

PARAMETERS AND GUIDELINES
CHAPTER 1499, STATUTES OF 1987
JUVENILE FELONY ARRESTS II

I. SUMMARY OF MANDATE

Chapter 1499, Statutes of 1987, requires the District Attorney to consider the filing of a petition with the Juvenile Court in the following situations:

1. All minors referred on Level 707(b) charges of the Welfare and Institutions Code.
2. All minors 16 years of age and older who are accused of a felony.
3. All minors below the age of 16 who are being referred for a second felony.

Prior to enactment of Chapters 1088/82, and 1499/87, the Probation Department was in a position to decide whether to refer a juvenile felony arrest to the District Attorney or dispose of the case on an informal basis. This legislation bypasses the process, resulting in District Attorney involvement in all situations as listed above.

II. COMMISSION ON STATE MANDATES DECISION

At its meeting on February 23, 1989, the Commission determined that Welfare and Institutions Code sections 653.1 and 653.5(c) as added by Chapter 1499, Statutes of 1987, imposed a reimbursable state mandate on counties by increasing the level of service in an existing program to require the district attorney to review specified juvenile cases that may not have been referred to the district attorney prior to the reenactment of these sections of the Welfare and Institutions Code. The Commission acted in response to a test claim filed by the County of Fresno on September 6, 1988.

III. ELIGIBLE CLAIMANTS

Any county which incurs increased costs as a result of this mandate is eligible to claim reimbursement for those costs.

IV. PERIOD OF CLAIM

Chapter 1499, Statutes of 1987, became effective January 1, 1988. Government Code section 17557 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 by the County of Fresno on September 6, 1988. Therefore, reimbursement claims may be filed for costs incurred on or after January 1, 1988.

V. REIMBURSABLE COSTS

Reimbursable costs will be based on activities directly related to the requirement that all juvenile cases fitting the three criteria listed in the Summary of Mandate must be reviewed by the District Attorney. The increased workload of the District Attorney shall be based on the actual number of cases reviewed by the District Attorney that would have otherwise been disposed of by the Welfare and Institutions Code, or released without requesting that a petition be filed. These are cases that would not have been referred to the District Attorney by the Probation Officer prior to the enactment of Chapter 1499, Statutes of 1987. Costs to the District Attorney shall be based on review and evaluation of actual cases, including District Attorney time, clerical support, and records.

Costs involving trial, fitness hearings, court appearances, and other activities related to the processing of the case are not reimbursable.

Cases involving narcotics and drug offenses set forth in Section 1000 of the Penal Code are not reimbursable.

Any departmental or employee activities that experience a reduction in service or workload must be identified. The costs associated with any such reductions must be deducted (off-set) against any costs claimed.

VI. CLAIM PREPARATION

A. Description of Activities

Show the number of operations performed for each of the reimbursable mandated activities listed in Section V.

Describe any one-time or start-up activities required and show costs of these activities separately.

B. Employee Salaries and Benefits

Show the classification of the employee involved, mandated function performed, number of hours devoted to the function, productive hourly rate and benefits.

C. Services and Supplies

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

D. Allowable Overhead Cost

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

E. Supporting Data

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

VII. REQUIRED CERTIFICATION

The following certification must accompany the claim:

I DO HEREBY CERTIFY:

THAT Section 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 with the State of California.

Signature of Authorized Representative

Date

Title

Telephone Number

WP 0202g