

Adopted: March 26, 1998
Test Claim: CSM-96-365-02
Staff: CSM Staff
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PROPOSED STATEWIDE COST ESTIMATE

Penal Code Section 832.9
Chapter 1249, Statutes of 1992
Chapter 666, Statutes of 1995

Threats Against Peace Officers

Executive Summary

On April 24, 1997, the Commission on State Mandates determined the provisions of Penal Code section 832.9, as added by Chapter 1249, Statutes of 1992 and amended by Chapter 666, Statutes of 1995, imposed a reimbursable state mandated program. The test claim statutes require governmental entities employing peace officers to pay certain actual and necessary moving expenses incurred by peace officers or members of their immediate family if there are credible threats against the safety of either the peace officer or immediate family members as a result of the peace officer's employment.

Staff recommends the Commission adopt this proposed statewide cost estimate in the amount of **\$16,000(r)** for complying with the provisions of Penal Code section 832.9, as added by Chapter 1249, Statutes of 1992, and amended by Chapter 666, Statutes of 1995, for the period from fiscal years 1995/96 through 1998/99 as detailed below:

Fiscal Year	Total Cost
1995/96	\$1,000
1996/97	\$2,559
1997/98	\$7,137
1998/99 (est.)	\$4,848
Total	\$15,544
Total (r)	\$16,000

Claimant

County of San Diego

Chronology

- 12/30/96 Test claim received by Commission on State Mandates (Commission)
- 04/24/97 Commission adoption of test claim and Statement of Decision
- 05/22/97 County of San Diego submission of Proposed Parameters and Guidelines
- 06/26/97 Commission adoption of dispute recommendation for claimant's Parameters and Guidelines
- 02/26/98 Commission adoption of the Proposed Parameters and Guidelines

Summary of Mandate

The Commission on State Mandates found that the provisions of Penal Code section 832.9, as added by Chapter 1249, Statutes of 1992 and amended by Chapter 666, Statutes of 1995, impose a reimbursable state mandated program.

This section requires governmental entities employing peace officers to pay certain actual and necessary moving expenses incurred by peace officers or members of their immediate family for verified credible threats against the safety of either the peace officer or immediate family members residing with the officer as a result of the peace officer's employment. The relocated peace officer must be reimbursed by the law enforcement agency for specific qualified expenses as identified in the subject statute.

Departmental Recommendations

The Department of Finance does not object to the staff recommendation.

Reimbursable Costs

Scope of Mandate

Eligible claimants shall be reimbursed for the costs incurred to reimburse peace officers or any member of their immediate family. The reimbursable costs must be for actual moving and relocation expenses when a determination is made of the necessity to move because the officer has received a credible threat. The credible threat must be a life threatening action that may be taken against the officer or the officer's immediate family as a result of the peace officer's employment.

Reimbursable Activities

For the following state mandated activities, costs incurred by a local governmental entity for the direct and indirect costs of labor, supplies, services, and reimbursement payments made to a peace officer or member of his or her immediate family, residing with the peace officer, are reimbursable:

1. From July 1, 1995 through December 31, 1995
 - a. Review and approve claims for actual and necessary moving and relocation expenses incurred when it is necessary to move because the officer has received a threat that a life threatening action may be taken against the officer or his or her immediate family

as a result of the peace officer's employment. Costs incurred both before and after the change of residence, including costs of moving household effects either by a commercial household goods carrier or by the employee, are reimbursable.

- b. Payment of the approved reimbursement to the peace officer or member of his or her immediate family residing with the officer for actual and necessary moving and relocation expenses.

2. From January 1, 1996 through Present

- a. Receive notification of a "credible threat." (Pen. Code, § 832.9, subds. (b)(5) & (c).)
- b. Approve relocation plans and if necessary, verify residency of immediate family member. (Pen. Code, § 832.9, subds. (a), (b)(3), & (d).)
- c. Review and approve claims for actual and necessary moving and relocation expenses incurred when it is necessary to move because the officer has received a threat that a life threatening action may be taken against the officer or his or her immediate family as a result of the peace officer's employment. Costs incurred both before and after the change of residence, including costs of moving household effects either by a commercial household goods carrier or by the employee, are reimbursable. Approval of "actual and necessary relocation costs" is subject to the limitations set forth in Penal Code section 832.9, as amended by Chapter 666, Statutes of 1995.
- d. Payment of the approved reimbursement to the peace officer or member of his or her immediate family for actual and necessary moving and relocation expenses.

Methodology and Assumptions

All police chiefs and sheriffs were mailed survey questionnaires requesting numbers of credible threats reported and/or verified, and amount reimbursed when relocation was necessary under Penal Code section 832.9 (Exhibit A). The survey generated a response rate of 92%, or 381 out of 413 departments surveyed.

Twenty-nine of the respondents reported verified threats, and two of the 29 reported relocation reimbursement under Penal Code section 832.9 to peace officers (Exhibit B). No reimbursements for fiscal year 1995/96 were reported.

Due to the high response rate, this estimate reflects actual costs reported in the survey. To project a fiscal year 1998/99 estimate, an average of the costs reported for the prior two years is used. In addition to actual costs, a 15% administrative cost is added to each fiscal year's estimate. Although costs were not claimed for fiscal year 1995/96, a \$1,000 estimate is made for that year to both acknowledge the reimbursable mandate and allow for the remote possibility that a claim will be filed.

Calculations

The total costs claimed, including estimated administrative costs and projected costs for fiscal year 1998/99 are as follows:

Fiscal Year	Cost Reported	15% Administrative Cost	Total Cost
1995/96	- 0 -	- 0 -	\$1,000
1996/97	\$2,225	\$334	\$2,559
1997/98	\$6,206	\$931	\$7,137
1998/99	\$4,216 (est.)	\$632	\$4,848
Total	\$12,647	\$1,897	\$15,544

Recommendation

Staff recommends the Commission adopt this proposed statewide cost estimate in the amount of **\$16,000 (r)** for complying with the provisions of Penal Code section 832.9, as added by Chapter 1249, Statutes of 1992 and amended by Chapter 666, Statutes of 1995, for the period from fiscal years 1995/96 through 1998/99 as detailed below:

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Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$15,544 has been rounded to \$16,000.