



March 27, 2023

Mr. Fernando Lemus
County of Los Angeles
500 West Temple Street,
Room 603
Los Angeles, CA 90012

Ms. Natalie Sidarous
State Controller's Office
Local Government Programs and
Services Division
3301 C Street, Suite 740
Sacramento, CA 95816

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Decision and Parameters and Guidelines

Juveniles: Custodial Interrogation, 21-TC-01

Welfare and Institutions Code Section 625.6 as Amended by Statutes 2020, Chapter 335,
Section 2 (SB 203)

County of Los Angeles, Claimant

Dear Mr. Lemus and Ms. Sidarous:

On March 24, 2023 the Commission on State Mandates adopted the Decision and Parameters and Guidelines on the above-captioned matter.

Please keep the Decision and Parameters and Guidelines together as one document, as it together constitutes the entire decision of the Commission and the "Decision" portion informs the interpretation of the "Parameters and Guidelines." It is hoped that by providing the entire Decision and Parameters and Guidelines with the claiming instructions that claimants will be better equipped to correctly claim reimbursement, resulting in fewer reductions upon audit and fewer incorrect reduction claims.

Sincerely,

Heather Halsey
Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES

Welfare and Institutions Code Section 625.6,

As Amended by Statutes 2020, Chapter 335
(SB 203)

The period of reimbursement begins
January 1, 2021.

Case No.: 21-TC-01

Juveniles: Custodial Interrogation

DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500 ET
SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted March 24, 2023)

(Served March 27, 2023)

PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached Decision and Parameters and Guidelines on March 24, 2023.



Heather Halsey, Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

<p>IN RE PARAMETERS AND GUIDELINES</p> <p>Welfare and Institutions Code Section 625.6, As Amended by Statutes 2020, Chapter 335 (SB 203)</p> <p>The period of reimbursement begins January 1, 2021.</p>	<p>Case No.: 21-TC-01</p> <p><i>Juveniles: Custodial Interrogation</i></p> <p>DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7.</p> <p><i>(Adopted March 24, 2023)</i></p> <p><i>(Served March 27, 2023)</i></p>
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DECISION

The Commission on State Mandates (Commission) heard and decided the Decision and Parameters and Guidelines during a regularly scheduled hearing on March 24, 2023. Fernando Lemus appeared on behalf of the County of Los Angeles (claimant). Donna Ferebee appeared on behalf of the Department of Finance (Finance).

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the Decision and Parameters and Guidelines by a vote of 6-0, as follows:

Member	Vote
Lee Adams, County Supervisor	Yes
Gayle Miller, Representative of the Director of the Department of Finance, Chairperson	Yes
Scott Morgan, Representative of the Director of the Office of Planning and Research	Yes
Renee Nash, School District Board Member	Yes
Sarah Olsen, Public Member	Absent
Lynn Paquin, Representative of the State Controller, Vice Chairperson	Yes
Spencer Walker, Representative of the State Treasurer	Yes

I. Summary of the Mandate

These Parameters and Guidelines address the state-mandated activity arising from Statutes 2020, chapter 335, which amended Welfare and Institutions Code section 625.6, to provide that “a youth 17 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference” “[p]rior to a custodial interrogation, and before the waiver of any *Miranda* rights.”

On January 27, 2023, the Commission on State Mandates (Commission) adopted its Decision finding that the test claim statute imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.¹ The Commission approved this Test Claim for the following mandated activity beginning January 1, 2021:

- Ensure that youths, ages 16 and 17, *except for those who affirmatively request to consult with retained legal counsel*, consult with legal counsel prior to custodial interrogation and before the waiver of any *Miranda* rights. In instances where the youth does not exercise their right to retain a private attorney, this includes providing legal counsel to consult with the youth in person, by telephone, or by video conference prior to a custodial interrogation, and before the waiver of any *Miranda* rights.

The Commission also determined that reimbursement is *not* required in the following situations:

- When the 16 or 17 year old who affirmatively requests to consult with retained private counsel prior to interrogation and before waiver of any *Miranda* rights, which is required by existing state and federal law.²
- For school districts or community college districts, who are authorized but not required by state law to employ peace officers.³
- When the officer who questioned the youth reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat and the officer’s questions were limited to those questions that were reasonably necessary to obtain that information.⁴
- In the normal performance of a probation officer’s duties under Welfare and Institutions Code section 625, 627.5, or 628.⁵

In addition, the Commission identified the following state funds as potential offsetting revenues to be included in the Parameters and Guidelines:

¹ Exhibit A, Test Claim Decision, adopted January 27, 2023.

² Welfare and Institutions Code sections 625, 627.5; *Miranda v. Arizona* (1966) 384 U.S. 436, 470-473.

³ *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1367-1368.

⁴ Welfare and Institutions Code section 625.6(c)(2).

⁵ Welfare and Institutions Code section 625.6(d).

- Funding appropriated from the General Fund by Statutes 2020, chapter 92 (AB 1869) to backfill a county for the revenue lost due to the repeal of former Penal Code section 987.4 and former Government Code section 27712, which provided funding for the costs of defense counsel and legal assistance in criminal proceedings, to the extent that the funds are used to offset a county’s costs to comply with the mandate.
- Funding made available to counties pursuant to Penal Code section 987.6 for providing legal assistance for persons charged with violations of state criminal law or involuntarily detained under the Lanterman-Petris-Short Act and used to offset a county’s costs to comply with the mandate.

II. Procedural History

On January 27, 2023, the Commission adopted the Test Claim Decision.⁶ On January 31, 2023, the Commission issued the Draft Expedited Parameters and Guidelines.⁷ On February 24, 2023, the State Controller’s Office (Controller) filed Late Comments concurring with the Draft Expedited Parameters and Guidelines.⁸ Neither the claimant nor the Department of Finance (Finance) filed comments on the Draft Expedited Parameters and Guidelines. Pursuant to section 1183.9(d) of the Commission’s regulations,⁹ Commission staff issued the Proposed Decision and Parameters and Guidelines on March 7, 2023.

III. Discussion

The test claim statute requires law enforcement to ensure that youths, 17 years old or younger, consult with legal counsel prior to custodial interrogation and before the waiver of any *Miranda* rights. In instances where the youth does not exercise their right to retain a private attorney, this includes providing legal counsel to provide the consultation in person, by telephone, or by video conference prior to a custodial interrogation, and before the waiver of any *Miranda* rights.

The Parameters and Guidelines contain the following information:

A. Eligible Claimants (Section II. of the Parameters and Guidelines)

Counties and cities are mandated to comply with the test claim statute. However, the requirements are not state-mandated with respect to school districts and community college

⁶ Exhibit A, Test Claim Decision, adopted January 27, 2023.

⁷ Exhibit B, Draft Expedited Parameters and Guidelines, issued January 31, 2023.

⁸ Exhibit C, Controller’s Late Comments on the Draft Expedited Parameters and Guidelines, filed on February 24, 2023.

⁹ California Code of Regulations, title 2, section 1183.9(d) provides: “If no comments are filed on the draft expedited parameters and guidelines that raise substantive issues regarding any of the elements described in section 1183.7, a draft proposed decision in accordance with section 1183.13(a) of these regulations need not be prepared and the executive director may schedule the proposed decision and parameters and guidelines for adoption at the next regularly scheduled hearing in accordance with section 1183.13(d) of these regulations.”

districts since they are statutorily authorized, but not required, to hire peace officers and, unlike counties and cities, do not provide policing services as a core function or duty.¹⁰

B. Period of Reimbursement (Section III. of the Parameters and Guidelines)

Government Code section 17557(e) requires a test claim to be “submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year.” Because this Test Claim was filed on December 22, 2021, the potential period of reimbursement under Government Code section 17557 would typically begin on July 1, 2020. However, since the test claim statute has a later effective date, the period of reimbursement begins on January 1, 2021.¹¹

C. Reimbursable Activities (Section IV. of the Parameters and Guidelines)

As determined by the Commission in the Test Claim Decision, the test claim statute’s requirements are new with respect to 16 and 17 year olds except for those who affirmatively request to consult with retained private counsel. Prior to the test claim statute, there was no requirement to provide counsel to 16 and 17 year olds at the interrogation stage. Thus, if a 16- or 17-year-old minor requested counsel but did not have access to private counsel at the interrogation stage, local law enforcement had no choice but to refrain from interrogating the minor. The only 16- or 17-year-old minors who would have the opportunity to consult with counsel at the interrogation stage were those who retained private counsel. Accordingly, the requirement of the test claim statute is *not* new when 16- or 17-year-old minors who affirmatively request to consult with their private counsel.¹²

The Commission approved the Test Claim for the following mandated activity beginning January 1, 2021:

- Ensure that youths, ages 16 and 17, *except for those who affirmatively request to consult with retained legal counsel*, consult with legal counsel prior to custodial interrogation and before the waiver of any *Miranda* rights. In instances where the youth does not exercise their right to retain a private attorney, this includes providing legal counsel to consult with the youth in person, by telephone, or by video conference prior to a custodial interrogation, and before the waiver of any *Miranda* rights.

Reimbursement is *not* required in the following situations:

- When the 16 or 17 year old affirmatively requests to consult with retained private counsel prior to interrogation and before waiver of any *Miranda* rights, which is required by existing state and federal law.¹³

¹⁰ Exhibit A, Test Claim Decision, adopted January 27, 2023, pages 27-33; Education Code sections 38000, 72330; *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1368.

¹¹ Statutes 2020, chapter 335; see California Constitution article IV, section 8(c).

¹² Exhibit A, Test Claim Decision, adopted January 27, 2023, pages 33-37.

¹³ Welfare and Institutions Code sections 625, 627.5; *Miranda v. Arizona* (1966) 384 U.S. 436, 470-473.

- For school districts or community college districts, who are authorized but not required by state law to employ peace officers.¹⁴
- When the officer who questioned the youth reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat and the officer's questions were limited to those questions that were reasonably necessary to obtain that information.¹⁵
- In the normal performance of a probation officer's duties under Welfare and Institutions Code section 625, 627.5, or 628.¹⁶

The Parameters and Guidelines also require that claimants identify the number of 16 and 17 year olds that required consultation in accordance with this mandated program in their reimbursement claims.

D. The Remaining Sections of the Parameters and Guidelines

Section V. of the Parameters and Guidelines (Claim Preparation and Submission) identifies the following direct costs that are eligible for reimbursement: salaries and benefits, materials and supplies, contracted services, and fixed assets. However, training costs are not included in the Parameters and Guidelines because those activities were not approved in the Test Claim Decision, nor has the claimant requested these costs as reasonably necessary to perform the mandated activities or submitted any evidence to support such a request.¹⁷

Section VII. of the Parameters and Guidelines (Offsetting Revenues and Reimbursements) requires that reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes, shall be identified and deducted from any claim submitted for reimbursement. Such offsetting revenue or reimbursement includes the following potential offsetting revenues identified in the Test Claim Decision:¹⁸

- Funding appropriated from the General Fund by Statutes 2020, chapter 92 (AB 1869) to backfill a county for the revenue lost due to the repeal of former Penal Code section 987.4 and former Government Code section 27712, which provided funding for the costs of defense counsel and legal assistance in criminal proceedings, to the extent that the funds are used to offset a county's costs to comply with the mandate.
- Funding made available to counties pursuant to Penal Code section 987.6 for providing legal assistance for persons charged with violations of state criminal law or involuntarily

¹⁴ *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1367-1368.

¹⁵ Welfare and Institutions Code section 625.6(c)(2).

¹⁶ Welfare and Institutions Code section 625.6(d).

¹⁷ California Code of Regulations, title 2, sections 1183.7(d), 1187.5.

¹⁸ Exhibit A, Test Claim Decision, adopted January 27, 2023, pages 39-43.

detained under the Lanterman-Petris-Short Act and used to offset a county's costs to comply with the mandate.

The remaining sections of the Parameters and Guidelines contain standard boilerplate language.

IV. Conclusion

Based on the foregoing, the Commission hereby adopts the Proposed Decision and Parameters and Guidelines.

PARAMETERS AND GUIDELINES¹⁹

Welfare and Institutions Code Section 625.6(a)

As Amended by Statutes 2020, Chapter 335 (SB 203)

Juveniles: Custodial Interrogation

21-TC-01

Period of reimbursement begins January 1, 2021

I. SUMMARY OF THE MANDATE

These Parameters and Guidelines address state-mandated activities arising from Statutes 2020, chapter 335, which amended Welfare and Institutions Code section 625.6, to provide that “a youth 17 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference” “[p]rior to a custodial interrogation, and before the waiver of any Miranda rights.”

On January 27, 2023, the Commission on State Mandates (Commission) adopted its Decision finding that the test claim statute imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. The Commission approved this Test Claim for the following mandated activity beginning January 1, 2021:

- Ensure that youths, ages 16 and 17, *except for those who affirmatively request to consult with retained legal counsel*, consult with legal counsel prior to custodial interrogation and before the waiver of any *Miranda* rights. In instances where the youth does not exercise their right to retain a private attorney, this includes providing legal counsel to consult with the youth in person, by telephone, or by video conference prior to a custodial interrogation, and before the waiver of any *Miranda* rights.

II. ELIGIBLE CLAIMANTS

Only a city, county, or city and county that incurs increased costs as a result of this mandate is eligible to claim reimbursement. School districts and community college districts are not eligible for reimbursement under this program.

¹⁹ Please note that the Decision and Parameters and Guidelines is a single document and must be read as a whole. It is not intended to be separated and should be posted in its entirety.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant filed the test claim on December 22, 2021, establishing eligibility for reimbursement for the 2020-2021 fiscal year. Although that fiscal year began on July 1, 2020, the test claim statute did not go into effect until January 1, 2021.²⁰ Therefore, costs incurred are reimbursable on or after January 1, 2021.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event, or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

²⁰ Statutes 2020, chapter 335; see California Constitution article IV, section 8(c).

The claimant is only allowed to claim and be reimbursed for increased costs for the reimbursable activity identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following activity is reimbursable:

- Ensure that youths, ages 16 and 17, *except for those who affirmatively request to consult with retained legal counsel*, consult with legal counsel prior to custodial interrogation and before the waiver of any *Miranda* rights. In instances where the youth does not exercise their right to retain a private attorney, this includes providing legal counsel to consult with the youth in person, by telephone, or by video conference prior to a custodial interrogation, and before the waiver of any *Miranda* rights.²¹

In their reimbursement claims, claimants shall identify the number of 16 and 17 year olds that required consultation in accordance with the above reimbursable activity.

Reimbursement is not required in the following situations:

- When the 16 or 17 year old affirmatively requests to consult with retained private counsel prior to interrogation and before waiver of any *Miranda* rights, which is required by existing state and federal law.²²
- For school districts or community college districts, who are authorized but not required by state law to employ peace officers.²³
- When the officer who questioned the youth reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat and the officer's questions were limited to those questions that were reasonably necessary to obtain that information.²⁴
- In the normal performance of a probation officer's duties under Welfare and Institutions Code section 625, 627.5, or 628.²⁵

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV., Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

²¹ Welfare and Institutions Code section 625.6(a).

²² Welfare and Institutions Code sections 625, 627.5; *Miranda v. Arizona* (1966) 384 U.S. 436, 470-473.

²³ *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1367-1368.

²⁴ Welfare and Institutions Code section 625.6(c)(2).

²⁵ Welfare and Institutions Code section 625.6(d).

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1., Salaries and Benefits, for each applicable reimbursable activity.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both: (1) overhead costs of

the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement in accordance with the Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. Claimants have the option of using 10 percent of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10 percent.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be: (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.); (2) direct salaries and wages; or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) shall be accomplished by: (1) classifying a department's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage that the total amount of allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) shall be accomplished by: (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed pursuant to this chapter²⁶ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All

²⁶ This refers to title 2, division 4, part 7, chapter 4 of the Government Code.

documents used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes, shall be identified and deducted from any claim submitted for reimbursement. Such offsetting revenue or reimbursement includes the following:

- Funding appropriated from the General Fund by Statutes 2020, chapter 92 (AB 1869) to backfill a county for the revenue lost due to the repeal of former Penal Code section 987.4 and former Government Code section 27712, which provided funding for the costs of defense counsel and legal assistance in criminal proceedings, to the extent that the funds are used to offset a county's costs to comply with the mandate.
- Funding made available to counties pursuant to Penal Code section 987.6 for providing legal assistance for persons charged with violations of state criminal law or involuntarily detained under the Lanterman-Petris-Short Act and used to offset a county's costs to comply with the mandate.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local governments in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the eligible claimants to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of an eligible claimant, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.17.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and interested parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 27, 2023, I served the:

- **Decision and Parameters and Guidelines adopted March 24, 2023**

Juveniles: Custodial Interrogation, 21-TC-01

Welfare and Institutions Code Section 625.6 as Amended by Statutes 2020, Chapter 335, Section 2 (SB 203)

County of Los Angeles, Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 27, 2023 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/15/23

Claim Number: 21-TC-01

Matter: Juveniles: Custodial Interrogation

Claimant: County of Los Angeles

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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, § 1181.3.)

Adaoha Agu, *County of San Diego Auditor & Controller Department*

Projects, Revenue and Grants Accounting, 5530 Overland Avenue, Ste. 410 , MS:O-53, San Diego, CA 92123

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