

PARAMETERS AND GUIDELINES
Chapter 1609, Statutes of 1984 and
Chapter 668, Statutes of 1985
DOMESTIC VIOLENCE

I. SUMMARY OF MANDATE

Chapter 1609, Statutes of 1984 added Chapters 1 through 5, and non-consecutive Sections 13700 through 13731 to the California Penal Code. These sections require all law enforcement agencies in the state to develop, adopt and implement written policies and standards for officers' response to domestic violence calls by January 1, 1986. Existing local policies and those developed must be in writing and available to the public upon request and must include specific standards for a range of related activities.

Chapter 1609, Statutes of 1984 also requires law enforcement agencies to develop an incident report form and maintain records of all protection orders with respect to domestic violence incidents. This is required to be available for the information of and use by law enforcement officers responding to domestic violence related calls for assistance and to provide information about such calls to the Attorney General on a monthly basis.

II. COMMISSION ON STATE MANDATES DECISION

On November 20, 1986, the Commission on State Mandates found that Chapter 1609, Statutes of 1984 and Chapter 668, Statutes of 1984 imposed an increased level of service upon local law enforcement agencies thereby mandating that these agencies provide the services as described above. The commission's finding was in response to a test claim, originally filed, by the City of Madera Police Department on June 23, 1986.

III. ELIGIBLE CLAIMANTS

Law enforcement agencies are eligible to file for reimbursement of costs incurred as a result of the state legislated domestic violence programs.

IV. PERIOD OF REIMBURSEMENT

Chapter 1609, Statutes of 1984 became effective on January 1, 1985, and Chapter 668, Statutes of 1985 became effective January 1, 1986. Section 17557 of the Government Code states that a test claim must be submitted on or before November 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on June 23, 1986, therefore, costs incurred on or after July 1, 1985, are reimbursable. Costs incurred as a result of Chapter 668, Statutes of 1985 are reimbursable after its effective date of January 1, 1986.

V. REIMBURSABLE COSTS

- A. The following costs associated with the development of a Domestic Violence Policy are reimbursable.
- (1) For the costs associated with the development, adoption and implementation of policies and standards, termed a Domestic Violence Policy, pursuant to California Penal Code Section 13701, involving domestic violence implemented by January 1, 1986.
 - (2) For the costs associated with the development of a system for recording all domestic violence-related calls for assistance to include whether weapons are involved.
 - (3) For the costs incurred after January 1, 1986, for preparation of a statement of information for victims of incidents of domestic violence.
 - (4) For monthly summary reports compiled by the local agency and submitted to the Attorney General, State of California.'
 - (5) For the costs associated with the development of a Domestic Violence Incident Report form used to record and report domestic violence calls.
- B. The following costs are now required when responding to incidents involving domestic violence, as a result of Chapter 668, and did not exist prior to January 1, 1986. These costs are reimbursable.
- (1) For furnishing the victim at the scene of a domestic violence incident with written information regarding legal options and available assistance and any necessary explanation of that information, or for providing orally communicated information regarding legal options and available assistance to victims via telephone when law enforcement response is not required.
 - (2) For the writing of mandated reports which shall include domestic violence reports, incidents or crime reports directly related to the domestic violence incident.
 - (3) For the establishment and utilization of a system to verify temporary restraining orders, stay away orders, and proofs of service at the scene of any incidents of domestic violence.

- C. The costs for the maintenance of all protection order records which restrain an individual from the home or other court defined areas who has been accused of an illegal behavior and has applied to the court and been granted such an order.

If total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise provided in Section 17564 of the Government Code.

VI. CLAIM PREPARATION

Attach a statement showing the actual increased costs incurred to comply with the mandate.

- A. Employee Salaries and Benefits

Show the classification of the employees involved, mandated functions performed, number of hours devoted to the function, and productive hourly rates and benefits.

- B. Services and Supplies

Only expenditures which can be identified as a direct cost as a result of the mandate can be claimed. List cost of materials acquired which have been consumed or expended specifically for the purposes of this mandate.

- C. Allowable Overhead Costs

Indirect costs may be claimed in the manner prescribed by the State Controller in his claiming instructions.

- D. Supporting Data

For auditing purposes, all costs claimed must be traceable to source documents or worksheets that show evidence of and the validity of the costs. These documents must be kept on file and made available at the request of the State Controller.

VII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimants experience as a direct result of this statute must be deducted from the costs claimed. In addition, this reimbursement for this mandate received from any source, e.g., federal, state, block grants, etc., shall be identified and deducted from this claim.

VIII. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY:

THAT sections 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with; and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

Signature of Authorized Representative

Date

Title

Telephone Number