



# CALIFORNIA STATE AUDITOR

Elaine M. Howle, State Auditor

# FACT SHEET

Date: **November 29, 2007**

Report: **2007-109**

**The California State Auditor released the following report today:**

## **DNA Identification Fund**

*Improvements Are Needed in Reporting Fund Revenues and Assessing and Distributing DNA Penalties, but Counties and Courts We Reviewed Have Properly Collected Penalties and Transferred Revenues to the State*

### **BACKGROUND**

The voter-approved DNA act of 2004 expanded the existing statewide program that created a database and data bank of DNA samples for certain qualifying offenses. State, county, and municipal law enforcement agencies identify persons qualifying for entry into the state DNA database and data bank, collect DNA samples, and send the samples to the Department of Justice (Justice) to process and store the information. To offset the cost of increased DNA testing, the DNA act also levies a penalty on all fines, penalties, or forfeitures imposed and collected by the courts for all criminal offenses and traffic violations. Counties collect the revenue and deposit the payments into a DNA Identification Fund (DNA fund) and quarterly transfer the appropriate percentage, plus interest earned, to the state DNA fund.

### **KEY FINDINGS**

Our review of the DNA fund revealed that the counties we visited appropriately used their DNA funds. Our audit did identify several issues including:

- Reporting data on county DNA funds needs to be improved.
  - Counties are not required to include all DNA fund revenues in their annual report; thus, the State cannot be fully assured that counties are assessing and collecting all required DNA penalties.
  - Many counties (22 and 24) failed to submit annual reports in 2005 and 2006, yet Justice did not follow up with those nonreporting counties.
- Justice's Web site is incorrect—it indicates that nonreporting counties did not collect and transfer DNA fund money to the State when, in fact, the counties transferred \$1.6 million and \$3.8 million, respectively, in those years.
- Judicial discretion and state laws can affect the amount and timing of DNA penalties assessed and collected.
  - The State does not receive DNA fund money for every criminal and traffic violation—courts can waive the penalties under certain circumstances, and in others the penalty does not apply.
  - Court decisions and state law can allow several months to lapse before fines must be paid and transferred to the State—it took between 114 to 250 days from the date of the citation to the date the county transferred the funds to the State in our sample of 48 items.
- Some weaknesses exist in some courts' automated case management systems and internal controls.

### **KEY RECOMMENDATIONS**

We recommended that the Legislature consider revising state law to require counties to report on all DNA penalties as part of their annual report. Additionally, we made numerous recommendations to Justice to ensure data on county DNA fund activities are accurate. We also made other recommendations to the Administrative Office of the Courts, which is developing a statewide case management system for all counties.

