

Adopted: January 24, 2002

Statewide Cost Estimate

Welfare and Institutions Code Sections 1800, 1801 and 1801.5
Statutes of 1984, Chapter 546
Statutes of 1998, Chapter 267

Extended Commitment—Youth Authority

Mandate Background

The test claim legislation requires the district attorney to represent the Youthful Offender Parole Board (YOPB) in civil commitment procedures for the continued involuntary treatment of persons that the YOPB has determined would pose a physical danger to the public if released from the Youth Authority.

The County of Alameda filed the test claim on May 10, 1999. The Commission adopted the Statement of Decision on January 25, 2001, and the Parameters and Guidelines on May 24, 2001. Costs incurred for Statutes of 1984, Chapter 546 are eligible for reimbursement on or after July 1, 1997.¹

Eligible Claimants

Any county or city and county.

Reimbursable Activities

For each eligible claimant, the direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, travel, and training incurred for the following mandate components are reimbursable:

A. One-time Activities

1. Developing internal policies, procedures, manuals and other materials pertaining to the district attorney representing the YOPB in extended commitment proceedings of CYA wards.
2. Providing each person employed by the district attorney's office that works on the mandated program with training, publication, and information regarding extended commitment proceedings and criteria for determining whether the ward poses a danger to the public due to the individual's mental or physical deficiency, disorder, or abnormality (one-time per employee).

¹ Statutes of 1998, Chapter 267 did not impose any new reimbursable activities on counties.

B. Continuing Activities

Administrative

1. Updating internal policies, procedures, manuals and other materials pertaining to the district attorney representing the YOPB in extended commitment proceedings of CYA wards to reflect changes in law due to a court's interpretation of the test claim legislation.
2. Developing and maintaining manual or electronic files pertaining to the district attorney representing the YOPB in extended commitment proceedings of CYA wards.

Extended Commitment Proceedings

Counties are entitled to reimbursement for the following activities only after the YOPB determines that the discharge of a person from the control of the Youth Authority at the stated time would be physically dangerous to the public, and the YOPB requests representation of the district attorney in extended commitment proceedings pursuant to Welfare and Institutions Code section 1800:

3. Reviewing the YOPB's written statement of facts, and files and records, upon which the YOPB bases its opinion that discharge from control of the Youth Authority at the time stated would be physically dangerous to the public.
4. Preparing and filing petitions and supporting documentation with the superior court for the extended commitment, and subsequent recommitment, of CYA wards determined by the YOPB to be physically dangerous to the public if discharged from the control of the Youth Authority.
5. Representing the state in probable cause hearings, civil trials, and hearings on motions in the superior court pertaining to the extended commitment, and subsequent recommitment of CYA wards determined by the YOPB to be physically dangerous to the public if discharged from the control of the Youth Authority.
6. Retaining or hiring necessary experts, investigators, and professionals to prepare for probable cause hearings and civil trials pertaining to the extended commitment, and subsequent recommitment, of CYA wards determined by the YOPB to be physically dangerous to the public if discharged from the control of the Youth Authority.

Costs to subpoena witnesses, including witness fees and expert witness fees, are reimbursable under this activity.

7. If the district attorney deems it necessary, traveling to and from state hospitals or the ward's place of confinement to obtain medical records, case files, and interview prospective witnesses pertaining to the extended commitment, and subsequent recommitment, of any CYA ward determined by the YOPB to be physically dangerous to the public if discharged from the control of the Youth Authority.

Assumptions

Staff made the following assumptions:

- The claiming data is accurate, although unaudited.
- There will not be any late claims filed.²

Methodology

To arrive at the total statewide cost estimate:

- Staff used unaudited actual claim totals filed with the State Controller for prior fiscal years (FYs) by eligible claimants.³
- Staff projected totals for FY 2001-02 by multiplying the FY 2000-01 claim total filed by claimants with the State Controller's Office times the implicit price deflator for 2001-02 (2.7%), as forecasted by the Department of Finance. Staff projected totals for FY 2002-03 by multiplying the 2001-02 estimate by the implicit price deflator for 2002-03 (2.1%).

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$183,000 for costs incurred in complying with the *Extended Commitment—Youth Authority* provisions.

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

Fiscal year	# Claims Filed With SCO	Claim Totals
1997-98	3	\$18,544
1998-99	6	\$75,583
1999-00	5	\$19,992
2000-01	5	\$22,463
2001-02 (2.7% ⁴)	n/a	\$23,070
2002-03 (2.1% ⁵)	n/a	\$23,554
Total		\$183,206
Statewide Cost Estimate Total (Rounded)		\$183,000

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$183,206 has been rounded to \$183,000.

² If the Legislature appropriates the amount of the statewide cost estimate and actual claims exceed this amount, the State Controller's Office will prorate the claims. If the deficiency funds are not appropriated in the Budget Act, the Controller will report this information to the legislative budget committees and the Commission on State Mandates. The Commission will then include the deficiency in its report to the Legislature in order to ensure that it is included in the next claims bill.

³ State Controller's Office data as of December 27, 2001.

⁴ Implicit Price Deflator as forecast by Department of Finance.

⁵ *ibid.*