

ITEM 11
FINAL STAFF ANALYSIS
PROPOSED PARAMETERS AND GUIDELINES,
AS MODIFIED BY STAFF

Government Code Section 27521.1

Statutes 2000, Chapter 284

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

County of Los Angeles, Claimant

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EXECUTIVE SUMMARY

The test claim statute requires specific reporting requirements for law enforcement agencies when an unidentified body is found. The test claim legislation also states that a postmortem examination or autopsy conducted at the discretion of the coroner on an unidentified body or human remains shall include specific activities, including full body X-rays, among other things. However, the Commission on State Mandates (Commission) determined that the autopsy provisions were not reimbursable.

On September 25, 2003, the 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."¹

The Commission found that Government Code section 27521, Penal Code section 14202 and Health and Safety Code section 102870, as added or amended by Statutes 2000, chapter 284, do not constitute a reimbursable state-mandated program because they are not subject to article XIII B, section 6.

Staff reviewed the claimant's proposed parameters and guidelines and the comments received. Non-substantive, technical changes were made for purposes of clarification, consistency with language in recently adopted parameters and guidelines, and conformity to the Statement of Decision and statutory language.

Substantive changes were made to the following sections of the claimant's proposed parameters and guidelines. A draft staff analysis was issued on June 9, 2004. No comments were received.

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.

II. Eligible Claimants

The claimant's proposal included school districts and community college districts as eligible claimants for this program. However, staff finds that school districts and community college districts are not required by state law to employ law enforcement personnel. Therefore, staff did not include them as eligible claimants.

IV. Reimbursable Activities

On March 25, 2004, a pre-hearing conference was held at the Commission's office to discuss the reimbursable activities. Specifically, the participants discussed the type of information that was required for the 10-day report to be submitted to DOJ.

The claimant's proposal included several activities stemming from the coroner's discretionary autopsy, such as conducting examinations and completing the Unidentified Deceased Reporting Form. A DOJ Information Bulletin dated October 11, 2001, refers to this form as the "final report of investigation," required by Health and Safety Code section 102870. 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. Therefore, staff finds that the claimant's proposed activities exceed the scope of the mandate, and must be limited to reporting the death of the unidentified person to DOJ, in a DOJ-approved format, within 10 calendar days of discovery.

Typically when reporting the death of an unidentified person, the local entity does so via telephone or teletype machine. The claimant argues that the information required for the 10-day report to DOJ is plainly indicated on the Unidentified Deceased Reporting Form. However, staff finds that while the Unidentified Deceased Reporting Form includes fields necessary for the 10-day report, it only comprises a portion of the form. Therefore, completion of the entire Unidentified Deceased Reporting Form is not reimbursable.

Accordingly, staff modified the claimant's proposed parameters and guidelines to include only the initial reporting of the death of an unidentified person to DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement was limited to submitting specific information to DOJ, such as physical descriptions of the unidentified body, to complete the 10-day report.

Moreover, staff finds that the claimant's proposed one-time administrative activities are not reasonably necessary to carry out this mandate.

Staff Recommendation

Staff recommends that the Commission adopt the proposed parameters and guidelines, beginning on page 9.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

STAFF ANALYSIS

Claimant

County of Los Angeles

Chronology

09/25/03 Commission on State Mandates (Commission) adopted Statement of Decision
10/29/03 Claimant submitted its proposed parameters and guidelines
12/02/03 The State Controller's Office (SCO) submitted comments
03/25/04 Commission conducted a pre-hearing conference
04/28/04 Claimant submitted an addendum to the proposed parameters and guidelines
06/09/04 Draft staff analysis issued
07/06/04 Final staff analysis issued

Summary of the Mandate

The test claim statute requires specific reporting requirements for law enforcement agencies when an unidentified body is found. The test claim legislation also states that a postmortem examination or autopsy conducted at the discretion of the coroner on an unidentified body or human remains shall include specific activities, including full body X-rays, among other things. However, the Commission determined that the autopsy provisions were not reimbursable.

On September 25, 2003, the 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 17514.² 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."³

The Commission found that Government Code section 27521, Penal Code section 14202 and Health and Safety Code section 102870, as added or amended by Statutes 2000, chapter 284, do not constitute a reimbursable state-mandated program because they are not subject to article XIII B, section 6.

Discussion

Staff reviewed the claimant's proposed parameters and guidelines⁴ and the comments received. Non-substantive, technical changes were made for purposes of clarification, consistency with

² Exhibit A.

³ 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.

⁴ Exhibit B.

language in recently adopted parameters and guidelines, and conformity to the Statement of Decision and statutory language.

Substantive changes were made to the following sections of the claimant's proposed parameters and guidelines. A draft staff analysis was issued on June 9, 2004. No comments were received.

II. Eligible Claimants

The claimant's proposal included cities, counties, school districts, and community college districts as eligible claimants for this program.

In its comments dated November 26, 2003,⁵ the SCO noted that investigations of the death of an unidentified person falls under the jurisdictions of the city, county, or city and county law enforcement agency. Thus, the SCO recommended that school districts and community college districts be removed from the list of eligible claimants.

Staff finds that school districts and community college districts are not required by state law to employ law enforcement personnel. Therefore, they are not eligible claimants. Staff made the modification accordingly.

IV. Reimbursable Activities

On March 25, 2004, a pre-hearing conference was held at the Commission's office to discuss the reimbursable activities. Specifically, the participants discussed the type of information that was required for the 10-day report to be submitted to DOJ.

Claimant's Proposal

The claimant's proposed parameters and guidelines include the following ongoing activities as eligible for reimbursement:

1. Determining if found specimens are unidentified bodies and human remains to be reported on DOJ's "Unidentified Deceased Reporting Form."
2. Logging, recording, and itemizing information for found specimens.
3. Conducting examinations or further analyses as may be required to complete DOJ's "Unidentified Deceased Reporting Form," such as requested dental information.
4. Obtaining required information such as the name, title, telephone and fax number of the reporting officer.
5. Preparing complete and accurate "Unidentified Deceased Reporting" forms.
6. Timely filing forms with DOJ.
7. Providing further information requested by DOJ or their designate(s).

In addition, the claimant proposed three one-time administrative activities related to developing policies and procedures; training staff; and obtaining, developing, or modifying specialized software to prepare the reports to be submitted to DOJ.

On April 28, 2004, the claimant submitted an addendum to the proposed parameters and guidelines focusing on the information reasonably necessary to include in the required 10-day

⁵ Exhibit C.

report.⁶ Included was a printout of the mandatory information for entering unidentified persons reports into DOJ's Unidentified Persons System;⁷ DOJ's Unidentified Person's System Consolidated Data Dictionary;⁸ and DOJ form number BCIA 4085, "Unidentified Deceased Reporting Form."⁹

State Controller's Office Comments

The SCO expressed concern that the claimant's proposal included activities that went beyond the scope of the mandate. In its comments dated November 26, 2003, the SCO recommended technical clarifications consistent with the Statement of Decision to clarify several of the proposed activities. The SCO disagreed with the claimant's proposed activities related to logging, recording, and itemizing information for found specimens; conducting examinations, such as requested dental information; and providing information as requested by DOJ. The SCO recommended that these activities be deleted since the program was limited to reporting the death of an unidentified person to DOJ.

Staff Finding and Proposal

The Commission found that the activity of reporting the death of an unidentified person to DOJ within 10 calendar days of discovery constitutes a reimbursable state-mandated program (with exceptions as noted). California Code of Regulations, title 2, section 1183.1, subdivision (a)(1)(C)(4), requires that the proposed parameters and guidelines include a description of the most reasonable methods of complying with the mandate.

In addition to reporting the death of the unidentified person to DOJ, the claimant's proposal includes several activities that stem from the coroner's discretionary autopsy, such as conducting examinations and completing DOJ form BCIA 4085, the Unidentified Deceased Reporting Form. A DOJ Information Bulletin dated October 11, 2001,¹⁰ refers to this form as the "final report of investigation," or the 180-day report, required by Health and Safety Code section 102870. 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. Therefore, staff finds that the claimant's proposed activities exceed the scope of the mandate, and must be limited to reporting the death of the unidentified person to DOJ, in a DOJ-approved format, within 10 calendar days of discovery.

The claimant argues that the information required for the 10-day report to DOJ is plainly indicated on the Unidentified Deceased Reporting Form. In its addendum submitted on April 28, 2004, the claimant provided additional evidence from the DOJ Missing and Unidentified Persons Unit in support of this contention. The supervisor of the DOJ Missing and Unidentified Persons Unit

⁶ Exhibit D.

⁷ Exhibit D, pages 152-153.

⁸ Exhibit D, pages 157-170.

⁹ Exhibit D, pages 171-172.

¹⁰ Exhibit B, page 131.

indicated that the information enumerated in the following table is mandatory for a report to be entered into the DOJ Unidentified Persons System.¹¹

TABLE 1.
DOJ Unidentified Persons System List of Mandatory Fields

Data Field Code	Data Field Name	Comments
MKE	Message key	Type of message
ORI	Originating agency identifier	Identification number assigned to agency
OCA	Originating agency case number	Master case record number
TYP	Report type	Type = "Unidentified Deceased"
SEX	Sex	
RAC	Race	
HGT	Height	
WGT	Weight	
HAI	Hair color	
EYE	Eye color	
AGE	Age	Approximate age range of subject
BPS	Body parts status	Condition of body parts when found
CDA	Cause and manner of death	
DXR	Dental chart/x-rays available	Responses include yes or no
BXR	Body/skeletal x-rays available	Responses include full, partial, or none
FPA	Footprint available	Responses include yes or no
FPC	Fingerprint classification	
DBF	Date body found	
EDD	Estimated date of death	
FCN	File control number	Computer-generated number
SMT CODE	Scars, marks, tattoos, and other characteristics	Notation of unusual physical characteristics

When reporting the death of an unidentified person, the local entity must do so in a DOJ-approved format, typically by reporting via telephone or teletype machine.¹² Table 1 above lists the information necessary to complete the report to DOJ. Staff finds that while the Unidentified Deceased Reporting Form includes these same fields, it only comprises a portion of the form. The front side of the form also contains fields identified as optional in the DOJ's Unidentified Person's System Consolidated Data Dictionary, and the back side relates to the completion of a dental examination, an activity that is not reimbursable. Therefore, completion of the entire Unidentified Deceased Reporting Form is not reimbursable.

Accordingly, staff modified the claimant's proposed parameters and guidelines to include only the initial reporting of the death of an unidentified person to DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. Reimbursement

¹¹ Exhibit D, pages 151 - 170.

¹² Exhibit E.

was limited to submitting the following mandatory information to DOJ to complete the 10-day report:

1. Originating agency case number
2. Originating agency identification number
3. Date subject's body was found
4. Cause and manner of subject's death
5. Subject's estimated date of death
6. Subject's eye color
7. Subject's hair color
8. Subject's race or ethnicity
9. Subject's sex
10. Subject's height
11. Subject's approximate weight
12. Subject's approximate age range
13. Status of subject's body parts
14. Subject's fingerprint classification
15. Availability of subject's dental chart/x-rays
16. Availability of subject's body/skeletal x-rays
17. Availability of subject's footprint
18. Identification of any scars, marks, or tattoos on subject

Regarding the claimant's proposal to include training as a reimbursable activity, staff finds that it goes beyond the scope of the mandate because it was not stated as a reimbursable activity in the test claim legislation or the Statement of Decision. Furthermore, training is not reasonably necessary to carry out the mandated activities, as the local entity does not enter the information in DOJ's Unidentified Person's System. The local entity is only required to make the report via telephone or teletype machine, and to provide the unidentified subject's visible, physical description, as identified above.

Likewise, staff finds that the claimant's proposed one-time administrative activities related to developing policies and procedures; and obtaining, developing, or modifying specialized software to prepare the reports to be submitted to DOJ are not reasonably necessary to carry out this mandate. Local entities are not required to submit written forms.

Therefore, staff did not include the claimant's proposed administrative activities related to training, policies and procedures, and software.

V. Claim Preparation and Submission

In its proposal, the claimant included the standard direct costs that are eligible for reimbursement. However, since travel and training are not required for the purpose of the reimbursable activities, staff did not include these as reimbursable direct costs.

Staff Recommendation

Staff recommends that the Commission adopt the proposed parameters and guidelines, beginning on page 9.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

PROPOSED PARAMETERS AND GUIDELINES, AS MODIFIED BY STAFF

Government Code Sections 27521 and 27521.1

Health and Safety Code Section 102870

Penal Code Section 14202

Statutes 2000, Chapter 284

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

County of Los Angeles, Claimant

I. SUMMARY OF THE MANDATE

Chapter 284, Statutes of 2000, adding Sections 27521 & 27521.1 of the Government Code, amending Section 102870 of the Health & Safety Code, amending Section 14202 of the Penal Code, sets forth requirements for postmortem examinations of unidentified bodies and human remains and for reporting the death of an unidentified person to the State Department of Justice.

On September 25, 2003, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that the test claim legislation constitutes Government Code section 27521.1 imposes a reimbursable state-mandated program upon local governments 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."¹ for the following activities for local law enforcement agencies investigating the death of an unidentified person:

Reporting the death to the California Department of Justice [DOJ] in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered.

The Commission also found that filing DOJ reports for children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213, is not a reimbursable activity.

The Commission found that Government Code section 27521, Penal Code section 14202 and Health and Safety Code section 102870, as added or amended by Statutes 2000, chapter 284, do not constitute a reimbursable state-mandated program because they are not subject to article XIII B, section 6.

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.

~~Prior to final hearing, the test claim legislation was amended to include Chapter 822, Statutes of 2000, adding Penal Code Section 14250(b) and Section 14250(e)(1) and Chapter 467, Statutes of 2001, amending Penal Code Section 14250(b) and Section 14250(e)(1). This amendment has been severed and consolidated with Test Claim CSM 00 TC 27 [DNA Database], now awaiting final adjudication.~~

II. ELIGIBLE CLAIMANTS

~~The eligible claimants are a~~Any county, city, or city and county, school district, or community college district that incurs increased costs as a result of this reimbursable state-mandated program is eligible to claim reimbursement of those costs.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the County of Los Angeles on June 28, 2001. The test claim legislation became effective on January 1, 2001. Therefore, costs incurred for compliance with Statutes of 2000, Chapter 284 are reimbursable on or after January 1, 2001.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Government Code section 17561, subdivision (d)(1)(A), all claims for reimbursement of initial fiscal year's costs shall be submitted within 120 days of notification by to the State Controller of the issuance within 120 days of the issuance date for the claiming instructions.

If the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any given 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. Supporting Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, cost allocation reports (system generated), 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 with signatures and logs of attendees, calendars, and declarations, and 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 reported in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities 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, the following ~~activities~~ activity performed by local law enforcement personnel or performed by personnel designated to perform the subject reporting function in a local jurisdiction, such as coroner personnel, are eligible for reimbursement is reimbursable:

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."² 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
- 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

A. One-time Activities

1. Develop policies and procedures for preparing and filing the required California Department of Justice [DOJ] reports of the deaths of unidentified persons, except for

² 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.

~~children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213, in a DOJ approved format, within 10 calendar days of the date the body or human remains are discovered.~~

- ~~2. Train each staff person who may be required to initiate, prepare, or file some or all of the subject DOJ report on proper methods and procedures for complying with DOJ's reporting requirements.~~
- ~~3. Obtain, develop or modify specialized software for preparing the subject DOJ reports in a timely and economical manner. If the specialized software is used for other purposes, only the pro rata costs of the software, including licensing agreement, that is related to reimbursable activities specified herein, may be claimed under Materials and Supplies and/or Contracted Services.~~

~~B. Continuing Activities~~

- ~~1. Determining if found specimens are unidentified bodies and human remains to be reported on DOJ's "Unidentified Deceased Reporting Form" [attached].~~
- ~~2. Logging, recording, and itemizing information for found specimens.~~
- ~~3. Conducting examinations or further analyses as may be required complete DOJ's "Unidentified Deceased Reporting Form", such requested dental information.~~
- ~~4. Obtaining required information such as the name, title, telephone and fax number of the reporting officer.~~
- ~~5. Preparing complete and accurate "Unidentified Deceased Reporting" forms.~~
- ~~6. Timely filing forms with DOJ.~~
- ~~7. Providing further information requested by DOJ or their designate(s).~~

V. CLAIM PREPARATION AND SUBMISSION

~~Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate. The following requirements govern claiming actual costs.~~

Each of the following cost elements must be identified for each reimbursable activity identified in section IV. 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.

A. Direct Cost Reporting

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

A1. 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. Claimed reimbursement for employee costs should be

~~supported by name, position, productive hourly rate, hours worked, fringe benefits amount and a brief description for the assigned unit and function relative to the mandate.~~

~~The source documents required to be maintained by the claimant may include, but are not limited to, employee time cards and/or cost allocation reports.~~

B2. 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.

~~The source documents required to be maintained by the claimant may include, but are not limited to, invoices, lease documentation and other documents evidencing the validity of the expenditure.~~

C3. Contracted Services

~~List costs incurred for contract services, including legal counsel for the development and operation of the mandated program and indirect costs, computed in accordance with OMB A-87 as described in Section V.G. [below], for administration of reimbursable contract[s]. Use of contract services must be justified by the claimant.~~

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 invoices with the claim and a description of the contract scope of services.

D4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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.

~~The source documents required to be maintained by the claimant may include, but are not limited to, contracts, charges, invoices, and statements.~~

E. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, 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 V.A Salaries and Benefits, for each applicable reimbursable activity.

F. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element V.A., Salaries and Benefits, and V.B., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element V.C., Contracted Services. This data, if too voluminous to be included with the claim, may be reported in a summary. However, supporting data must be maintained as described in Section VI.

GB. 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 (1) the overhead costs of the unit performing the mandate; and/or (2) the indirect costs of administering reimbursable contract(s), or (3) 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 utilizing the procedure provided in the Office of Management and Budget (OMB) Circular A-87. Claimants have the option of using 10% of labor, excluding fringe benefits, or, where applicable, 10% of the amount of reimbursable contract(s), if 50% or more of all reimbursable services are provided under contract, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in OMB Circular A-87 Attachments A and B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in OMB A-87 Attachments A and B). 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 OMB Circular A-87 Attachments A and B) 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 which the total amount allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) 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 allowable indirect costs bears to the base selected.

VI. RECORDS RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter³ is subject to the initiation of an audit by the State 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. All 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 SAVINGS AND REIMBURSEMENTS

Any offsetting savings ~~that~~ 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 received from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State 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 ~~with the statute or~~

³ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

~~executive order creating the mandate and to~~ the parameters and guidelines adopted by the Commission, the Commission shall direct the Controller to modify the claiming instructions to conform to ~~the statute or executive order creating the mandate and~~ the parameters and guidelines adopted by as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (a), and the California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

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BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Government Code Sections 27521, 27521.1
Health and Safety Code Section 102870, Penal
Code Section 14202, Statutes 2000, Chapter
284

Filed on June 29, 2001,
By County of Los Angeles, Claimant.

No. 00-TC-18

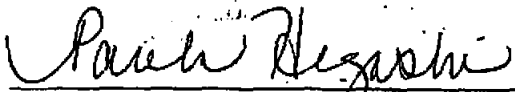
*Postmortem Examinations: Unidentified
Bodies, Human Remains*

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

(Adopted on September 25, 2003)

STATEMENT OF DECISION

The attached Statement of Decision of the Commission on State Mandates is hereby adopted in
the above-entitled matter.


PAULA HIGASHI, Executive Director

9/26/2003
Date

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Government Code Sections 27521, 27521.1
Health and Safety Code Section 102870, Penal
Code Section 14202, Statutes 2000, Chapter
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STATEMENT OF DECISION PURSUANT
TO GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted on September 25, 2003)

STATEMENT OF DECISION

The Commission heard and decided this test claim on July 31, 2003, during a regularly scheduled hearing. Leonard Kaye and David Campbell appeared on behalf of claimant County of Los Angeles. Susan Geanacou appeared on behalf of the Department of Finance (DOF).

At the hearing, testimony was given, the test claim was submitted, and the vote was taken.

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 section 17500 et seq., and related case law.

The Commission approved this test claim by a 5-0 vote:

BACKGROUND

Test claim legislation: The test claim legislation¹ states that a postmortem examination or autopsy² conducted at the discretion of the coroner on an unidentified body or human remains shall include the following activities:

- (1) taking all available fingerprints and palm prints;
- (2) a dental exam consisting of dental charts and dental X-rays;
- (3) collection of tissue, including a hair sample, or body fluid samples for future DNA testing, if necessary;
- (4) frontal and lateral facial photographs with the scale indicated;
- (5) notation and photos, with a scale, of significant scars, marks, tattoos, clothing items, or other personal effects found with or near the body;

¹ Statutes 2000, chapter 284; Government Code sections 27521, 27521.1, Health and Safety Code section 102870, Penal Code section 14202.

² The terms "autopsy" and "postmortem exam," both in the test claim statute, are synonymous. "Autopsy" is primarily used hereafter.

- (6) notations of observations pertinent to the estimation of the time of death; and
- (7) precise documentation of the location of the remains.

The test claim legislation authorizes the examination or autopsy to include full body X-rays, and requires the coroner to prepare a final report of investigation in a format established by the Department of Justice (DOJ).

In addition, the jaws and other tissue samples must be removed and retained for one year after identification of the deceased, and no civil or criminal challenges are pending, or indefinitely. If the coroner is unable to establish the identity of the deceased, the coroner must (1) submit dental charts and dental X-rays of the unidentified body to the DOJ on forms supplied by the DOJ within 45 days of the date the body or human remains were discovered; and (2) submit the final report of investigation to the DOJ within 180 days of the date the body or remains were discovered. If the coroner cannot establish the identity of the body or remains, a dentist may examine the body or remains, and if the body still cannot be identified, the coroner must prepare and forward the dental examination record to DOJ. Law enforcement must report the death of an unidentified person to DOJ no later than 10 calendar days after the date the body or remains are discovered.

The test claim legislation was sponsored by the California Society of Forensic Dentistry in response to years of volunteer consultant work by members of the Society helping DOJ identify more than 2,200 unidentified dead persons in California. The sponsors argued that the ways in which evidence was collected or retained was inconsistent, and that information reported to the DOJ varied from very inadequate to extremely detailed. The sponsors also indicated that unidentified bodies had been buried or cremated without retaining evidence that could later assist in identifying them.³

Coroner duties: Each county in California performs the coroner's functions as defined in the California Government Code, the Health and Safety Code, the Penal Code and various other codes and regulations. The office of coroner may be elective or appointive,⁴ or may be abolished and replaced by the office of medical examiner,⁵ or may be consolidated with the duties of the public administrator, district attorney or sheriff.⁶ Coroners and deputy coroners are peace officers.⁷

Pre-1975 statutes require coroners to inquire into and determine the circumstances, manner and causes of certain types of deaths. The coroner's duty is to investigate these deaths and ascertain the cause and time of death, which must be stated on the death certificate.⁸ The types of death

³ Senate Rules Committee, Office of Senate Floor Analyses, third reading analysis of Senate Bill No. 1736 (1999-2000 Reg. Sess.) as amended August 8, 2000, page 4.

⁴ Government Code section 24009.

⁵ Government Code section 24010. Any reference to "coroners" in this analysis includes medical examiners, deputy coroners, or peace officers that perform the same duties.

⁶ Government Code section 24300.

⁷ Penal Code section 830.35, subdivision (c).

⁸ Health and Safety Code sections 102855 and 102860.

over which the coroner has jurisdiction, as listed in Government Code section 27491 and Health and Safety Code section 102850, are those that are:

- Violent, sudden or unusual;
- Unattended;
- Where the deceased has not been attended by a physician in the 20 days before death;
- Self-induced or criminal abortion;
- Known or suspected homicide, suicide or accidental poisoning;
- By recent or old injury or accident;
- Drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration;
- Suspected sudden infant death syndrome;
- By criminal means;
- Associated with known or alleged rape or crime against nature;
- In prison or while under sentence;
- By known or suspected contagious disease constituting a public hazard;
- By occupational disease or hazard;
- Of a state mental hospital patient;
- Of a developmentally disabled patient in state developmental services hospital.
- Under circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.
- Where the attending physician and surgeon or physician assistant is unable to state the cause of death.⁹

When the coroner investigates one of these types of deaths, he or she signs the death certificate.¹⁰ In deaths where it is reasonable to suspect criminal means, the coroner must report the death to local law enforcement, along with all information received by the coroner relating to the death.¹¹

In order to carry out the duties of office in investigating death in accordance with applicable statutes, it is necessary that the coroner have wide discretion in ordering an autopsy when, in the coroner's judgment, it is the appropriate means of ascertaining the cause of death.¹² This is still true as evidenced by the express discretion granted the coroner in the statutory scheme. For example, the coroner has "discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances" and falling within Government Code section 27491 (the types of death over which the coroner has jurisdiction).¹³ The coroner also "may, in his or her discretion, take possession of the body..."¹⁴ and "allow removal of parts of the body by a licensed physician and surgeon or trained transplant technician" for transplant or scientific

⁹ Government Code section 27491 and Health and Safety Code section 102850.

¹⁰ Government Code section 27491.

¹¹ Government Code section 27491.1.

¹² *Huntley v. Zurich General Acc. & Liability Ins. Co.* (1929) 100 Cal. App. 201, 213-214. 20 Opinions of the California Attorney General 145 (1952).

¹³ Government Code section 27491.

¹⁴ Government Code section 27491.4.

purposes, under certain conditions.¹⁵ Currently, the only instances in which an autopsy is required by law, i.e., outside the coroner's discretion, is if a spouse (or if none, surviving child or parent or next of kin) requests it in writing,¹⁶ or if the suspected cause of death is Sudden Infant Death Syndrome (SIDS).¹⁷ Even in SIDS cases, the coroner has discretion in deciding whether to autopsy if the physician desires to certify the cause of death is SIDS.¹⁸

For unidentified bodies, existing law states that coroners shall forward dental examination records to the DOJ if all of the following apply: (1) the coroner investigates the death, (2) the coroner is unable to establish the identity of the body or remains by visual means, fingerprints or other identifying data, and (3) the coroner has a dentist conduct a dental examination of the body or remains and still cannot identify the deceased.¹⁹ Preexisting law authorizes but does not require law enforcement to submit dental or skeletal X-rays to DOJ for missing persons.²⁰

A coroner may be liable for "omission of an official duty."²¹ In *Davila v. County of Los Angeles*,²² the county was found negligent for cremating a body without notifying kin. The court held that a coroner has a duty to act with reasonable diligence to locate a family member of a body placed in the coroner's custody before disposing of it. In *Davila*, the court started its analysis by restating and examining Government Code section 815.6:

"[w]here a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty." For liability to attach under this statute, (1) there must be an enactment imposing a mandatory duty, (2) the enactment must be intended to protect against the risk of the kind of injury suffered by the individual asserting liability, and (3) the breach of the duty must be the cause of the injury suffered. [citation.]

In finding the mandatory duty to notify the family, the *Davila* court stated:

[T]he existence of a mandatory duty is established by Government Code section 27471 subdivision (a): "Whenever the coroner takes custody of a dead body pursuant to law, he or she shall make a reasonable attempt to locate the family." [FN1] (Italics added.) The same duty is reflected in Health and Safety Code sections 7104 (when the person with the duty of interment "cannot after reasonable diligence be found ... the coroner shall

¹⁵ Government Code section 27491.45, subdivision (b).

¹⁶ Government Code section 27520. This section states that the requestor pays the autopsy costs.

¹⁷ Government Code sections 27491, subdivision (a) and 27491.41, subdivision (c).

¹⁸ Government Code sections 27491.41, subdivision (c) (2).

¹⁹ Health and Safety Code section 102870.

²⁰ Penal Code section 14206, subdivisions (a)(2) and (b).

²¹ Code of Civil Procedure section 339 states the statute of limitations is two years. The duties are outlined in Government Code section 27491 and Health and Safety Code section 102850.

²² *Davila v. County of Los Angeles* (1996) 50 Cal.App.4th 137, 143.

inter the remains") and 7104.1 (if within "30 days after the coroner notifies *or diligently attempts to notify the person responsible for the interment* ... the person fails, refuses, or neglects to inter the remains, the coroner may inter the remains"). (Italics added.) Quite clearly, the coroner had a mandatory duty to make a reasonable attempt to locate decedent's family. [citation.]²³

Davila implies a coroner also has a duty of reasonable diligence to identify a body because it is necessary to identify the deceased in order to locate the deceased's family.

Related programs: In 1979, California became the first state to implement a statewide Dental Identification Program to process dental records submitted by law enforcement agencies and coroners in California and other states. The DOJ classifies, indexes, and compares dental records of missing and unidentified persons against each other for matches.²⁴

In 1998, the Legislature enacted the DNA and Forensic Identification Data Base and Data Bank Act to assist in prosecuting crimes and identifying missing persons. This database consists of DNA samples of those convicted of specified felonies.²⁵

The DOJ administers the Violent Crime Information Center to assist in identifying and apprehending persons responsible for specific violent crimes, and for the disappearance and exploitation of persons, particularly children and dependent adults.²⁶

The DOJ also keeps a DNA database in which law enforcement collects samples for DNA analysis voluntarily submitted by family members or relatives of a missing person, and the coroner collects samples from the unidentified deceased. Those samples are sent to DOJ for DNA analysis and comparison.²⁷

Claimant's Position

Claimant contends that the test claim legislation constitutes a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. Claimant seeks reimbursement for the activities related to postmortem examinations of unidentified bodies and human remains and reporting the death of unidentified persons to the DOJ. Specifically, claimant alleges the following activities are now required relating to a postmortem examination or autopsy:

²³ *Id.* at page 140.

²⁴ California Department of Justice, Office of the Attorney General's website <<http://www.ag.ca.gov/missing/content/dental.htm>> [as of April 18, 2003]. Former Health and Safety Code section 10254 (Stats. 1978, ch. 462) was repealed in 1995 (Stats. 1995, ch. 415).

²⁵ Penal Code section 295 et. seq. The list of felonies is in Penal Code section 296.

²⁶ Penal Code section 14200 et. seq.

²⁷ Penal Code section 14250. California Department of Justice, Office of the Attorney General's website <<http://www.ag.ca.gov/missing/content/dna.htm>> [as of April 18, 2003]. This program is the subject of the DNA database test claim filed by the County of San Bernardino (00-TC-27).

- Develop policies and procedures for the initial and continuing implementation of the subject law;
- Perform autopsies, including any required microscopic, toxicology, and microbiological testing, photographs, fingerprints, tissue sampling for future DNA testing, X-ray notation at the time of death, location of the death, dental examination, and preparing the final report to the DOJ;
- Storage and autopsy samples under appropriate conditions, including tissue and fluids, in proper receptacles, and allowing access as necessary for periods of time as required by the autopsy protocol;
- Death scene investigation and related interviews, evidence collection, including specimens and photographs, and travel as required for the fulfillment of the requirements, including travel to pick up a body for autopsy, and to return the body to the original county, if it has been transported out of the county for autopsy;
- Train departmental personnel to prepare the final report to the DOJ;
- Participation in workshops within the state for ongoing professional training as necessary to satisfy standards required by the subject law.

Claimant notes that similar duties to those above were found reimbursable, as evidenced by the State Controller's Office Claiming Instructions for the "Sudden Infant Death Syndrome (SIDS) Autopsy Protocol Program."²⁸

Claimant also responds to the DOF's contention (stated below) that the activities of the test claim legislation are discretionary by arguing that the coroner, under Government Code section 27491, has a statutory duty to "inquire into and determine the circumstances, manner, and cause of" death and conduct necessary inquiries to determine, among other things, whether the death was "violent, sudden, or unusual," "unattended," and if the deceased had "not been attended by a physician in the 20 days before death." Claimant contends that this mandatory inquiry has been supplemented, pursuant to Government Code section 27521 of the test claim statute, to determine the identity of the deceased. Claimant states that prior to the test claim legislation certain activities, such as taking palm prints and hair samples, had been limited to homicide victims.

Claimant, in its 6/23/03 amendment to this test claim, comments that the coroner's duties are mandatory, not discretionary. Claimant states that irrespective of the type of postmortem inquiry, examination or autopsy employed by the coroner to complete the mandatory determination of the circumstances, manner and cause of death of an unidentified body or human remains pursuant to Government Code section 27491, further mandatory duties to identify the deceased were added by Government Code section 27521. Those duties include:

1. Taking all available fingerprints and palm prints;
2. A dental examination consisting of dental charts and dental X-rays of the deceased's teeth;
3. Collection of tissue, including a hair sample, or body fluid samples for future DNA tests;

²⁸ Claimant refers to CSM# 4393, a test claim on Statutes 1989, chapter 955, entitled *Sudden Infant Death Syndrome Autopsies*, which was found to be a reimbursable mandate.

4. Frontal and lateral facial photos with scale indicated;
5. Notation and photos, with a scale, of significant scars, marks, tattoos, clothing, or personal effects found with or near the body;
6. Notations of observations pertinent to estimating the time of death;
7. Precise documentation of location of the remains.

Claimant further commented that the remaining provisions of section 27521, as discussed below, are mandatory. Government Code section 27521, subdivision (b), which lists the seven activities above, is explicit in what a postmortem examination, for purposes of determining identity, shall include. According to claimant, before the test claim legislation, the following activities were not mandated: (1) frontal and lateral facial photos with scale indicated; (2) retention of jaws and other tissue samples for future possible use (as now required by subdivision (e) of section 27521); (3) storage of material used in positive identification of the body.

State Agency Position

In its comments on the test claim, DOF states that pursuant to Government Code section 27491, the decision by a coroner to examine unidentified remains (other than DNA sampling) is a discretionary act that is not required by the state, nor was it required prior to the test claim legislation. Any subsequent requirements, according to DOF, regarding autopsy procedures are only initiated when a coroner chooses to examine unidentified remains.

DOF argues that the investigating law enforcement agency's report to DOJ is discretionary because it is only initiated after the local agency exercises discretion to investigate a case. Thus, DOF concludes that this test claim does not contain a state mandate that has resulted in a new program or higher level of service and a reimbursable cost.

DOF did not comment on the draft staff analysis.

COMMISSION FINDINGS

In order for the test claim legislation to impose a reimbursable state-mandated program under article XIII B, section 6 of the California Constitution and Government Code section 17514, the statutory language must mandate a new program or an increased or higher level of service over the former required level of service. "Mandates" as used in article XIII B, section 6, is defined to mean "orders" or "commands."²⁹ The California Supreme Court has defined "program" subject to article XIII B, section 6 of the California Constitution as a program that carries out the governmental function of providing a service to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state.³⁰ To determine if the "program" is new or imposes a higher level of service, a comparison must be made between the test claim legislation and the legal requirements in effect immediately before the enactment of the test claim legislation.³¹ Finally, the new program or increased level of service must impose "costs mandated by the state."³²

²⁹ *Long Beach Unified School District v. State of California* (1990) 225 Cal.App.3d 155, 174.

³⁰ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

³¹ *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 835.

³² Government Code section 17514.

This test claim presents the following issues:

- Is the test claim legislation subject to article XIII B, section 6 of the California Constitution?
- Does the test claim legislation impose a new program or higher level of service on local officials within the meaning of article XIII B, section 6 of the California Constitution?
- Does the test claim legislation impose "costs mandated by the state" within the meaning of Government Code sections 17514 and 17556?

Issue 1: Is the test claim legislation subject to article XIII B, section 6 of the California Constitution?

A. Does the test claim legislation impose state-mandated duties?

Article XIII B, section 6 of the California Constitution provides, with exceptions not relevant here, that "whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds." This constitutional provision was specifically intended to prevent the state from forcing programs on local government that require expenditure by local governments of their tax revenues.³³ In this respect, the California Supreme Court and the courts of appeal have held that article XIII B, section 6 was not intended to entitle local agencies and school districts to reimbursement for all costs resulting from legislative enactments, but only those costs "mandated" by a new program or higher level of service imposed upon them by the state.³⁴

To implement article XIII B, section 6, the Legislature enacted section 17500 and following. Section 17514 defines "costs mandated by the state" as "any increased costs which a local agency or school district is required to incur . . . as a result of any statute . . . which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution." Mandate is defined as "orders" or "commands."³⁵ Thus, in order for a statute to be subject to article XIII B, section 6, the statutory language must command or order an activity or task on local governmental agencies. If the statutory language does not mandate coroners to perform a task, then compliance with the test claim statute is at the option of the coroner and a reimbursable state mandated program does not exist.

The question of whether a test claim statute is a state-mandated program within the meaning of article XIII B, section 6 is purely a question of law.³⁶ Thus, based on the principles outlined

³³ *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Los Angeles*, (1987) 43 Cal.3d 46, 56. *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1283-1284.

³⁴ *Lucia Mar Unified School Dist.*, *supra*, 44 Cal.3d 830, 834; *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1816.

³⁵ *Long Beach Unified School District v. State of California* (1990) 225 Cal. App. 3d 155, 174.

³⁶ *City of San Jose v. State of California*, *supra*, 45 Cal.App.4th 1802, 1810.

below, when making the determination on this issue, the Commission, like the court, is bound by the rules of statutory construction.

Health and Safety Code section 102870: This section, enacted in 1995, requires coroners to forward dental examination records to the DOJ if all of the following apply: (1) the coroner investigates the death, (2) the coroner is unable to establish the identity of the body or remains by visual means, fingerprints or other identifying data, and (3) the coroner has a dentist conduct a dental examination of the body or remains and still cannot identify the deceased.

The test claim statute (Stats. 2000, ch. 284) technically amended subdivision (b) of section 102870 to refer to Government Code section 27521 and to the Violent Crime Information Center.³⁷ This amendment to the test claim statute does not impose any state-mandated duties on local agencies. Because this amendment to section 102870 imposes no state-mandated duty, the Commission finds that section 102870, as amended by Statutes 2000, chapter 284, is not subject to article XIII B, section 6.

Penal Code section 14202: This section, operative since 1989, requires the DOJ to maintain the Violent Crime Information Center. The test claim statute (Stats. 2000, ch. 284) technically amended Penal Code section 14202 by adding a reference to Government Code section 27521. This amendment to the test claim statute does not impose any state-mandated duties on local agencies. Therefore, because this amendment imposes no state-mandated duty, the Commission finds that Penal Code section 14202, as amended by Statutes 2000, chapter 284, is not subject to article XIII B, section 6.

Government Code section 27521: This section specifies that autopsies conducted at the discretion of the coroner shall include collecting identifying data on the unidentified body or human remains and reporting the data to DOJ. Subdivision (a) states that any autopsy conducted "at the discretion" of a coroner on an unidentified body or human remains shall be subject to section 27521.

Subdivision (b) states that county coroners are to include the following data in the discretionary autopsies:

1. All available fingerprints and palm prints;
2. A dental examination consisting of dental charts and dental X-rays of the deceased person's teeth, which may be conducted on the body or human remains by a qualified dentist as determined by the coroner;
3. The collection of tissue, including a hair sample, or body fluid samples for future DNA testing, if necessary;
4. Frontal and lateral facial photographs with the scale indicated;
5. Notation and photographs, with a scale, of significant scars, marks, tattoos, clothing items, or other personal effects found with or near the body;
6. Notations of observations pertinent to the estimation of the time of death;
7. Precise documentation of the location of the remains.

³⁷ As stated above under related programs, the Violent Crime Information Center is administered by DOJ to assist in identifying and apprehending persons responsible for specific violent crimes, and for the disappearance and exploitation of persons. (Pen. Code, § 14200 et. seq.).

Subdivision (c) states that the examination or autopsy "may include full body X-rays."

Subdivision (d) states the coroner shall prepare a final report of investigation in a format established by DOJ, to include the autopsy information in subdivision (b).

Subdivision (e) states:

The body of an unidentified deceased person may not be cremated or buried until the jaws (maxilla and mandible with teeth) and other tissue samples are retained for future possible use. Unless the coroner has determined that the body of the unidentified deceased person has suffered significant deterioration or decomposition, the jaws shall not be removed until immediately before the body is cremated or buried. The coroner shall retain the jaws and other tissue samples for one year after a positive identification is made, and no civil or criminal challenges are pending, or indefinitely.

Subdivision (f) states:

If the coroner with the aid of the dental examination and any other identifying findings is unable to establish the identity of the body or human remains, the coroner shall submit dental charts and dental X-rays of the unidentified deceased person to the Department of Justice on forms supplied by the Department of Justice within 45 days of the date the body or human remains were discovered.

Subdivision (g) states:

If the coroner with the aid of the dental examination and other identifying findings is unable to establish the identity of the body or human remains, the coroner shall submit the final report of investigation to the Department of Justice within 180 days of the date the body or human remains were discovered.

As noted above, the DOF argues that pursuant to Government Code section 27491 (a pre-1975 statute that states the types of death over which the coroner has jurisdiction) the coroner's decision to examine unidentified remains (other than DNA sampling) is a discretionary act that is not required by the State, nor was it required prior to the test claim legislation. Any subsequent requirements, according to DOF, regarding autopsy procedures are only initiated when a coroner chooses to examine unidentified remains.

Claimant responds to DOF by arguing that the coroner, under Government Code section 27491, has a statutory duty to "inquire into and determine the circumstances, manner, and cause of" death and conduct necessary inquiries to determine, among other things, whether the death was "violent, sudden, or unusual," "unattended," and if the deceased had "not been attended by a physician in the 20 days before death." Claimant contends that these requirements have been supplemented, pursuant to Government Code section 27521 of the test claim statute, to determine the identity of the deceased.

Pursuant to the rules of statutory construction, courts and administrative agencies are required, when the statutory language is plain, to enforce the statute according to its terms. The California Supreme Court explained:

In statutory construction cases, our fundamental task is to ascertain the intent of the lawmakers so as to effectuate the purpose of the statute. We begin by examining the statutory language, giving the words their usual and ordinary meaning. If the terms of the

statute are unambiguous, we presume the lawmakers meant what they said, and the plain meaning of the language governs. [Citations omitted]³⁸

Subdivision (a) of Government Code section 27521 states, "[a]ny postmortem examination or autopsy conducted *at the discretion* of a coroner upon an unidentified body or human remains shall be subject to this section." (Emphasis added.) The plain language of subdivision (a) is unambiguous in making the coroner's autopsy activities discretionary rather than mandatory.

If a local agency decision is discretionary, no state-mandated costs will be found. In *City of Merced v. State of California*,³⁹ in which the court determined that the city's decision to exercise eminent domain was discretionary so that no state reimbursement was required for loss of goodwill to businesses over which eminent domain was exercised, the court reasoned as follows:

We agree that the Legislature intended for payment of goodwill to be discretionary. The above authorities reveal that whether a city or county decides to exercise eminent domain is, essentially, an option of the city or county rather than a mandate of the state. *The fundamental concept is that the city or county is not required to exercise eminent domain.* [Emphasis added.]⁴⁰

The California Supreme Court has explained the *City of Merced* case as follows:

[T]he core point articulated by the court in *City of Merced* is that activities undertaken at the option or discretion of a local government entity (that is, actions undertaken without any legal compulsion or threat of penalty for nonparticipation) do not trigger a state mandate and hence do not require reimbursement of funds — even if the local entity is obligated to incur costs as a result of its discretionary decision to participate in a particular program or practice.⁴¹

The legislative history of Government Code section 27521 also indicates that its autopsy activities are not mandatory.

As introduced, the test claim legislation expressly required an autopsy in cases where the coroner could not otherwise identify the body. The original version of Senate Bill No. 1736 (Stats. 2000, ch. 284) amended Health and Safety Code section 102870, stating in relevant part:

SECTION 1. Section 102870 of the Health and Safety Code is amended to read:
102870. (a) In deaths investigated by the coroner or medical examiner where he or she is unable to establish the identity of the body or human remains by visual means, fingerprints, or other identifying data, the coroner or medical examiner ~~may have a qualified dentist, as determined by the coroner or medical examiner, carry out a dental examination of the body or human remains.~~ shall conduct a medical examination on the body or human remains that includes, but is not limited to, all the following procedures: ...

³⁸ *Estate of Griswald* (2001) 25 Cal.4th 904, 910-911.

³⁹ *City of Merced v. State of California* (1984) 153 Cal. App. 3d 777, 783.

⁴⁰ *Ibid.*

⁴¹ *Department of Finance v. Commission on State Mandates* (2003) 30 Cal. 4th 727, 742.

The May 23, 2000 version amended the bill to move these unidentified body autopsy procedures to Government Code sections 27521, and to make the procedures discretionary.

Rejection of a specific provision contained in an act as originally introduced is most persuasive that the act should not be interpreted to include what was left out.⁴² Since the bill originally required an autopsy for unidentified decedents, but was amended to make the decision to perform an autopsy discretionary (keeping consistent with the statutory scheme), the autopsy should not be interpreted to be a required activity.

Therefore, because Government Code section 27521 does not constitute a state mandate, the Commission finds that this statute is not subject to article XIII B, section 6. This includes all the activities of section 27521 because they are based on the coroner's discretion to autopsy, such as submitting autopsy data, submitting the final report of investigation, retention of jaws, and submitting dental records to DOJ.

Government Code section 27521.1: This section requires a local law enforcement agency investigating the death of an unidentified person to report the death to the DOJ no later than 10 calendar days after the date the body or human remains are discovered. Because this section imposes a reporting requirement on a local agency, the Commission finds that Government Code section 27521.1 imposes a state-mandated duty and is therefore subject to article XIII B, section 6. Therefore, this statute is further discussed below.

B. Does Government Code section 27521.1 qualify as a "program"?

In order for the test claim legislation to be subject to article XIII B, section 6 of the California Constitution, the legislation must constitute a "program," defined as a program that carries out the governmental function of providing a service to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state.⁴³ Only one of these findings is necessary to trigger article XIII B, section 6.⁴⁴

Government Code section 27521.1 involves the duty of law enforcement agencies investigating the death of an unidentified person to report the death to DOJ no later than 10 days after the body or human remains are discovered. This is a program that provides governmental functions in the areas of public safety, criminal justice, crime and vital statistics, and location of missing persons.

Moreover, Government Code section 27521.1 imposes unique data collecting and reporting duties on local law enforcement agencies that do not apply generally to all residents and entities in the state. Therefore, the Commission finds that the test claim legislation constitutes a "program" within the meaning of article XIII B, section 6 of the California Constitution.

⁴² *Bollinger v. San Diego Civil Service Comm.* (1999) 71 Cal. App. 4th 568, 575. *Robert Woodbury v. Patricia Brown-Dempsey* (2003) 108 Cal. App. 4th 421, 436.

⁴³ *County of Los Angeles, supra*, 43 Cal.3d 46, 56.

⁴⁴ *Carmel Valley Fire Protection Dist.* (1987) 190 Cal.App.3d 521, 537.

Issue 2: Does Government Code section 27521.1 impose a new program or higher level of service on local agencies within the meaning of article XIII B, section 6 of the California Constitution?

Article XIII B, section 6 of the California Constitution states, "whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds." To determine if the "program" is new or imposes a higher level of service, a comparison must be made between the test claim legislation and the legal requirements in effect immediately before the enactment of the test claim legislation.⁴⁵

Government Code section 27521.1, law enforcement agency report: This section requires a law enforcement agency investigating the death of an unidentified person to report the death to the DOJ, in a DOJ-approved format, within 10 days of discovery.

DOF stated that the investigating law enforcement agency's report to DOJ is discretionary because the local law enforcement agency first must choose to go forward with a criminal investigation. According to DOF, DOJ's report is only initiated after the local agency exercises discretion to investigate a case.

The Commission disagrees. Failure of peace officers to investigate criminal activities would be a dereliction of duty.⁴⁶ California law imposes on sheriffs the duty to "preserve peace,"⁴⁷ arrest "all persons who attempt to commit or who have committed a public offense,"⁴⁸ and "prevent and suppress any affrays, breaches of the peace, riots, and insurrections, and investigate public offenses which have been committed."⁴⁹ Police have the same duties.⁵⁰ These are mandatory duties, as evidenced by use of the word "shall" in the statutes.⁵¹

Preexisting law requires law enforcement to report immediately to DOJ when a person reported missing has been found.⁵² Also, for found children under 12 or found persons with evidence that they were at risk,⁵³ a report must be filed within 24 hours after the person is found. And if a missing person is found alive or dead within 24 hours and local law enforcement has reason to

⁴⁵ *Lucia Mar Unified School Dist. v. Honig*, *supra*, 44 Cal.3d 830, 835.

⁴⁶ *People v. Mejia* (1969) 272 Cal. App. 2d 486, 490.

⁴⁷ Government Code section 26600.

⁴⁸ Government Code section 26601.

⁴⁹ Government Code section 26602.

⁵⁰ Government Code section 41601.

⁵¹ Government Code section 14.

⁵² Penal Code section 14207.

⁵³ Evidence that the person is at risk includes, but is not limited to, (1) The person missing is the victim of a crime or foul play. 2) The person missing is in need of medical attention. 3) The person missing has no pattern of running away or disappearing. (4) The person missing may be the victim of parental abduction. (5) The person missing is mentally impaired. (Pen. Code, § 14213, subd. (b).)

believe the person was abducted, local law enforcement must also report that information to the DOJ.⁵⁴ These statutes do not require the person to be found alive.

Given that law enforcement already had to report to DOJ findings of missing persons, the new activities for finding a deceased person are limited to those in which the deceased is over 12 and not a missing person with evidence of being at risk, as defined.

Thus, the Commission finds that it is a new program or higher level of service for local law enforcement investigating the death of an unidentified person to report the death to the DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. The exception is for children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213.

Issue 3: Does Government Code section 27521.1 impose "costs mandated by the state" within the meaning of Government Code sections 17514 and 17556?

In order for the activities listed above to impose a reimbursable state-mandated program under article XIII B, section 6 of the California Constitution, two criteria must apply. First, the activities must impose costs mandated by the state.⁵⁵ Second, no statutory exceptions as listed in Government Code section 17556 can apply. Government Code section 17514 defines "costs mandated by the state" as follows:

...any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

In its test claim, the claimant stated it would incur costs of over \$200 per annum,⁵⁶ which was the standard under Government Code section 17564, subdivision (a) when the claim was filed.⁵⁷ There is no evidence in the record to rebut this declaration. In addition, the Commission finds that the exceptions to reimbursement in section 17556 do not apply here.

In summary, the Commission finds that Government Code section 27521.1 imposes costs mandated by the state pursuant to Government Code section 17514.

⁵⁴ Penal Code section 14207.

⁵⁵ *Lucia Mar Unified School Dist.*, *supra*, 44 Cal.3d 830, 835. Government Code section 17514.

⁵⁶ Declaration of David Campbell, County of Los Angeles Coroner's Office.

⁵⁷ Currently the claim must exceed \$1000 in costs. (Gov. Code, § 17564, subd. (a).)

CONCLUSION

The Commission finds 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 DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered. The exception is for children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213.

The Commission also finds that Government Code section 27521, Penal Code section 14202 and Health and Safety Code section 102870, as added or amended by Statutes 2000, chapter 284, do not constitute a reimbursable state-mandated program because they are not subject to article XIII, B, section 6.

DECLARATION OF SERVICE BY MAIL

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.

September 26, 2003, I served the:

Adopted Statement of Decision

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

County of Los Angeles, Claimant

Government Code Sections 27521, 27521.1; Health and Safety Code Section 102870,

Penal Code Section 14202; Statutes 2000, Chapter 284

by placing a true copy thereof in an envelope addressed to:

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

State Agencies and Interested Parties (See attached mailing list);

and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully paid.

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 September 26, 2003, at Sacramento, California.


VICTORIA SORIANO

1947-1948

The following table shows the results of the survey conducted in the year 1947-1948. The data is presented in a tabular format, with columns representing different categories and rows representing specific data points. The table is organized into several sections, each corresponding to a different aspect of the survey. The first section deals with the general characteristics of the population, while the subsequent sections focus on specific areas of interest, such as education, health, and economic conditions. The data is presented in a clear and concise manner, allowing for easy comparison and analysis of the results. The table is organized into several sections, each corresponding to a different aspect of the survey. The first section deals with the general characteristics of the population, while the subsequent sections focus on specific areas of interest, such as education, health, and economic conditions. The data is presented in a clear and concise manner, allowing for easy comparison and analysis of the results.



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY
AUDITOR-CONTROLLER

October 23, 2003

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

RECEIVED

OCT 29 2003

**COMMISSION ON
STATE MANDATES**

Dear Ms. Higashi:

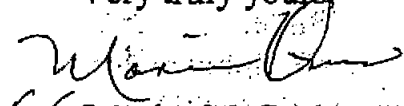
Draft Parameters and Guidelines

**County of Los Angeles Test Claim [CSM 00-TC-18], Chapter 284,
Statutes of 2000, Adding Sections 27521 & 27521.1 of the
Government Code, Amending Section 102870 of the Health and
Safety Code, Amending Section 14202 of the Penal Code:
Postmortem Examinations: Unidentified Bodies, Human Remains**

We submit our draft parameters and guidelines for the timely and complete reimbursement of costs identified in Commission's Statement of Decision for the subject program, as adopted on September 25, 2003.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours


for J. Tyler McCauley
Auditor-Controller

JTM:JN:LK
Enclosures

Draft Parameters and Guidelines - Narrative
County of Los Angeles Test Claim [CSM-00-TC-18], Chapter 284,
Statutes of 2000, Adding Sections 27521 & 27521.1 of the
Government Code, Amending Section 102870 of the Health and
Safety Code, Amending Section 14202 of the Penal Code:
Postmortem Examinations: Unidentified Bodies, Human Remains

The attached draft parameters and guidelines [Ps&Gs] closely follow the Statement of Decision for this [CSM 00-TC-18] test claim, as adopted by the Commission on State Mandates [Commission] on September 25, 2003.

In particular, the Commission found that the subject test claim legislation constitutes a reimbursable state-mandated program upon local governments within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following activities for local law enforcement agencies investigating the death of an unidentified person:

- Reporting the death to the California Department of Justice [DOJ] in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered.

The Commission also found that filing DOJ reports for children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213, is not a reimbursable activity.

As the reimbursable activity requires reporting the death "in a DOJ-approved" format, a copy of DOJ's form [BCIA 4085] for "unidentified deceased reporting" is attached herein as Exhibit A. This form is an integral part of the draft Ps&Gs as the types of required information to be reported to DOJ are plainly indicated on the form.

In addition, DOJ's "Information Bulletin", Number 01-BFS-04, issued on October 11, 2001, is attached herein as Exhibit B, to provide DOJ's instructions for preparing the BCIA 4085 form [on page 1], including related "sample handling" requirements [on pages 1 through 4].

Accordingly, the attached DOJ documents support the Ps&Gs that follow.

Draft Parameters and Guidelines

County of Los Angeles Test Claim [CSM 00-TC-18], Chapter 284, Statutes of 2000, Adding Sections 27521 & 27521.1 of the Government Code, Amending Section 102870 of the Health and Safety Code, Amending Section 14202 of the Penal Code:
Postmortem Examinations: Unidentified Bodies, Human Remains

I. SUMMARY OF THE MANDATE

Chapter 284, Statutes of 2000, adding Sections 27521 & 27521.1 of the Government Code, amending Section 102870 of the Health & Safety Code, amending Section 14202 of the Penal Code, sets forth requirements for postmortem examinations of unidentified bodies and human remains and for reporting the death of an unidentified person to the State Department of Justice.

On September 25, 2003, the Commission on State Mandates [Commission] adopted its Statement of Decision that the test claim legislation constitutes a reimbursable state-mandated program upon local governments within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following activities for local law enforcement agencies investigating the death of an unidentified person:

- Reporting the death to the California Department of Justice [DOJ] in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered.

The Commission also found that filing DOJ reports for children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213, is not a reimbursable activity.

Prior to final hearing, the test claim legislation was amended to include Chapter 822, Statutes of 2000, adding Penal Code Section 14250(b) and Section 14250(c)(1) and Chapter 467, Statutes of 2001, amending Penal Code Section 14250(b) and Section 14250(c)(1). This amendment has been severed and consolidated with Test Claim CSM 00-TC-27 [DNA Database], now awaiting final adjudication.

II. ELIGIBLE CLAIMANTS

The eligible claimants are any county, city, city and county, school district, or community college district.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the County of Los Angeles on June 28, 2001. The test claim legislation became effective on January 1, 2001. Therefore, costs incurred for compliance with Statutes of 2000, Chapter 284 are reimbursable on or after January 1, 2001.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Government Code section 17561, subdivision (d)(1), all claims for reimbursement of initial year's costs shall be submitted within 120 days of notification by the State Controller of the issuance of claiming instructions.

If the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any given 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 documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. Supporting documents may include, but are not limited to, employee time records or time logs, sign-in sheets, cost allocation reports (system generated), invoices, receipts, purchase orders, contracts, agendas, training packets with signatures and logs of attendees, calendars, declarations, and data relevant to the reimbursable activities otherwise reported in compliance with local, state, and federal government requirements.

For each eligible claimant, the following activities performed by local law enforcement personnel or performed by personnel designated to perform the

subject reporting function in a local jurisdiction, such as coroner personnel, are eligible for reimbursement:

A. One-time Activities

1. Develop policies and procedures for preparing and filing the required California Department of Justice [DOJ] reports of the deaths of unidentified persons, except for children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered.
2. Train each staff person who may be required to initiate, prepare, or file some or all of the subject DOJ report on proper methods and procedures for complying with DOJ's reporting requirements .
3. Obtain, develop or modify specialized software for preparing the subject DOJ reports in a timely and economical manner. If the specialized software is used for other purposes, only the pro rata costs of the software, including licensing agreement, that is *related* to reimbursable activities specified herein, may be claimed under Materials and Supplies and/or Contracted Services.

B. Continuing Activities

1. Determining if found specimens are unidentified bodies and human remains to be reported on DOJ's "Unidentified Deceased Reporting Form" [attached].
2. Logging, recording, and itemizing information for found specimens.
3. Conducting examinations or further analyses as may be required to complete DOJ's "Unidentified Deceased Reporting Form", such as requested dental information.
4. Obtaining required information such as the name, title, telephone and fax number of the reporting officer.

5. Preparing complete and accurate "Unidentified Deceased Reporting" forms.

6. Timely filing forms with DOJ.

7. Providing further information requested by DOJ or their designate(s).

V. CLAIM PREPARATION AND SUBMISSION

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate. The following requirements govern claiming actual costs.

A. Salaries and Benefits

Claimed reimbursement for employee costs should be supported by name, position, productive hourly rate, hours worked, fringe benefits amount and a brief description for the assigned unit and function relative to the mandate.

The source documents required to be maintained by the claimant may include, but are not limited to, employee time cards and/or cost allocation reports.

B. 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.

The source documents required to be maintained by the claimant may include, but are not limited to, invoices, lease documentation and other documents evidencing the validity of the expenditure.

C. Contracted Services

List costs incurred for contract services, including legal counsel for the development and operation of the mandated program and indirect costs, computed

in accordance with OMB A-87 as described in Section V.G. [below], for administration of reimbursable contract[s]. Use of contract services must be justified by the claimant.

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 invoices with the claim and a description of the contract scope of services.

D. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment 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.

The source documents required to be maintained by the claimant may include, but are not limited to, contracts, charges, invoices, and statements.

E. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, 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 V.A Salaries and Benefits, for each applicable reimbursable activity.

F. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to

implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element V.A., Salaries and Benefits, and V.B., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element V.C., Contracted Services. This data, if too voluminous to be included with the claim, may be reported in a summary. However, supporting data must be maintained as described in Section VI.

G. 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 (1) the overhead costs of the unit performing the mandate or (2) the indirect costs of administering reimbursable contract(s), or (3) 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 utilizing the procedure provided in the Office of Management and Budget (OMB) Circular A-87. Claimants have the option of using 10% of labor, excluding fringe benefits, or, where applicable, 10% of the amount of reimbursable contract(s), if 50% or more of all reimbursable services are provided under contract, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in OMB A-87 Attachments A and B).

VI. RECORDS RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter is subject to the initiation of an audit by the State 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. All 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 SAVINGS AND REIMBURSEMENTS

Any offsetting savings that 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 received from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the statute or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

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

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State 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 with the statute or executive order creating the mandate and the parameters and guidelines adopted by the Commission, the Commission shall direct the Controller to modify the claiming instructions to conform to the statute or executive order creating the mandate and the parameters and guidelines adopted by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (a), and the California Code of Regulations, title 2, section 1183.2.

Department of Justice
UNIDENTIFIED DECEASED REPORTING FORM
 (PURSUANT TO HEALTH & SAFETY CODE SECTION 102870)

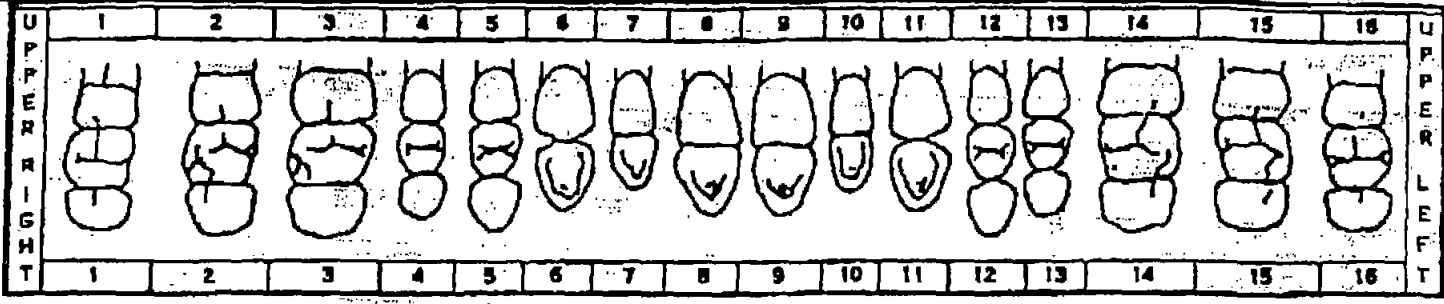


CORONER/MEDICAL EXAMINER -V2a		CORONER CASE NUMBER V4		DOE # (OPTIONAL)	DATE OF THIS REPORT
REPORTING OFFICER		TITLE	PHONE	FAX	
V16 RAC V17	ESTIMATED AGE V19a	HGT V20	WGT V21	HAIR COLOR V22a	HAIR LENGTH V22b EYE COLOR V28
ESTIMATED DENTAL AGE				<input type="checkbox"/> FRESH <input type="checkbox"/> DECOMPOSED <input type="checkbox"/> SKELETAL	
ANTEMORTEM BROKEN BONES/MISSING ORGANS (PHYSICAL DEFORMITIES, PINS IN BONES, SKELETAL DEFECTS, ETC.) V26 <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DESCRIBE			DATE DENTAL X-RAYS SUBMITTED TO DOJ <input type="checkbox"/> YES <input type="checkbox"/> NO DATE:		
SCARS/MARKS/TATTOOS V31a-b			BODY X-RAYS AVAILABLE <input type="checkbox"/> YES <input type="checkbox"/> NO		
FINGERPRINT CLASS			CLOTHING DESCRIPTION/SIZES (INCLUDE WAIST, CHEST/BRA SIZE, ETC.) V32		
BODY RECOVERY SITE V57 ADDRESS			CITY		ZIP CODE
DATE BODY FOUND V57			ESTIMATED DATE OF DEATH V57		
STATUS OF OFFENDER V35 <input type="checkbox"/> UNKNOWN/NOT SEEN <input type="checkbox"/> UNKNOWN/SEEN <input type="checkbox"/> KNOWN <input type="checkbox"/> INFORMATION NOT AVAILABLE					
CRIME SCENE ALTERED BY OFFENDER (STAGED/BURNED/DESTROYED/REMOVED EVIDENCE, ETC) V64a <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN			WRITING/DRAWING ON OR NEAR THE CRIME SCENE OR BODY V65a/V66a <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
EVIDENCE SUGGESTS OFFENDER DISPOSED OF THE BODY IN THE FOLLOWING MANNER V68 <input type="checkbox"/> ONLY DISPLAYED/PLACED TO ENSURE DISCOVERY <input type="checkbox"/> CONCEALED/HIDDEN/PLACED TO PREVENT DISCOVERY <input type="checkbox"/> APPARENT LACK OF CONCERN AS TO WHETHER OR NOT BODY WAS DISCOVERED <input type="checkbox"/> UNKNOWN			AT ANY TIME WAS THE VICTIM <input type="checkbox"/> BOUND V72a <input type="checkbox"/> TIED TO ANOTHER OBJECT V73 <input type="checkbox"/> GAG PLACED IN/ON VICTIM'S THROAT/MOUTH V74 <input type="checkbox"/> BLINDFOLDED V75		
VICTIM WAS DISCOVERED (CHECK ALL THAT APPLY) V71 <input type="checkbox"/> BURNED <input type="checkbox"/> IN A BOX/CONTAINER/DUMPSTER <input type="checkbox"/> IN A VEHICLE <input type="checkbox"/> FOUND AS SKELETAL REMAINS <input type="checkbox"/> IN A BUILDING <input type="checkbox"/> IN WATER <input type="checkbox"/> IN A BATHTUB <input type="checkbox"/> WEIGHTED DOWN <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> COVERED (DESCRIBE) <input type="checkbox"/> FACE ONLY COVERED (DESCRIBE) <input type="checkbox"/> WRAPPED (DESCRIBE) <input type="checkbox"/> OTHER (DESCRIBE)			VICTIM STATE OF DRESS V76 <input type="checkbox"/> FULLY DRESSED <input type="checkbox"/> PARTIALLY DRESSED (DESCRIBE) <input type="checkbox"/> COMPLETELY NUDE <input type="checkbox"/> UNKNOWN CLOTHING INTENTIONALLY RIPPED/TORN/CUT BY OFFENDER V78 <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
CAUSE OF DEATH AND/OR TRAUMA V80 <input type="checkbox"/> NATURAL <input type="checkbox"/> HOMICIDE <input type="checkbox"/> SUICIDE <input type="checkbox"/> ACCIDENTAL <input type="checkbox"/> UNKNOWN <input type="checkbox"/> CATASTROPHE DESCRIBE			DNA SAMPLE AVAILABLE FOR VICTIM/OFFENDER V91 VICTIM <input type="checkbox"/> YES <input type="checkbox"/> NO OFFENDER <input type="checkbox"/> YES <input type="checkbox"/> NO		
MAJOR TRAUMA LOCATION(S) V81			BODY PART(S) REMOVED BY OFFENDER V85a <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN DISMEMBERMENT METHOD V85c <input type="checkbox"/> BITTEN <input type="checkbox"/> SAWED <input type="checkbox"/> RIPPED/TORN <input type="checkbox"/> HACKED/CHOPPED <input type="checkbox"/> CUT-SKILLED <input type="checkbox"/> OTHER (DESCRIBE) <input type="checkbox"/> CUT-UNSKILLED <input type="checkbox"/> UNKNOWN		
BITEMARKS FOUND ON BODY V84a <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN			NARRATIVE V84		
INVESTIGATING AGENCY VA				INVESTIGATING AGENCY CASE # VA	
SEND COMPLETED FORM TO: DEPARTMENT OF JUSTICE MISSING/UNIDENTIFIED PERSONS UNIT P.O. BOX 903387, SACRAMENTO, CA 94203-3870 Phone: (916) 227-3290 FAX: (916) 227-3270				CORONER'S REPORT ATTACHED: YES <input type="checkbox"/>	
DOJ USE ONLY					
FCN #	NIC #	VICAP #	CAPMI #	VCIN #	

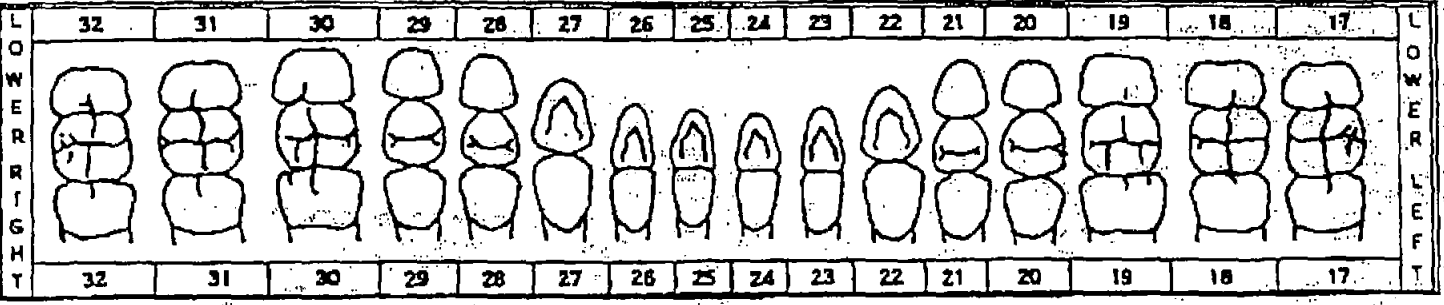
INSTRUCTIONS:

1. MARK LOCATION OF WORK ON TOOTH SURFACE.
2. GIVE DESCRIPTION OF WORK DONE; MISSING TOOTH; FILLING, ETC., ON LINE CORRESPONDING TOOTH NUMBER.

SEX	RACE	AGE	HGT	WGT	HAIR COLOR	HAIR LENGTH	EYE COLOR	DBF	EDD
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8	9



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ESTIMATED DENTAL AGE: _____
 COMPLETED BY: _____ D.D.S.
 D.D.S. PHONE NO.: _____

COMMENTS: _____
 DATE CHARTED: _____

 <p>California Department of Justice DIVISION OF LAW ENFORCEMENT Patrick N. Lunney, Director</p>	<h1>INFORMATION BULLETIN</h1>	
<p>Subject: Guidelines for Collection, Storage, and Submission of Samples for DNA Analysis from Unidentified Persons</p>	<p>No. 01-BFS-04</p> <p>Date: October 11, 2001</p>	<p>Contact for information: Department of Justice Missing Persons DNA Program John Tonkyn, (510) 540-2434 Jeannine Willie, (916) 227-5997</p>

To: All Chiefs of Police, Sheriffs, District Attorneys, California Highway Patrol, Coroners, Medical Examiners, Forensic Pathologists, and Forensic Odontologists

On January 1, 2001, two new bills took effect regarding missing and unidentified persons. Senate Bill (SB) 1818 requires the California Department of Justice (DOJ) to develop a deoxyribonucleic acid (DNA) data bank for all cases involving the report of an unidentified person or a high-risk missing person. The DOJ Missing Persons DNA Program will actually develop two databases. One database will consist of DNA profiles from either 1) relatives of the missing person or from 2) personal effects from the missing person. The second database will consist of DNA profiles developed from the remains of unidentified deceased persons. These two databases will be compared to aid in the identification of human remains that could not be identified by traditional methods. It should be emphasized that DNA identification should only be used as a last resort; all other methods such as fingerprints, odontology, and anthropology should be attempted before submitting samples for DNA analysis.

SB 1736 requires any postmortem examination or autopsy upon an unidentified body or human remains to include specified procedures, including collection of tissue for future DNA testing. SB 1736 also provides time limits for law enforcement agencies to report the recovery of the unidentified remains to DOJ, and for coroners to submit dental x-rays and a final report of investigation (BCIA Form 4085, Unidentified Deceased Reporting Form) to DOJ. One of the requirements for the autopsy is to collect tissue, including a hair sample or body fluid samples, for future DNA testing. The primary purpose of this bulletin is to provide guidance for the collection, storage, and submission of samples for DNA testing.

Sample Handling

DNA testing is very sensitive – a tiny drop of blood or minute bone chip can contain enough DNA to obtain a result. Therefore, it is imperative that steps be taken to prevent contamination. Contamination could come from the person handling the remains, the environment, or the tools used during the examination.

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1. Always wear gloves for personal protection as well as to prevent contamination of remains with the examiner's DNA.
2. Surgical blades should be new or thoroughly cleaned and sterilized between examinations. Carryover of DNA between sets of remains should be avoided. Sterilization can be accomplished by cleaning and autoclaving, or soaking implements in 10% bleach for 15 minutes, followed by rinsing with water.
3. Surfaces such as exam tables should be wiped down with 10% bleach between examinations, even if disposable sheets are used between the remains and the table.

Documentation

The Sample Request Form enclosed in the shipping container should be completely filled out. Additional requirements (as outlined in SB 1736) include dental x-rays and charts as well as photographs. Indicate on the sample request form whether these have been submitted to the Missing and Unidentified Persons Section of the DOJ. Identification by other means will be attempted before DNA analysis begins.

Storage

If remains are desiccated (mummified or skeletal), room temperature storage is acceptable. However, in order to minimize further degradation, all other remains and samples should be stored refrigerated.

Shipping

Desiccated remains can be shipped at room temperature. All other remains, blood, and tissue samples should be shipped on ice, scheduled for next day delivery. Pre-addressed shipping containers can be obtained from the DOJ by calling (510) 540-2434.

Sample Submission Prioritization

Since the condition and completeness of the remains can vary greatly depending on environmental conditions and human or animal activity, specified factors should be carefully evaluated. The state of decay of a human body can be generally categorized as one of the following:

1. Fresh (limited flesh decomposition, limited blistering/bloating, typically deceased from days to weeks)
2. Decomposed (significant amount of flesh decay, typically deceased from weeks to months)

3. Skeletal (mummified or no flesh remaining, typically deceased from months to years)

Samples exhibiting all of these states of decay can be analyzed by DNA testing, with the chance of success generally decreasing with age and increasing with the amount of sample tested. The following guidelines should be used to determine how much and what samples should be submitted.

Fresh

1. Ten (10) milliliters of blood, stored in a purple-cap (EDTA) tube. This tube should be kept refrigerated until submission. Blood should be shipped on ice for next day delivery to minimize degradation.
2. Approximately ten (10) grams of deep muscle tissue in a 50 milliliter conical tube or similar storage device. The storage and shipping recommendations are the same as above.

Decomposed

"Decomposed" can cover a wide range of states of decomposition. Depending on where the remains were found (in water, buried, or on the surface) and the environment to which the remains had been exposed (e.g., desert or snow), the rate of decomposition can vary. In these situations, blood, if present, will tend to be putrefied and not useful for DNA typing. Depending on the state of decomposition of the flesh, it may or not be useful for DNA testing. Dry or cold environments tend to preserve tissue better than warm or wet environments.

Depending on the state of decomposition, the following should be submitted:

1. Approximately ten (10) grams of deep muscle tissue in a 50 milliliter conical tube or similar storage device. The storage and shipping conditions are the same as above.
2. If mummified tissue is present, 1 – 10 grams should be collected, stored and submitted as above.
3. Bone (as prioritized below). Badly decomposed tissue should be removed from the bone before submission.

Skeletal or Mummified

If the body is mummified, do not remove the dried flesh.

1. Femur (intact). Dried skeletal remains can be stored and shipped at room temperature.
2. An unrestored (virgin) upper molar should also be submitted. If an unrestored upper molar is not available, then any other unrestored tooth should be submitted.

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Page 4

3. If a femur is not available, then a long bone (e.g. tibia, humerus or rib) should be submitted.
4. If none of the above are available, then the longest and most compact bone or bone fragment should be submitted.

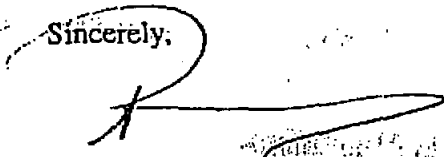
If the remains do not fit into one of these categories or if there is any question as to collection, storage and submission of samples, please contact the Missing Persons DNA Program at (510) 540-2434.

Reminder:

DNA analysis in missing person cases is an investigative tool used in addition to dental x-rays, photographs, fingerprints, and other investigative methods. Law enforcement agencies should continue submitting dental x-rays and a photograph of the missing person to the DOJ's Missing and Unidentified Persons Section in accordance with the requirements set forth in Section 14206 of the Penal Code. The dental characteristics of your missing person are entered into a computerized database and continually compared to the dental records of unidentified persons reported to the DOJ. All missing persons, whose photographs are submitted to DOJ, with the signed waiver if juvenile, are featured on the Attorney General's Internet Web Site at <http://ag.ca.gov>. The missing person's photograph may be featured on our monthly or special edition posters. Over 18,000 posters are distributed monthly throughout California to police, sheriff, district attorney and highway patrol offices; roadside rest stops; state buildings; convenience stores; and other state clearinghouses and airports throughout the country. The DOJ also publishes a quarterly bulletin containing photographs of missing persons, which is distributed to law enforcement agencies and public and private primary and secondary schools in California.

If you have any questions regarding the submission of dental x-rays and/or photographs, please contact the DOJ Missing and Unidentified Persons Section at (916) 227-3290.

Sincerely,



PATRICK N. LUNNEY, Director
Division of Law Enforcement

For: BILL LOCKYER
Attorney General



COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY
AUDITOR-CONTROLLER

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Hasmik Yaghobyan states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 24th day of October 2003, I served the attached:

Documents: Draft Parameters & Guidelines, County of Los Angeles Test Claim [CSM 00-TC-18], Chapter 284, Statutes of 2000, Adding Sections 27521 & 27521.1 of the Government Code, Amending Section 102870 of the Health and Safety Code, Amending Section 14202 of the Penal Code: Postmortem Examinations: Unidentified Bodies, Human Remains, including a 1 page letter of J. Tyler McCauley dated 10/23/03, a 9 page narrative, a 6 page attachment, and a 1 page declaration of Leonard Kaye, all pursuant to 00-TC-18; now pending before the Commission on State Mandates.

upon all Interested Parties listed on the attachment hereto and by

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. Commission on State Mandates FAX as well as mail of originals.
- by placing true copies original thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

PLEASE SEE ATTACHED MAILING LIST

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of October, 2003, at Los Angeles, California.

Hasmik Yaghobyan

Mailing List

Claim Number: 00-TC-18
Issue: Postmortem Examinations: Unidentified Bodies, Human Remains

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Sacramento, California 95814

Executive Director,
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Public Resources Management Group
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Roseville, CA 95661

Executive Director,
Association of California Water Agency
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Sacramento, California 95814

Ms. Joan L. Phillip, Executive Director
California State Sheriff's Association
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West Sacramento, California 95898

Ms. Sarah Ahonima
County of Los Angeles, Department of Coroner
1104 N. Mission Rd.
Los Angeles, CA 90033

Mailing List

Claim Number: 00-TC-18
Subject: Postmortem Examinations: Unidentified Bodies, Human Remains

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Department of Finance
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Sacramento, California 95825

Executive Director
California State Sheriff's Association, Inc.
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West Sacramento, California 95898

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Sun City, California 92586

Mr. David Wellhouse,
Wellhouse & Associates
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Sacramento, California 95826

Ms. Paula Higashi *Originals*
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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PHONE: (213) 874-8301 FAX: (213) 626-5427

J. TYLER McCAULEY
AUDITOR-CONTROLLER

Draft Parameters and Guidelines

**County of Los Angeles Test Claim [CSM 00-TC-18], Chapter 284, Statutes of 2000, Adding Sections 27521 & 27521.1 of the Government Code, Amending Section 102870 of the Health and Safety Code, Amending Section 14202 of the Penal Code:
Postmortem Examinations: Unidentified Bodies, Human Remains**

Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, SB90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims, reviews of State agency comments, Commission staff analyses, and for proposing parameters and guidelines and amendments thereto, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the subject parameters and guidelines, attached hereto.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs as set forth in the subject test claim, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

10/23/03; Los Angeles, CA

Date and Place

Leonard Kaye

Signature



STEVE WESTLY
California State Controller

RECEIVED

November 26, 2003

DEC 02 2003

COMMISSION ON
STATE MANDATES

Ms. Shirley Opie
Assistant Executive Officer
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RE: PROPOSED PARAMETERS AND GUIDELINES
POSTMORTEM EXAMINATIONS: UNIDENTIFIED BODIES,
HUMAN REMAINS
STATUTES 2000, CHAPTER 284

Dear Ms. Opie:

We have reviewed the draft Parameters and Guidelines (P & G) submitted by the County of Los Angeles for the above-referenced subject matter, and have included an enclosure that recommends some changes to the draft Ps & Gs.

We recommend that the Commission on State Mandates clearly define the activities that are within the scope of this mandate. We are concerned that the draft P's & G's contain language that may expose claimants to activities that may be beyond the scope of this mandate. A prehearing may be necessary to resolve this issue.

If you have any questions, please contact Ginny Brummels, Manager, Local Reimbursements Section, at 916-324-0256.

Sincerely,


WALTER BARNES
Chief Deputy Controller, Finance

Enclosure

cc: Interested parties

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
SACRAMENTO 300 Capitol Mall, Suite 1850, Sacramento, CA 95814
PHONE (916) 445-2636, FAX (916) 322-4404

**DRAFT PARAMETERS AND GUIDELINES
POSTMORTEM EXAMINATIONS: UNIDENTIFIED BODIES,
HUMAN REMAINS
STATUTES 2000, CHAPTER 284**

II. ELIGIBLE CLAIMANTS

"The eligible claimants are any county, city, or city and county, school district, or community college district."

Investigations of the death of an unidentified person should fall under the jurisdictions of the city, county or city and county law enforcement agency.

IV. REIMBURSABLE ACTIVITIES

"To be eligible for mandated costs for any fiscal year, only actual costs may be claimed: are those costs actually incurred to implement the mandated activities. 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 Supporting documents may include, but are not limited to, employee time records or time logs, sign-in sheets, cost allocation reports (system generated), invoices, receipts, purchase orders, contracts, agendas, training packets with signatures and logs of attendees, calendars, declarations, and data relevant to the reimbursable activities otherwise reported in compliance with local, state, and federal government requirements.

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 under penalty of perjury under the laws of the State of California that the foregoing is true and correct based upon personal knowledge." 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.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities 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, the following activities performed by local law enforcement personnel or performed by personnel designated to perform the subject reporting function in a local jurisdiction, such as coroner personnel, are eligible for reimbursement:

The source document and supporting documentation was changed to be consistent with previously adopted language by the COSM.

A. One-Time Activities

2. Train each staff person who ~~may be~~ is required to initiate, prepare, or file some or all of the subject DOJ report on proper methods and procedures for complying with DOJ's reporting requirements."

This change is recommended to clarify that only those staff that are required to prepare the DOJ reports as a regular part of their job are eligible for training reimbursement.

B. Continuing Activities

1. "Determining if found specimens are unidentified bodies and human remains, except for children under 12 or found persons with evidence that they were at risk, to be reported on DOJ's "Unidentified Deceased Reporting Form" [attached]."

This change is recommended to clarify that the reimbursable component is limited and excludes children under 12 or found persons with evidence that they were at risk [Penal Code section 14213]. Although the Commission found that it is not a reimbursable activity to report to the DOJ "found persons with evidence that they were at risk," the Commission has not clearly identified the criteria by which to determine how found persons are determined to have been at risk. We recommend the Commission clearly defines the criteria, based on Penal Code, to be used to determine how found persons are determined to have been at risk. We hope this will assist claimants in properly applying the Commission's finding and avoid gray areas of concern. We noted that Penal Code section 14213 defines "evidence that the person is at risk" as including, but is not limited to, evidence or indications of any of the following:

1. The person missing is the victim of a crime or foul play.
2. The person missing is in need of medical attention.
3. The person missing has no pattern of running away or disappearing.
4. The person missing may be the victim of parental abduction.
5. The person missing is mentally impaired.

Therefore, based on our reading of Penal Code section 14213, unless the found person died of natural causes and subsequently determined to not have been mentally impaired, then the person is presumed to have been at risk. This includes any evidence suggesting trauma to the victim.

~~2. Logging, recording, and itemizing information for found specimens.~~

The Commission specifically found that the activity of *reporting the death* of an unidentified person to the DOJ to be reimbursable, with the exception of children under 12 or found persons with evidence that they were at risk. Therefore, we recommend that the Commission examine whether the logging, recording, and itemizing activities of found specimens constitute a *higher level of service* under this test claim statute, (i.e., how were found specimens, regardless of their reporting requirement, handled prior to the enactment of the test claim statute).

3. Reporting the results of conducting examinations or further analyses of the deaths of unidentified persons, except for children under 12 or found persons with evidence that they were at risk, as may be required to complete DOJ's "Unidentified Deceased Reporting Form", such as requested dental information. (Government Code section 27521.1)

This change is recommended to clarify that reimbursement is limited and excludes children under 12 or found persons with evidence that they were at risk. However, this reimbursable component remains vague and the test claimant should specifically identify examinations and further analyses that may be reported.

Further, the COSM's Statement of Decision states that costs incurred in accordance with Health and Safety code, section 102870 and Penal Code section 14202 are not reimbursable mandated activities. Costs incurred to forward dental records to the DOJ are limited to the following: If the Coroner investigates the death and is unable to establish the identity of the body or remains by visual means, fingerprints, or other identifying data; and the coroner has a dentist conduct a dental examination of the body and still cannot identify the deceased. Also, costs incurred in accordance with Government Code section 27521. This section excludes reimbursement for costs incurred to perform an autopsy,

submitting the final report of investigation, retention of jaws, and submitting dental records to DOJ.

4. "Obtaining required information such as the name, title, telephone and fax number of the reporting officer".

No recommendation.

5. Preparing complete and accurate "Unidentified Deceased Reporting" forms only for eligible cases.

This recommendation qualifies that reimbursement is eligible only for eligible cases as identified above.

6. Timely filing forms with DOJ reporting the death of an unidentified person, except for children under 12 or found persons with evidence that they were at risk. The DOJ must be notified no later than 10 calendar days after the date the body or human remains were discovered.

Amendment above is to clarify reimbursement activity for this component.

- ~~7. Providing further information requested by DOJ or their designate(s).~~

The test claim statute states that the law enforcement agency investigating the death of an unidentified person shall "report the death" to the Department of Justice (DOJ). Likewise, the Commission found only the activity of reporting the death of the unidentified person, except for children under 12 or found persons with evidence that they were at risk, to be reimbursable. Therefore, completion of the DOJ's "Unidentified Deceased Reporting Form" should satisfy the statute's requirement of reporting the death of the unidentified person. We recommend that the Commission clarify what other activity(ies), *if any*, beyond the initial death report, claimants are eligible to claim even at the request by DOJ or their designate(s) for further information. We are concerned that this activity item may be too broad and may expose claimants to activities beyond the scope of this mandate.

PROOF OF SERVICE BY MAIL

CSM - 00-TC-18

I, the undersigned, declare as follows:

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within action. My place of employment and business address is 3301 C Street, Suite 500, Sacramento, California 95816.

On December 2, 2003, I served the attached recommendation of the State Controller's Office by placing a true copy thereof enclosed in a sealed envelope addressed to each of the persons named below at the addresses shown and by depositing said envelopes in the United States mail at Sacramento, California, with postage hereon fully prepaid.

Ms. Susan Geanacou
Department of Finance (A-15)
915 L Street, Suite 1190
Sacramento, CA 95814

Mr. Michael Havey
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California State Association of Counties
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Department of Coroner
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Mr. Mark Sigman
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County of Los Angeles
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Mr. Steve Smith
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11130 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd., #307
Sacramento, CA 95842

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 2, 2003, at Sacramento, California.



Glenn Holderbein

USA - 1961
M...

...



J. TYLER MCCAULEY
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427

April 28, 2004

RECEIVED

APR 28 2004

**COMMISSION ON
STATE MANDATES**

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Dear Ms. Higashi:

**Los Angeles County's 'Ten Day Report' Addendum
Parameters & Guidelines [CSM 00-TC-18]
Postmortem Examinations: Unidentified Bodies, Human Remains**

As requested by Commission staff, we are submitting information on reasonably necessary activities to complete the subject 'Ten Day Report', found to impose reimbursable 'costs mandated by the state' on local governments.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours,

John Naimo FOR
J. Tyler McCauley
Auditor-Controller

JTM:JN:LK
Enclosures

"To Enrich Lives Through Effective and Caring Service"

**Los Angeles County's 'Ten Day Report' Addendum
Parameters & Guidelines [CSM 00-TC-18]
Postmortem Examinations: Unidentified Bodies, Human Remains**

On October 23, 2003 the County of Los Angeles [County] submitted draft parameters and guidelines [Ps&Gs] which closely followed the Statement of Decision for this [CSM 00-TC-18] test claim, as adopted by the Commission on State Mandates [Commission] on September 25, 2003.

In particular, the Commission found that the subject test claim legislation constitutes a reimbursable state-mandated program upon local governments within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following activities for local law enforcement agencies investigating the death of an unidentified person:

- Reporting the death to the California Department of Justice [DOJ] in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered.

The Commission also found that filing DOJ reports for children under 12 or found persons with evidence that they were at risk, as defined by Penal Code section 14213, is not a reimbursable activity.

As the reimbursable activity requires reporting the death "in a DOJ-approved" format, DOJ's form [BCIA 4085] for "unidentified deceased reporting" is attached herein on pages 21-22. This form is an integral part of the draft Ps&Gs as the types of required information to be reported to DOJ are plainly indicated on the form.

In addition, DOJ's "Information Bulletin", Number 01-BFS-04, issued on October 11, 2001, was submitted in this matter by the County on October 23, 2003. This bulletin provides DOJ's instructions for preparing the BCIA 4085 form, including related "sample handling" requirements.

On March 25, 2004, a pre-hearing conference was held to discuss the activities that are reasonably necessary to complete DOJ's form BCIA 4085, the 'Ten Day Report'. While representatives from DOJ were present, it was felt that staff from DOJ's Missing and Unidentified Persons Unit who are responsible for ensuring that the Ten Day Report is completed properly and for maintaining DOJ's database should be consulted.

On April 9, 2004, a conference call meeting to discuss the matter took place. County staff and DOJ staff, including Greg Truax, DOJ's Supervisor of the Missing and Unidentified Persons Unit, concluded that completion of certain fields on the Ten Day Report was required. As indicated on pages two and three of the information provided by Mr. Truax, a field description that is in "All CAPS" is a "Mandatory Field".

It should be noted that the input forms to electronically generate the required Ten Day Report have detailed instructions, also provided by Mr. Truax, on pages 4-20, attached herein.

On April 23, 2004, David Campbell, Captain with the County's Department of Coroner indicated that The Ten Day Report, may also be completed manually, without using an electronic data entry system. This two page manual report is found on pages 21-21, attached herein. Using this report completion method, DOJ's instructions, detailed on pages 4-20, must be followed.

Finally, irrespective of the report completion method used, training in completing the Ten Day Report is necessary in order to ensure that required fields are properly completed.



J. TYLER McCAULEY
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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**Los Angeles County's 'Ten Day Report' Addendum
Parameters & Guidelines [CSM-00-TC-18]
Postmortem Examinations: Unidentified Bodies, Human Remains**

Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, SB90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims, reviews of State agency comments, Commission staff analyses, and for proposing, or commenting on, parameters and guidelines (Ps&Gs) and amendments thereto, and extension of time requests, and for filing incorrect reduction claims, all for the complete and timely recovery of costs mandated by the State. Specifically, after having met and conferred with California Department of Justice staff and Los Angeles County Coroner staff, I have prepared the subject addendum, attached hereto.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

4/28/04; Los Angeles CA
Date and Place

Leonard Kaye
Signature

"To Enrich Lives Through Effective and Caring Service"



BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE

FAX TRANSMISSION COVER SHEET

IMPORTANT/CONFIDENTIAL: This communication is intended only for the use of the individual or entity to which it is addressed. This message contains information from the State of California, Attorney General's Office, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this communications is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

DATE: 4-19-04 TIME: _____ NO. OF 18
(INCLUDING COVER SHEET)
TO: LEONARD KANE
NAME: Los Angeles County Auditor's Office
OFFICE: _____
LOCATION: _____
FAX NO: 213 619 8106 PHONE NO.: 213 974-8064

FROM:
NAME: Greg Truax, Supervisor greg.truax@doj.ca.gov
OFFICE: Missing & Unidentified Persons Unit missing.persons@doj.ca.gov
LOCATION: 4949 Broadway, Rm B-216, Sacramento, CA 95820
FAX NO: (916) 227-3270 PHONE NO.: (916) 227-3242

MESSAGE/INSTRUCTIONS

Information on entry of unidentified persons reports into CAJ's Unidentified Persons System.

PLEASE DELIVER AS SOON AS POSSIBLE!
FOR ASSISTANCE WITH THIS FAX, PLEASE CALL THE SENDER

8.6 ENTRY TRANSACTIONS

Use an Entry Transaction to place an unidentified person record into UPS. Each entry that is made automatically generates a message to NCIC. Also, MUPS will make automatic comparisons of all missing person records for possible matches. These comparisons are performed once a day. The results are returned to the entering agency and to any agency for which a possible match has been made.

8.6.1 SPECIAL INSTRUCTIONS BEFORE ENTERING DATA

- A. Enter all available information from the Master Case Record. If information is available for an optional data field, include it as well. When more information is available in the UPS record, it will assist an agency in narrowing down the possibilities for a match on an unidentified person.
- B. Spaces or special characters cannot be used as the first character in a data field.
- C. Enter the positional mandatory data fields without their data field code preceding and in the sequence illustrated in each of the entry formats. Non-positional mandatory data fields (DBF and EDD) and all optional data fields may be entered in any sequence, but the data field must be identified before any data is entered (e.g., DBF/01311993.TOD/1230). The last data field used cannot end in a period.

8.6.2 ENTER UNIDENTIFIED PERSON MESSAGE KEYS

The message keys used to enter an unidentified person record are 1) EUP (enter unidentified person), 2) EUJP (enter unidentified identifiers) and 3) EUD (enter unidentified dentals--restricted to DOJ). The entry formats and data field codes that are acceptable in each entry message are listed below.

8.6.3 EUP - ENTER UNIDENTIFIED PERSON

The EUP message key is used to enter an unidentified person base record into UPS. This message key can be used only once per record. The following data field codes can be used with the EUP message key: ORI, OCA, TYP, SEX, RAC, HGT, WGT, HAI, EYE, AGE, Body Parts Status (BPS), Cause and Manner of Death (CDA), DXR, BXR, FPA, FPC, Estimated Date of Death (EDD), Time of Death (TOD), Date Body Found (DBF), Time Body Found (TBF), ORA, APN, INM, and MIS.

The mandatory data fields that must be entered positionally and without their data field codes for the EUP message key are ORI, OCA, TYP, SEX, RAC, HGT, WGT, HAI, EYE, AGE, BPS, CDA, DXR, BXR, FPA, and FPC. The remaining mandatory data fields that can be entered in any order and which must be preceded by their data field codes are EDD and DBF. Each data field will be separated with a period.

8.12.11 NCIC FINGERPRINT CLASSIFICATION (FPC)

The FPC used in UPS is based on the NCIC Fingerprint Classification and Coding format. While the fingerprint classification is not a positive identifier, it can be of assistance in eliminating or supporting a possible match when evaluated with other identifiers.

The fingerprint classification is comprised of 20 characters. Two characters represent each finger as follows:

<u>Characters</u>	<u>Finger</u>
1 and 2	- Right thumb
3 and 4	- Right index
5 and 6	- Right middle
7 and 8	- Right ring
9 and 10	- Right little
11 and 12	- Left thumb
13 and 14	- Left index
15 and 16	- Left middle
17 and 18	- Left ring
19 and 20	- Left little

The following codes apply:

<u>Pattern Type</u>	<u>Pattern Subgroup</u>	<u>NCIC FPC Code</u>
Arch	Plain Arch	AA
	Tented Arch	TT
Loop	Radial Loop ¹	Two numeric characters determine actual ridge count plus fifty (50). For example, if the ridge count of a radial loop is 16, add 50 to 16 for a sum of 66. Enter this sum (66) in the appropriate finger position of the FPC Field.
	Ulnar Loop	
Whorl ²	Plain Whorl	Two numeric characters indicating the actual ridge count (less than 50). For example, a ridge count of 14, enter as 14; a ridge count of 9, enter as 09.
	Inner Meeting	
	Outer Meeting	
	Central Pocket Loop Whorl	
	Inner Meeting	CI
	Outer Meeting	CM
	Outer Meeting	CO

<u>Pattern Type</u>	<u>Pattern Subgroup</u>	<u>NCIC-FPC Code</u>
Whorl ²	Double Loop Whorl	
	Inner	DI
	Meeting	DM
	Outer	DO
	Accidental Whorl	
	Inner	XI
	Meeting	XM
	Outer	XO
Missing/Amputated Finger ³		XX
Missing/Amputated/Burned/ Mutilated in relation to death		NA
Missing/Burned/Mutilated-all 10 fingers in relation to death		NFP
Scarred/Mutilated Pattern ⁴		SR

The NCIC fingerprint classification for a set of fingerprints made up of all ulnar loops might read: 12101116141109111713. A combination of loop and whorls with an amputated right index finger might read 12XX11C0141509TTCI13.

- NOTES:**
1. Code RR was previously used to designate a radial loop. Some FPCs placed in file prior to adoption of the current method of indicating a radial loop may still show this pattern as RR.
 2. Prior to adoption of the above method for coding whorl patterns, this pattern was divided into inner, meeting, and outer subgroups only with codes II, MM, and OO, respectively. Some older records in file may still show the codes II, MM, and OO.
 3. Code XX is used only in instances of missing and totally/party amputated fingers which condition makes it impossible to accurately classify an impression according to the above instructions for FPC. It is recognized that under the Henry System, if a finger is missing or amputated, it is given a classification identical to the opposite finger; however, this must not be done in the FPC since the location of finger or fingers missing/amputated is not indicated.
 4. Code SR is used only in instances in which the fingerprint cannot be accurately classified because of complete scarring or mutilation and a classifiable print cannot be obtained. As in the case of missing and amputated fingers, the procedure for assigning the classification of the opposite finger, as is done under the Henry System, should not be used for the FPC.

NCIC 2000 CONSOLIDATED DATA DICTIONARY

Unidentified Persons System

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TRAINING
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Data Dictionary

Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 2000			
AGE	Age	UPS	7N/S	7N/S	n/a	1	Mandatory	<p><i>CJIS:</i> Approximate age range (0-150) of the subject separated by a period [.] (000.150). The value in positions 5-7 shall not be more than 20 years greater than the value in positions 1-3 (035.055). Field converts to NCIC Data Field Code EYB (Estimated Year of Birth). NCIC is four numerics followed by a hyphen and four numerics (YYYY-YYYY).</p> <p><i>CJIS/NCIC Inquiry:</i> Up to three numerics entered in the Unidentified Non-Unique Identifier Inquiry. CJIS will convert to NCIC as AGE/99 when age is equal to or greater than 100.</p>
158	Agency Phone Number	UPS	10N	10N	n/a	1	Optional	<p><i>CJIS:</i> Telephone number of ORA (Reporting Agency). If ORA is ME or CO, APN is forwarded to NCIC as MAT (Medical Examiner/Coroner Phone Number). <i>Example:</i> 9162273290.</p>
ARE	Area	UPS	2N	2N	2-3A/S	1	Optional	<p><i>CJIS Inquiry:</i> Valid CJIS County Code entered in Inquiry transaction to limit search. Special character: asterik</p> <p><i>NCIC Inquiry:</i> Used in Body Parts Status Inquiry transaction. Use State and Country Codes "NCIC Code Manual" as a reference.</p>

November 19, 2003

Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 2000			
BLT	Blood Type	UPS	4-5A	4-5A	4-5A	1	Optional	<p>CJIS/NCIC: Code for subject's blood type.</p> <p>APOS A+ ANEG A- AUNK A unknown BPOS B+ BNEG B- BUNK B unknown ABPOS AB+ ABNEG AB- ABUNK AB unknown OPOS O+ ONEG O- OUNK O unknown</p>
BPS 159 9	Body Parts Status	UPS	3-14A	3-14A	3-14A	1	Mandatory	<p>CJIS/NCIC: Mandatory to enter Unidentified Deceased or Unidentified Catastrophe Victim (Message Key EUP and TYP (Report Type) D or C). Must be ALE, AID or SKL or 15 characters consisting of alpha, numeric, D, B or V. Valid to enter 15: No. For Unidentified Catastrophe Victim (EUP) enter 15: () as placeholder.</p> <p>15: () Skeleton recovered 15: () Skeleton 15: () Not recovered</p>
BXR	Body/Skeletal X-Rays Available	UPS	1A	1A	1A	1	Mandatory	<p>CJIS/NCIC: Valid alpha codes are:</p> <p>F Full (X-rays available for all body parts) P Partial (X-rays available for some, but not all, of the body or body parts recovered) N None (No X-rays available)</p>

Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits																								
			Current CJIS	New CJIS	NCIC 2000																											
GDA	Cause and Manner of Death	UPS	3A/N	3A/N	3A/N	1	Mandatory	<p>CJIS/NCIC Position 1 must be one of the following: A Accidental N Natural causes U Unknown B Homicide S Suicide</p> <p>CJIS: Positions 2 and 3 must be one of the following: Literal translation of characters 2-3 will be forwarded to NCIC. For Unidentified Living Person (FYPL), enter period (.) as placeholder.</p> <table border="0"> <tr> <td>01 Airway occlusion, internal</td> <td>12 Hanging</td> </tr> <tr> <td>02 Blunt force injury</td> <td>13 Hypothermia/Dehydration</td> </tr> <tr> <td>03 Burns, chemical</td> <td>14 Malnutrition/Dehydration</td> </tr> <tr> <td>04 Burns, fire</td> <td>15 Smothering</td> </tr> <tr> <td>05 Burns, scalding</td> <td>16 Strangulation, ligature</td> </tr> <tr> <td>06 Crushing injury</td> <td>17 Strangulation, manual</td> </tr> <tr> <td>07 Cutting/lacer wound(s)</td> <td>18 Strangulation, asphyxiation</td> </tr> <tr> <td>08 Drowning</td> <td>19 Stabbing/Cutting wounds</td> </tr> <tr> <td>09 Electrocutiion</td> <td>20 Torso compression</td> </tr> <tr> <td>10 Explosive trauma</td> <td>21 Physical beating</td> </tr> <tr> <td>11 Gunshot wound</td> <td>88 Other</td> </tr> <tr> <td></td> <td>99 Unknown</td> </tr> </table>	01 Airway occlusion, internal	12 Hanging	02 Blunt force injury	13 Hypothermia/Dehydration	03 Burns, chemical	14 Malnutrition/Dehydration	04 Burns, fire	15 Smothering	05 Burns, scalding	16 Strangulation, ligature	06 Crushing injury	17 Strangulation, manual	07 Cutting/lacer wound(s)	18 Strangulation, asphyxiation	08 Drowning	19 Stabbing/Cutting wounds	09 Electrocutiion	20 Torso compression	10 Explosive trauma	21 Physical beating	11 Gunshot wound	88 Other		99 Unknown
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10 Explosive trauma	21 Physical beating																															
11 Gunshot wound	88 Other																															
	99 Unknown																															
CLO	Clothing Description	UPS	1-100A/N/S	1-100A/N/S	n/a	1	Optional	<p>CJIS: Free-text description of clothing the subject was wearing when found. Special Characters: Comma (,), space, ampersand (&), parentheses (()), hyphen (-), semicolon (;).</p>																								
CRC	Circumcision	UPS	1A	1A	1A	1	Optional	<p>CJIS/NCIC: Valid alpha codes are: C Circumcised N Not Circumcised U Unknown Interfield Dependency: For Females (SEX/F), leave blank.</p>																								
DBF	Date Body Found	UPS	8N (YYYYMMDD)	8N (YYYYMMDD)	8N (YYYYMMDD)	1	Mandatory	<p>CJIS/NCIC: Must be equal to or greater than EDD (Estimated Date of Death) and equal to or less than current date.</p>																								

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 2000			
DCH	Dental Characteristics	UPS	3-1599A/N/S	3-1599A/N/S	3-1599A/N/S	1	Optional	<i>CJIS/NCIC:</i> Update restricted to DOJ. Use NCIC edits for initial entry. <i>Special Characters (CJIS):</i> Comma [,], semicolon [;], slash [/] <i>Special Characters (NCIC):</i> Comma [,], slash [/]
DCH	Dental Characteristics	UPS	7A/N/S	7A/N/S	n/a	1	Optional	<i>CJIS:</i> Inquiry: For inquiry on individual tooth. Positions 1-3 are numeric, position 4 is comma, positions 5-7 alpha/numeric.
DCL	Date of Clear	UPS	n/a	n/a	8N (YYYYMMDD)	1	Mandatory	<i>NCIC:</i> Date the record is recovered/cleared. Must be equal to or greater than DBF (Date Body Found) and equal to or less than current date. <i>CJIS:</i> Use the Cancel Message Key XUP with Data Field Code DTI (Date Report Inactivated/Cancelled) and the RIC (Reason Report Inactivated) code L. (The above Message Key and Data Field Codes will forward DCL to NCIC.)
DOC	Date of Cancellation	UPS	n/a	n/a	8N (YYYYMMDD)	1	Mandatory	<i>CJIS:</i> Must be equal to or greater than DBF (Date Body Found) and equal to Transaction Date of Cancel. Use Cancel Message Key XUP with DTI (Date Report Inactivated/Cancelled) and RIC (Reason Report Inactivated) code W. The above Message Key and Data Field Codes will forward the DOC to NCIC.
DRE	Dentist's Remarks	UPS	1-50A/N/S	1-50A/N/S	1-50A/N/S	1	Optional	<i>CJIS/NCIC:</i> Update capabilities restricted to DOJ. <i>Special Characters:</i> Comma [,], space, pound [#], ampersand [&], parentheses ([]), hyphen [-], semicolon [;].
DTE	Date and Time of Entry	UPS	n/a	n/a	17A/N	1	Computer generated	<i>NCIC Inquiry:</i> Date and time of entry appears in HIT responses. <i>Format:</i> YYYYMMDD HHMM EST/BDT. HH shall be 00-24; MM shall be 00-59.

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 1000			
DTI	Date Report Inactivated/ Canceled	UPS	8N (YYYYMMDD)	8N (YYYYMMDD)	n/a	1	Mandatory	CJIS: Date must be equal to or greater than DBF (Date Body Found) and equal to or less than current date. When RIC (Reason Report Inactivated) is W (Report Withdrawn/Invalid), DTI (Date Report Inactivated/Canceled) is equal to transaction date of cancel.
DXR	Dental Chart/X-rays Available	UPS	1A	1A	1A	1	Mandatory	CJIS/NCIC: Modification restricted to DOJ. Y Yes, N No
EDD	Estimated Date of Death	UPS	8N (YYYYMMDD)	8N (YYYYMMDD)	8N (YYYYMMDD)	1	Mandatory	CJIS/NCIC: Estimated date of death of an Unidentified Person. If person is living, this field cannot be entered. If day cannot be estimated, positions 7-8 should be 00. If month cannot be estimated, positions 5-6 and 7-8 should be 00. If an exact date is entered, it cannot be more than 50 years before the date that the entry or modification message is sent. If partial date is entered, the year cannot be more than 50 years before the year that the entry or modification message is sent. Must be equal to or less than DBF (Date Body Found) and current date.
BYB 2	Estimated Year of Birth	UPS	n/a	n/a	9N/S	1	Computer generated	CJIS/NCIC: Range of years cannot be more than 20 years. Mandatory when the BPS contains ALL or Rs. CJIS: Will be calculated using AGE and EDD (Estimated Date of Death). Special character is period.
EYE	Eye Color	UPS	3A	3A	3A	1	Mandatory	CJIS/NCIC: Color of the subject's eyes. BLK Black HAZ Hazel BLU Blue MAR Maroon BRO Brown MUL Multi-color GRN Green PNK Pink GRY Gray XXX Unknown
FCN	File Control Number	UPS	13A/N	13A/N	n/a	1	Computer generated	CJIS: Computer-generated number automatically assigned by CJIS to each accepted record. Mandatory for additional Entry, Modify, and Cancel transactions.

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 2000			
FHR	Facial Hair	UPS	2N	2N	n/a	3	Optional	CJIS: Each code may be entered only once. 01 Sideburns 03 Full Beard 05 Unshaven 99 Unknown 02 Mustache 04 Goatee 06 Clean Shaven
FPA	Footprint Available	UPS	1A	1A	1A	1	Mandatory	CJIS/NCIC: Mandatory if BPS (Body Parts Status) contains ALL or if positions 11 and 14 contain an R. Valid alpha codes are: Y Yes N No
FPC	Fingerprint Classification	UPS	3A or 20A/N	3A or 20A/N	3A or 20A/N	1	Mandatory	CJIS/NCIC: Mandatory if BPS (Body Parts Status) contains ALL or if positions 5 and 8 contain Rs. Three alphas are NFP.
FTD	Free Text Data	UPS	n/a	n/a	1-501A/N/S	1	Response	NCIC: Used only by FBI Quality Control in NCIC Cancel transactions. It is placed in the S.E. message.
GLA 13	Glasses/Contacts	UPS	1A	1A	n/a	1	Optional	CJIS: The following codes are used: G Glasses C Contacts B Both
HAI	Hair Color	UPS	3A	3A	3A	1	Mandatory	CJIS/NCIC: Code for the color of the subject's hair. CJIS also has BAL (Bald), which converts to XXX in NCIC. BLK Black ONC Orange XXX Unknown or Bald BLN Blonde PLE Purple BLU Blue PNK Pink BRO Brown RED Red or Auburn GRN Green SDY Sandy GRY Gray WHI White
HDR	Header	UPS	9-19A/N/S	9-19A/N/S	9-19A/N/S	1	Computer generated	CJIS/NCIC: Positions 1-4 Positions 5-19 Must be 1L01 or 2L01 or 1N01 or 1N01 or TL01 or ML01 (Character 0 is a zero). For use by the originating agency to code the transmission for routing and/or record-keeping.

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 2000			
HGT	Height	UPS	3-7A/N/S	3-7A/N/S	3-7A/N/S	1	Mandatory	CJIS/NCIC: The subject's height (1'-7"11" (100-711)) or UNK if not known. Enter three numerics followed by a hyphen [-] followed by three numerics. Positions 5-7 may be identical to positions 1-3 to indicate exact height. Positions 1-3 shall be no more than 6 inches less than positions 5-7. CJIS: Requires three numeric characters followed by a period (.) and three numeric characters or alpha UNK in positions 1-3 followed by a period in position 4 and a period to fill positions 5-7.
HRL	Hair Length/Style	UPS	2N	2N	n/a	4	Optional	CJIS: Length/style of the subject's hair. Each code can only be entered once. 01 Shaved 02 Short to collar length 03 Shoulder length or longer 04 Trendy 05 Natural 06 Bald 99 Unknown
INM	Investigator's Name	UPS	1-30A	1-30A	n/a	1	Optional	CJIS: Free-text field.
JWL	Jewelry Description	UPS	1-100A/N/S	1-100A/N/S	1-100A/N/S	1	Optional	CJIS/NCIC: Free-text field. <i>Special Characters:</i> Space, dollar [\$], ampersand [&], comma [,], hyphen [-], slash [/].
JWT	Jewelry Type	UPS	2A	2A	2A	17	Optional	CJIS/NCIC: Valid alpha codes are: AB Ankle bracelet BB Belt buckle BP Brooch or pin CL Cigarette lighter/holder/case CO Comb CU Cuff links ER Earrings KC Key chain MC Money clip NE Necklace PK Pocket knife PC Pocket watch chain RI Ring TC Tie chain/clasp/lack WP Wallet or purse WA Watch WB Wrist bracelet with pendant CJIS: Each code must be followed by a period [.] NCIC: Each code, except the last, must be followed by a comma [,].

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits															
			Current CJIS	New CJIS	NCIC 2000																		
LFS	Life-Style	UPS	2N	2N	n/a	3	Optional	<p>CJIS: Code field for the lifestyle of the subject.</p> <table border="0"> <tr><td>01 Bisexual</td><td>06 Gang member</td><td>09 Unknown</td></tr> <tr><td>02 Homosexual</td><td>07 Throwaway/runaway</td><td></td></tr> <tr><td>03 Transien/street person</td><td>08 Prostitution</td><td></td></tr> <tr><td>04 Transvestile</td><td>09 Drug involvement</td><td></td></tr> <tr><td>05 Hitchhiker</td><td>10 Normal/average</td><td></td></tr> </table>	01 Bisexual	06 Gang member	09 Unknown	02 Homosexual	07 Throwaway/runaway		03 Transien/street person	08 Prostitution		04 Transvestile	09 Drug involvement		05 Hitchhiker	10 Normal/average	
01 Bisexual	06 Gang member	09 Unknown																					
02 Homosexual	07 Throwaway/runaway																						
03 Transien/street person	08 Prostitution																						
04 Transvestile	09 Drug involvement																						
05 Hitchhiker	10 Normal/average																						
LKA	Linkage Case Number	UPS	n/a	1-20A/N/S	1-20A/N/S	1	Conditional	<p>CJIS/NCIC: Used to link related records from different cases, in the same department or different departments. Interfield Dependency: LKA positions 1-7 cannot be the same as LKI positions 1-7.</p> <p>Special Character: Hyphen (-). If LKA is entered, LKI must be entered. They can be modified individually, but they must be deleted together.</p> <p>New CJIS: This Data Field will be established to pass the data to NCIC 2000.</p>															
LKI	Linkage Agency Identifier	UPS	n/a	9A/N	9A/N	1	Conditional	<p>CJIS/NCIC: ORI of the agency to which the case is linked. Positions 1-2 must be alpha. Positions 3-9 shall be alphanumeric. Interfield Dependency: LKI positions 1-7 cannot be same as LKA positions 1-7. If LKI is entered, LKA must be entered. They can be modified individually, but they must be deleted together.</p> <p>New CJIS: This Data Field will be established to pass the data to NCIC 2000.</p>															
MAL	Medical Examiner/Coroner Locality	UPS	n/a	n/a	1-30A/N/S	1	Optional	<p>NCIC: Free-text field for city and state.</p> <p>CJIS: If ORA (Reporting Agency) is ME or CO, data will be forwarded to NCIC.</p>															
MAN	Medical Examiner/Coroner Agency Name and Case Number	UPS	n/a	n/a	1-50A/N/S	1	Optional	<p>NCIC: Free-text field for agency name and case number.</p> <p>CJIS: If ORA (Reporting Agency) is ME or CO, data will be forwarded to NCIC.</p>															

Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 2000			
MAT	Medical Examiner/Coroner Telephone Number	UPS	n/a	n/a	12N/S	1	Optional	NCIC Special Characters: Hyphen [-], space. Example: 202 324-5049. CJIS: If the ORA is MB or CO, the APN data will be forwarded to NCIC as MAT.
MIS	Miscellaneous Information	UPS	1-250A/N/S	1-500A/N/S	1-500A/N/S	1	Optional	CJIS/NCIC: Free-text field for further description and/or information. Special Characters: Space, hyphen [-], comma [,], dollar [\$], ampersand [&], pound [#], plus [+].
MKE	Message Key	UPS	2-5A	2-5A	2-4A/N/S	1	Mandatory	CJIS/NCIC: The MKE signals to CJIS/NCIC the type of message that follows. See Message Key appendix.
MPA	Dental Models/Photographs Available	UPS	1A	1A	1A	1	Mandatory	CJIS/NCIC: In CJIS, update capabilities are restricted to DOJ. Valid alpha codes are: Y Yes or N No.
NIC	NCIC Number	UPS	1A, 9N	1A, 9N	1A, 9N	1	Computer generated	CJIS/NCIC: Number automatically assigned by NCIC computer to each accepted record. Position 1 shall be U for Unidentified Person.
NDA	Notify Originating Agency	UPS	n/a	1A	1A	1	Optional	CJIS/NCIC: Flag entered by the originating agency. If any transaction results in a hit on the record, NCIC will generate a S.H. message to the entering agency. Shall be one of the following: Y Yes N No and Default Value of N
OCA	Originating Agency Case Number	UPS	2-9A/N/S	1-20A/N/S	1-20A/N/S	1	Mandatory	CJIS/NCIC: Number of the master case record from which the entry is made. Interfield Dependency: OCA positions 1-7 cannot repeat ORI positions 1-7. UPS (CJIS/NCIC) Special Character: Hyphen [-]

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits																						
			Current CJIS	New CJIS	NCIC 2000																									
ORA	Reporting Agency	UPS	2-30A/N	2-30A/N	n/a	1	Optional	<p>CJIS: Agency that took report. Positions 1-2 must be valid state code. Positions 3-4 must be one of the following valid alpha codes:</p> <table border="0"> <tr> <td>CO Coroner <i>[NCIC Equivalent: MAN and MAL]</i></td> <td>PA Parole</td> </tr> <tr> <td>CP County Police</td> <td>PD Police Department</td> </tr> <tr> <td>DA District Attorney</td> <td>PK Park District</td> </tr> <tr> <td>DJ Department of Justice</td> <td>PS Dept of Public Safety</td> </tr> <tr> <td>FB FBI</td> <td>PT Port/Harbor</td> </tr> <tr> <td>HP Highway Patrol</td> <td>SO Sheriff's Office</td> </tr> <tr> <td>IS Immigration/Naturalization Svc</td> <td>SP State Prison</td> </tr> <tr> <td>ME Medical Examiner <i>[NCIC Equivalent: MAN and MAL]</i></td> <td>ST State Police</td> </tr> <tr> <td>MR Marshal</td> <td>SU State University</td> </tr> <tr> <td>NP National Park</td> <td>TD Transit District</td> </tr> <tr> <td></td> <td>UV University</td> </tr> </table> <p><i>Positions 5-10 will be free text for the agency location.</i></p>	CO Coroner <i>[NCIC Equivalent: MAN and MAL]</i>	PA Parole	CP County Police	PD Police Department	DA District Attorney	PK Park District	DJ Department of Justice	PS Dept of Public Safety	FB FBI	PT Port/Harbor	HP Highway Patrol	SO Sheriff's Office	IS Immigration/Naturalization Svc	SP State Prison	ME Medical Examiner <i>[NCIC Equivalent: MAN and MAL]</i>	ST State Police	MR Marshal	SU State University	NP National Park	TD Transit District		UV University
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MR Marshal	SU State University																													
NP National Park	TD Transit District																													
	UV University																													
ORI	Originating Agency Identifier	UPS	9A/N	9A/N	9A/N	1	Mandatory	<p>CJIS/ NCIC: Number assigned by NCIC to identify an agency. Positions 1-2 are alpha. Positions 3-9 shall be alphanumeric.</p>																						

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits																																																												
			Current CJIS	New CJIS	NCIC 2000																																																															
RAC	Race	UPS	1A	1A	1A	1	Mandatory	<p>CJIS/NCIC: Code that most closely describes the race or ethnicity of the subject.</p> <table border="0"> <thead> <tr> <th>CJIS Code</th> <th>CJIS Literal</th> <th>NCIC Code</th> </tr> </thead> <tbody> <tr><td>A</td><td>Other Asian</td><td>A</td></tr> <tr><td>B</td><td>Black</td><td>B</td></tr> <tr><td>C</td><td>Chinese</td><td>A</td></tr> <tr><td>D</td><td>Cambodian</td><td>A</td></tr> <tr><td>F</td><td>Filipino</td><td>A</td></tr> <tr><td>G</td><td>Guamanian</td><td>A</td></tr> <tr><td>H</td><td>Hispanic/Latin/Mexican</td><td>W</td></tr> <tr><td>I</td><td>American Indian</td><td>I</td></tr> <tr><td>J</td><td>Japanese</td><td>A</td></tr> <tr><td>K</td><td>Korean</td><td>A</td></tr> <tr><td>L</td><td>Laotian</td><td>A</td></tr> <tr><td>O</td><td>Other</td><td>U</td></tr> <tr><td>P</td><td>Pacific Islander</td><td>A</td></tr> <tr><td>S</td><td>Santoan</td><td>A</td></tr> <tr><td>U</td><td>Hawaiian</td><td>A</td></tr> <tr><td>V</td><td>Vietnamese</td><td>A</td></tr> <tr><td>W</td><td>White</td><td>W</td></tr> <tr><td>X</td><td>Unknown</td><td>U</td></tr> <tr><td>Z</td><td>Asian Indian</td><td>A</td></tr> </tbody> </table>	CJIS Code	CJIS Literal	NCIC Code	A	Other Asian	A	B	Black	B	C	Chinese	A	D	Cambodian	A	F	Filipino	A	G	Guamanian	A	H	Hispanic/Latin/Mexican	W	I	American Indian	I	J	Japanese	A	K	Korean	A	L	Laotian	A	O	Other	U	P	Pacific Islander	A	S	Santoan	A	U	Hawaiian	A	V	Vietnamese	A	W	White	W	X	Unknown	U	Z	Asian Indian	A
CJIS Code	CJIS Literal	NCIC Code																																																																		
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V	Vietnamese	A																																																																		
W	White	W																																																																		
X	Unknown	U																																																																		
Z	Asian Indian	A																																																																		
RIC	Reason Report Inactivated	UPS	1A	1A	n/a	1	Mandatory	<p>CJIS: Valid alpha code for the reason a record is canceled. Cancel Message Key XUP and RIC (Reason Report Inactivated) will determine whether Clear Message Key CU or Cancel Message Key XU is used in NCIC. Valid alpha codes are:</p> <table border="0"> <tr> <td>I</td> <td>Identified</td> <td>W</td> <td>Report Withdrawn/Invalid</td> </tr> </table>	I	Identified	W	Report Withdrawn/Invalid																																																								
I	Identified	W	Report Withdrawn/Invalid																																																																	
RPS	Reason for Person Record Removal	UPS						<p>CJIS/NCIC: Statistical field to collect Benefits Data. See Benefits Data Dictionary.</p> <p>New CJIS: This Data Field will be established to pass the data to NCIC 2000.</p>																																																												

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrences	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 2000			
SEX	Sex	UPS	1A	1A	1A	1	Mandatory	CJIS: M Male F Female X Unknown NCIC: M Male F Female U Unknown
S01 thru S15	Scars, Marks, Tattoos and Other Characteristics	UPS	3-31A/N/S (Group maximum)	3-31 A/N/S (Group maximum)	n/a	1	Optional	CJIS: Unusual physical characteristics of the Unidentified. S01-15 consist of two Data Field Codes entered positionally and separated by a period [.]. Consult Data Field Code SMT for edits.
SMT	Scars, Marks, Tattoos, and Other Characteristics	UPS	3-10A	3-10A	3-10A	15	Optional	CJIS/NCIC: SMT is entered positionally in S01-S15 followed by a period if SMT Description is entered. Former: S01/smt.smt description.S02/smt.smt description., etc. Example: S01/TAT UR ARMEAGLE CJIS Inquiry: Data Field Code SMT can be entered to search the SMT code field.
SMT 19	SMT Description	UPS	1-20A/N/S	1-20A/N/S	n/a	15	Optional	CJIS: Free-text field to describe the scar, mark, or tattoo. Specials: Space, pound (#), dollar (\$), percent [%], ampersand (&), parentheses (()), hyphen [-], plus [+], equal [=], exclamation (!), colon [:], semicolon (;), quotes [""], comma [,], question [?].
TBF	Time Body Found	UPS	4N (HHMM)	4N (HHMM)	n/a	1	Optional	CJIS: Hour and minute (on 24-hour clock) that the subject was found. Valid numeric characters are 0001-2400.
TOD	Time of Death	UPS	4N (HHMM)	4N (HHMM)	n/a	1	Optional	CJIS: The subject's time (0001-2400) of death.
TTH	Teeth Abnormalities	UPS	2N	2N	n/a	3	Optional	CJIS: Each code may only be entered once. 01 None 04 Crooked 07 Some/All Missing 02 Gold 05 Decayed 08 Stained 03 Broken/Chipped 06 Noticeable Gaps 99 Unknown
TYP	Report Type	UPS	1A	1A	n/a	1	Mandatory	CJIS: If the Message Key is EUP, enter one of the following codes: C Unidentified Catastrophe Victim D Unidentified Deceased L Unidentified Living Person

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Data Field Code	Data Field Name	Data Base	Data Field Length and Character Type			Occurrence	Usage	Comments and Edits
			Current CJIS	New CJIS	NCIC 2000			
VLD	Date of Last Validation	UPS	D/A	8N (YYMMDD)	8N (YYMMDD)	1	Computer Generated	<i>CJIS/NCIC:</i> Date the record was last validated. Computer-generated report validation of the record. Entered along with the date and time entry to determine when the record is due for validation.
VLN	Name of Validator	UPS	D/A	3-30A/N/S	3-30A/N/S	1	Optional	<i>CJIS/NCIC:</i> Free text. Name field for person certifying the validity in Modify transaction to indicate validation of the record. <i>New CJIS:</i> This Data Field will be established to pass the data in NCIC 2000.
VRX	Corrective Vision	UPS	1-40A/N/S	1-40A/N/S	1-40A/N/S	1	Optional	<i>CJIS/NCIC:</i> Prescription for corrective lenses. <i>Special Characters:</i> Space, hyphen [-], comma [,], dollar [\$], ampersand [&], plus [+]. Refer to NCIC Code Manual Part 4, Section 23
WGT	Weight	UPS	3A or 7N/S	3A or 7N/S	3A or 7N/S	1	Mandatory	<i>CJIS/NCIC:</i> Approximate weight of the Unidentified Person. Positions 5-7 may be identical to positions 1-3 to indicate the exact weight. The range is 1-499 lbs. (001-499). The weight in position 1-3 may be less but not more than 50 pounds less than the weight in positions 5-7. <i>CJIS:</i> A three-character numeric field followed by a period and three numeric characters or alpha UNK in positions 1-3 followed by a period [.] in position 4 and a period [.] in position 5 as a placeholder. <i>NCIC:</i> Must contain UNK or three numeric characters followed by a hyphen [-] and three numeric characters.

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UNIDENTIFIED DECEASED REPORTING FORM

(PURSUANT TO HEALTH & SAFETY CODE SECTION 102870)



CORONER/MEDICAL EXAMINER v2a		CORONER CASE NUMBER v4		DOE # (OPTIONAL)	DATE OF THIS REPORT
REPORTING OFFICER		TITLE	PHONE () ()	FAX () ()	
AGE v17; ESTIMATED AGE v18	HGT v20	WGT v21	<input type="checkbox"/> FRESH <input type="checkbox"/> DECOMPOSED <input type="checkbox"/> SKELETAL	HAIR COLOR v22	HAIR LENGTH v23
ESTIMATED DENTAL AGE				EYE COLOR v28	
EMOTIONAL BROKEN BONES/MISSING ORGANS PHYSICAL DEFORMITIES, PINS IN BONES, SKELETAL DEFECTS, ETC. v26			DATE DENTAL X-RAYS SUBMITTED TO DOJ <input type="checkbox"/> YES <input type="checkbox"/> NO DATE:		
YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN CRIBE			BODY X-RAYS AVAILABLE <input type="checkbox"/> YES <input type="checkbox"/> NO		
SCARS/MARKS/TATTOOS v31-a			CLOTHING DESCRIPTION/SIZES (INCLUDE WAIST, CHEST/BRA SIZE, ETC.) v32		
FINGERPRINT CLASS			JEWELRY DESCRIPTION (INCLUDE GLASSES AND CONTACTS) v33		
RECOVERY SITE v37		ADDRESS		CITY	ZIP CODE
WHERE BODY FOUND v37			ESTIMATED DATE OF DEATH v47		
STATUS OF OFFENDER v45 <input type="checkbox"/> UNKNOWN/NOT SEEN <input type="checkbox"/> UNKNOWN/SEEN <input type="checkbox"/> KNOWN <input type="checkbox"/> INFORMATION NOT AVAILABLE					
WAS SCENE ALTERED BY OFFENDER (E.G. BURNED/DESTROYED/REMOVED EVIDENCE, ETC.) v48			WRITING/DRAWING ON OR NEAR THE CRIME SCENE OR BODY v65a/v66		
YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
EVIDENCE SUGGESTS OFFENDER DISPOSED OF THE BODY IN THE FOLLOWING MANNER v58			AT ANY TIME WAS THE VICTIM		
OPENLY DISPLAYED/PLACED TO ENSURE DISCOVERY			<input type="checkbox"/> BOUND v72		
CONCEALED/HIDDEN/PLACED TO PREVENT DISCOVERY			<input type="checkbox"/> TIED TO ANOTHER OBJECT v73		
OFFENDER'S LACK OF CONCERN AS TO WHETHER OR NOT BODY WAS DISCOVERED			<input type="checkbox"/> GAG PLACED IN/ON VICTIM'S THROAT/MOUTH v74		
UNKNOWN			<input type="checkbox"/> BLINDFOLDED v75		
WHERE WAS DISCOVERED (CHECK ALL THAT APPLY) v71			VICTIM STATE OF DRESS v76		
URNED			<input type="checkbox"/> FULLY DRESSED		
IN A VEHICLE			<input type="checkbox"/> PARTIALLY DRESSED (DESCRIBE)		
IN A BUILDING			<input type="checkbox"/> COMPLETELY NUDE		
IN A BATHTUB			<input type="checkbox"/> UNKNOWN		
COVERED (DESCRIBE)			CLOTHING INTENTIONALLY RIPPED/TORN/CUT BY OFFENDER v78		
ICE ONLY COVERED (DESCRIBE)			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
RIPPED (DESCRIBE)			DNA SAMPLE AVAILABLE FOR VICTIM/OFFENDER v79		
OTHER (DESCRIBE)			VICTIM OFFENDER		
TIME OF DEATH AND/OR TRAUMA v80			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO		
NATURAL <input type="checkbox"/> HOMICIDE <input type="checkbox"/> SUICIDE <input type="checkbox"/> ACCIDENTAL			BODY PART(S) REMOVED BY OFFENDER v86a		
UNKNOWN <input type="checkbox"/> CATASTROPHE			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
MANNER OF DEATH			DISMEMBERMENT METHOD v88c		
TRAUMA LOCATION(S) v81			<input type="checkbox"/> BITTEN <input type="checkbox"/> SAWED		
MARKS FOUND ON BODY v84a			<input type="checkbox"/> RIPPED/TORN <input type="checkbox"/> HACKED/CHOPPED		
YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN			<input type="checkbox"/> CUT-SKILLED <input type="checkbox"/> OTHER (DESCRIBE)		
NATIVE v94			<input type="checkbox"/> CUT-UNSKILLED <input type="checkbox"/> UNKNOWN		

REPORTING AGENCY v4	INVESTIGATING AGENCY CASE # v4
---------------------	--------------------------------

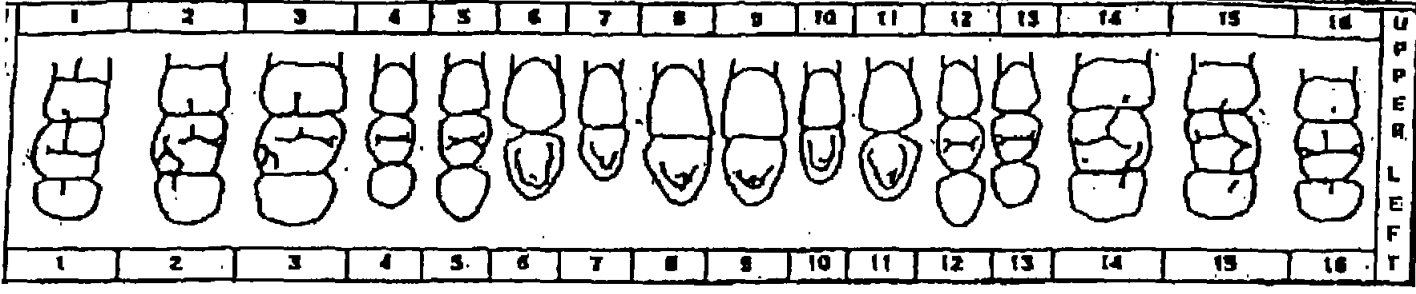
COMPLETED FORM TO: DEPARTMENT OF JUSTICE MISSING/UNIDENTIFIED PERSONS UNIT P.O. BOX 903387, SACRAMENTO, CA 94203-3870 Phone: (916) 227-3290 FAX: (916) 227-3270	CORONER'S REPORT ATTACHED: YES <input type="checkbox"/>
--	--

DOJ USE ONLY	NIC #	NICAP #	CAPMI #	VCIN #
	U			

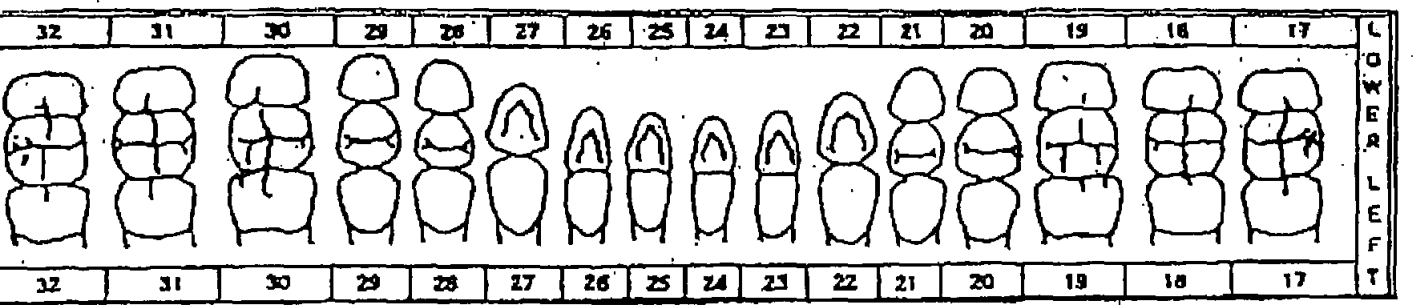
INSTRUCTIONS:

- 1. MARK LOCATION OF WORK ON TOOTH SURFACE.
- 2. GIVE DESCRIPTION OF WORK DONE: MISSING TOOTH, FILLING, ETC., ON LINE CORRESPONDING TOOTH NUMBER.

RACE	AGE	HGT	WGT	HAIR COLOR	HAIR LENGTH	EYE COLOR	DBF	EDD
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- 23
- 24

ESTIMATED DENTAL AGE: _____
 COMPLETED BY: _____ D.D.S.
 D.S. PHONE NO.: _____

COMMENTS: _____
 DATE CHARTED: _____

Mailing List

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

Mr. Keith Gmeinder
Department of Finance
915 L Street, 8th Floor
Sacramento, CA 95814

Ms. Harneet Barkschat,
Mandate Resource Services
5325 Elkhorn Blvd., # 307
Sacramento, CA 95842

Mr. Michael Havey, Bureau Chief
State Controller's Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Steve Keil,
California State Association of Counties
1100 K Street, Suite 101
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Ms. Pam Stone, Legal Counsel
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4320 Auburn Blvd., Suite 2000
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Ms. Sarah Ahonima
County of Los Angeles, Department of Coroner
1104 N. Mission Rd.
Los Angeles, CA 90033

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

Date	4/28/04	# of pages	29
From	Leonard Kuge		
Co.			
Phone #	913-924-8564		
Fax #			
Post-It Fax Note	7671	To	Paula Higashi
		Co./Dept.	CSM
		Phone #	
		Fax #	916-445-0278

Mr. Steve Smith
Mandated Cost Systems, Inc.
11130 Sun Center Drive., Suite 100
Rancho Cordova, CA 95670

Mr. Frank McGuire
County of Yolo
District Attorney's Office
P. O. Box 1446
Woodland, CA 95776

Mr. Mike Case
California Department of Justice
Investigative Services Program
4949 Broadway, Room B-212
Sacramento, CA 95820

Mr. Keith B. Petersen, President
Sixten & Associates
5252 Balboa Ave., Suite 807
San Diego, California 92117

Mr. Paul Minney,
Spector, Middleton, Young & Minney, LLP
7 Park Center Drive
Sacramento, California 95825

Ms. Sandy Reynolds, President
Reynolds Consulting, Inc.
P. O. Box 987
Sun City, California 92586

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Mailing List

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

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4095 Lemon Street, P. O. Box 512
Riverside, CA 92502

Mr. Jim Spano,
State Controller's Office
Division of Audits (B-8)
300 Capitol Mall, Suite 518, P.O. Box 942850
Sacramento, California 95814

Executive Director,
California State Coroners' Association
5925 Maybrook Circle
Riverside, California 92506

Mr. J. Bradley Burgess
Public Resources Management Group
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Roseville, CA 95661

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Bob Campbell
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Administrator
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Sacramento, CA 95820

Mr. Jim Jagers
Centration, Inc.
2150 Tributary Point Dr., Suite 140
Gold River, CA 95670

Mr. Todd Wherry
MCS Educated Services
11130 Sun Center Dr., Suite 100
Rancho Cordova, CA 95670

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCauley
AUDITOR-CONTROLLER

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Hasmik Yaghobyan states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 28th day of April 2004, I served the attached:

Documents: Los Angeles County's "Ten Day Report" Addendum, Parameters & Guidelines [CSM-TC-18], Postmortem Examinations: Unidentified Bodies, Human Remains, including a 1 page letter of J. Tyler McCauley dated 4/28/04, a 2 page narrative, a 1 page declaration of Leonard Kaye, and a 22 page exhibits, now pending before the Commission on State Mandates.

upon all Interested Parties listed on the attachment hereto and by

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. Commission on State Mandates FAX as well as mail of originals.
- by placing true copies original thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

PLEASE SEE ATTACHED MAILING LIST

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of April, 2004, at Los Angeles, California.


Hasmik Yaghobyan

Eric Feller

From: Markcurtis Otani [Markcurtis.Otani@doj.ca.gov]
Sent: Friday, June 04, 2004 1:15 PM
To: Eric Feller
Cc: Greg Truax; Mike Case
Subject: Re: 10-day unidentified person report

Eric,

In regards to your inquiry about the reporting requirements of law enforcement agencies (LEA) submitting unidentified reports to the Department of Justice (DOJ), per Section 27521.1 Government Code, this may be accomplished by notifying DOJ within 10 days of discovering the unidentified remains by telephone, teletype through CLETS (California Law Enforcement Telecommunication System) or by mail. The information submitted should include the initial physical inspection of the remains in which certain characteristics be provided, such as sex, race and any other physical descriptors. Also a brief summary of the circumstances, location the body was found, and contact person should be included. This will fulfill the LEA's requirement of notification of the discovery of an unidentified person until the final report and dental information is submitted to DOJ by the coroner or medical examiner's office.

I hope this clarifies any confusion in the interpretation of the reporting requirements.

Markcurtis Otani
 Criminal Intelligence Specialist III
 Department of Justice
 Missing and Unidentified Persons Unit
 (916) 227-3290

>>> "Eric Feller" <eric.feller@csm.ca.gov> 6/4/2004 11:17:41 AM >>>
 Mr. Otani,

I am addressing this question to you since I understand Mr. Truax is out of the office.

As you know, the Commission found a reimbursable state-mandated program for local law enforcement investigating the death of an unidentified person to report the death to DOJ, in a DOJ-approved format, within 10 calendar days of the date the body or human remains are discovered.

For the record, please confirm via e-mail how the local entity may report to DOJ for this initial 10-day report, e.g., via phone or teletype machine, or whether anything in writing is required.

Your response is appreciated.

Eric Feller
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 Commission on State Mandates
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 Sacramento, CA 95814
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