

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



February 26, 2009

Mr. Leonard Kaye
Office of the Auditor-Controller
County of Los Angeles
500 West Temple Street, Room 525
Los Angeles, CA 90012-2766

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

RE: Draft Staff Analysis, Proposed Statewide Cost Estimate, and Hearing Date
Domestic Violence Arrests and Victim Assistance, 98-TC-14
Penal Code Sections 264.2, and 13701
Statutes 19998, Chapter 698, and Statutes 1998, Chapter 701

Dear Mr. Kaye:

The draft staff analysis and proposed statewide cost estimate is enclosed for your review and comment.

Written Comments

Any party or interested person may file written comments on the draft staff analysis by Wednesday, **March 11, 2009**. You are advised that the Commission's regulations require comments filed with the Commission to be simultaneously served on other interested parties on the mailing list, and to be accompanied by a proof of service on those parties. If you would like to request an extension of time to file comments, please refer to section 1183.01, subdivision (c)(1), of the Commission's regulations.

Hearing

This test claim is set for hearing on Friday, **March 27, 2009** at 9:30 a.m. in Room 447 of the State Capitol, Sacramento, California. The final staff analysis will be issued on or about March 13, 2009. This matter is proposed for the consent calendar. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01, subdivision (c)(2), of the Commission's regulations.

Please contact Nancy Patton at (916) 323-8217 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi".

Paula Higashi
Executive Director

Enclosures

ITEM _____
DRAFT STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE

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

Domestic Violence Arrests and Victim Assistance
98-TC-14

County of Los Angeles, Claimant

EXECUTIVE SUMMARY

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

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

Summary of the Mandate

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

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

Statewide Cost Estimate

Staff reviewed the claims data submitted by cities and counties and compiled by the SCO. The actual claims data showed that 264 local agencies filed 1,623 claims between fiscal years 1998-1999 and 2007-2008, for a total of \$9,427,679. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program. If the Commission adopts this proposed statewide cost estimate, it will be reported to the Legislature along with staff's assumptions and methodology.

Assumptions

Staff made the following assumptions:

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

Methodology

Fiscal Years 1998-1999 through 2006-2007

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

Fiscal Year 2007-2008 and 2008-2009

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

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

Staff Recommendation

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

STAFF ANALYSIS

Summary of the Mandate

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

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

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

Reimbursable Activities

The Commission approved the following reimbursable activities for this program:

A. One-Time Activities

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

B. Ongoing Activity

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

Providing victim cards to victims include the following reimbursable activities:

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

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

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

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

Statewide Cost Estimate

Staff reviewed the claims data submitted by cities and counties and compiled by the SCO. The actual claims data showed that 264 local agencies filed 1,623 claims between fiscal years 1998-1999 and 2007-2008, for a total of \$9,427,679¹. Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program. If the Commission adopts this proposed statewide cost estimate, it will be reported to the Legislature along with staff's assumptions and methodology.

Assumptions

Staff made the following assumptions:

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

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

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

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

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

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

¹ Claims data reported as of August 7, 2008.

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

TABLE 1. COMPARISON OF COSTS CLAIMED

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

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

If the SCO audits this program and deems any reimbursement claim to be excessive or unreasonable, it may be reduced.

Methodology

Fiscal Years 1998-1999 through 2006-2007

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

Fiscal Year 2007-2008

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

Fiscal Year 2008-2009

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

³ Information obtained from Department of Justice's Criminal Justice Center at <http://ag.ca.gov/cjsc/>.

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

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

TABLE 2. BREAKDOWN OF ESTIMATED TOTAL COSTS PER FISCAL YEAR

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

Staff Recommendation

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

Commission on State Mandates

Original List Date: 11/17/2003
Last Updated: 5/19/2006
List Print Date: 02/26/2009
Claim Number: 98-TC-14
Issue: Domestic Violence Arrests and Victim Assistance

Mailing Information: Draft Staff Analysis

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.)

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

Tel: (949) 644-3127
Fax: (949) 644-3339

Ms. Annette Chinn
Cost Recovery Systems, Inc.
705-2 East Bidwell Street, #294
Folsom, CA 95630

Tel: (916) 939-7901
Fax: (916) 939-7801

Mr. Allan Burdick
MAXIMUS
3130 Kilgore Road, Suite 400
Rancho Cordova, CA 95670

Tel: (916) 471-5538
Fax: (916) 366-4838

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

Claimant
Tel: (213) 974-9791
Fax: (213) 617-8106

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

Tel: (916) 323-5849
Fax: (916) 327-0832

Mr. David Wellhouse
David Wellhouse & Associates, Inc.
9175 Kiefer Blvd, Suite 121
Sacramento, CA 95826

Tel: (916) 368-9244
Fax: (916) 368-5723

Mr. Steve Shields

Shields Consulting Group, Inc.

1536 36th Street

Sacramento, CA 95816

Tel: (916) 454-7310

Fax: (916) 454-7312

Mr. Steve Smith

Steve Smith Enterprises, Inc.

2200 Sunrise Blvd., Suite 220

Gold River, CA 95670

Tel: (916) 852-8970

Fax: (916) 852-8978

Ms. Beth Hunter

Centration, Inc.

8570 Utica Avenue, Suite 100

Rancho Cucamonga, CA 91730

Tel: (866) 481-2621

Fax: (866) 481-2682

Ms. Susan Geanacou

Department of Finance (A-15)

915 L Street, Suite 1280

Sacramento, CA 95814

Tel: (916) 445-3274

Fax: (916) 449-5252

Ms. Ginny Brummels

State Controller's Office (B-08)

Division of Accounting & Reporting

3301 C Street, Suite 500

Sacramento, CA 95816

Tel: (916) 324-0256

Fax: (916) 323-6527

Ms. Bonnie Ter Keurst

County of San Bernardino

Office of the Auditor/Controller-Recorder

222 West Hospitality Lane

San Bernardino, CA 92415-0018

Tel: (909) 386-8850

Fax: (909) 386-8830

Ms. Carla Castaneda

Department of Finance (A-15)

915 L Street, 12th Floor

Sacramento, CA 95814

Tel: (916) 445-3274

Fax: (916) 323-9584