argues in its comments that the County’s methodology is flawed, in that the County excluded “eight eligible local agencies that did not have any allowable costs due to audit exceptions from the formula used to calculate the proposed RRM rate.” Finance argues that the prior RRM rates included eligible local agencies that were found to have zero allowable costs due to audit exceptions, and asserts that the prior method appropriately captured the variation of costs among eligible local agencies.<sup>40</sup>

## **IV. DISCUSSION**

The County proposes to amend Section V. of the parameters and guidelines to increase the RRM rate based on new evidence of the average costs of complying with the mandate. The following analysis will examine the statutory and constitutional requirements of an RRM, and then apply those requirements in considering whether the County has presented substantial evidence which would support a legally sufficient Commission decision to amend the parameters and guidelines as requested.

### **A. Reasonable Reimbursement Methodology (Section V. of Parameters and Guidelines)**

1. The purpose of an RRM is to reimburse local government efficiently and simply, with minimal auditing and documentation required.

Article XIII B, section 6 provides: “[w]henver 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 [with exceptions not applicable here]...” This reimbursement obligation was “enshrined in the Constitution ... to provide local entities with the assurance that state mandates would not place additional burdens on their increasingly limited revenue resources.”<sup>41</sup> Section 17561(a) states: “[t]he state *shall* reimburse each local agency and school district for *all* ‘costs mandated by the state,’ as defined in Section 17514.” (Emphasis added.) The courts have interpreted the Constitutional and statutory scheme as requiring “full” payment of the actual costs incurred by a local entity once a mandate is determined by the Commission.<sup>42</sup>

<sup>38</sup> Exhibit C, Revised Request to Amend Parameters and Guidelines, at p. 4.

<sup>39</sup> Exhibit B, Finance Comments on Request to Amend, May 18, 2012.

<sup>40</sup> Exhibit B, Finance Comments on Request to Amend Parameters and Guidelines, at p. 1.

<sup>41</sup> *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 836, fn. 6; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1282; *CSBA v. State of California* (2011) 192 Cal.App.4th 770, 785-786.

<sup>42</sup> *CSBA v. State of California (CSBA II)* (Cal. Ct. App. 4th Dist. 2011) 192 Cal.App.4th 770, 786; *County of Sonoma v. Commission on State Mandates* (Cal. Ct. App. 1st Dist. 2000) 84 Cal.App.4th 1264, 1284. The court in *County of Sonoma* recognized that the goal of article XIII B, section 6 was to prevent the state from forcing extra programs on local government in a

The statutes providing for the adoption of an RRM, along with the other statutes in this part of the Government Code, are intended to implement article XIII B, section 6.<sup>43</sup> Prior section 17557 provided authority for the Commission, extending back to 1984, to “adopt an allocation formula or uniform allowance.”<sup>44</sup> The current version of section 17557 provides, and has, since 2004, that the Commission “shall consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider [an RRM] that balances accuracy with simplicity.”<sup>45</sup>

Express statutory authority for the adoption of an RRM was originally enacted in 2004, and was amended in 2007 to promote greater flexibility in adoption of an RRM.<sup>46</sup> The former section 17518.5 provided that an RRM must “meet 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.<sup>47</sup>

In a 2007 report, the Legislative Analyst’s Office (LAO) stated that an RRM is intended to reduce local and state costs to file, process, and audit claims; and reduce disputes regarding mandate reimbursement claims and the SCO’s audit reductions. The report identifies, under the heading “Concerns With the Mandate Process,” the difficulties under the statutes then-in-effect:

- Most mandates are not complete programs, but impose increased requirements on ongoing local programs. Measuring the cost to carry out these marginal changes is complex.
- Instead of relying on unit costs or other approximations of local costs, reimbursement methodologies (or “parameters and guidelines”) typically require local governments to document their actual costs to carry out each element of the mandate.

manner that negates their careful budgeting of expenditures, and that a forced program is one that results in “increased actual expenditures.” The court further noted the statutory mandates process that refers to the reimbursement of “actual costs incurred.”

See also, Government Code sections 17522 defining “annual reimbursement claim” to mean a claim for “actual costs incurred in a prior fiscal year; and Government Code section 17560(d)(2) and (3), referring to the Controller’s audit to verify the “actual amount of the mandated costs.”

<sup>43</sup> Government Code section 17500 et seq.

<sup>44</sup> Government Code section 17557 (Stats. 1984, ch. 1459).

<sup>45</sup> Government Code section 17557 (Stats. 2004, ch. 890 (AB 2856); Stats. 2007, ch. 329 (AB 1222)).

<sup>46</sup> Government Code section 17518.5 (enacted by Stats. 2004, ch. 890 (AB 2856); amended by Stats. 2007, ch. 329 (AB 1222)).

<sup>47</sup> Government Code section 17518.5 (Stats. 2004, ch. 890 § 6 (AB 2856)).

- The documentation required makes it difficult for local governments to file claims and leads to disputes with the State Controller’s Office.

The LAO’s recommendation to address these issues was to:

Expand the use of unit-based and *other simple claiming methodologies* by clarifying the type of easy-to-administer methodologies that the Legislature envisioned when it enacted this statute...<sup>48</sup>

The LAO’s recommendations were implemented in Statutes 2007, chapter 329 (AB 1222) which currently defines an RRM as follows:

(a) “Reasonable reimbursement methodology” means a formula for reimbursing local agencies and school districts for costs mandated by the state, as defined in Section 17514.

(b) A reasonable reimbursement methodology shall be based on cost information from a 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 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, and other approximations of local costs mandated by the state, rather than detailed documentation of actual costs . . . .

(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.<sup>49</sup>

Thus, Government Code section 17518.5, as amended in 2007, eliminates both the prior rule that 50 percent of eligible claimants have their costs fully offset, and the rule that the total amount to

<sup>48</sup> Exhibit X, “State-Local Working Group Proposal to Improve the Mandate Process,” Legislative Analyst’s Office, June 21, 2007, page 3. See also, Assembly Bill Analysis of AB 1222 (2007), concurrence in Senate Amendments of September 4, 2007 [purpose of RRM process is to “streamline the documentation and reporting process for mandates”]; *Kaufman & Broad Communities, Inc. v. Performance Plastering* (Cal. Ct. App. 3d Dist. 2005) 133 Cal.App.4th 26, at pp. 31-32 [Reports of the Legislative Analyst’s Office may properly be considered, as legislative history, to determine the legislative intent of a statute].

<sup>49</sup> Government Code section 17518.5(b-d) (Stats. 2007, ch. 329 § 1 (AB 1222)).

be reimbursed under an RRM must be equivalent to the total statewide cost estimate. These objective requirements have been replaced with a more flexible definition, which focuses on the sources of the information used to develop an RRM,<sup>50</sup> and only requires that the end result “balances accuracy with simplicity.” Given the LAO’s “Concerns with the Mandates Process” to which the amendments were addressed, the new statute should also be interpreted as imposing less stringent requirements for documentation of costs, and less burdensome measuring of the marginal costs of higher levels of service.<sup>51</sup>

As noted above, an RRM “shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or *other projections of other local costs*.”<sup>52</sup> Section 1183.131 of the Commission’s regulations provides that a proposed RRM “shall include any documentation or *assumption relied upon* to develop the proposed methodology.”<sup>53</sup> The statute does not provide for a minimum number of claimants to constitute a representative sample; accordingly, the regulations provide that a “‘representative sample of eligible claimants’ does not include eligible claimants that do not respond to surveys or otherwise participate in submitting cost data.”<sup>54</sup> The statute provides that an RRM “[w]henver possible... shall be based on general allocation formulas, uniform cost allowances, and *other approximations of local costs* mandated by the state, *rather than detailed documentation* of actual costs.”<sup>55</sup> There is no requirement that the data upon which an RRM is based include actual cost claims, or audited data, or otherwise be verified; an “approximation” is sufficient. The section expressly provides for an RRM as an alternative to the requirement for detailed documentation of actual costs.<sup>56</sup>

Additionally, section 17518.5(c) provides that an RRM “shall *consider* the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.” There is no requirement that an RRM *mitigate or eliminate* cost variation among local government claimants. And finally, section 17557 provides that the Commission “shall consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider a reasonable reimbursement methodology that *balances accuracy with simplicity*.”

Based on the foregoing, the Commission finds that the primary requirements for the development of an RRM are to consider variation in costs among local government claimants, and to ensure that the RRM balances accuracy with simplicity and reasonably reimburses eligible claimants for costs mandated by the state.

<sup>50</sup> Government Code section 17518.5 (as amended, Stats. 2007, ch. 329 (AB 1222)).

<sup>51</sup> *Kaufman & Broad Communities, supra*, 133 Cal.App.4th 26, at pp. 31-32 [LAO reports may be relied upon as evidence of legislative history].

<sup>52</sup> Government Code section 17518.5(b) (Stats. 2007, ch. 329 § 1 (AB 1222)).

<sup>53</sup> Register 2008, number 17.

<sup>54</sup> Code of Regulations, Title 2, section 1183.13 (Register 2008, No. 17).

<sup>55</sup> Government Code section 17518.5(d) (Stats. 2007, ch. 329 § 1 (AB 1222)).

<sup>56</sup> See Exhibit X, Assembly Floor Analysis, AB 1222 [“Establishes a streamlined alternative state mandate reimbursement process...”].



2. Substantial evidence in the record does not support a finding that the proposed RRM is consistent with the Constitutional and statutory requirements, and reasonably represents the costs of the mandate.

An RRM is meant to be based on an *approximation* of local costs, and need not precisely reimburse every actual dollar expended on the program. However, an RRM must be reasonable; satisfying the statutory requirements of an RRM is not the end of the inquiry. Ever present is the constitutional requirement that the end result must *reasonably represent* the costs mandated by the state for the program, as required by article XIII B, section 6; and substantial evidence, as discussed below, must support the Commission's decision to adopt an RRM.

Government Code section 17559 allows a claimant or the state to petition for a writ of administrative mandamus under section 1094.5 of the Code of Civil Procedure, "to set aside a decision of the commission on the ground that the commission's decision is not supported by substantial evidence."<sup>57</sup> Substantial evidence has been defined in two ways: first, as evidence of ponderable legal significance...reasonable in nature, credible, and of solid value;<sup>58</sup> and second, as relevant evidence that a reasonable mind might accept as adequate to support a conclusion.<sup>59</sup>

The California Supreme Court has stated that "[o]bviously the word [substantial] cannot be deemed synonymous with 'any' evidence."<sup>60</sup> Moreover, substantial evidence is not submitted by a party; it is a standard of review, which requires a reviewing court to uphold the determinations of a lower court, or in this context, the Commission, if those findings are supported by substantial evidence. A court will not reweigh the evidence of a lower court, or of an agency exercising its adjudicative functions; rather a court is "obliged to consider the evidence in the light most favorable to the [agency], giving to it the benefit of every reasonable inference and resolving all conflicts in its favor."<sup>61</sup>

The evidence required to adopt an RRM is necessarily more relaxed than that required to approve reimbursement for actual costs because the statute employs terms like "projections" and "approximations".<sup>62</sup> When the Legislature added section 17518.5 to the Government Code, however, it did not change the existing requirement in section 17559 that all of the Commission's findings be based on substantial evidence in the record. Neither did the enactment of a new statutory definition for an RRM alter the underlying constitutional requirement that the state must reimburse all costs mandated by the state.<sup>63</sup> Statutory enactments must be considered in the context of the entire statutory scheme of which they are a part and be harmonized with the statutory framework as a whole.<sup>64</sup> Thus, the plain language of the statutory and regulatory

<sup>57</sup> Government Code section 17559(b) (Stats. 1999, ch. 643 (AB 1679)).

<sup>58</sup> *County of Mariposa v. Yosemite West Associates* (Cal. Ct. App. 5<sup>th</sup> Dist. 1998) 202 Cal.App.3d 791, at p. 805.

<sup>59</sup> *Desmond v. County of Contra Costa* (1993) 21 Cal.App.4<sup>th</sup> 330, 335.

<sup>60</sup> *People v. Bassett* (1968) 69 Cal.2d 122, at p. 139.

<sup>61</sup> *Martin v. State Personnel Board* (Cal. Ct. App. 3d Dist. 1972) 26 Cal.App.3d 573, at p. 577.

<sup>62</sup> See Government Code 17518.5].

<sup>63</sup> *CSBA II, supra* 192 Cal.App.4th 770, 786.

<sup>64</sup> *Renee J. v. Superior Court* (2001) 26 Cal.4th 735, 743.

mandates scheme, undergirded by the reimbursement requirement of the California Constitution, permits an RRM to be adopted on the basis of a number of different types of evidence or approximations, but requires substantial evidence in the record to support the adoption of an RRM, and requires the adopted RRM to reasonably reimburse local government for all costs mandated by the state.

Here, the County has proposed an amendment to the parameters and guidelines that preserves the option for actual cost claiming, but also “updates” the RRM for all eligible claimants from \$37.25 to \$169.21 per sworn peace officer employed for all direct and indirect costs of the program. The County states that this proposed rate is based on 115 audited cost claims from 31 jurisdictions over multiple claim years, and excludes claims that were reduced to zero pursuant to an audit. The data also excludes, by definition, any jurisdictions that did not file actual cost claims, but instead relied on the level of reimbursement provided under the existing \$37.25 RRM. The County states that the SCO assisted the County by providing “accurate schedules of allowable costs,”<sup>65</sup> and that both Finance and the SCO agree “that a single POBOR RRM rate for all eligible peace officers, including probation officers, is preferable.”<sup>66</sup>

- i. *The proposed RRM rate does not consider the variation in local costs to implement the mandate in a cost-efficient manner.*

As discussed above, one of only two *express statutory requirements* for adoption of an RRM is that the RRM must “consider the variation in costs among local agencies...to implement the mandate in a cost-efficient manner.” The meaning of “cost-efficient” has generated continuing discussion among the claimant community and state agencies; as has the question of whether variation in the local costs to implement a mandate could ever be wide enough to render an RRM proposal inappropriate to the mandated program. As discussed above, the initial enactment and subsequent amendment of section 17518.5 evidence the Legislature’s intent that reimbursement under an RRM may be based on a wide range of costs and still satisfy the Constitution, as long as the RRM reasonably represents the costs mandated by the state. Moreover, the plain language of section 17518.5 does not require an RRM proposal to “mitigate” or “address” variation in costs among local government; nor does it suggest that “cost-efficient” implementation means the least expensive implementation possible. However, an RRM proposal that does not “consider” the variation in costs among local government, and provides for excessive or unreasonable reimbursement, does not satisfy the statute and cannot be supported.

For the reasons below, the Commission finds that the County’s proposal does not consider the variation in costs among local agencies, because the data excludes agencies that filed reimbursement claims using the \$37.25 per officer RRM, and therefore, the proposed RRM is skewed toward those local agencies that experienced higher costs to comply with the mandate, thus making the filing for reimbursement for actual costs in their financial interest.

The County’s RRM proposal is based 115 sample values of allowable costs from 31 jurisdictions over a period of years. In developing its RRM proposal, the County states that “[a]llowable cost findings from 39 SCO POBOR audits were examined...[and] upon SCO’s recommendation, 8 findings of no allowable costs were excluded from samples used to compute allowable cost

<sup>65</sup> Exhibit A, Parameters and Guidelines Amendment Request, at p. 2.

<sup>66</sup> Exhibit C, Revised Parameters and Guidelines Amendment Request, at p. 2.

averages.”<sup>67</sup> In response to comments from Finance, the County’s revised proposal incorporated data from each jurisdiction’s entire audit period, and incorporated data pertaining to probation department costs under the mandate.<sup>68</sup> The County’s RRM proposal still excludes cost claims that were reduced to zero pursuant to the SCO’s audits. In this respect, excluding zero claims is consistent with the methodology used for the prior RRM adopted by the Commission.<sup>69</sup>

However, the sample data available from the SCO (a data set consisting of audited actual cost claims over a period of years) also excludes agencies that experienced sufficiently low costs to make reimbursement under the \$37.25 RRM appropriate, or agencies for which it was not cost-effective to file a claim at all.<sup>70</sup> Due to the expense and effort required to file actual cost claims under the POBOR mandate,<sup>71</sup> some claimants that experienced costs roughly in line with the level of reimbursement that they would receive under the RRM would likely opt to file an RRM claim. Others (the County alleges approximately 120 jurisdictions) may not have been able to file under the RRM due to a small number of sworn officers employed, and may not have attempted to file an actual cost claim, whether or not they experienced mandated costs in a given year.<sup>72</sup> The use of audited claim data from only those jurisdictions that filed actual cost claims very likely excludes smaller, less-expensive jurisdictions, and necessarily excludes jurisdictions that filed for reimbursement under the RRM.

Furthermore, the County asserts that it utilized the same methodology as the current RRM.<sup>73</sup> But the procedures used in developing the current RRM were applied to a subset of cost claims from *all claimants* and, here, the sample comes from only those that chose to file higher actual cost claims rather than utilize the \$37.25 per officer RRM. At the time the current RRM was proposed and adopted, all claimants filing for reimbursement under the POBOR mandate were required to file actual cost claims; no RRM option was previously available. Those claims were often found, pursuant to SCO audits, to include ineligible costs, or to provide inadequate supporting documentation, and so the current POBOR RRM was developed on the basis of audited claims from the pool of all jurisdictions that filed actual cost claims over a period of years.<sup>74</sup> Now, eligible claimants have an option to file under the RRM, and presumably some claimants have chosen that option during the audit period.<sup>75</sup> Now, the County proposes to develop an updated RRM rate on the basis of audited cost claims, as was done before, but those claims will necessarily be skewed toward agencies that see fit to file actual cost claims instead of utilizing the RRM.

<sup>67</sup> Exhibit A, Request to Amend Parameters and Guidelines Amendment, at pp. 4; 14.

<sup>68</sup> Exhibit C, Revised Parameters and Guidelines Amendment Request, at p. 2.

<sup>69</sup> Exhibit C, Revised Request to Amend Parameters and Guidelines, at p. 13.

<sup>70</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 4.

<sup>71</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 6.

<sup>72</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 6.

<sup>73</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 3 [emphasis added].

<sup>74</sup> See Exhibit X, Statement of Decision on POBOR PGA, March 28, 2008, at p. 13.

<sup>75</sup> See Exhibit X, Statement of Decision on POBOR PGA, March 28, 2008, at pp. 14-15.

Therefore, because the data include only those jurisdictions that filed actual cost claims, which can be expected to be the jurisdictions experiencing the highest costs, the RRM proposal does not “consider the variation in costs among local agencies,” as required by section 17518.5.

Based on the evidence in the record, the Commission finds that there is not substantial evidence that the County’s RRM proposal considers the variation in costs among local government claimants to implement the mandate in a cost efficient manner, and therefore the RRM must be denied.

*ii. The proposed RRM rate does not balance accuracy with simplicity, and does not reasonably reimburse all costs mandated by the state.*

As discussed above, one of the requirements for an RRM is that it “balances accuracy with simplicity.”<sup>76</sup> Underlying this requirement, however, is that an RRM must reasonably represent the costs mandated by the state by all eligible claimants. Section 17561(a) states: “[t]he state shall reimburse each local agency and school district for all ‘costs mandated by the state,’ as defined in Section 17514.” Government Code section 17514, in turn, defines “costs mandated by the state” as any increased cost incurred as a result of any state statute or executive order that mandates a new program or higher level of service. The courts have interpreted the Constitutional and statutory scheme as requiring “full” payment of the actual costs incurred by a local entity once a mandate is determined by the Commission.<sup>77</sup>

The Commission finds, based on the following analysis, that the proposed amendment to the parameters and guidelines does not reasonably represent the costs mandated by the state by all local agencies and does not balance accuracy with simplicity.

The proposed RRM rate, as explained above, is based on sample data from those eligible claimants that chose to file actual cost claims, rather than file under the existing RRM. Therefore the data, as a practical matter, are skewed toward those agencies that had higher actual costs than the reimbursement provided under the RRM, and made the calculated decision to file actual cost claims. While it may be that claimants filing under the RRM are underpaid, as suggested by the County, the County’s study of actual cost claims does not provide reliable evidence in itself to substantiate the extent to which the RRM is inadequate, because the actual costs of those claimants that accepted reimbursement under the RRM are not known and were not considered.

Moreover, even if the current RRM does not adequately compensate claimants, and even if a number of cities and counties cannot meet the statutory minimum \$1000 threshold for filing a

<sup>76</sup> Government Code section 17557 (Stats. 2010, ch. 719 (SB 856)).

<sup>77</sup> *CSBA v. State of California (CSBA II)* (2011) 192 Cal.App.4th 770, 786; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1284. The court in *County of Sonoma* recognized that the goal of article XIII B, section 6 was to prevent the state from forcing extra programs on local government in a manner that negates their careful budgeting of expenditures, and that a forced program is one that results in “increased actual expenditures.” The court further noted the statutory mandates process that refers to the reimbursement of “actual costs incurred.” See also, Government Code sections 17522 defining “annual reimbursement claim” to mean a claim for “actual costs incurred in a prior fiscal year; and Government Code section 17560(d)(2) and (3), referring to the Controller’s audit to verify the “actual amount of the mandated costs.”

claim for reimbursement, those deficiencies do not support continuing the dual claiming structure proposed by the County. In fact, perpetuating the actual cost claiming option only serves to show that the County believes that the “updated” RRM will still be inadequate to fully reimburse eligible claimants. The County states that under its proposed RRM rate, “*fewer claimants* would be inclined to go to the expense of filing small actual cost claims.” The County acknowledges, however, that some claimants would still choose to file actual cost claims:

According to claiming scenarios developed by the County, under the current 2010-11 POBOR RRM rate structure, 16 claimants would need to file actual cost claims to recover their allowable costs. This compares with half as many or 8 claimants that would need to file actual cost claims to recover their allowable audited costs if the proposed 2010-11 general RRM rate was adopted.<sup>78</sup>

Based on the County’s evidence and conclusions, then, the RRM alone cannot reasonably reimburse all claimants, and must be coupled with an actual cost claiming option. Therefore, the Commission finds that the RRM does not balance accuracy with simplicity, as required by section 17557, and does not reimburse all costs mandated by the state, as require by Government Code sections 17514 and 17561 and article XIII B, section 6.

## **V. CONCLUSION**

The proposed amendments to the parameters and guidelines are denied.

<sup>78</sup> Exhibit A, Request to Amend Parameters and Guidelines, at p. 6.

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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.

On March 28, 2014, I served the:

**Draft Staff Analysis and Proposed Parameters and Guidelines Amendments,  
Schedule for Comments, and Notice of Hearing**

*Peace Officers Procedural Bill of Rights, 11-PGA-09*  
Government Code Sections 3301 et al.  
County of Los Angeles, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 March 28, 2014 at Sacramento, California.



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Heidi J. Palchik  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 1/23/14

**Claim Number:** 11-PGA-09

**Matter:** Peace Officers Procedural Bill of Rights (POBOR) (CSM-4499, 05-RL-4499-01, 06-PGA-06)

**Requester:** County of Los Angeles

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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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BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

PARAMETERS AND GUIDELINES ON:

Government Code Sections 3301, 3303, 3304, 3305, and 3306

As Added and Amended by Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675 (CSM 4499)

Directed by Government Code Section 3313, Statutes 2005, Chapter 72, Section 6 (Assem. Bill (AB) No. 138), Effective July 19, 2005.

Case Nos.: 05-RL-4499-01 and 06-PGA-06

*Peace Officer Procedural Bill of Rights*

AMENDED PARAMETERS AND GUIDELINES PURSUANT TO GOVERNMENT CODE SECTION 17557; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 6

*(Amended on March 28, 2008)*

AMENDED IN PART PURSUANT TO DEPARTMENT OF FINANCE V. COMMISSION ON STATE MANDATES (2009) 170 CAL.APP.4TH 1355; JUDGMENT AND WRIT ISSUED MAY 8, 2009, BY THE SACRAMENTO COUNTY SUPERIOR COURT, CASE NO. 07CS00079

*(Amended on July 31, 2009)*

**AMENDED PARAMETERS AND GUIDELINES**

The attached Amended Parameters and Guidelines of the Commission on State Mandates are hereby adopted in the above-entitled matter.

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PAULA HIGASHI, Executive Director

Dated: August 4, 2009

Adopted: July 27, 2000  
Corrected: August 17, 2000  
Amended: December 4, 2006  
Amended: March 28, 2008  
Amended: July 31, 2009

## **AMENDED PARAMETERS AND GUIDELINES**

Government Code Sections 3301, 3303, 3304, 3305, 3306

As Added and Amended by Statutes 1976, Chapter 465;  
Statutes 1978, Chapters 775, 1173, 1174, and 1178;  
Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982,  
Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and  
Statutes 1990, Chapter 675

### *Peace Officers Procedural Bill of Rights*

05-RL-4499-01(4499)

06-PGA-06

### **BEGINNING IN FISCAL YEAR 2006-2007**

#### **I. SUMMARY AND SOURCE OF THE MANDATE**

In order to ensure stable employer-employee relations and effective law enforcement services, the Legislature enacted Government Code sections 3300 through 3310, known as the Peace Officers Procedural Bill of Rights (POBOR).

The test claim legislation provides procedural protections to peace officers employed by local agencies and school districts<sup>1</sup> when a peace officer is subject to an interrogation by the employer, is facing punitive action or receives an adverse comment in his or her personnel file.

In 1999, the Commission approved the test claim and adopted the original Statement of Decision. The Commission found that certain procedural requirements under POBOR were rights already provided to public employees under the due process clause of the United States and California Constitutions. Thus, the Commission denied the procedural requirements of POBOR that were already required by law on the ground that they did not impose a new program or higher level of service, or impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c). Government Code section 17556, subdivision (c), generally provides that the Commission shall not find costs mandated by the state for test claim statutes that implement a federal law, unless the test claim statute mandates costs that exceed the federal mandate. The Commission approved

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<sup>1</sup> Government Code section 3301 states: "For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code."

the activities required by POBOR that exceeded the requirements of existing state and federal law.

On July 27, 2000, the Commission adopted parameters and guidelines that authorized reimbursement, beginning July 1, 1994, to counties, cities, a city and county, school districts, and special districts that employ peace officers for the ongoing activities summarized below:

- Developing or updating policies and procedures.
- Training for human resources, law enforcement, and legal counsel.
- Updating the status of cases.
- Providing the opportunity for an administrative appeal for permanent, at-will, and probationary employees that were subject to certain disciplinary actions that were not covered by the due process clause of state and federal law.
- When a peace officer is under investigation, or becomes a witness to an incident under investigation, and is subjected to an interrogation by the employer that could lead to certain disciplinary actions, the following costs and activities are eligible for reimbursement: compensation to the peace officer for interrogations occurring during off-duty time; providing prior notice to the peace officer regarding the nature of the interrogation and identification of investigating officers; tape recording the interrogation; providing the peace officer employee with access to the tape prior to any further interrogation at a subsequent time or if any further specified proceedings are contemplated; and producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of complaints of reports or complaints made by investigators.
- Performing certain activities, specified by the type of local agency or school district, upon the receipt of an adverse comment against a peace officer employee.

A technical correction was made to the parameters and guidelines on August 17, 2000.

In 2005, Statutes 2005, chapter 72, section 6 (AB 138) added section 3313 to the Government Code to direct the Commission to “review” the Statement of Decision, adopted in 1999, on the *Peace Officer Procedural Bill of Rights* test claim (commonly abbreviated as “POBOR”) to clarify whether the subject legislation imposed a mandate consistent with California Supreme Court Decision in *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859 and other applicable court decisions.

On April 26, 2006, the Commission reviewed its original findings and adopted a Statement of Decision on reconsideration (05-RL-4499-01). The Statement of Decision on reconsideration became final on May 1, 2006.

The Commission found that the *San Diego Unified School Dist.* case supports the Commission’s 1999 Statement of Decision that the test claim legislation constitutes a partial reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for all activities previously approved by the Commission for counties, cities, school districts, and

special districts identified in Government Code section 3301 that employ peace officers, except the following:

- The activity of providing the opportunity for an administrative appeal to probationary and at-will peace officers (except when the chief of police is removed) pursuant to Government Code section 3304 is no longer a reimbursable state-mandated activity because the Legislature amended Government Code section 3304 in 1998. The amendment limited the right to an administrative appeal to only those peace officers “who successfully completed the probationary period that may be required” by the employing agency and to situations where the chief of police is removed. (Stats. 1998, ch. 786, § 1.)
- The activities of obtaining the signature of the peace officer on the adverse comment or noting the officer’s refusal to sign the adverse comment, pursuant to Government Code sections 3305 and 3306, when the adverse comment results in a punitive action protected by the due process clause<sup>2</sup> does not constitute a new program or higher level of service and does not impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c).

The Statement of Decision adopted by the Commission on this reconsideration applies to costs incurred and claimed for the 2006-2007 fiscal year.

On February 6, 2009, the Third District Court of Appeal, in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1357, determined that POBOR is not a reimbursable mandate as to school districts and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties.

On May 8, 2009, the Sacramento County Superior Court issued a judgment and writ in Case No. 07CS00079, pursuant to the Third District Court of Appeal’s decision in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, requiring the Commission to:

- a. Set aside the portion of its reconsideration decision in “Case No. 05-RL-4499-01 Peace Officer Procedural Bill of Rights” (reconsideration decision) that found that the Peace Officer Procedural Bill of Rights program constitutes a reimbursable state-mandated program for school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties;
- b. Issue a new decision denying the portion of the reconsideration decision approving reimbursement for school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties; and

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<sup>2</sup> Due process attaches when a permanent employee is dismissed, demoted, suspended, receives a reduction in salary, or receives a written reprimand. Due process also attaches when the charges supporting a dismissal of a probationary or at-will employee constitute moral turpitude that harms the employee’s reputation and ability to find future employment and, thus, a name-clearing hearing is required.

- c. Amend the parameters and guidelines consistent with this judgment.

This judgment does not affect cities, counties, or special police protection districts named in Government Code section 53060.7, which wholly supplant the law enforcement functions of the County within their jurisdiction.

Accordingly, on July 31, 2009, the Commission amended the decision to deny reimbursement to school districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties.

## **II. ELIGIBLE CLAIMANTS**

Counties, cities, a city and county, and special police protection districts named in Government Code section 53060.7 that wholly supplant the law enforcement functions of the county within their jurisdiction are eligible claimants.

School districts, community college districts, and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties are not eligible claimants entitled to reimbursement.

## **III. PERIOD OF REIMBURSEMENT**

The period of reimbursement for the activities and reasonable reimbursement methodology in this parameters and guidelines amendment begins on July 1, 2006.

Pursuant to Government Code section 17560, reimbursement for state-mandated costs may be claimed as follows:

1. A local agency may, by February 15 following the fiscal year in which costs are incurred, file an annual reimbursement claim for that fiscal year.
2. In the event revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 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.

Reimbursable costs for one fiscal year shall be included in each claim. If 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 fiscal year, an eligible claimant may file a reimbursement claim based on the reasonable reimbursement methodology described in Section V A. or for actual costs, as described in Section V. B.

For each eligible claimant, the following activities are reimbursable:

### **A. Administrative Activities (On-going Activities)**

1. Developing or updating internal policies, procedures, manuals and other materials pertaining to the conduct of the mandated activities.



2. Attendance at specific training for human resources, law enforcement and legal counsel regarding the requirements of the mandate. The training must relate to mandate-reimbursable activities.

3. Updating the status report of mandate-reimbursable POBOR activities. “Updating the status report of mandate-reimbursable POBOR-activities” means tracking the procedural status of the mandate-reimbursable activities only. Reimbursement is not required to maintain or update the cases, set up the cases, review the cases, evaluate the cases, or close the cases.

## **B. Administrative Appeal**

1. The administrative appeal activities listed below apply to permanent peace officer employees as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5. The administrative appeal activities do not apply to reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff security officers, police security officers, and school security officers.<sup>3</sup>

### The following activities and costs are reimbursable:

- a. Providing the opportunity for, and the conduct of an administrative appeal hearing for the following disciplinary actions (Gov. Code, § 3304, subd. (b)):
  - Transfer of permanent-employees for purposes of punishment;
  - Denial of promotion for permanent-employees for reasons other than merit; and
  - Other actions against permanent employees that result in disadvantage, harm, loss or hardship and impact the career opportunities of the employee.
- b. Preparation and review of the various documents necessary to commence and proceed with the administrative appeal hearing.
- c. Legal review and assistance with the conduct of the administrative appeal hearing.
- d. Preparation and service of subpoenas.
- e. Preparation and service of any rulings or orders of the administrative body.
- f. The cost of witness fees.
- g. The cost of salaries of employee witnesses, including overtime, the time and labor of the administrative appeal hearing body and its attendant clerical services.

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<sup>3</sup> *Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.

The following activities are **not** reimbursable:

- a. Investigating charges.
- b. Writing and reviewing charges.
- c. Imposing disciplinary or punitive action against the peace officer.
- d. Litigating the final administrative decision.

2. Providing the opportunity for, and the conduct of an administrative appeal hearing for removal of the chief of police under circumstances that do not create a liberty interest (i.e., the charges do not constitute moral turpitude, which harms the employee's reputation and ability to find future employment). (Gov. Code, § 3304, subd. (b).)

The following activities and costs are reimbursable:

- a. Preparation and review of the various documents necessary to commence and proceed with the administrative appeal hearing.
- b. Legal review and assistance with the conduct of the administrative appeal hearing.
- c. Preparation and service of subpoenas.
- d. Preparation and service of any rulings or orders of the administrative body.
- e. The cost of witness fees.
- f. The cost of salaries of employee witnesses, including overtime, the time and labor of the administrative appeal hearing body and its attendant clerical services.

The following activities are **not** reimbursable:

- a. Investigating charges.
- b. Writing and reviewing charges.
- c. Imposing disciplinary or punitive action against the chief of police.
- d. Litigating the final administrative decision.

### **C. Interrogations**

The performance of the activities listed in this section are eligible for reimbursement only when a peace officer, as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5, is under investigation, or becomes a witness to an incident under investigation, and is subjected to an interrogation by the commanding officer, or any other member of the employing public safety department, that could lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment. (Gov. Code, § 3303.)<sup>4</sup>

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<sup>4</sup> Interrogations of reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff

Claimants are not eligible for reimbursement for the activities listed in this section when an interrogation of a peace officer is in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer. Claimants are also not eligible for reimbursement when the investigation is concerned solely and directly with alleged criminal activities. (Gov. Code, § 3303, subd. (i).)

The following activities are reimbursable:

1. When required by the seriousness of the investigation, compensating the peace officer for interrogations occurring during off-duty time in accordance with regular department procedures. (Gov. Code, § 3303, subd. (a).)

Preparation and review of overtime compensation requests are reimbursable.

2. Providing notice to the peace officer before the interrogation. The notice shall inform the peace officer of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. The notice shall inform the peace officer of the nature of the investigation. (Gov. Code, § 3303, subds. (b) and (c).)

The following activities relating to the notice of interrogation are reimbursable:

- a. Review of agency complaints or other documents to prepare the notice of interrogation.
  - b. Identification of the interrogating officers to include in the notice of interrogation.
  - c. Preparation of the notice.
  - d. Review of notice by counsel.
  - e. Providing notice to the peace officer prior to interrogation.
3. Recording the interrogation when the peace officer employee records the interrogation. (Gov. Code, § 3303, subd. (g).)

The cost of media and storage, and the cost of transcription are reimbursable. The investigator's time to record the session and transcription costs of non-sworn peace officers are **not** reimbursable.

4. Providing the peace officer employee with access to the recording prior to any further interrogation at a subsequent time, or if any further proceedings are contemplated and the further proceedings fall within the following categories (Gov. Code, § 3303, subd. (g)):
  - a. The further proceeding is not a disciplinary action;
  - b. The further proceeding is a dismissal, demotion, suspension, salary reduction or written reprimand received by a probationary or at-will employee whose liberty

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security officers, police security officers, and school security officers are not reimbursable. (*Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.)

interest is not affected (i.e., the charges supporting the dismissal does not harm the employee's reputation or ability to find future employment);

c. The further proceeding is a transfer of a permanent, probationary or at-will employee for purposes of punishment;

d. The further proceeding is a denial of promotion for a permanent, probationary or at-will employee for reasons other than merit;

e. The further proceeding is an action against a permanent, probationary or at-will employee that results in disadvantage, harm, loss or hardship and impacts the career of the employee.

The cost of media copying is reimbursable.

5. Producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of reports or complaints made by investigators or other persons, except those that are deemed confidential, when requested by the officer, in the following circumstances (Gov. Code, § 3303, subd. (g)):

a) When the investigation does not result in disciplinary action; and

b) When the investigation results in:

- A dismissal, demotion, suspension, salary reduction or written reprimand received by a probationary or at-will employee whose liberty interest *is not* affected (i.e.; the charges supporting the dismissal do not harm the employee's reputation or ability to find future employment);
- A transfer of a permanent, probationary or at-will employee for purposes of punishment;
- A denial of promotion for a permanent, probationary or at-will employee for reasons other than merit; or
- Other actions against a permanent, probationary or at-will employee that result in disadvantage, harm, loss or hardship and impact the career of the employee.

Review of the complaints, notes or recordings for issues of confidentiality by law enforcement, human relations or counsel; and the cost of processing, service and retention of copies are reimbursable.

The following activities are **not** reimbursable:

1. Activities occurring before the assignment of the case to an administrative investigator. These activities include taking an initial complaint, setting up the complaint file, interviewing parties, reviewing the file, and determining whether the complaint warrants an administrative investigation.
2. Investigation activities, including assigning an investigator to the case, reviewing the allegation, communicating with other departments, visiting the scene of the alleged incident, gathering evidence, identifying and contacting complainants and witnesses.

3. Preparing for the interrogation, reviewing and preparing interrogation questions, conducting the interrogation, and reviewing the responses given by the officer and/or witness during the interrogation.
4. Closing the file, including the preparation of a case summary disposition reports and attending executive review or committee hearings related to the investigation.

#### **D. Adverse Comment**

Performing the following activities upon receipt of an adverse comment concerning a peace officer, as defined in Penal Code sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5. (Gov. Code, §§ 3305 and 3306.):<sup>5</sup>

#### **Counties**

- (a) If an adverse comment *is* related to the investigation of a possible criminal offense, then counties are entitled to reimbursement for the following activities:
  1. Providing notice of the adverse comment;
  2. Providing an opportunity to review and sign the adverse comment;
  3. Providing an opportunity to respond to the adverse comment within 30 days; and
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.
- (b) If an adverse comment *is not* related to the investigation of a possible criminal offense, then counties obtained are entitled to reimbursement for:
  1. Providing notice of the adverse comment: and
  2. Obtaining the signature of the peace officer on the adverse comment; or
  3. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.

#### **Cities and Special Police Protection Districts**

- (a) If an adverse comment *is* related to the investigation of a possible criminal offense, then cities and special districts are entitled to reimbursement for the following activities:
  1. Providing notice of the adverse comment;
  2. Providing an opportunity to review and sign the adverse comment;

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<sup>5</sup> The adverse comment activities do not apply to reserve or recruit officers; coroners; railroad police officers commissioned by the Governor; or non-sworn officers including custodial officers, sheriff security officers, police security officers, or school security officers. (*Burden v. Snowden* (1992) 2 Cal.4th 556, 569; Government Code section 3301; Penal Code sections 831, 831.4.)

3. Providing an opportunity to respond to the adverse comment within 30 days; and
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.
- (b) If an adverse comment *is not* related to the investigation of a possible criminal offense, then cities and special districts are entitled to reimbursement for the following activities:
1. Providing notice of the adverse comment;
  2. Providing an opportunity to respond to the adverse comment within 30 days; and
  3. Obtaining the signature of the peace officer on the adverse comment; or
  4. Noting the peace officer's refusal to sign the adverse comment and obtaining the signature or initials of the peace officer under such circumstances.

The following adverse comment activities are reimbursable:

1. Review of the circumstances or documentation leading to the adverse comment by supervisor, command staff, human resources staff, or counsel to determine whether the comment constitutes a written reprimand or an adverse comment.
2. Preparation of notice of adverse comment.
3. Review of notice of adverse comment for accuracy.
4. Informing the peace officer about the officer's rights regarding the notice of adverse comment.
5. Review of peace officer's response to adverse comment.
6. Attaching the peace officers' response to the adverse comment and filing the document in the appropriate file.

The following activities are **not** reimbursable:

1. Investigating a complaint.
2. Interviewing a complainant.
3. Preparing a complaint investigation report.

## **V. CLAIM PREPARATION AND SUBMISSION**

Claimants may be reimbursed for the Reimbursable Activities described in Section IV above by claiming costs mandated by the state pursuant to the reasonable reimbursement methodology or by filing an actual cost claim, as described below:

### **A. Reasonable Reimbursement Methodology**

The Commission is adopting a *reasonable reimbursement methodology* to reimburse local agencies for all direct and indirect costs, as authorized by Government Code section 17557, subdivision (b), in lieu of payment of total actual costs incurred for the reimbursable activities specified in Section IV above.

## 1. Definition

The definition of reasonable reimbursement methodology is in Government Code section 17518.5, as follows:

- (a) *Reasonable reimbursement methodology* means a formula for reimbursing local agency and school districts for costs mandated by the state, as defined in Section 17514.
- (b) A reasonable reimbursement methodology shall be based on cost information from a 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 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, and other approximations of local costs mandated by the state rather than detailed 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.

## 2. Formula

The reasonable reimbursement methodology shall allow each eligible claimant to be reimbursed at the rate of \$ 37.25 per full-time sworn peace officer employed by the agency for all direct and indirect costs of performing the activities, as described in Section IV, Reimbursable Activities.

The rate per full-time sworn peace officer shall be adjusted each year by the Implicit Price Deflator referenced in Government Code section 17523.

Reimbursement is determined by multiplying the rate per full time sworn peace officer for the appropriate fiscal year by the number of full time sworn peace officers employed by the agency and reported to the Department of Justice.

### B. ACTUAL COST CLAIMS

Although the Commission adopted a reasonable reimbursement methodology for this mandated program, any eligible claimant may instead choose to file a reimbursement claim based on actual costs.

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, 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 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 in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

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.

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

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 above. Additionally, each reimbursement claim must be filed in a timely manner.

#### 1. Direct Cost Reporting

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

##### a. 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.

##### b. 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.

##### c. 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 attorney invoices with the claim and a description of the contract scope of services.

d. 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.

e. 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 B. 1. a. Salaries and Benefits, for each applicable reimbursable activity.

f. 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 B.1.a, Salaries and Benefits, and B.1.b, Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element B.1.c, Contracted Services.

## 2. Indirect Cost Rates

a. Local Agencies

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 both (1) 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 2 CFR Part 225 (the Office of Management and Budget

(OMB) Circular A-87). Claimants have the option of using 10% of direct 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 (OMB Circular A-87 Attachments A and B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR Part 225 (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 distribution 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:

- i. 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) 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
- ii 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) 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 for actual costs filed by a local agency or school district pursuant to this chapter<sup>6</sup> 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 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. 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 application of a reasonable reimbursement methodology

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<sup>6</sup> This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

must also 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 OTHER 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 source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

#### **VIII. STATE CONTROLLER'S REVISED CLAIMING INSTRUCTIONS**

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

Pursuant to Government Code section 17561, subdivision (d)(2), issuance of the revised claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon the revised 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 GUIDELINES**

The Statement of Decision (CSM 4499) and the Statement of Decision on Reconsideration (05-RL-4499-01) are legally binding on all parties and provide 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, and in *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355. The administrative record, including the Statement of Decision and the Statement of Decision on Reconsideration, is on file with the Commission.

June 21, 2007

# State-Local Working Group Proposal to Improve the Mandate Process

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LEGISLATIVE ANALYST'S OFFICE





## Concerns With Mandate Process

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- Process takes a long time, posing difficulties for state and local governments.
  - Currently takes over five years from local government “test claim” filing to final action by Commission on State Mandates.
  - During this time, local governments do not receive reimbursements and state liabilities mount.
  - Length of process also complicates state policy review because the Legislature receives a mandate’s cost information years after the debate regarding its imposition has concluded.
  
- Claiming reimbursement is exceedingly complicated.
  - Most mandates are not complete programs, but impose increased requirements on ongoing local programs. Measuring the cost to carry out these marginal changes is complex.
  - Instead of relying on unit costs or other approximations of local costs, reimbursement methodologies (or “parameters and guidelines”) typically require local governments to document their actual costs to carry out each element of the mandate.
  - The documentation required makes it difficult for local governments to file claims and leads to disputes with the State Controller’s Office.
  - Because the commission bases its estimate of a mandate’s costs on initial claims submitted by local governments, the commission’s estimates typically are inaccurate. Over time, local governments increase their ability to comply with the reimbursement methodology and claims increase substantially.



## Working Group Proposal Overview

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- Goals and focus:
  - Simplify and expedite the mandate determination process.
  - Procedural reform, focusing on period between imposition of a mandate and the report of the mandate to the Legislature.
  - Avoid “tilting the scales” to favor state or local interests, or giving greater authority to the administration, Legislature, or local governments.
  
- Includes three alternatives—use of any alternative would require the consent of the local government claimant and Department of Finance.
  
- Proposal is in the form of amendments to AB 1222 (Laird).



## First Change: Amend the Reasonable Reimbursement Methodology Statute

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- Expand the use of unit-based and other simple claiming methodologies by clarifying the type of easy-to-administer methodologies that the Legislature envisioned when it enacted this statute.
  
- Greater reliance on simple claiming methodologies would reduce:
  - Local costs to file claims.
  - State costs to process and audit claims.
  - Disputes regarding mandate claims and appeals to the commission regarding State Controller claim reductions. Reducing commission work to hear appeals would give it more time to focus on mandate determinations.



## Second Change: Allow Reimbursement Methodologies to Be Developed Through Negotiations

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- Create a process whereby local governments and the department jointly develop a mandate's reimbursement methodology and estimate its costs.
- Department of Finance and claimant responsibilities:
  - Propose a negotiations work plan. Plan must ensure that costs from a representative sample of local claimants are considered.
  - Jointly review local cost data.
  - Develop a reasonable reimbursement methodology. Assess local support. Modify methodology to secure local support. Specify a date when the department and test claimant will reconsider methodology to ensure that it remains useful over time.
  - Use the methodology to provide the Legislature an estimate of its statewide costs.
- Commission on State Mandates responsibilities.
  - Review methodology to ensure that parties considered costs from a representative sample of local governments and that the methodology is supported by a wide range of local governments.
  - Review the methodology for general consistency with the underlying Statement of Decision.
  - Adopt the methodology and report statewide costs.
- Advantages of negotiated process.
  - Realizes all of the benefits of the reasonable reimbursement methodology approach previously described.
  - Trims at least a year from the current five-year mandate process.





## Third Change: Authorize Fast Track Legislative Mandate Determinations

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- Create a process whereby local governments and the department may jointly propose that a state requirement be declared a “legislatively determined mandate” and propose a reimbursement methodology. The commission would not play a role in this alternative.
  
- Joint Department of Finance and claimant responsibilities:
  - Identify state requirements to propose for legislatively determined mandate.
  - Propose a reimbursement methodology and estimate of statewide costs.
  - Provide Legislature evidence of local support for reimbursement methodology.
  
- Legislature’s alternatives:
  - May adopt proposal, or amend and adopt proposal. Enact a statute declaring the state requirement to be a legislatively determined mandate and specifying the reimbursement methodology. Appropriate required funding.
  - May reject proposal.
  - May repeal, suspend, or modify the mandate.



## Third Change: Authorize Fast Track Legislative Mandate Determinations

*(Continued)*

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Local government options:

- May accept funding provided for mandate. Such an action signifies that the local government accepts the methodology as reimbursement for the funding period (say, five years). During this time, the local government may not file a test claim or accept other reimbursement for this mandate, unless the state does not provide the funding specified in statute. At the end of the funding period, works with the department to update the reimbursement methodology.
- May reject funding and file a test claim with the commission.



Advantages of process.

- Realizes all of the benefits of the reasonable reimbursement methodology approach previously described.
- Resolves mandate claims in about a year, four years less than current process.
- Reduces the commission's caseload, freeing up time for it to focus on other claims.

BILL ANALYSIS

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CONCURRENCE IN SENATE AMENDMENTS

AB 1222 (Laird)

As Amended September 4, 2007

Majority vote

-

ASSEMBLY:	77-0	(May 29, 2007)	SENATE:	39-0	(September 7,
					2007)

Original Committee Reference: L. GOV.

SUMMARY : Establishes a streamlined alternative state mandate reimbursement process, clarifies an existing reimbursement methodology, and enhances existing claiming requirements for certain mandates.

The Senate amendments :

- 1) Refine the definition of "reasonable reimbursement methodology" (RRM) so that a qualifying formula is based on cost information from a representative sample of eligible claimants and must consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.
- 2) Add a test claim filed pursuant to the provisions of the legislatively determined mandate to the general definition of test claim.
- 3) Add to the test claim provisions in existing law additional information that would need to be filed if there is a legislatively determined mandate on that same statute or executive order.
- 4) Permit a test claimant and the Department of Finance (DOF), within 30 days of the adoption of a statement of decision on a test claim, to notify the executive director of the Commission on State Mandates (Commission) of their intent to use the alternate process created by this measure to draft negotiated reimbursement methodology that will be based on a reasonable reimbursement methodology in the form of a letter that specifies the date when the test claimant and DOF will provide to the executive director an informational update regarding their progress and the date when the test claimant and DOF

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will submit a plan to ensure costs from a representative sample of eligible local agency or school district claimants are considered.

- 5) Require the plan to include the date the test claimant and DOF

will provide the executive director of the Commission an informational update on progress developing the RRM and the date the test claimant and DOF will submit to the executive director the draft RRM and proposed statewide estimate of costs, which must occur within 180 day of the letter of intent.

- 6) Allow up to four extensions to submit the draft for Commission approval.
- 7) Permit a test claimant and DOF to abandon the development of a RRM and continue with the development of parameters and guidelines.
- 8) Require the RRM to have broad support from a wide range of local agencies or school districts.
- 9) Require the claimant and DOF to submit to the Commission the draft negotiated parameters and guidelines, an estimate of the mandate's annual statewide costs and costs for the initial claiming period, and a report that describes the steps the test claimant and DOF undertook to determine the level of local support for the reasonable reimbursement methodology no later than 60 days before a Commission hearing.
- 10) Require this proposal to include an agreement that the RRM shall be in effect for 5 years, unless a different term is approved by the commission and that at the end of the term, the test claimant and DOF will consider jointly whether amendments to the reimbursement methodology are necessary.
- 11) Provide that the commission shall review the reimbursement methodology to verify that it meets the requirements of Section 17557.1 and reflects broad support from a wide range of local agencies or school districts.
- 12) Require the Commission, if the reimbursement methodology meets the requirements, to approve it, include the statewide estimate of costs shall in its report to the Legislature, and report it to the fiscal and policy committees, the Legislative

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Analyst and DOF within 30 days after adoption.

- 13) Provide that after the approved term, or upon a joint request to review the reimbursement methodology, the approved reimbursement methodology shall expire.
- 14) Authorize DOF and local governments to do one of the following upon the expiration of the approved term:
  - a) Jointly propose amendments, and an estimate of the annual cost;
  - b) Jointly propose no changes; or,
  - c) Notify the Commission that the test claimant will submit proposed parameters and guidelines to replace the approved reimbursement methodology.

- 15) Provide that the Commission shall approve the continuation or amendments to the reimbursement methodology.
- 16) Authorize the Controller to develop claiming instructions for RRM's approved by the Commission or the Legislature.
- 17) Provide for reimbursement for legislatively determined mandates, and authorize the Controller to audit those claims.
- 18) Provide additional detail regarding notice to the Legislature of a proposed legislatively determined mandate and clarification regarding the statute of limitation's tolling period during which the Legislature considers a legislatively determined mandate.
- 19) Provide that the term of a legislatively determined mandate shall be five years, unless another term is provided for in the statute.
- 20) Acknowledge the additional requirements related to mandates subject to Proposition 1A (subdivision (b) of Section 6 of Article XIII B of the California Constitution).
- 21) Provide that upon a legislative determination, the Controller shall prepare claiming instructions.
- 22) Provide the following circumstances under which a test

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claimant may file a test claim on the same statute of executive order as a legislatively determined mandate:

- a) The Legislature amends the reimbursement methodology and the local agency or school district rejects reimbursement;
  - b) The term of the legislatively determined mandate has expired;
  - c) The term of the legislatively determined mandate is amended and the local agency or school district rejects reimbursement; and,
  - d) The mandate is subject to the requirements of Proposition 1A, and the Legislature fails to meet those requirements.
- 23) Prohibit a local agency or school district from filing a test claim for a mandate where the statute of limitation had expired before the date a legislatively determined mandate is adopted.
- 24) Provide that a legislatively determined mandate determination shall not be binding on the commission.
- 25) Make corresponding and consistent changes to the provision of law regarding the initial payment for newly determined mandates.

EXISTING LAW :

- 1) Requires the state to provide a subvention of funds to reimburse local governments, including school districts, whenever the Legislature or a state agency mandates a new program or higher level of service, with specified exceptions.
- 2) Establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission that requires the Commission to hear and decide upon each claim for reimbursement and then determine the amount to be subvented for reimbursement and adopt parameters and guidelines for payment of claims.
- 3) Requires the Commission to consult with Department of Finance (DOF), among other state officials, when adopting parameters

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and guidelines for reimbursement.

AS PASSED BY THE ASSEMBLY , this bill:

- 1) Changed the definition of "reasonable reimbursement methodology" so that a qualifying formula for reimbursing local agency and school district costs mandated by the state need only satisfy one of three specified conditions.
- 2) Specified that a formula based on cost information from a representative sample of eligible claimants, information provided by associations of affected local governments, or other projections of local costs will satisfy the requirements for a reasonable reimbursement methodology.
- 3) Defined "legislatively determined mandate" as the provisions of a statute or executive order that the Legislature has declared by statute to be a mandate for which reimbursement is required by Section 6 of Article XIII B of the California Constitution.
- 4) Specified that the statute of limitations requiring local agency and school district test claims to be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later, shall be tolled from the date a joint proposal for a legislatively determined mandate, as defined, is submitted to the Legislature, to the date the joint proposal is enacted in a Budget Act or other bill, or fails to be enacted.
- 5) Made claims made pursuant to legislatively determined mandates subject to the \$1,000 minimum requirement in current law.
- 6) Required that claims pursuant to a legislatively determined mandate shall be filed and paid in the manner prescribed in the Budget Act or other bill.
- 7) Required that a test claim's required written narrative identify the effective date and register number of regulations alleged to contain a mandate.
- 8) Deleted the statutory provision requiring the Commission to amend the parameters and guidelines for the Animal Adoption

mandate in a specified manner.

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- 9) Made findings and declaration concerning the desirability of early settlement of mandate claims.
- 10) Declared legislative intent to provide for an orderly process for settling mandate claims in which the parties are in substantial agreement, and affirms that nothing in this measure diminishes the rights of a local government that chooses not to accept reimbursement pursuant to the provisions of this measure.
- 11) Authorized DOF, in consultation with local governments, to seek to have the Legislature determine if local governments are entitled to reimbursement of costs mandated by the state, establish a reimbursement methodology, and appropriate funds for reimbursement.
- 12) Required a joint request to include all of the following:
- a) Identification of the provisions of the statute or executive order alleged to impose a new requirement on local governments, a reimbursement methodology, and a period of reimbursement;
  - b) A list of eligible claimants and a statewide cost estimate for the initial claiming period and annual dollar amount necessary to reimburse local governments for costs mandated by that statute or executive order; and,
  - c) Documentation of significant support among affected local governments for the proposed reimbursement methodology, including, but not limited to, endorsements by statewide associations of affected local governments and letters of approval by a majority of responding affected local governments.
- 13) Permitted a joint request to be submitted to the Legislature at any time after enactment of a statute or issuance of an executive order, regardless of whether a test claim on the same statute or executive order is pending with the commission, and specifies that, if a test claim is pending before the Commission, the period of reimbursement established by that filing shall apply to a joint request filed pursuant to this measure.

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- 14) Required that, if the Legislature determines that the statute

or executive order imposes a reimbursable mandate, it shall declare by statute that the requirements of the statute or executive order are a legislatively determined mandate, specify the period of reimbursement and formula or methodology for reimbursing affected local governments, and appropriate funds sufficient for reimbursement in the Budget Act or other bill.

- 15) Permitted the Legislature to amend the reimbursement methodology periodically, upon the recommendation of DOF, a local government, or other interested party, and to repeal, modify, or suspend a legislatively determined mandate.
- 16) Required DOF to notify the Commission of the following specified actions:
- a) Provide the Commission with a copy of a joint request when it is submitted to the Legislature;
  - b) Notify the Commission of the Legislature's action on a joint request in the Budget Act or of the Legislature's failure to include a joint request in the enacted Budget Act; and,
  - c) Provide the Commission with a copy of the final version of a joint request if modifications are made by the Legislature.
- 17) Permitted the Commission, upon receipt of notice from DOF that a joint request has been submitted to the Legislature on the same statute or executive order as a pending test claim, to stay its proceedings on the pending test claim upon the request of any party.
- 18) Stated that, upon enactment of a statute declaring a legislatively determined mandate and sufficient appropriation for reimbursement in the Budget Act or other bill pursuant to this section, both of the following shall apply:
- a) The commission shall not be required to adopt a statement of decision, parameters and guidelines or statewide cost estimate on the same statute or executive order unless an affected local government that has rejected the amount of reimbursement files a test claim or takes

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over a withdrawn test claim on the same statute or executive order; and,

- b) Local governments accepting payment of costs mandated by the state shall not be required to submit parameters and guidelines.

- 19) Stated that, by accepting payment of costs mandated by the state for a legislatively determined mandate, a local government agrees to the following terms and conditions:
- a) Any unpaid reimbursement claims filed with the Controller shall be deemed withdrawn if they are on the same statute or executive order of a



legislatively determined mandate and for the same period of reimbursement;

- b) The payment constitutes full reimbursement of its costs for that mandate for the applicable period of reimbursement;
- c) The methodology upon which the payment is calculated is an appropriate reimbursement methodology for the next four fiscal years;
- d) A test claim filed with the Commission on the same statute or executive order as a legislatively determined mandate shall be withdrawn; and,
- e) A new test claim may not be filed on the same statute or executive order as a legislatively determined mandate unless one of the following applies:
  - i) The state does not appropriate funds adequate to reimburse local governments based on the reimbursement methodology enacted by the Legislature; or,
  - ii) The state fails to make the specified reimbursement payments and does not repeal or suspend the mandate.

20) Permitted any local government that rejects the amount of reimbursement in the legislatively determined mandate to file a test claim with the Commission or take over a withdrawn test claim, and prohibits any mandate reimbursement on this test claim from being received by

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this local government until the Commission process is complete and funds for reimbursement are appropriated.

21) Required DOF to notify local agencies of any statute or executive order, or portion thereof, for which operation of the mandate is suspended because reimbursement is not provided for that fiscal year within 30 days after enactment of the Budget Act.

22) Required DOF to notify school districts of any of five specified statutes or executive orders, or portion thereof, for which reimbursement is not provided for that fiscal year within 30 days after enactment of the Budget Act.

FISCAL EFFECT : According to the Senate Committee on Appropriations, potential savings to the Commission to the extent that alternative processes reduce test claim filings, and absorbable costs to DOF to negotiate RRM's with local governments.

COMMENTS : This bill establishes an alternative to the Commission process for determining a mandate by authorizing DOF and local governments to seek a legislatively-determined mandate on statutes and executive orders by jointly developing a proposed amount of reimbursement and submitting the proposal to the Legislature. Such proposals may be submitted whether or not there is a test claim pending before the Commission. The

Commission's one-year statute of limitations for filing a test claim would be tolled while the parties are pursuing a legislatively determined mandate. If the Legislature determines that local governments are entitled to be reimbursed by the state for mandated costs, it would adopt a proposed methodology and appropriate funds for the reimbursement or may suspend the operation of that statute or executive order until funds for that reimbursement are appropriated. If the proposal to enact a legislatively-determined mandate fails, DOF would notify the Commission that the proposal failed to be enacted, the Commission would assume jurisdiction if a test claim or statewide cost estimate is pending on the same statutes and executive orders, and, if parameters and guidelines are pending and due for submission by the claimants, the 30-day deadline for submitting parameters and guidelines would begin on the date the Commission notifies the claimants that the proposal failed to be enacted.

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AB 2856 (Laird), Chapter 890, Statutes of 2004, authorized the Commission to adopt a "reasonable reimbursement methodology" with the intent to streamline the documentation and reporting process for mandates. This bill would revise the criteria required to be met for the reasonable reimbursement methodology.

Government Code Section 17553 includes specific requirements claimants must meet when filing a test claim alleging that a new statute, executive order or regulation is a state-mandated program. A detailed explanation of the basis for the claim enables Commission staff to analyze the test claims. However, at times claimants do not specify what version of the regulations they are alleging are the basis for the mandate, making it more difficult to determine what version of regulations must be analyzed. This bill would require claimants, when filing test claims that allege that regulations are mandates, to include the effective date and register number of the regulation they are alleging. The author believes that clarifying filing requirements will make it easier for state agencies to file comments on test claims, and will assist Commission staff in providing comprehensive legal analysis of the test claims.

While the Senate amendments to this bill appear to be extensive, they are the result of ongoing negotiations among the interested parties and constitute refinements, clarifications, and fleshing-out of procedural details within the same policy parameters the bill had when it was passed unanimously by the Assembly on May 29, 2007.

Analysis Prepared by : J. Stacey Sullivan / L. GOV. / (916)  
319-3958

FN: 0002950



**ITEM 6**  
**FINAL STAFF ANALYSIS**  
**REQUESTS TO AMEND PARAMETERS AND GUIDELINES**

Government Code Sections 3301, 3303, 3304, 3305, 3306

As Added and Amended by Statutes 1976, Chapter 465 (AB 301); Statutes 1978, Chapters 775 (AB 2916), 1173 (AB 2443), 1174 (AB 2696), and 1178 (SB 1726); Statutes 1979, Chapter 405 (AB 1807); Statutes 1980, Chapter 1367 (AB 2977); Statutes 1982, Chapter 994 (AB 2397); Statutes 1983, Chapter 964 (AB 1216); Statutes 1989, Chapter 1165 (SB 353); and Statutes 1990, Chapter 675 (AB 389)

Directed by Government Code Section 3313, as added by  
Statutes 2005, Chapter 72 (Assem. Bill No. 138, § 6, eff. July 19 2005)

*Peace Officers Procedural Bill of Rights (POBOR)*<sup>1</sup>  
06-PGA-03, 06-PGA-06

Department of Finance and County of Los Angeles, Requestors

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**EXECUTIVE SUMMARY**

This item addresses three proposals to amend the parameters and guidelines for the *Peace Officers Procedural Bill of Rights* (POBOR) program. POBOR provides a series of rights and procedural safeguards to peace officers employed by local agencies and school districts that are subject to investigation or discipline. Pursuant to Government Code section 17557, the Commission has the authority, after public notice and a hearing to amend, modify, or supplement parameters and guidelines. In adopting parameters and guidelines, the Commission is required to consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider a reasonable reimbursement methodology that balances accuracy with simplicity.

**Requests to Amend the Parameters and Guidelines**

The POBOR program, the decisions of the Commission, the audits by the State Controller's Office, and the Bureau of State Audits report on this program have a long history. At issue are two proposed "reasonable reimbursement methodologies" in lieu of actual costs claimed, and an alternate proposal that would add a reasonable reimbursement methodology as an option to claiming actual costs. All of the proposals are effective for the reimbursement period beginning on July 1, 2006.

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<sup>1</sup> Staff substituted the acronym "POBOR" throughout this document for all variations used in requests, comments, and other filings from interested parties and affected state agencies.

### Department of Finance's Proposal

On January 12, 2007, the Department of Finance requested that the parameters and guidelines be amended to reimburse each eligible local agency at the rate of \$56.74 per officer employed by the agency. This rate was determined by analysis of 2004-2005 POBOR claims data. First, the per-officer rate for each claimant was calculated (total amount claimed divided by the number of officers employed by each agency). Then each agency's per-officer rate was reduced by 75 percent to reflect the claim reviews conducted by the State Controller's Office revealing that at least 75 percent of POBOR claims were unsubstantiated. The Department of Finance identified \$56.74 as the median of the reduced per-officer rates and proposed this as the per officer rate, beginning on July 1, 2006.

### Los Angeles County's Original Proposal

On June 25, 2007, Los Angeles County proposed that the parameters and guidelines be amended to reimburse each eligible jurisdiction \$302.37 per officer employed by the agency. This rate was calculated by reducing the total amount claimed in 2004-2005 by 37.5 percent to reflect the claim reviews conducted by the State Controller's Office. To obtain the allowable cost per officer, the adjusted total was then divided by the number of officers employed by each agency. Los Angeles County's calculation resulted in a proposed rate of \$302.37 per officer, beginning on July 1, 2006.

### Los Angeles County's Alternate Proposal

On March 3, 2008, in response to the Draft Staff Analysis, Los Angeles County offered an Alternate Proposal to allow claimants to continue to claim actual costs or be reimbursed based on a new reimbursement rate of \$36.86 per officer. This rate was calculated from the same 2004-2005 claims data and adjusted by a carefully computed average of the "allowed costs" reported by the State Controller's Office in their 2004-2007 final audit reports. The County multiplied the median cost/officer x the computed average of allowed costs reported in the 2004-2007 final audit reports. This calculation resulted in a rate of \$34.77 per officer for fiscal year 2004-2005. The County adjusted this rate by an Implicit Price Deflator to calculate a new reimbursement rate of \$36.86 per officer, beginning on July 1, 2006.

### **Staff Analysis and Conclusion**

Government Code section 17518.5, as amended by AB 1222 (Stats. 2007, ch. 329, eff. Jan. 1, 2008), defines a reasonable reimbursement methodology to "mean a formula for reimbursing local agencies and school districts for costs mandated by the state ..." The new definition requires that two elements be met:

1. A reasonable reimbursement methodology shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.
2. A reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a "cost-efficient manner." (Gov. Code, § 17518.5, subds. (b), (c).)

Staff finds that the Department of Finance and the Los Angeles County proposals satisfy the first element of the new definition of reasonable reimbursement methodology, but do not satisfy the second element of the definition.

Staff finds that the County's Alternate Proposal of \$36.86 per officer satisfies the two elements of the definition of reasonable reimbursement methodology for the following reasons:

- It is based on cost information from a representative sample of eligible claimants.
- It considers the variation in costs among local agencies to implement the mandate in a cost-efficient manner.

However, staff recommends that the County's Alternate RRM calculation be updated to include two additional audits issued by the State Controller's Office in 2008, and to apply the current Implicit Price Deflator. This technical modification to the County's formula will result in a recalculated 2004-2005 rate of \$ 33.22 per officer, and recalculated 2006-2007 rate of \$37.25 per officer.

Staff finds that the County's Alternate Proposal to amend the parameters and guidelines allows eligible claimants to be reimbursed based on actual costs or a reasonable reimbursement methodology and thus "balances accuracy and simplicity."

### **Staff Recommendation**

Therefore, Staff recommends that the Commission:

- Deny the Department of Finance's proposal of \$56.74/officer because it does not satisfy the requirements for a reasonable reimbursement methodology. (Attachment 1)
- Deny Los Angeles County's original proposal of \$302.74/officer because it does not satisfy the requirements for a reasonable reimbursement methodology. (Attachment 2)
- Adopt Los Angeles County's Alternate Proposal, as updated by staff. This proposal allows eligible claimants to file reimbursement claims based on the proposed reasonable reimbursement methodology of \$ 37.25 per full-time sworn peace officer or actual cost claims. The RRM will be updated each year by the implicit price deflator. (Attachment 3)

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

### Requestors

Department of Finance  
County of Los Angeles

### Chronology

- 11/30/1999 Commission on State Mandates (Commission) adopts original Statement of Decision
- 07/27/2000 Commission adopts parameters and guidelines
- 03/29/2001 Commission adopts statewide cost estimate
- 10/15/2003 Bureau of State Audits issues report on Peace Officers' Procedural Bill of Rights (commonly referred to as POBOR) and Animal Adoption Programs, Report No. 2003-106
- 07/19/2005 AB 138 (Stats. 2005, ch. 72) becomes effective, directing the Commission to reconsider the original POBOR Statement of Decision by July 1, 2006
- 04/26/2006 Commission reconsiders POBOR test claim, adopts Statement of Decision, and directs staff to work with state agencies and interested parties to develop and recommend a reasonable reimbursement methodology pursuant to Government Code section 17518.5 for inclusion in the revised parameters and guidelines
- 12/05/2006 Commission adopts amendments to the parameters and guidelines and denies requests from the California State Association of Counties, County of Los Angeles, and Department of Finance to adopt proposed reasonable reimbursement methodologies<sup>2</sup>
- 1/12/2007 Department of Finance proposes amendment to add a reasonable reimbursement methodology to the parameters and guidelines<sup>3</sup>
- 1/24/2007 Commission conducts pre-hearing conference
- 3/12/2007 Commission notifies parties that State Controller's Office has made available updated claims data on the POBOR reimbursement claims, and posts to the Commission's website<sup>4</sup>
- 4/10/2007 Commission notifies parties that State Controller's Office has made available final audit reports on County of Contra Costs, County of Los Angeles, and Los Angeles Police Department, and posts to the Commission's website<sup>5</sup>

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<sup>2</sup> See Exhibit A.

<sup>3</sup> See Exhibit B.

<sup>4</sup> See Exhibit C.

<sup>5</sup> See Exhibit D.

- 6/5/2007 Department of Finance notifies Commission that the reasonable reimbursement methodology proposal filed on January 12, 2007, will not be amended and that comments should be filed<sup>6</sup>
- 6/13/2007 Commission notifies parties that State Controller's Office has made available final audit reports on County of San Diego and City of Oakland, and posts to the Commission's website<sup>7</sup>
- 6/25/2007 County of Los Angeles proposes amendment to add a reasonable reimbursement methodology to the parameters and guidelines<sup>8</sup>
- 7/16/2007 Cost Recovery Systems, Inc., files comments on Department of Finance and County of Los Angeles proposals<sup>9</sup>
- 7/19/2007 State Controller's Office files comments on County of Los Angeles proposal<sup>10</sup>
- 7/24/2007 City and County of San Francisco files comments on Department of Finance and the County of Los Angeles proposals<sup>11</sup>
- 08/7/2007 Department of Finance files comments on County of Los Angeles' proposal and clarifies proposal<sup>12</sup>
- 8/24/2007 County of Los Angeles requests postponement of hearing<sup>13</sup>
- 8/30/2007 Commission staff re-schedules hearing and comment period<sup>14</sup>
- 1/29/2008 Commission staff notifies parties that State Controller's Office has made available final audit reports on Orange County, San Bernardino County, City of Oceanside, City of Inglewood, Alameda County, Sacramento County, Ventura County, and City of Buena Park and posts to Commission's website<sup>15</sup>

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<sup>6</sup> See Exhibit E.

<sup>7</sup> See Exhibit F.

<sup>8</sup> See Exhibit G.

<sup>9</sup> See Exhibit H.

<sup>10</sup> See Exhibit H.

<sup>11</sup> See Exhibit H.

<sup>12</sup> See Exhibit H.

<sup>13</sup> See Exhibit I.

<sup>14</sup> See Exhibit I.

<sup>15</sup> See Exhibit J.



2/8/2008	Commission staff issues draft staff analysis <sup>16</sup>
3/3/2008	Commission staff notifies parties that State Controller's Office has made available final audit reports on City of Long Beach and the City and County of San Francisco and posts to Commission's website <sup>17</sup>
3/3/2008	County of Los Angeles files comments and alternate proposal <sup>18</sup>
3/13/2008	State Controller's Office files updated claims data on the POBOR reimbursement claims <sup>19</sup>
3/14/2008	Final Staff Analysis issued

## **BACKGROUND**

This item addresses three proposals to amend the parameters and guidelines for the *Peace Officers Procedural Bill of Rights* (POBOR) program.

Pursuant to Government Code section 17557, the Commission has the authority, after public notice and a hearing to amend, modify, or supplement parameters and guidelines. In adopting parameters and guidelines, the Commission is required to consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider a reasonable reimbursement methodology that balances accuracy with simplicity.

The POBOR program, the decisions of the Commission, the State Controller's Office, and the Bureau of State Audits report on this program have a long history. At issue are two proposed "reasonable reimbursement methodologies" in lieu of actual costs claimed, and an alternate proposal that would add a reasonable reimbursement methodology as an option to claiming actual costs. All of the proposals are effective for the reimbursement period beginning on July 1, 2006. The history of the test claim and a summary of the proposals follow.

### **Statement of Decision and Parameters and Guidelines**

The Legislature enacted the Peace Officers Procedural Bill of Rights Act (commonly abbreviated as "POBOR"), by adding Government Code sections 3300 through 3310, in 1976. POBOR provides a series of rights and procedural safeguards to peace officers employed by local agencies and school districts that are subject to investigation or discipline. Generally, POBOR prescribes certain procedural protections that must be afforded officers during interrogations that could lead to punitive action against them; gives officers the right to review and respond in writing to adverse comments entered in their personnel files; and gives officers the right to an administrative appeal when any punitive action, as defined by statute, is taken against them, or they are denied promotion on grounds other than merit.

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<sup>16</sup> See Exhibit K.

<sup>17</sup> See Exhibit L.

<sup>18</sup> See Exhibit M.

<sup>19</sup> See Exhibit N.

On November 30, 1999, the Commission approved the POBOR test claim and adopted the original Statement of Decision (CSM 4499). The Commission found that certain procedural requirements under POBOR were rights already provided to public employees under the due process clause of the United States and California Constitutions. Thus, the Commission denied the procedural requirements of POBOR that were already required by law on the ground that they did not impose a new program or higher level of service, or impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c). The Commission approved the activities required by POBOR that exceeded the requirements of existing state and federal law.

On July 27, 2000, the Commission adopted parameters and guidelines that authorized reimbursement, beginning July 1, 1994, to counties, cities, a city and county, school districts, and special districts that employ peace officers for the ongoing activities summarized below:

- Developing or updating policies and procedures.
- Training for human resources, law enforcement, and legal counsel.
- Updating the status of cases.
- Providing the opportunity for an administrative appeal for permanent, at-will, and probationary employees that were subject to certain disciplinary actions that were not covered by the due process clause of state and federal law.
- When a peace officer is under investigation, or becomes a witness to an incident under investigation, and is subjected to an interrogation by the employer that could lead to certain disciplinary actions, the following costs and activities are eligible for reimbursement: compensation to the peace officer for interrogations occurring during off-duty time; providing prior notice to the peace officer regarding the nature of the interrogation and identification of investigating officers; tape recording the interrogation; providing the peace officer employee with access to the tape prior to any further interrogation at a subsequent time or if any further specified proceedings are contemplated; and producing transcribed copies of any notes made by a stenographer at an interrogation, and copies of complaints of reports or complaints made by investigators.
- Performing certain activities, specified by the type of local agency or school district, upon the receipt of an adverse comment against a peace officer employee.

### **Reconsideration Directed by the Legislature**

In 2005, Statutes 2005, chapter 72, section 6 (AB 138) added section 3313 to the Government Code to direct the Commission to “review” the Statement of Decision, adopted in 1999, on POBOR to clarify whether the subject legislation imposed a mandate consistent with California Supreme Court Decision in *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859 and other applicable court decisions.

On April 26, 2006, the Commission reviewed its original findings and adopted a Statement of Decision on reconsideration (05-RL-4499-01). The Statement of Decision on reconsideration became final on May 1, 2006. On review of the claim, the Commission found that the *San Diego Unified School Dist.* case supports the Commission’s 1999 Statement of Decision, which found that the POBOR legislation constitutes a state-mandated program within the meaning of

article XIII B, section 6 of the California Constitution for counties, cities, school districts, and special districts identified in Government Code section 3301 that employ peace officers.

The Commission further found that the *San Diego Unified School Dist.* case supports the Commission's 1999 Statement of Decision that the test claim legislation constitutes a partial reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for all activities previously approved by the Commission *except* the following:

- The activity of providing the opportunity for an administrative appeal to probationary and at-will peace officers (except when the chief of police is removed) pursuant to Government Code section 3304 is no longer a reimbursable state-mandated activity because the Legislature amended Government Code section 3304 in 1998. The amendment limited the right to an administrative appeal to only those peace officers "who successfully completed the probationary period that may be required" by the employing agency and to situations where the chief of police is removed. (Stats. 1998, ch. 786, § 1.)
- The activities of obtaining the signature of the peace officer on the adverse comment or noting the officer's refusal to sign the adverse comment, pursuant to Government Code sections 3305 and 3306, when the adverse comment results in a punitive action protected by the due process clause does not constitute a new program or higher level of service and does not impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c).

The Statement of Decision adopted by the Commission on this reconsideration applied to costs incurred and claimed beginning with the 2006-2007 fiscal year.

#### Parameters and Guidelines Amended Following the Reconsideration (For Costs Incurred Beginning July 1, 2006)

In May 2005, before the Commission reconsidered its original POBOR decision, the State Controller's Office filed a request to amend the parameters and guidelines. The request remained pending when the Commission adopted its Statement of Decision on reconsideration in May 2006.

At the time the Commission adopted the Statement of Decision on reconsideration, the Commission directed staff to work with state agencies and interested parties to develop and recommend a reasonable reimbursement methodology pursuant to Government Code section 17518.5 for inclusion in the revised parameters and guidelines. Subsequently, proposed amendments were filed by the State Controller's Office to supersede the proposed amendments previously filed in May 2005. The Counties of San Bernardino and Los Angeles; the California State Association of Counties (CSAC); and the Department of Finance also submitted proposed amendments. The parties proposed changes to the reimbursable activities and proposed different reasonable reimbursement methodologies as follows:

- The *California State Association of Counties* requested that the parameters and guidelines be amended to include a reasonable reimbursement methodology that would reimburse local agencies \$528 per peace officer employed by the agency on January 1 of the claim year, with annual adjustments based on the Implicit Price Deflator.

- The *County of Los Angeles* requested that the parameters and guidelines be amended to include a reasonable reimbursement methodology that would allow local agencies to be reimbursed based on *approximations of local costs mandated by the state*. This proposal was based on studies of claims data submitted to the Controller's Office for the 2001-2002 through 2004-2005 fiscal years. The County described its proposal as a reimbursement formula which reflected differences in POBOR case loads among local law enforcement agencies and differences in the numbers of peace officers employed by those agencies. The reasonable reimbursement methodology was comprised of three components: (1) *Unit Case Costs* were determined by multiplying the number of unit level cases X 12 standard hours X productive hourly rate; (2) *Extended Case Costs* were determined by multiplying number of extended cases X 162 standard hours X productive hourly rate; 3) Uniform Costs were determined by multiplying the number of peace officers X standard rate of \$100. The costs from these three components were then totaled for the annual claim amount.
- The *Department of Finance* requested that the parameters and guidelines be amended to include a reasonable reimbursement methodology. Under this methodology, a distinct "base rate" would be calculated for each claimant based on State Controller audited amounts for four years of claims. The annual reimbursement would be the result of multiplying the "base rate" by the number of covered officers. The base rates would be adjusted annually by an appropriate factor to capture the normal cost increases. Department of Finance requested a process for determining the *mean* reimbursement rates while final reimbursement rates are determined.

The hearing on the proposed amendments to the parameters and guidelines took place on December 5, 2006. Based on the plain meaning of Government Code section 17518.5, the statute defining *reasonable reimbursement methodology*, the Commission made the following findings with respect to the proposed reasonable reimbursement methodologies:

- The Department of Finance, the State Controller, affected state agencies, a claimant, or an interested party is authorized to develop a reasonable reimbursement methodology.
- There is no statutory requirement or authority for the Commission to audit reimbursement claims and to develop a reasonable reimbursement methodology proposal that complies with section 17518.5.
- The conditions or criteria for defining a reasonable reimbursement methodology are defined in section 17518.5 and may not be changed by the Commission.

The Commission denied the proposed reasonable reimbursement methodologies submitted by the *California State Association of Counties*, *the County of Los Angeles*, and *the Department of Finance* because they did not meet the following conditions in section 17518.5:

- (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.

The Commission did adopt the following changes to parameters and guidelines for costs incurred beginning July 1, 2006:

- The addition of time study language 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.
- Deletion of specific activities relating to the administrative appeal hearing and the receipt of an adverse comment that the Commission expressly denied in the Statement of Decision on reconsideration.
- Clarification of administrative activities, and activities related to the administrative appeal, interrogations, and adverse comments that are consistent with the Commission's Statement of Decision adopted in 1999, the Statement of Decision on reconsideration, and the Commission's prior findings when adopting the original parameters and guidelines. Language was included to clarify that certain activities are *not* reimbursable, including investigation and conducting the interrogation. The Commission expressly denied reimbursement for these activities when it adopted the original parameters and guidelines in 2000 and, again, when it adopted the Statement of Decision on reconsideration in April 2006.

**Department of Finance Request to Amend the Parameters and Guidelines (06-PGA-03)**

On January 12, 2007, the Department of Finance requested that the parameters and guidelines be amended to reimburse each eligible local agency at the rate of \$56.74 per officer employed by the agency, beginning July 1, 2006. According to the Department of Finance:

This rate was determined by an analysis of 2004-05 POBOR claims data. First, the per-officer rate for each claimant was calculated (total amount claimed divided by the number of officers employed by each agency). Pursuant to reviews conducted by the State Controller's Office (Controller) revealing that at least 75 percent of POBOR claims were unsubstantiated, we then reduced each agency's per-officer rate by 75 percent. The median of the reduced per-officer rates was calculated to be \$56.74.

The proposed reimbursement rate would then be adjusted after the Controller has completed one year of audits of all POBOR claims. The adjusted rate would be the median of all claimants' per-officer rates, which would be calculated by dividing the costs deemed to be reimbursable by the Controller by the number of officers employed by each agency. The rate would be adjusted again each year until three years of audits have been completed by the Controller.

The reimbursement rate also would be adjusted by the implicit price deflator each year.

On January 24, 2007, Commission staff held a pre-hearing conference regarding the Department of Finance's request. The Department of Finance notified the parties of its intention to modify the original proposal upon receipt and review of the State Controller's final report on the fiscal year 2004-2005 reimbursement claims, and receipt of final audit reports on 20-25 audits that are underway. Commission staff agreed to notify all parties, affected state agencies, and interested persons when these documents were available and to post all documents on the Commission's POBOR website.

On June 5, 2007, the Department of Finance notified the Commission that based on their review of the additional claiming data and audit reports that they were not amending the January proposal and that if before the Commission hearing, additional data became available supporting an adjustment to the per-officer amount, an adjustment to the per-officer amount may be recommended during the Commission hearing.

**Los Angeles County Request to Amend the Parameters and Guidelines (06-PGA-06)**

On June 25, 2007, Los Angeles County proposed that the parameters and guidelines be amended to provide a reasonable reimbursement methodology in recovering allowable costs for the POBOR program. The County proposes that “starting with the 2006-07 fiscal year, eligible jurisdictions be reimbursed \$302.37 per officer and, in subsequent fiscal years, be reimbursed at the same rate adjusted for inflation.” The County explains its proposals as follows:

The \$302.37 rate was computed in accordance with Government Code section 17518.5 and based on state-wide data made available by the State Controller’s Office for the 2004-05 fiscal year. The 2004-05 year was selected in order to compare computations and assumptions used here with those used by the State Department of Finance [Finance] in their POBOR’s RRM proposal of \$56.74 per officer, filed with the Commission on January 12, 2007 and amended on June 5, 2007.

...The State Controller indicates that for all claimants, costs claimed for 2004-05 totaled \$24,529,434.

To compute the RRM then, the total costs of \$24,529,434 are divided by 50,701 officers, the number of officers Finance reported in their June 5, 2007 filing with the Commission. These officers were employed by local jurisdictions throughout the State on August 14, 2006. The result is \$483.80 of claimed cost per officer. But, the State Controller indicates that not all costs claimed were allowable under the parameters and guidelines for the POBOR’s program.

The County then addressed the State Controller’s concern that claimed costs may not be entirely reimbursable, and reduced the total statewide claimed amount reported to the State Controller for 2004-2005 by 37.5%.

Accordingly, the \$24,529,434 of costs claimed is reduced by 37.5% to obtain the allowable costs of \$15,330,897  $[(24,529,434) - (.375 \times 24,529,434)]$ .

To obtain the allowable cost per officer, the allowable cost of \$15,330,897 is divided by 50,701 officers. The result is \$302.37 per officer.

The County concluded that the reasonable reimbursement methodology meets the first and second criteria of Government Code section 17518.5, subdivision (a), regarding full reimbursement of the total statewide allowable costs claimed by all claimants and regarding full reimbursement of costs claimed by 50% or more of eligible claimants.

**State Controller’s Comments on Los Angeles County Proposal**

On July 19, 2007, the State Controller’s Office submitted comments on the County’s proposal, pointing out that the county’s computation assumes that 62.5% of claimed costs

are allowable on average based on an August 4, 2006 letter issued by the State Controller's Office, which used preliminary audit error rates that stated allowable costs might vary between 25-100% of claimed costs. The county computed a simple average between both extremes of 25-100% and declared that the simple average of 62.5% fairly determines an allowable percentage of claimed costs.

The State Controller's Office notes that on August 4, 2006, only two final audit reports for the POBOR program had been issued, and that:

SCO audits conducted to date have shown that average allowable costs, expressed as a percentage of claimed costs, are closer to 3.7%. This percentage includes costs deemed unallowable due to inadequate or missing supporting documentation. Therefore, the actual percentage of "actual" allowable costs could be somewhat higher, possibly as high as 11-12%. The county should consider the effects of actual audit data and its impact on the reasonableness of their proposed reimbursement percentage in light of the newly amended P's &G's that clear state which costs are and aren't reimbursable.<sup>20</sup>

The State Controller's Office reports that the actual audit exception rate is significantly higher than originally stated in the State Controller's Office's August 4, 2006 letter, and the parameters and guidelines have been amended to clarify the reimbursable activities, and the State Controller's Office proposes that the reasonable reimbursement methodology be calculated on 2006-2007 actual claimed costs instead of 2004-2005 actual claimed costs.

The State Controller's Office also notes that Los Angeles County's actual claimed costs for their 2005-06 claim amounted to \$279,775. The county had employed 9,028 sworn peace officers during FY 2004-2005, according to Department of Finance and the Commission on Peace Officer Standards and Training. Using the county's proposed rate of \$302.37/officer, their reimbursement claim for 2005-2006 would amount to \$2,729,796, a difference of \$2,450,021 or approximately 975% higher than what was actually claimed. Using the Department of Finance's proposed rate of \$56.74 per sworn officer is a more appropriate rate until an analysis can be made of the 2006-2007 actual costs claimed using the newly amended parameters and guidelines and the results of audits to verify actual costs incurred.

### **Interested Party Comments on Department of Finance Proposal**

On July 16, 2007, Cost Recovery Systems, Inc. (CRSI) submitted comments criticizing the Department of Finance's approach to reduce the total amount claimed for all agencies by 75% based on the results of audits conducted on the largest and most "suspect" claims only, and not a random sampling. CRSI points out that some of the audit reductions were based on inadequate documentation findings, which does not mean that what was claimed was in error, but how time tracked did not meet State Controller's Office standards.

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<sup>20</sup> Staff notes that the State Controller's Office has not updated the percentage of allowable costs since the filing of this comment.

On July 24, 2007, the City and County of San Francisco commented on the proposed amendments. San Francisco argues “[t]he discounted median amount of \$56.74 per officer proposed by the Department of Finance grossly understates any reasonable estimation of costs given the breadth of mandated activities. San Francisco believes that Finance’s assumption that 75% of the value of POBOR claims are invalid or include only 25 percent eligible, reimbursable costs is unsubstantiated and flawed, given the complexity of tasks and provisions covered under POBOR. Basing a reimbursement amount on the median value disproportionately weights reimbursement to lower cost, smaller jurisdictions. Instead, San Francisco argues that a more reasonable approach would have been to use the mean value of submitted cost per officer statewide, which would have produced a per-officer reimbursement of \$414.81.

For San Francisco, Department of Finance’s proposal results in reimbursement of \$173,170 for fiscal year 2004-2005, compared to the actual claim of \$2,952,086.<sup>21</sup>

### **State Controller’s Final Audit Reports**

The Department of Finance notified the parties of its intention to modify their original proposal upon receipt and review of the State Controller’s final report on the fiscal year 2004-2005 reimbursement claims, and receipt of final audit reports on 20-25 audits that are underway. Commission staff agreed to notify all parties, affected state agencies, and interested persons when these documents were available and to post all documents on the Commission’s POBOR website.

Since 2004, the State Controller has issued final audit reports on reimbursement claims filed by eligible claimants. Before 2007, the State Controller issued three final audit reports on three cities.<sup>22</sup> Beginning in 2007, the State Controller issued 14 final audit reports on eight counties, five cities, and one city and county.<sup>23</sup>

These reports are available on the State Controller’s website and the Commission’s website and are included in this record. According to the State Controller, these claims were reduced, primarily because the local agencies claimed ineligible costs or did not provide supporting documentation.

**Issue: Should the Commission amend the parameters and guidelines to include a reasonable reimbursement methodology (RRM) proposed by the Department of Finance or Los Angeles County for claiming increased costs, beginning on July 1, 2006?**

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<sup>21</sup> Staff notes that in February 2008, the State Controller’s Office issued the Final Audit Report on their audit of the City and County of San Francisco’s claims for fiscal years 1994-95 through 2002-03. The audit resulted in allowing 6.49% of the total amount claimed (\$1,557,587 of \$24,014,018).

<sup>22</sup> Cities of Long Beach, Sacramento, and Stockton audits are in Exhibit M.

<sup>23</sup> Contra Costa County, Los Angeles County, Los Angeles Police Department, San Diego County, City of Oakland, Orange County, San Bernardino County, City of Oceanside, City of Inglewood, Alameda County, Sacramento County, Ventura County, City of Buena Park, City of Long Beach, and City and County of San Francisco audits are in Exhibits D, F, J, and L.



There are three proposed parameters and guidelines amendment proposals before the Commission. The proposals are described below:

#### 1. Department of Finance Proposal (Exhibit B)

The Department of Finance proposal requests that the parameters and guidelines be amended to reimburse each eligible local agency at the rate of \$56.74 per officer employed by the agency, beginning July 1, 2006. According to Department of Finance:

This rate was determined by an analysis of 2004-05 POBOR claims data. First, the per-officer rate for each claimant was calculated (total amount claimed divided by the number of officers employed by each agency). Pursuant to reviews conducted by the State Controller's Office (Controller) revealing that at least 75 percent of POBOR claims were unsubstantiated, we then reduced each agency's per-officer rate by 75 percent. The median of the reduced per-officer rates was calculated to be \$56.74.

The proposed reimbursement rate would then be adjusted after the Controller has completed one year of audits of all POBOR claims. The adjusted rate would be the median of all claimants' per-officer rates, which would be calculated by dividing the costs deemed to be reimbursable by the Controller by the number of officers employed by each agency. The rate would be adjusted again each year until three years of audits have been completed by the Controller. The reimbursement rate also would be adjusted by the implicit price deflator each year.

#### 2. Los Angeles County's Original Proposal (Exhibit G)

Los Angeles County proposes that beginning with the 2006-2007 fiscal year, "eligible jurisdictions be reimbursed \$302.37 per officer and, in subsequent fiscal years, be reimbursed at the same rate adjusted for inflation."

The County explains its proposal as follows:

The \$302.37 rate was computed in accordance with [former] Government Code section 17518.5 and based on state-wide data made available by the State Controller's Office for the 2004-05 fiscal year...The State Controller indicates that for all claimants, costs claimed for 2004-05 totaled \$24,529,434.

To compute the RRM then, the total costs of \$24,529,434 are divided by 50,701 officers, the number of officers Finance reported in their June 5, 2007 filing with the Commission. These officers were employed by local jurisdictions throughout the State on August 14, 2006. The result is \$483.80 of claimed cost per officer. But, the State Controller indicates that not all costs claimed were allowable under the parameters and guidelines for the POBOR's program.

The County then addressed the State Controller's concern that claimed costs may not be entirely reimbursable, and reduced the total statewide claimed amount reported to the State Controller for 2004-2005 by 37.5%.

Accordingly, the \$24,529,434 of costs claimed is reduced by 37.5% to obtain the allowable costs of \$15,330,897  $[(24,529,434) - (.375 \times 24,529,434)]$ .

To obtain the allowable cost per officer, the allowable cost of \$15,330,897 is divided by 50,701 officers. The result is \$302.37 per officer.

### 3. Los Angeles County's Alternate Proposal (Exhibit M)

In response to the Draft Staff Analysis, Los Angeles County offered an Alternate Proposal to allow claimants to continue to claim actual costs or be reimbursed based on a new reimbursement rate.

Los Angeles County describes its proposal, as follows:

[C]laimants continue to be allowed to claim actual costs. In addition, it is proposed that claimants be permitted to utilize a RRM rate, in lieu of actual costs, which is based on audited costs to date. For this purpose, the County now proposes an audited cost RRM per officer rate.

The County's alternate formula begins from the same report of 2004-05 actual cost claims submitted to the State Controller's Office by 33 counties and 142 cities that is the basis for the original proposals submitted by the Department of Finance and the County.

The median cost per officer identified by the Department of Finance was \$226.97. From this number, the County developed an audited cost RRM per officer rate which uses a methodology that is similar to the analysis in the draft staff analysis to calculate a reduction.

The County adds three final audit reports that were issued in the period from 2004-2006, and one new audit report to calculate the average percentage of costs allowed by the State Controller's Office. According to the County:

The result is that the percentage of claimed to allowed costs increased from 9.17% to 11.49%. In addition, the County removed four audited claims because no claimed costs were allowed at all – highly unusual for any audit. The result is that the percentage of claimed to allowed costs increased from 11.49% to 15.32%. This then translated to \$34.77 reimbursement rate per officer [ $\$226.97 \times 15.32\% = \$34.77$ ] based on audited costs.

It should be noted that the \$34.77 per officer rate is a 2004-05 rate. According to the SCO's September 29, 2006 claiming instructions, attached in pertinent part, the implicit price deflator for 2005-06 was 6%. Therefore, for a rate which is effective on July 1, 2006, the 2004-2005 rate of \$34.77 should be increased by 6% to \$36.86 [ $1.06 \times \$34.77 = \$36.86$ ].

Therefore, using Commission staff's assumptions that the RRM be based on audited costs, a rate of \$36.86 per officer, effective July 1, 2006 is required.

Accordingly, it is recommended that claimants be permitted to claim a RRM rate of \$36.86 per officer or their actual costs.

### **Staff Findings**

For the reasons below, staff finds that the Department of Finance's proposal (\$56.74/officer) and the County of Los Angeles' original proposal (\$302.37/officer) do not satisfy the requirements of a "reasonable reimbursement methodology" and, thus, staff recommends that the Commission deny the proposed amendments to the parameters and guidelines.

However, staff finds that the Los Angeles County’s alternate proposal satisfies the requirements for adoption of a reasonable reimbursement methodology and, thus, staff recommends that the Commission adopt Attachment 3, as modified by staff (\$37.25/officer or actual costs).

Government Code section 17557, subdivision (b) states that the Commission may adopt a reasonable reimbursement methodology when adopting parameters and guidelines. In adopting parameters and guidelines, Government Code section 17557, subdivision (f) states that “[t]he Commission shall consult with the Department of Finance, the affected state agency, the Controller, the fiscal and policy committees of the Assembly and Senate, the Legislative Analyst, and the claimants to consider a reasonable reimbursement methodology that balances accuracy with simplicity.”

Government Code section 17518.5, as amended by AB 1222 (eff. Jan. 1, 2008), defines a reasonable reimbursement methodology to “mean a formula for reimbursing local agencies and school districts for costs mandated by the state ...” The new definition requires that two elements be met:

1. A reasonable reimbursement methodology shall be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.
2. A reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a “cost-efficient manner.” (Gov. Code, § 17518.5, subs. (b), (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.”

Staff finds that the Department of Finance and the Los Angeles County proposals satisfy the first element of the new definition of reasonable reimbursement methodology. The original two proposals are based on statewide claiming data provided by the State Controller’s Office for the 2004-2005 fiscal year. The Department of Finance data is limited to cities and counties and the County’s proposal is based on the updated claiming information provided by the State Controller’s Office as of March 6, 2007. Staff finds that the statewide claiming data is “cost information” from actual claims filed by local agencies that is a “representative sample of eligible local agencies” employing peace officers. Therefore, staff concludes that the three proposals satisfy Government Code section 17518.5, subdivision (b).

The second element of the definition states that “a reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.” For the reasons below, staff finds that neither the Department of Finance proposal nor the original Los Angeles County proposal satisfies the second element of the definition of reasonable reimbursement methodology.

Both the Department of Finance and Los Angeles County recognized that reductions made by the State Controller’s audits must be applied to the development of a reasonable reimbursement methodology that considers the variation in costs to implement the mandate in a “cost efficient manner.”

- The Department of Finance divided each claimant’s actual costs claimed by the number of officers to calculate a per officer rate, then reduced each agency’s per-officer rate by 75 percent, based on reviews conducted by the State Controller’s Office. (Emphasis added.) The median of the reduced per-officer rates was then identified as the proposed unit cost of \$56.74 per officer.
- Los Angeles County addressed the State Controller’s concern that claimed costs may not be entirely reimbursable, and reduced the total statewide claimed amount reported to the State Controller for 2004-05 by 37.5 percent. (Emphasis added.) Then, to obtain the allowable cost per officer, the adjusted total of \$15,330,897 was divided by the total number of officers (50,701). This calculation resulted in a proposed unit cost of \$302.37 per officer.

Although both requestors cite to the State Controller’s Office as a source for calculating reductions and then rely on their own assumptions, neither party has provided or cited to supporting documentation for these assumptions. In fact, staff finds that the final audit reports issued by the State Controller’s Office do not support the proposed reasonable reimbursement methodologies.

In 2007, the State Controller’s Office issued final audit reports on eight counties and five cities. The audit scope included, but was not limited to, determining whether costs claimed were supported by appropriate source documents, were not funded by another source, and were not unreasonable and/or excessive.

The State Controller’s Office reduced the audited claims primarily because the local agencies claimed ineligible costs or did not provide supporting documentation. The State Controller found that \$ 102,254,499 of \$105,036,650 was unallowable, and \$ 2,782,151 was allowable. For the audit population, staff calculated 2.65% as “the percent allowed of the total amount claimed” and 9.17% as the “average percent allowed for each claimant.”<sup>24</sup> (See Table 1.)

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<sup>24</sup> Staff recognizes that the percentage of allowable costs could increase if costs originally denied due to inadequate source documentation were later restored because documentation was submitted.

Table 1  
 Overview of 2007 Final Audit Reports<sup>25</sup>  
 State Controller's Office

Claimant	Amount Claimed	SCO Findings		Percent Allowed
		Unallowable Costs	Allowable Costs	
Contra Costa County	\$532,160	\$491,524	\$40,636	7.64%
Los Angeles County	\$31,152,062	\$29,839,005	\$1,313,057	4.21%
Los Angeles Police Department	\$60,660,765	\$60,110,420	\$550,345	0.91%
San Diego County	\$1,848,251	\$1,848,251	\$0	0.00%
City of Oakland	\$3,497,273	\$3,496,086	\$1,187	0.03%
Orange County	\$1,676,796	\$1,580,812	\$95,984	5.72%
San Bernardino County	\$1,222,606	\$1,159,749	\$62,857	5.14%
City of Oceanside	\$951,689	\$939,138	\$12,551	1.32%
City of Inglewood	\$838,740	\$838,740	\$0	0.00%
Alameda County	\$388,851	\$309,257	\$79,594	20.47%
Sacramento County	\$1,186,488	\$805,778	\$380,710	32.09%
Ventura County	\$587,525	\$342,295	\$245,230	41.74%
City of Buena Park	\$493,444	\$493,444	\$0	0.00%
Totals	\$105,036,650	\$102,254,499	\$2,782,151	2.65%

Average Percent Allowed Per Claimant: 9.17 %

To evaluate the two original proposals the Commission must determine if the proposed reasonable reimbursement methodologies consider the variation in costs among local agencies to implement the mandate in a “cost-efficient manner.”

Staff calculated what each local agency claimant would be eligible to claim based on the two proposals and the percent of the total amount claimed that would be reimbursed. The percent of the total claim that would be reimbursed was then compared with the results of the 13 final audit reports issued in 2007. This information is presented in Table 2 below. (The underlying data for Table 2 is in Tables 4, 5, and 6, following this analysis.)

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<sup>25</sup> In 2008, the State Controller's Office issued two more final audit reports, for a city and a city and county. One audit resulted in a 100% reduction, and the other resulted in 6.49 % allowed. These reports are not included in Table 1.

TABLE 2

Comparison: State Controller's Office Audits (2007) and Reasonable Reimbursement Methodologies

	Total Amounts Claimed	Total Amounts Allowed	Percent of Total Allowed	Average Percent Allowed Per Local Agency
<b>State Controller's 13 Audits (2007)</b> <b>(8 counties)</b> <b>(5 cities)</b>	<b>\$ 105,036,650</b>	<b>\$ 2,782,151</b>	<b>2.65 %</b>	<b>9.17 %</b>
2004-2005 Claims				
33 Counties	\$ 6,722,152			
\$56.74/officer		\$ 1,512,802	22.5 %	71.06 %
\$302.37/officer		\$ 8,061,789	119.93 %	377.73 %
<b>142 Cities</b>	<b>\$ 14,309,092</b>			
\$56.74/officer		\$ 1,288,849	9.01 %	40.55 %
\$302.37/officer		\$ 7,225,736	50.5 %	216.07 %
<b>Combined</b>	<b>\$21,031,244</b>			
\$56.74/officer	X 50,701	\$ 2,876,775	13.68 %	46.30%
\$302.37/officer	X 50,701	\$ 15,330,461	72.89 %	246.73%

Source: Claiming Data was provided by the Department of Finance in their original proposal.

The two original proposals provide a significantly higher level of reimbursement than would result if the claimants were audited by the State Controller's Office, and 9.17% of their claimed costs were allowed.

For example, Table 2 shows:

- The Department of Finance proposal (\$56.74/officer) would allow 46.3% of costs claimed for cities/counties combined; 40.55% for cities; and 71.06% for counties.
- The Los Angeles County proposal (\$302.37/officer) would allow 246.73 % for cities/counties; 216.07% for cities; and 377.73 % for counties.

Staff finds that neither the Department of Finance, nor Los Angeles County's original proposals satisfy the second element of the definition of reasonable reimbursement methodology and should be denied. When reasonable reimbursement methodology proposals would result in reimbursing eligible claimants more than was originally claimed, or significantly more than the State Controller's Office audits have allowed, staff must conclude that the proposed reasonable

reimbursement methodologies have not given consideration to the variation in costs among local agencies to implement the mandate in a cost-efficient manner.

Therefore, staff concludes that the original “reasonable reimbursement methodology” proposals submitted by the Department of Finance and Los Angeles County do not meet the second element of the definition of reasonable reimbursement methodology (Gov. Code, § 17518.5, subd. (c)) and thus should be denied.

### **Los Angeles County’s Alternate Proposal Based on Audited Costs**

Los Angeles County filed an alternate proposal with its comments on the draft staff analysis. Staff has reviewed this proposal and finds that it satisfies the two elements of the definition of reasonable reimbursement methodology for the following reasons:

It is based on cost information from a representative sample of eligible claimants.

It considers the variation in costs among local agencies to implement the mandate in a “cost-efficient manner.”

The County’s Alternate Proposal includes a reasonable reimbursement methodology that satisfies the first element of the definition because it is based on statewide claiming data provided by the State Controller’s Office for the 2004-2005 fiscal year and filed by the Department of Finance. Staff finds that the statewide claiming data is “cost information” from actual claims filed by local agencies that is a “representative sample of eligible local agencies” employing peace officers. Therefore, staff concludes that the County’s Alternate proposal satisfies Government Code section 17518.5, subdivision (b).

The second element of the definition states that “a reasonable reimbursement methodology shall consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner.” For the reasons below, staff finds that the County’s Alternate proposal satisfies Government Code section 17518.5, subdivision (c), the second element of the definition of reasonable reimbursement methodology.

The County’s formula establishes a per officer rate based on the \$226.97 median per officer rate identified by the Department of Finance. The County considers the variation in costs among local agencies to implement the mandate in a cost-efficient manner, by adjusting the median per officer rate by a new factor calculated from the 2004-2007 final audit reports.

The County calculates an audit reduction factor based on the State Controller’s 2004-2007 final audit reports. (The Commission staff’s analysis is based on the 2007 final audit reports.) Four audits that resulted in “no allowed costs” are excluded from the calculation of the average percent of claimed costs allowed. This results in a new average percent (15.32 %) of claimed costs allowed by the State Controller’s Office auditors.

To calculate this rate, the County multiplies the median per officer rate by an audit adjustment of 15.32% ( $\$226.97 \times 15.32\%$ ). This results in a new proposed reimbursement rate of \$34.77 per officer. For fiscal year 2006-2007 costs, the County adjusted the \$34.77 per officer rate based on 2004-2005 costs, by multiplying the unit rate by the Implicit Price Deflator for 2005-2006 of 6%. This results in a new rate of \$36.86 for fiscal year 2006-2007.

Staff concludes that the County’s methodology for calculating the proposed unit rate of \$36.86 per officer satisfies the two elements of the definition of reasonable reimbursement methodology.

However, staff recommends that the calculation of the proposed unit rate in County's Alternate Proposal be updated and corrected to include two additional audits issued by the State Controller's Office in 2008 (see Table 3) and to apply the current Implicit Price Deflator. These technical modifications will result in a recalculated 2004-2005 rate of \$ 33.22 per officer.

TABLE 3  
STATE CONTROLLER'S OFFICE AUDITS, 2004-2008

Audit Report Issued	Claimant	DOJ 2006 Report Sworn Officers	Years Audited	Amount Claimed	SCO Finding Allowable Costs	Percent Allowed
2004	City of Long Beach	901	1994/95-01/02	\$13,640,845	0	0.00%
2005	City of Stockton (1)	404	1994/95-01/02	\$2,344,211	\$681,799	29.08%
2006	City of Sacramento (2)	663	2001/02-03/04	\$1,323,971	\$469,058	35.43%
2007	Contra Costa County (3)	711	2001/02-03/04	\$532,160	\$40,636	7.64%
2007	Los Angeles County (4)	8459	1994/95-02/03	\$31,152,062	\$1,313,057	4.21%
2007	Los Angeles P. D. (5)	9393	1994/95-01/02	\$60,660,765	\$550,345	0.91%
2007	San Diego County	2112	2001/02-03/04	\$1,848,251	0	0.00%
2007	City of Oakland (6)	688	2000/01-03/04	\$3,497,273	\$1,187	0.03%
2007	Orange County (7)	1695	2001/02-03/04	\$1,676,796	\$95,984	5.72%
2007	San Bernardino County (8)	1761	2000/01-03/04	\$1,222,606	\$62,857	5.14%
2007	City of Oceanside (9)	199	2002/03-04/05	\$951,689	\$12,551	1.32%
2007	City of Inglewood	192	2002/03-04/05	\$838,740	0	0.00%
2007	Alameda County (10)	935	2002/03-04/05	\$388,851	\$79,594	20.47%
2007	Sacramento County (11)	1392	2001/02-03/04	\$1,186,488	\$380,710	32.09%
2007	Ventura County (12)	733	2002/03-04/05	\$587,525	\$245,230	41.74%
2007	City of Buena Park	91	2002/03-02/03	\$493,444	0	0.00%
2008	City of Long Beach	0	2002/03-02/03	\$1,307,923	0	0.00%
2008	City and County of San Francisco (13)	2992	1994/95-02/03	\$24,014,018	\$1,557,587	6.49%
Totals		33,321		\$147,667,618	\$5,490,595	190.27%
					3.72%	14.64%
					2004-2005	<b>\$33.22</b>



The \$33.22 per officer rate is based on 2004-2005 costs and must be updated by the current Implicit Price Deflator<sup>26</sup> to calculate the 2006-2007 rate. The 2006-2007 rate is calculated as follows:

$$2005 \text{ Rate} = \$33.22 \text{ (2004 rate)} \times 1.064 \text{ (2005)} = \$35.34608$$

$$2006 \text{ Rate} = \$35.34608 \text{ (2005 rate)} \times 1.054 \text{ (2006)} = \$37.25477 \text{ (Rounded to } \$37.25)$$

Staff also finds that the 2004-2008 audit population is a representative sample of local agencies employing peace officers. All police chiefs and sheriffs annually report the number of full-time sworn peace officers employed by their law enforcement agencies to the Department of Justice. According to the Department of Justice, the audited local agencies listed in Table 3 employed 33,321 full-time sworn peace officers in 2006, which is about 2/3 of the peace officers employed by the local agencies filing reimbursement claims for fiscal year 2004-2005.

### **Conclusion and Recommendation**

Therefore, Staff recommends that the Commission:

- Deny the Department of Finance's proposal of \$56.74/officer because it does not satisfy the requirements for a reasonable reimbursement methodology. (Attachment 1)
- Deny Los Angeles County's original proposal of \$302.74/officer because it does not satisfy the requirements for a reasonable reimbursement methodology. (Attachment 2)
- Adopt Los Angeles County's Alternate Proposal, as updated by staff. This proposal allows eligible claimants to file reimbursement claims based on the proposed reasonable reimbursement methodology of \$ 37.25 per full-time sworn peace officer or actual cost claims. (Attachment 3)

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

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<sup>26</sup> The change in the Implicit Price Deflator pursuant to the Department of Finance Report of January 10, 2008, National Deflators, State and Local Purchases (Calendar Years 1950-2010).