

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



July 1, 2005

Mr. Leonard Kaye
County of Los Angeles, Auditor-Controller's Office
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 525
Los Angeles, CA 90012-2766

And Affected State Agencies and Interested Parties (see enclosed mailing list)

RE: Proposed Statewide Cost Estimate

Postmortem Examinations: Unidentified Bodies, Human Remains, 00-TC-18
County of Los Angeles, Claimant
Government Code Section 27521.1
Statutes 2000, Chapter 284

Dear Mr. Kaye:

The draft staff analysis and proposed statewide cost estimate for this program are enclosed for your review and comment.

Written Comments

Any party or interested person may file written comments on the staff analysis by **July 11, 2005**. Comments filed with the Commission are required to be simultaneously served on the parties on the mailing list, and to be accompanied by a proof of service. (Cal. Code Regs., tit. 2, § 1181.2.) To request an extension of time to file comments, please refer to section 1183.01, subdivision (c)(1) of the Commission's regulations.

Hearing

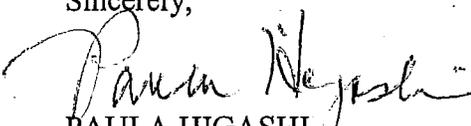
This matter is tentatively set for hearing on **July 28, 2005**, at 9:30 a.m. in Room 126 of the State Capitol, Sacramento, California. This item will be scheduled for the consent calendar unless any party objects. Please let us know in advance if you or a representative of your agency will testify at 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), of the Commission's regulations.

Special Accommodations

For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

If you have any questions, please contact Cathy Cruz at (916) 323-8218.

Sincerely,


PAULA HIGASHI
Executive Director

Enclosures

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MAILED: X FAXED: _____
DATE: 7/1/05 INITIAL: LJ
CHRON: _____ FILE: X
WORKING BINDER: _____

ITEM __
DRAFT STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE

Government Code Section 27521.1

Statutes 2000, Chapter 284

Postmortem Examinations: Unidentified Bodies, Human Remains (00-TC-18)

County of Los Angeles, Claimant

EXECUTIVE SUMMARY

The Executive Summary will be included in the Final Staff Analysis.

STAFF ANALYSIS

Summary of the Mandate

On September 25, 2003, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that Government Code section 27521.1 imposes a reimbursable state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The mandate is for local law enforcement investigating the death of an unidentified person to report the death to the Department of Justice (DOJ), in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement is not required for "children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213."

The claimant filed the test claim on June 29, 2001. The Commission adopted the Statement of Decision on September 25, 2003, and the parameters and guidelines on July 29, 2004. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by February 1, 2005. The Commission uses these initial claims to develop the statewide cost estimate.

Reimbursable Activity

The Commission approved the following reimbursable activity performed by local law enforcement personnel:

1. Initial reporting of the death of an unidentified person to the DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement is not required for "children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213."¹ Reimbursement is limited to submitting the following mandatory information to DOJ to complete the 10-day report:
 - a. Originating agency case number
 - b. Originating agency identification number
 - c. Date subject's body was found
 - d. Cause and manner of subject's death
 - e. Subject's estimated date of death
 - f. Subject's eye color
 - g. Subject's hair color
 - h. Subject's race or ethnicity
 - i. Subject's sex
 - j. Subject's height
 - k. Subject's approximate weight

¹ This exclusion from the mandate refers to children under 12, or certain persons who have been reported missing and subsequently found. These are excluded because law enforcement is already required to report them to the DOJ.

- l. Subject's approximate age range
- m. Status of subject's body parts
- n. Subject's fingerprint classification
- o. Availability of subject's dental chart/x-rays
- p. Availability of subject's body/skeletal x-rays
- q. Availability of subject's footprint
- r. Identification of any scars, marks, or tattoos on subject

Statewide Cost Estimate

Staff reviewed the claims data submitted by the claimants and compiled by the SCO. Initial reimbursement claims were due to the SCO by February 1, 2005, and were provided to the Commission on February 16, 2005. Staff made the following assumptions and used the following methodology to develop a statewide cost estimate of the program. If the Commission adopts this statewide cost estimate, the estimate, including staff's assumptions and methodology, will be reported to the Legislature.

Assumptions

- 1. *The claiming data is unaudited and inaccurate.* The statewide cost estimate is based on six unaudited, actual claims filed by two local agencies for fiscal years 2000-2001 through 2003-2004.²
 - a. *The County of Los Angeles' claims include non-reimbursable costs.* The County of Los Angeles' claims account for over 99 percent of total claims filed on the *Postmortem Examinations: Unidentified Bodies, Human Remains* program.³ Table 1 below shows the County of Los Angeles' claimed costs by fiscal year.

TABLE 1. Costs Claimed by the County of Los Angeles

| Fiscal Year | Claimed Cost |
|-------------|--------------|
| 2000-2001 | \$ 243,898 |
| 2001-2002 | 506,833 |
| 2002-2003 | 525,131 |
| 2003-2004 | 520,620 |
| Total | \$ 1,796,482 |

After reviewing the claims and the adopted parameters and guidelines, staff determined that the County of Los Angeles' claims include costs that the Commission determined to be non-reimbursable. Table 2 below shows a breakdown of the county's claims as evidenced by the documentation submitted with their reimbursement claims.

² Claims data reported by the SCO as of February 16, 2005.

³ The total amount of claims filed with the SCO for this program is \$1,799,743.

TABLE 2. Breakdown of Costs Claimed by the County of Los Angeles

| Fiscal Year | Description of Expenses | Claimed Cost |
|--------------------|---|---------------------|
| 2000-2001 | Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Scene death | \$ 188,234.96 |
| | Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Hospital death | 44,131.50 |
| | Filing reports to DOJ | 11,531.95 |
| 2001-2002 | Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Scene death | 431,457.72 |
| | Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Hospital death | 50,951.37 |
| | Filing reports to DOJ | 24,425.26 |
| 2002-2003 | Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Scene death | 434,196.70 |
| | Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Hospital death | 66,410.76 |
| | Filing reports to DOJ | 24,523.07 |
| 2003-2004 | Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Scene death | 474,485.38 |
| | Investigation and establishing identity of descendents including any required anthropology & archaeology services. Dental X-rays, Body X-Rays – At Hospital death | 22,015.20 |
| | Filing reports to DOJ | 24,120.16 |

The parameters and guidelines for this program only provide reimbursement for the initial reporting of the death of an unidentified person to the DOJ. The Commission expressly found that conducting medical examinations and completing the final report of investigation pursuant to Health and Safety Code section 102870 and Government Code section 27521 are not reimbursable because these activities are a result of the coroner's discretionary autopsy.³

Therefore, staff only included the county's claimed amounts for "Filing reports to DOJ," a total of \$84,600, in the proposed statewide cost estimate.

- b. *The County of Los Angeles claims a greater number of cases reported than DOJ claims to have received.* Staff notes that the County of Los Angeles reported a greater number of reports made to DOJ than DOJ claims to have received from all counties. In February 2005, staff requested DOJ to provide the number of 10-day

³ Exhibit A, Statement of Decision.

reports it received pursuant to the *Postmortem Examinations: Unidentified Bodies, Human Remains* program. Table 3 below shows “the [number of] reports of unidentified persons entered into the Department of Justice, Missing and Unidentified Persons System”⁴ versus the number of cases reported by the County of Los Angeles, as indicated in their reimbursement claims.

TABLE 3. Number of Cases Reported Versus Number of Reports Received

| County of Los Angeles | | Department of Justice | |
|-----------------------|----------------|-----------------------|------------------|
| Fiscal Year | Cases Reported | Calendar Year | Reports Received |
| 2000-2001 | 153 | 2000 | 159 |
| 2001-2002 | 305 | 2001 | 142 |
| 2002-2003 | 295 | 2002 | 180 |
| 2003-2004 | 284 | 2003 | 193 |
| | | 2004 | 266 |

In support of its numbers, the County of Los Angeles stated, “...the Coroner counted the number of persons who were identified just before the 10-day period was expired as unidentified... [S]ince they had performed all the requirements of the 10-day report... they felt that they were eligible for reimbursement.”⁵

However, despite the discrepancy, staff does not have sufficient evidence to further reduce the total claimed by the County of Los Angeles because it is unclear whether DOJ counts reports made for bodies that are later identified. Also, staff notes that the County of Los Angeles reported the number of cases reported in a *fiscal* year, whereas DOJ entered reports into their Missing and Unidentified Persons System by *calendar* year. DOJ was not able to provide a breakdown of reports made by month or by county.

2. *The actual amount claimed will increase if late or amended claims are filed.* The claims data includes only six claims filed by two of the state’s 58 counties. While late claims may be filed for this program until February 2006, additional claims are not expected because most counties will be unable to meet the \$1,000 minimum threshold for filing reimbursement claims, as this program is limited to one activity.
3. *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. Therefore, the total amount of reimbursement for this program may be lower than the statewide cost estimate.
4. *For future year projections, only the costs to carry out the activity will increase.* For purposes of projecting fiscal years 2004-2005 and 2005-2006, staff assumes that no other counties will file claims and that the number of reports made will not increase. Future costs are projected using the implicit price deflator as forecast by the Department of Finance.

⁴ Exhibit B.

⁵ Exhibit C.

Methodology

2000-2004 Costs

The proposed statewide cost estimate for fiscal years 2000-2001 through 2003-2004 is based on six unaudited, actual reimbursement claims. However, Commission staff adjusted the total claimed by the County of Los Angeles to eliminate non-reimbursable activities, as described above.

2004-2006 Projected Costs

Staff projected totals for fiscal year 2004-2005 by multiplying the total for 2003-2004 reimbursement claims by the implicit price deflator for 2003-2004 (2.9%), as forecast by the Department of Finance. Staff projected totals for fiscal year 2005-2006 by multiplying the estimate for 2004-2005 by the implicit price deflator for 2004-2005 (3.5%), as forecast by the Department of Finance.

The proposed statewide cost estimate includes six fiscal years for a total of **\$142,139**. This averages to \$23,690 annually in costs to the state.

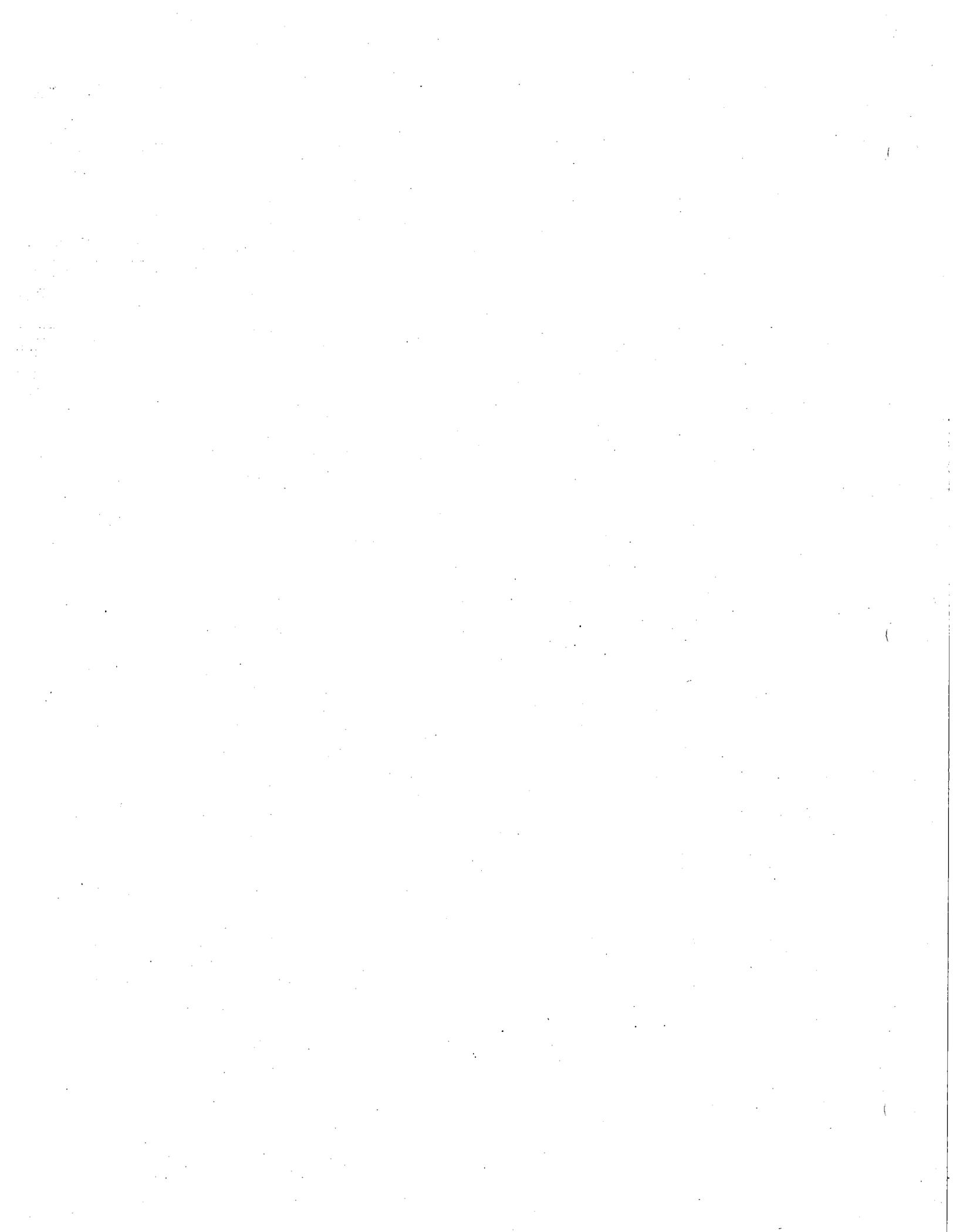
Following is a breakdown of estimated total costs per fiscal year:

Table 4. Estimated Total Costs per Fiscal Year

| Fiscal Year | Number of Claims Filed with SCO | Claim Totals |
|------------------|---------------------------------|-------------------|
| 2000-2001 | 1 | \$ 11,532 |
| 2001-2002 | 1 | 24,425 |
| 2002-2003 | 2 | 25,984 |
| 2003-2004 | 2 | 25,920 |
| 2004-2005 (est.) | N/A | 26,672 |
| 2005-2006 (est.) | N/A | 27,606 |
| TOTALS | 6 | \$ 142,139 |

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$142,139 for costs incurred in complying with the *Postmortem Examinations: Unidentified Bodies, Human Remains* program.



Commission on State Mandates

Original List Date: 7/6/2001
Last Updated: 6/29/2005
List Print Date: 07/01/2005
Claim Number: 00-TC-18
Issue: Postmortem Examinations: Unidentified Bodies, Human Remains

Mailing Information: Notice of Proposed SCE

Mailing List

Related Matter(s)

00-TC-27 DNA Database
02-TC-39 Postmortem Examination: Unidentified Bodies, Human Remains

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.)

Ms. Jeannine Willie
California Department of Justice (D-01)
Missing Persons DNA Program
4949 Broadway, Room A132
Sacramento, CA 95820

Tel: (916) 227-5997
Fax: (916) 454-5433

Mr. Joe Rombold
School Innovations & Advocacy
11130 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670

Tel: (800) 487-9234
Fax: (888) 487-6441

Ms. Pam Stone
MAXIMUS
4320 Auburn Blvd., Suite 2000
Sacramento, CA 95841

Tel: (916) 485-8102
Fax: (916) 485-0111

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

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

Executive Director
California State Sheriffs' Association
P O Box 890790
West Sacramento, CA 95898

Tel: (916) 375-8000
Fax: (916) 375-8017

| | |
|--|--|
| Executive Director California State Coroners' Association 5925 Maybrook Circle Riverside, CA 92506-4549 | Tel: (916) 000-0000 Fax: (916) 000-0000 |
| Ms. Jesse McGuinn Department of Finance (A-15) 915 L Street, 8th Floor Sacramento, CA 95814 | Tel: (916) 445-8913 Fax: (916) 327-0225 |
| Mr. Steve Smith Steve Smith Enterprises, Inc. 4633 Whitney Avenue, Suite A Sacramento, CA 95821 | Tel: (916) 483-4231 Fax: (916) 483-1403 |
| Mr. Keith B. Petersen SixTen & Associates 5252 Balboa Avenue, Suite 807 San Diego, CA 92117 | Tel: (858) 514-8605 Fax: (858) 514-8645 |
| Ms. Susan Geanacou Department of Finance (A-15) 915 L Street, Suite 1190 Sacramento, CA 95814 | Tel: (916) 445-3274 Fax: (916) 324-4888 |
| Mr. Steve Keil California State Association of Counties 1100 K Street, Suite 101 Sacramento, CA 95814-3941 | Tel: (916) 327-7523 Fax: (916) 441-5507 |
| 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 |
| Ms. Sarah Ahonima County of Los Angeles, Department of Coroner 1104 N. Mission Rd. Los Angeles, CA 90033 | Tel: (323) 343-0714 Fax: (323) 223-5786 |
| Ms. Harmeet Barkschat Mandate Resource Services 5325 Elkhorn Blvd. #307 Sacramento, CA 95842 | Tel: (916) 727-1350 Fax: (916) 727-1734 |
| Mr. Mark Sigman Riverside County Sheriff's Office 4095 Lemon Street | Tel: (951) 955-2700 Fax: (951) 955-2720 |

P O Box 512
Riverside, CA 92502

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

Claimant

Tel: (213) 974-8564

Fax: (213) 617-8106

Ms. Sandy Reynolds
Reynolds Consulting Group, Inc.
P.O. Box 894059
Temecula, CA 92589

Tel: (951) 303-3034

Fax:

Mr. J. Bradley Burgess
Public Resource Management Group
1380 Lead Hill Boulevard, Suite #106
Roseville, CA 95661

Tel: (916) 677-4233

Fax: (916) 677-2283

Mr. Jim Jagers
Centration, Inc.
12150 Tributary Point Drive, Suite 140
Gold River, CA 95670

Tel: (916) 351-1050

Fax: (916) 351-1020

Mr. John Tonkyn
Department of Justice
DNA Lab
1001 West Cutting Blvd., Suite 110
Richmond, CA 94804

Tel: (510) 620-3315

Fax:

Mr. Mike Case
California Department of Justice (D-01)
Investigative Services Program
Missing/Unidentified Persons Program
4949 Broadway, Room B-212
Sacramento, CA 95820

Tel: (916) 227-1364

Fax:

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

