

**WORKMEN'S COMPENSATION BENEFITS FOR SUBSEQUENT INJURIES****Item 172 from the General Fund**


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Requested 1969-70 .....	\$1,444,000
Estimated 1968-69 .....	1,362,000
Actual 1967-68 .....	1,189,588
Requested increase \$82,000 (6.0 percent)	
Total recommended reduction .....	None

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**SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS**

1. Funding future costs of this program from no-dependency industrial death benefit claims paid to the state.

We recommend a constitutional amendment to permit the funding of this program through the insurance liability of the employer rather than by the state's General Fund. (Analysis page 641)

**GENERAL PROGRAM STATEMENT**

This appropriation funds the payment of industrial injury compensation claims of employees who suffer a second or subsequent industrial injury in the course of their employment. The purpose is to encourage employers to hire individuals who have suffered a prior disabling industrial injury for which they have received an award from the Workmen's Compensation Appeals Board by mitigating or reducing the employer's liability for a subsequent injury which may aggravate or intensify the initial injury. Under this program, the employer is responsible only for the portion of the combined resulting disability which is directly attributable to the latter injury as though no prior disability or impairment existed. The state assumes financial responsibility for any difference between the total amount of the award and the employer's share as determined by the Workmen's Compensation Appeals Board.

The program is administered by the State Compensation Insurance Fund. The Attorney General represents the state's interest in all such cases brought before the board for decision. Statutory authority for the appropriation appears in Sections 4750-4755 of the Labor Code.

**ANALYSIS AND RECOMMENDATIONS**

*We recommend approval as budgeted.*

The current-year estimated expenditure, as with the prior three years, has been under-budgeted, thus requiring an allocation from the Emergency Fund in the amount of \$62,000. In 1966-67, the Emergency Fund allocation was \$47,000 and in 1965-66 it amounted to \$204,000.

**Alternate Source of Funding**

*We again recommend that consideration be given to funding this program from a source other than the General Fund.*

Implementation of this recommendation would require a constitutional amendment, similar to ACA 72 of the 1961 session, followed

**Workmen's Compensation Benefits for Subsequent Injuries—Continued**

by appropriate legislation to permit the program to be funded by no-dependency death benefit claims paid to the state. Twenty-six states now fund their subsequent injury programs totally or partially in this manner.

Under current law, the statutory death benefits which normally are paid to legal heirs are paid to no one if legal heirs cannot be found. Only a burial expense of not to exceed \$600 is paid under these circumstances. It does not seem reasonable, however, that when an employee who has no legal heirs dies as a result of an industrial accident the employer should be relieved of an insurable liability which he must assume if heirs exist.

ACA 72 provided that in cases of an accidental industrial death of an employee who had no legal heirs to whom the statutory death benefit could be paid, legislation could require that the death benefit be paid to the state and used for the payment of subsequent injury claims. It is estimated that such a provision would eliminate or substantially reduce General Fund expenditures for this program.

**DEPARTMENT OF JUSTICE****Items 173 and 175 from the General Fund****Items 174 and 176 from the Motor Vehicle Fund**

Requested 1969-70 .....	\$22,731,996
Estimated 1968-69 .....	18,889,599
Actual 1967-68 .....	15,721,878
Requested increase \$3,842,397 (20.3 percent)	
Total recommended reduction General Fund .....	\$1,020,748
Motor Vehicle Fund .....	\$168,171

**SUMMARY OF RECOMMENDED REDUCTIONS**

	<i>Amount</i>	<i>Analysis page</i>
<i>Reduce General Fund Augmentation Item 173 as follows:</i>		
Division of Civil Law (two attorney positions) .....	\$47,588	645
Division of Criminal Law (eight attorney positions) .....	128,352	645
Office Management and Services .....	75,016	646
Division of Law Enforcement:		
Administration (two EDP positions) .....	22,516	646
Bureau of Criminal Identification and Investigation (one investigator) .....	15,678	647
	\$289,150	
<i>Reduce funds for Criminal Justice Information System as follows:</i>		
Item 173 .....	\$543,229	648
Item 174 .....	\$156,771	648

## Department of Justice—Continued

*Reduce General Fund Support Item 175 as follows:*

General Expense .....	\$60,905	654
Division of General Administration (one clerical position) .....	5,100	655
Division of Civil Law (four attorney positions) .....	53,076	656
Division of Criminal Law (one tax representative and one clerical position) .....	15,456	657
Office Management and Services (two clerical positions) .....	13,032	658
Division of Law Enforcement: Bureau of Criminal Identification and Investigation (eight clerical positions) .....	40,800	660
	<u>\$188,369</u>	

*Reduce Motor Vehicle Fund Support Item 176 as follows:*

Division of Law Enforcement: California Law Enforcement Telecommunications System (one EDP position) .....	11,400	653
Total Recommended Reduction .....	<u>\$1,188,919</u>	

## GENERAL PROGRAM STATEMENT

The Department of Justice, under the direction of the Attorney General, provides legal and law enforcement services. As the state's principal law office, it renders opinions and interpretations and represents the state in both criminal and civil proceedings. To assist in law enforcement, the department maintains fingerprint and criminal record files for identification purposes, compiles criminal statistics, provides communication services, conducts investigations and maintains laboratory and photographic services. The department also enforces narcotic laws and performs regulatory or enforcement functions relating to consumer fraud, charitable trusts, constitutional rights enforcement, anti-trust activities, and the state tort liability program.

## ANALYSIS AND RECOMMENDATIONS

The total amount requested in the budget year is \$22,731,996, which includes a program augmentation of \$2,016,766. This represents an increase of \$3,842,397 or 20.3 percent over estimated expenditures (excluding federal funds) for the current year. In addition to the proposed appropriation, the department anticipates reimbursements totaling \$2,640,317 representing services to other state and public agencies. Thus, the total level of proposed expenditures for the department for the 1969-70 fiscal year is \$25,372,313. Table 1 shows the expenditures by unit, excluding funds proposed in the program augmentation.

## Program Augmentation

The department's budget includes a program augmentation totaling \$2,016,766 as summarized in Table 2. Our recommendations on the augmentation follow this summary.

**Table 1**  
**Summary of Expenditures by Unit**  
**(exclusive of federal funds)**

Unit	1967-68 (Actual)	1968-69 (Estimated)	1969-70 (Proposed)	Increase over Prior Year	
				Amount	Percent
General Administration -----	\$1,160,112	\$1,299,399	\$1,374,990	\$75,591	5.8%
Legal Services -----	5,823,763	6,462,500	7,329,891	867,391	13.4
Civil Law -----	(1,922,265)	(1,971,384)	(2,138,215)	(166,831)	8.5
Criminal Law -----	(2,245,107)	(2,651,310)	(3,150,788)	(499,478)	18.8
Office Management and Services -----	(1,656,391)	(1,839,806)	(2,040,888)	(201,082)	10.9
Law Enforcement -----	8,738,003	11,127,700	14,027,115	2,899,415	26.1
Administration -----	(1,740,972)	(1,899,239)	(1,761,936)	(-137,303)	-7.8
California Law Enforcement Telecommunications System -----	--	(1,183,722)	(2,344,069) <sup>1</sup>	(1,160,347)	98.0
Bureau of Criminal Statistics -----	(552,054)	(628,489)	(654,349)	(25,860)	4.1
Bureau of Criminal Identification and Investigation -----	(4,320,651)	(4,938,050)	(5,232,284)	(294,234)	6.0
Bureau of Narcotic Enforcement -----	(2,124,326)	(2,478,200)	(2,488,169)	(9,969)	0.4
Criminal Justice Information System -----	--	--	(1,546,808) <sup>2</sup>	(1,546,808)	--
Totals -----	\$15,721,878	\$18,889,599	\$22,731,996 <sup>3</sup>	\$3,842,397	20.3

<sup>1</sup> Item 176 from the Motor Vehicle Fund

<sup>2</sup> Includes \$346,308 augmentation from the Motor Vehicle Fund (Item 174)

<sup>3</sup> Includes \$18,371,161 (Item 175) and \$1,670,458 augmentation (Item 173) from the General Fund

## Department of Justice—Continued

Table 2

Summary of Program Augmentations  
(Items 173 and 174 of the Budget Bill)

I. General Administration:	
Additional fiscal staff -----	\$12,196
II. Civil Law:	
Additional legal staff (administrative law) -----	58,308
III. Criminal Law:	
Additional legal staff (writs and appeals) -----	240,658
IV. Office Management and Services	
Additional clerical support -----	115,992
V. Law Enforcement:	
A. Additional planning staff (administration) -----	17,020
B. Additional computer operations staff (data processing) -----	30,726
C. Additional investigative staff (criminal identification and investigation) -----	15,678
D. Proposed implementation of criminal justice information system--	1,546,308
Total, Program Augmentations -----	\$2,036,886
Reimbursements -----	—20,120
Net Total, Program Augmentation -----	\$2,016,766
General Fund Item 173 -----	(\$1,670,458)
Motor Vehicle Fund Item 174 -----	(\$346,308)

I. General Administration: Additional fiscal staff—one assistant budget analyst (\$12,196).

*We recommend approval.* This position is requested to work in the field with program managers in developing more meaningful and accurate program statements, workload measurements, and program output data. This is an area within the department that is in need of improvement.

II. Civil Law: Additional legal staff—administrative law, 4.2 positions (\$58,308). This request includes two deputy attorneys general II and the equivalent of 2.2 man-years of student legal time (six jobs for summer employment). *We recommend the deletion of two deputy attorneys general II plus related costs for a savings of \$47,588.* This recommendation is based on our discussion on page 656 of this analysis relating to the workload of Administrative Law attorneys.

III. Criminal Law—writs and appeals, 15 positions (\$240,658).

*We recommend the deletion of eight deputy attorneys general II plus related costs for a savings of \$128,352.*

The augmentation request is for 15 Deputy Attorneys General II proposed on the basis of increased workload. Three additional attorney positions for this section are also proposed in the workload portion of the budget but they are discussed here as a total request for 18 positions for the writs and appeals function. Our review of the workload and staffing levels for this section indicates (1) the workload projections are unrealistic and (2) that a change in the method of reporting writs has distorted the workload increases. The department's workload projection for writs is based on an average increase of 609 filings per

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year over a five-year period. However, the average annual increase is distorted by the fact that a very substantial increase occurred between fiscal years 1962-63 and 1964-65 while the average increase between 1964-65 and 1967-68 was only 82 cases per year. Of the 10 attorneys we are recommending for approval, eight are for increased workload in criminal appeals based on the departmental standard for 33 appeals per year per attorney. We are recommending approval of the remaining two positions to handle increased workload generated by recent federal court decisions involving procedures to be followed in criminal cases.

*We recommend that eight of the ten attorney positions which we are recommending for approval be allocated to the Los Angeles office.*

Our review further indicates that existing attorney positions should be reallocated to better reflect workload conditions. The Los Angeles office contains about 45 percent of the authorized personnel for writs and appeals, but approximately 70 percent of the appeals are filed and closed there. Also, while the writ filings in the department's three offices are about equal, the Los Angeles office has a much lower closing percentage than the San Francisco or Sacramento offices. This indicates that the Los Angeles office needs additional staff to handle workload requirements.

IV. Office Management and Services: Additional clerical support, 14 positions—\$115,992.

*We recommend the deletion of eight senior legal stenographers and one clerk II plus related expenses for a savings of \$75,016.*

Approval of this recommendation is contingent on our previous recommendation for a reduction in proposed attorney positions. Applying the departmental staffing formula of two stenographers to three attorneys, we find justification for four stenographers and one clerk.

## V. Law Enforcement

## (1) Administration

Planning and communications officer plus related costs (\$17,020).

*We recommend approval.* The planning and communications officer would plan, develop, and direct contingency plans to be implemented by the Department of Justice in the event of civil disturbances, natural disasters and enemy caused disasters. This position also would be responsible for planning, directing and coordinating the communications program of the department.

## (2) Data Processing

Computer operations supervisor II and two senior computer operators plus related cost (\$30,726).

*We recommend the deletion of the computer operations supervisor and one senior computer operator plus related costs for a savings of \$22,516.*

The computer center in the Department of Justice, consisting of one production computer with random access equipment and one "real-time" computer with random access equipment, must be operational

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24 hours per day, seven days per week. The “real-time” teleprocessing computer provides information from the Department of Justice firearm and property files and the National Crime Information Center files in Washington, D.C. to local law enforcement agencies throughout California, and must be manned at all times. The production computer, which is used to maintain the files and prepare reports, must be manned three shifts per day, five days per week. There are peak periods when the production computer must also be manned on weekends. In addition to the computers, the department maintains a magnetic tape and random access magazine library system which must be supervised. The Data Processing section is currently staffed with six computer operators. Allowing for time off, vacation, and sick leave, we have determined that a total of nine computer operators are necessary to man the two computers and one additional operator is required to supervise the tape library. In the workload portion of this analysis we have recommended the approval of three additional computer operators. The addition of the senior computer operator we are recommending here would allow the department an adequate staffing level with proper supervision for all shifts.

**(3) Criminal Identification and Investigation  
Supervisor, Investigation Section—\$15,678**

*We recommend the deletion of this position plus related costs for a savings of \$15,678.* The Investigation Section presently has three area offices located in Los Angeles, San Francisco and Sacramento. In addition, Los Angeles has a sub-office in San Diego and Sacramento has a sub-office in Fresno as well as a resident agent in Redding. Each area office is headed by a Supervising Special Agent who is responsible to the bureau chief. The department states that because of the geographical distances involved and because of his other duties, the Chief of the Bureau does not have the time to adequately supervise this function. We agree that this function requires overall statewide supervision, but we do not believe that the department needs to add a new position to achieve that objective. *Therefore, we recommend that the department either reclassify an existing supervising special agent position to handle the overall supervision or have the supervising special agents report to the Assistant Chief, Bureau of Criminal Identification and Investigation.*

**Criminal Justice Information System**

The issue of automation of files and records within the Department of Justice, the law enforcement community, and the entire criminal justice system has been before the Legislature since 1960 and is once again a major element in the department's funding request. The Governor's Budget contains an augmentation request for \$1,546,308 which is intended to fund the first year implementation costs of a Criminal Justice Information System (CJIS). This funding request is based on an advanced systems design description released on December 30, 1968, and an implementation plan released on December 20, 1968, which have been prepared for the Attorney General by the Lockheed Missiles

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and Space Company. Total costs for implementation and operation of this system through fiscal year 1975-76 are estimated by the contractor to be \$23,535,000.

**Recommendations**

1. Delete \$700,000 of the \$881,000 budgeted for consultant services in implementation of the Criminal Justice Information System, leaving a total of \$846,308 for implementation of this program during the budget year.

2. The Department of Justice should evaluate its program of automation and service to the law enforcement and criminal justice agencies in light of the findings and recommendations of the Criminal Justice Information System study.

3. An implementation plan should be prepared immediately for legislative review detailing the proposed expenditure of the remaining \$846,308 including adequate justification and a cost-benefit analysis of the program projected over at least a five-year period.

4. Within the \$846,308 which we are recommending for approval, the approach to conversion of existing manual records should be on a more limited basis, beginning with immediate conversion of the criminal histories of the 700,000 individuals identified by the Bureau of Criminal Statistics as the highly active criminal group.

5. Consultant personnel should be retained under the direction of the Department of Justice to supplement technical skills of state personnel for implementation of the system. However, no more than 50 percent of the implementation team should be comprised of consultant staff. Clerical staff responsible for file conversion should be state personnel rather than employees of a private contractor.

**The Environment**

The Department of Justice currently has responsibility for maintaining voluminous files containing personal data and the criminal history of persons involved in crimes. Included in these files are approximately nine million soundex cards including aliases, seven million fingerprint cards, and 3.8 million file folders containing criminal records.

In addition to the above files, which are all maintained by manual methods, the Department of Justice has converted files on stolen guns and property, modus operandi, triplicate narcotic prescriptions and some law enforcement statistical procedures to a small "second-generation" computer system.

The information contained in these files is made available principally to approximately 450 separate law enforcement agencies in California through telephone and mail requests, teletype and "on-line" terminals to the existing computer system which permits immediate access to a limited amount of data. In addition, the Department of Justice is linked to the National Crime Information Center (NCIC), a centralized and automated system maintained by the FBI, which contains nationwide information on stolen and wanted vehicles, stolen identifi-

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able property and wanted persons. The Department of Justice computer also serves as a message-switching center to permit the California Highway Patrol's Autostatis System to be directly connected to the National Crime Information Center.

**Historical Background of Department of Justice Automation Attempts**

The history of attempts of the Department of Justice to apply modern data processing procedures (including the use of the electronic computer) to its massive file problems dates back to November, 1959. Prior to that date, punched-card data processing machines had been used on a limited basis.

A comprehensive report prepared by a private consultant for the Attorney General and entitled *Automatic Data Processing and Telecommunication in the Department of Justice* was released in September, 1965. This 166-page document detailed the problems encountered and the activities of the Department of Justice, California Peace Officers' Association, the Departments of Finance and General Services, the Legislative Analyst and the Legislature with respect to arriving at a solution to them.

A lack of progress was evident for many years primarily because of the inability of the department to choose between two alternate procedures, one of which involved the design of a total system for the department, encompassing all phases of the operation, and the other consisted of automating existing punched-card files and other applications on a gradual basis. The second approach was finally selected; and a computer system with random access capability was ordered for delivery in January, 1966.

A second report prepared by the department and entitled *A Management Plan for the Evaluation and Automation of Activities and Files in the Division of Law Enforcement* was submitted to the Attorney General in December, 1966. This report provided a detailed description of the organization and responsibilities of the Division of Law Enforcement and was particularly concerned with the numerous files and records maintained by the Department of Justice. Exhibit III-A of the report presented a systems development and automation schedule which, if followed, would have permitted the conversion to the computer of such files as soundex, violent offender records and the statistical reporting of the department. The conversion of these files was scheduled to be accomplished by the end of fiscal year 1968-69, but the department has delayed implementation of this plan pending development of the total systems approach discussed below.

**Initiation of the Criminal Justice Information System Study**

The 1966 Legislature authorized a Criminal Justice Information System study to be funded jointly by the state and the federal government under the Law Enforcement Assistance Act.

State expenditures for the project through December 31, 1968, totaled \$231,058 compared to federal expenditures of \$350,000. The state money financed a project team to work with the contractor. Lockheed Missiles and Space Company was selected as the contractor and the entire federal

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grant was expended for Lockheed's services. The contract expired on December 31, 1968, and all reports, including the final report of January 6, 1969, have been submitted.

**The Study Approach**

The final conceptual systems design proposed by the contractor is the result of a three-cycle approach to the problem. During the first cycle the philosophy was to consider all applications which were thought to be in the realm of possibility. This design philosophy embraces the assumption that it is better to embark upon the project with the broadest possible outlook and narrow the subject area to a scope which can be realistically implemented. All applications were considered to be technically possible now or feasible in the next decade as a result of advancing technology.

Following through on this approach, the project team undertook an extensive data and procedure gathering program by contacting numerous law enforcement and other criminal justice agencies, such as courts and probation offices, throughout the state. The potential users of the system were queried with respect to their objectives, records and the information needed for decision-making. These data were then refined through two additional cycles and the advanced system design completed.

The program budget narrative lists 46 "information reports" that the system can provide in response to specific inquiries initiated by system users. These inquiries can be made at various decision-making points in the criminal justice process. The conceptual design of the system requires the capacity to store billions of characters of information in a random access mass-storage device to permit rapid access from all using agencies by direct inquiry into the files, using remote terminals connected to the electronic computer system.

The California Law Enforcement Telecommunications System (CLETS), which was funded by the Legislature during the 1968 Regular Session, will be operational in October, 1969. CLETS is intended to be the communication network for all messages generated by the Criminal Justice Information System between the criminal justice agencies and the Department of Justice.

The Criminal Justice Information System study team evaluated the massive central files maintained by the Department of Justice as one of the last steps in its design schedule. Therefore, although the final reports demonstrate a knowledge and understanding of this complicated record-keeping process, full advantage was not taken of the knowledge of Department of Justice personnel who have worked with these files and the informational requests of law enforcement agencies on a day-to-day basis. A lack of administrative direction of the project team by personnel within the Department of Justice is also evident. As a result, the final reports are not realistic in terms of the type of records to be converted or the timetable for implementation.

Thus, automation of existing records within the Department of Justice once again becomes a central issue. In our judgment, it was short-

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sighted on the part of the CJIS team and Department of Justice officials not to work closely together in order to solve this mutual problem. Both groups have recognized the magnitude and complexity of the problem, but they have not succeeded in arriving at a solution that can be supported by all of the agencies involved.

**The CJIS Proposal**

As stated earlier, the total cost for implementation and operation of this system through 1974-75 is \$23,535,000. The requested augmentation of \$1,546,308 is only \$100,000 less than the cost estimated in the CJIS "Summary Projection of Cost for Implementation and Operations for 1969-70."

Basically, the CJIS plan calls for the creation of an "automated personal data record" for all individuals who have an active criminal record folder in the Department of Justice. It is estimated that of the 4.4 million folders that will have been established by June, 1971 (end of the conversion period), 1.5 million can be purged to archives, leaving 2.9 million to be converted.

In addition, a "criminal history record" is recommended for establishment on all persons who have been arrested for, booked on, charged with, or convicted of a crime contained in the CJIS table of offenses. This table will include all offenses punishable by more than six months imprisonment, regardless of the sentence actually imposed. It will exclude all offenses punishable by county jail sentences of six months or less. It is estimated that there are 700,000 persons described in the CJIS table of offenses. This number represents the highly active criminal group and includes those who have been arrested for felonies or for sex, narcotic or petty theft offenses.

The criminal history record is similar to the current "rap sheet" maintained by the Department of Justice and, therefore, when this record is automated the computer will produce the "rap sheet" plus additional information not currently available.

The CJIS implementation plan also calls for crime summaries, conviction records, warrant records and a juvenile index to be maintained by the computer. Existing automated files on firearms, stolen property, and stolen or wanted vehicles also are scheduled for conversion to the Criminal Justice Information System.

**Department Not Ready to Implement CJIS**

In our judgment, the Department of Justice is not ready to embark on a full-scale implementation of the CJIS proposals. Although the Criminal Justice Information System study has provided the department with a comprehensive survey of the informational needs of the various agencies and a conceptual system for meeting these needs through automation, what is now required is a thorough analysis of the system by department personnel since they have not been directly involved in the study up to this time.

For example, many decisions must be made with respect to purging the massive manual files within the department before work can begin

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on a full-scale conversion to an automated system. The CJIS study has produced detailed criteria for purging these records and alternative considerations with respect to procedures for purging. It now remains for the Department of Justice to carefully evaluate these criteria before any large-scale conversion program is implemented.

Any implementation plan must also include a program to upgrade the existing computer capacity within the Department of Justice. However, little progress has been evident in improving existing automation programs because the primary emphasis has been on completing the CJIS study. In our opinion, it was a mistake to consider CJIS as a separate system having little relationship to the current responsibilities of the Department of Justice, although it is generally recognized that CJIS will provide information to other criminal justice agencies, such as the courts, probation offices, Departments of Corrections and Youth Authority, district attorneys, as well as law enforcement agencies. Other than these increased information demands, the system should be considered as an upgrading and extension of the Department of Justice's responsibilities as a central repository for information needed by all agencies involved in the administration of criminal justice. This upgrading will require the utilization of advanced electronic data processing technology as conceived by CJIS.

The request for funding should therefore be considered as a phased program to upgrade the Department of Justice computer system, automate existing files where practicable, and provide greater information to criminal justice agencies. To this end, we recommend the following:

1. A more limited approach to conversion of records, beginning with the 700,000 individuals who are considered to be the highly active criminal group. This group includes the individuals so considered in the CJIS table of offenses and is also similar in makeup to information already compiled in detail by the Bureau of Criminal Statistics in a "Criminal Careers Study." Therefore, automating this active criminal group will dramatically improve the information available to criminal justice agencies.

2. We suggest delay in creation of personal data records pending a thorough study of file activity and the establishment of purging criteria. Purging and the establishment of a plan to retire a large portion of these folders to inexpensive archival-type storage space is also necessary or the Department of Justice, Division of Law Enforcement will again be faced in the near future with moving its entire operation because of inadequate storage facilities for manual records.

3. The Department of Justice informs us (and we concur) that the current manual file of wanted persons should be high on the priority list for conversion.

4. Immediate steps should be taken to upgrade the existing Department of Justice computer system.

5. \$543,229 of the \$881,000 budgeted for consultant services should be deleted from the General Fund portion of the budget and a proportionate reduction of \$156,771 should be made in the Motor Vehicle Fund item. A large portion of the proposed funds are for private consultant-

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supplied personnel to convert existing manual files. This is a job more suited to the use of state personnel once decisions on file conversion have been made. Approval of this recommendation would leave \$181,000 for consultant services.

6. The augmentation of \$846,308 which we are recommending for approval should be sufficient to begin this program in fiscal year 1969-70 within the scope discussed in this analysis. Before these funds are granted, the Department of Justice should evaluate its position with respect to the CJIS study and prepare an implementation plan including a detailed analysis of how the \$846,308 will be expended including adequate justification and a cost-benefit analysis projected over at least a five-year period. In our opinion, the Department of Justice should use the findings of the CJIS study as basis for discharging its responsibilities to the law enforcement and criminal justice agencies.

7. The Governor's Budget provides that the CJIS augmentation be funded by \$346,308 from the Motor Vehicle Fund and \$1,200,000 from the General Fund. We have no information as to the basis on which these costs have been allocated and believe that the department should specify the formula used in determining this allocation.

**California Law Enforcement Telecommunications System****Recommendations**

1. *We recommend deletion of one associate data processing systems analyst for a saving of \$11,400 plus related costs.*

2. *We recommend that CLETS not be totally funded from the Motor Vehicle Fund. Such funding should be prorated to the General Fund and the Motor Vehicle Fund based on the amount of use by the participating agencies.*

The California Law Enforcement Telecommunications System (CLETS) is authorized under Government Code Sections 15150-15157, Chapter 1595, Statutes of 1965. This system will replace the current outmoded state teletype system which was installed in 1931. The Government Code specifies that (1) the state will finance the system's switching centers in Los Angeles and Sacramento and line connections to a single location in each of the 58 counties, and (2) local governments will bear the costs beyond the state terminal in each county. CLETS will be the major communications network for the Department of Motor Vehicles, the California Highway Patrol, the Department of Justice, the proposed Criminal Justice Information System and the National Crime Information Center in Washington, D.C., which is maintained by the Federal Bureau of Investigation. Approximately 925 stations will be serviced by CLETS transmitting in excess of two million messages in its first year of operation and more than five million by 1975.

**Funding Information**

The 1968 Conference Committee on the Budget Bill approved a request for \$1,200,572 for the development of CLETS. Because 60 percent of the message volume carried by CLETS involves the Department

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of Motor Vehicles and the California Highway Patrol, and because these two agencies have used the existing communication system in past years without paying their proportionate costs, the Motor Vehicle Fund was used to provide all funding for the current year.

The budget year request of \$2,344,069, which represents all costs necessary to implement the system by October 1, 1969, and to operate CLETS for the budget year, also proposes use of Motor Vehicle funds entirely. As required by Government Code Section 15166, funding for the budget year and all subsequent years should be prorated to the appropriate funds as determined by the amount of use by participating agencies.

## System Design

The CLETS system will utilize electronic computers to receive and route messages throughout the state via telephone lines. In addition to handling the traffic of the present teletype network, the system is being designed to accommodate messages between electronic computers which are being installed by local agencies to automate their law enforcement records.

The following positions are proposed for establishment in the budget year:

1 Associate data processing systems analyst -----	\$11,400
Temporary help -----	8,256

We recommend the deletion of the associate data processing systems analyst for a saving of \$11,400 plus related costs. The CLETS system is being designed and programmed by a private contractor and is due to be operational in October, 1969. The Department of Justice should contract for systems analysis services from the Department of General Services on an as-needed basis because it is doubtful that the new system will require the services of a full-time systems analyst.

The CLETS computers will require a minimal operating staff; that is, three operators will man two computers for each shift seven days per week. Eighteen operators will man two switching centers (Sacramento and Los Angeles). Allowing time off for 10 holidays, eight sick leave days and 12 vacation days, a total of 540 man-days off must be provided for. The funds requested for temporary help would provide funds to pay for approximately one-half of this time. The remainder would be provided by compensating time off.

## General Expenses Overbudgeted

We recommend that funds budgeted for general expenses be reduced by \$60,905.

Funds budgeted for office supplies, the maintenance of equipment, printing of forms, etc., are shown in the Governor's line item budget under the General Expense category of Operating Expenses and Equipment. For the budget year, this category shows an increase of approximately \$86,000 or 21.2 percent over estimated expenditures of \$406,272 for the current year. In discussing this item with the department we

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were informed that approximately \$15,000 of the increase is attributable to the cost of printing a new crime reporting form and the remainder is for price increases.

The price letter distributed by the Department of Finance provides for price increases of 2.5 percent for operating expenses. Applying this percentage to estimated current-year expenditures and then adding \$15,000 for the crime report, we believe that the department should have budgeted this expense in the amount of \$431,429 instead of \$492,334.

**Division of General Administration**

The executive and managerial functions as well as fiscal and personnel functions of the department are carried out by this division. The Attorney General and his immediate staff are budgeted within this division.

The fiscal office provides for the accounting, auditing, billing and purchasing functions of the department and the personnel office provides for all the services in connection with personnel management.

The amount proposed for this function in the budget year is \$1,362,704, which is an increase of \$63,395 or 4.9 percent over estimated expenditures in the current year. The major portion of this increase is due to higher operating expenses plus the following proposed new position:

1 Clerk II ----- \$5,100

*We recommend the deletion of one clerk II for a savings of \$5,100 plus related costs.* This position is proposed to support new positions being requested for other divisions in the department on the basis that the new positions will generate increased workload for this division. However, the department's workload budget for 1969-70 shows only a net increase of 11.8 positions in personal services (from 1,509.1 to 1,520.9) over the authorized level of positions in the current year. We do not believe that this minor increase in personnel would generate sufficient additional workload to require the establishment of this position.

**LEGAL SERVICES PROGRAM**

The legal services program is conducted by the Division of Civil Law, the Division of Criminal Law and a unit titled Office Management and Services. The total amount proposed for this function for 1969-70 is \$6,935,053, which is an increase of \$472,553 or 7.3 percent over estimated expenditures for the current year.

**Division of Civil Law**

This division is responsible for representing state officers, boards and commissions as general counsel in the civil law field. The legal services furnished include the handling of litigation in all state and federal courts, including the United States Supreme Court, and administrative tribunals. Formal, informal and oral legal opinions are rendered to

## Department of Justice—Continued

state officers, boards, commissions and agencies, to members of the Legislature and to district attorneys and county counsels. Reimbursements are received for legal services provided to state agencies supported by special funds.

This division also furnishes necessary investigative and legal services to represent the state and its employees in the field of tort liability and to provide the Board of Control with sufficient information to enable it to compensate victims of crimes of violence and "good samaritans" who act to prevent the commission of crimes.

## New Positions

The following positions are proposed:

1 Assistant Attorney General I -----	\$20,496
3 Deputy Attorney General II -----	\$32,580
1 Disability Claims Examiner -----	\$9,852

1. We recommend the deletion of one Assistant Attorney General I and three Deputy Attorney Generals II for a savings of \$53,076.

2. We recommend approval of one disability claims examiner.

The three Deputy Attorney Generals II are requested for the Administrative Law Section to handle a projected increase in workload. Last year the Legislature authorized five additional Deputy Attorney Generals II for work in this section based on a projected workload of 3,001 cases for the current fiscal year. However, workload experience to date in the current year indicates that the workload estimate will not be reached and the department has reduced its workload projection for the budget year to approximately 2,920 cases, a level which is lower than that for which the five positions were authorized in the current year.

The Assistant Attorney General I position is proposed to supervise the Administrative Law section. This position was abolished by the Legislature last year because it had been vacant for more than six months. We believe that this position should be reestablished in order to provide overall statewide coordination for this section which is composed of 36 attorneys. However, in view of the reduced caseload estimated for the budget year and the fact that this section received five new attorney positions last year for workload that has not developed, we recommend that the department reclassify one of the 11 Deputy Attorney General IV positions in this section and fill this supervisory vacancy from within the division.

The Disability Claims Examiner is proposed to handle increased caseload relating to claims against the Subsequent Injury Fund. This fund, which is composed of General Fund appropriations, pays awards authorized by the Industrial Accident Commission under the provisions of Sections 4750-4755 of the Labor Code. Our review of the existing and projected caseload as well as the current staffing level of this program indicates that this position is justified.

## Department of Justice—Continued

Pursuant to Chapter 1546, Statutes of 1967, the Attorney General's Office is responsible for investigating and developing recommendations on all claims submitted by victims of violent crimes to the Board of Control. The following positions are proposed:

2 *Special investigators* ----- \$17,040

*We recommend approval.*

These positions are proposed to enable this section to reduce its backlog of 75 claims to be investigated for the Board of Control. The backlog presently is increasing at the rate of 10 to 12 per month and continued growth in this workload can be expected as the program becomes better known.

## Division of Criminal Law

The Division of Criminal Law maintains positions in San Francisco, Sacramento, Los Angeles and San Diego who are engaged in the state's legal work relating to criminal laws, criminal writs and appeals, consumer fraud, antitrust, charitable trusts, and other related fields. For 1969-70, this division is requesting eight new positions composed of three attorneys for the writs and appeals section and two auditors, one clerk, and two agents for the charitable trusts unit. Shown as an administrative adjustment in this division is the transfer of one senior tax representative from the Division of Law Enforcement to the Division of Criminal Law. This division also has budgeted \$62,730 to provide for adjustments in the salary steps of entry level attorney classes in which recruitment problems exist.

1 *Senior tax representative* ----- \$10,356

*We recommend abolishment of this position.* This position was established in 1955 to help establish and coordinate local Aid to Needy Children (ANC) programs which attempt to locate absent fathers who fail to provide support for their children and to work in a liaison capacity between the Department of Justice and local district attorneys under whom this feature of the aid to Needy Children program functions.

Neither the title of "senior tax representative" nor the functions performed by the position has a meaningful relationship to Department of Justice activities. We have no information as to the nature of any benefits that this position might provide to local ANC programs. Furthermore, we see no value in continuing a special position to maintain liaison with district attorneys because ANC programs are now well established and the counties send information directly to the Bureau of Criminal Identification and Investigation on forms provided by the Department of Justice.

## New Positions

The department proposes the following positions on a workload basis for the Writs and Appeals Section:

3 *Deputy attorneys II* ----- \$32,580

## Department of Justice—Continued

*We recommend approval.*

We have discussed these positions under our recommendations on the 15 proposed new attorney positions which are included in the augmentation for the Division of Criminal Law. The narrative supporting this recommendation is found on Analysis page 645.

The following positions are proposed on a workload basis for the Registry of Charitable Trusts.

2 General auditors III -----	\$22,800
2 Agents, trust and trade practices -----	\$22,248
1 Clerk I -----	\$5,100

*We recommend the deletion of one clerk II for a savings of \$5,100 plus related costs.* The existing staff of this unit consists of five auditors and six clerical positions. With the addition of the proposed new positions, this unit would have a staff of seven auditors, two investigators and seven clerical positions. We believe that the existing level of clerical support for this unit is sufficient to handle the workload generated by the addition of the four new positions which we are recommending for approval.

## Office Management and Services

The Office Management and Services staff provides the necessary supervision, stenographic, clerical and library support for the legal staff of the department. These support functions are under the overall supervision and direction of the Assistant Attorney General in charge of each legal office.

For 1969-70, this unit proposes an expenditure of \$1,924,896 which is an increase of \$85,090 or 4.6 percent over estimated expenditures for the current year. The following seven new positions are requested.

## New Positions

2 Clerks II -----	\$10,200
-------------------	----------

*We recommend approval.* These two positions are proposed to handle the increased workload in the mail room and duplication unit.

4 Senior legal stenographers -----	\$26,064
1 Senior clerk -----	5,904

*We recommend the deletion of two senior legal stenographers for a savings of \$13,032.*

These positions are proposed to maintain the department's staffing ratio of two stenographers to three attorneys. Consistent with our recommendation to reduce legal personnel proposed, a corresponding reduction of two senior legal stenographers should be made. The senior clerk position is proposed to handle a workload increase in the San Francisco Law Library.

## ENFORCEMENT PROGRAM

The Division of Law Enforcement consists of the Bureaus of Criminal Identification and Investigation, Criminal Statistics, Narcotic En-

## Department of Justice—Continued

forcement, and the law enforcement administration element. It also maintains the California Law Enforcement Telecommunications System.

The total amount requested for this division is \$12,417,383, which is an increase of \$1,119,683 or 9.9 percent over estimated expenditures for the current year.

## Administration

The administration function consists mainly of the deputy director's office, the management analysis section, and the data processing unit.

For fiscal year 1969-70, this unit is requesting a General Fund appropriation of \$1,714,190, which is a decrease of \$185,049 or 10.8 percent from the estimated expenditures for the current year. The decrease in support level reflects the phasing out of the old teletype system and the termination of the Criminal Justice Information System Study.

## New Positions

This unit proposes the establishment of the following positions:

1 Programmer II	\$9,396
3 Computer operators	\$20,016
2 Key punch operators	\$10,452

*We recommend approval as budgeted.*

These positions are proposed on a workload basis to handle a backlog in the data processing section. The programmer position will be used in the registry of charitable trusts unit to automate files. The three computer operators are proposed to provide a more adequate staffing level for the department's computer operations. The key punch operators are proposed to handle an increasing backlog in the processing of the firearms and pawned property reports.

## Bureau of Criminal Statistics

This bureau compiles and reports statistical information on the incidence of crime and delinquency and the processes of criminal justice. It collects basic data from city, county and state agencies that have jurisdiction in the areas where the crimes occur. As required by law, this unit reports annually to the Governor, the Legislature and others on the extent and nature of crime and delinquency and the effectiveness of agencies that administer criminal justice in California.

Total proposed expenditures amount to \$654,349, which is an increase of \$25,860 or 4.1 percent over estimated expenditures for the current year.

## New Position

1 Supervising clerk I	\$6,852
-----------------------	---------

*We recommend approval.*

This position is requested on a workload basis to coordinate all information received by the Bureau of Criminal Statistics from approximately 600 criminal justice sources so that it may be placed in a central index.

## Department of Justice—Continued

## Bureau of Criminal Identification and Investigation

The Bureau of Criminal Identification and Investigation derives its authority from Sections 1100-1300 of the Penal Code. It provides modus operandi, laboratory and photographic services and maintains arrest identification and fingerprint records and other special files as required by law. The bureau serves as a central records depository for law enforcement agencies throughout the state.

The bureau conducts two major programs to which all units of the bureau contribute. These programs involve (1) the identification of persons or property and (2) the conducting of investigations. For fiscal year 1969-70 the bureau requests funds totaling \$5,216,606, which represents an increase of \$278,556 or 5.6 percent over estimated expenditures for the current year. The bureau proposes establishing the following positions on a workload basis.

## New Positions

## Fingerprint Section:

1	Latent fingerprint examiner	\$8,736
1	Fingerprint examiner II	7,920
3	Fingerprint examiners I	20,052
1	Clerk II	5,100
1.5	Temporary help	10,000

## Special Services:

4	Clerk typists II	\$20,400
10	Clerks II	51,000

(1) *We recommend approval of the six positions proposed for the fingerprint section.* The number of fingerprints received by the bureau for processing is increasing at the rate of approximately 32,000 per year. For fiscal year 1969-70, it is estimated that 1,283,396 prints will be received by the bureau. Incorporating the current staffing standard, these proposed positions will maintain the fingerprint section at the current level of service.

(2) *We recommend the deletion of two clerk-typists II and six clerks II proposed for the special services section for a savings of \$40,800 plus related costs.*

The 14 clerical positions for the special services section are proposed on the basis of an increase in the number of crime reports received. The following was taken from page 614 of the program budget:

"Increases in workload, based on items received for processing, accounts for the additional costs for this component. Staffing standards based on workload measurements are used to determine personnel requirements.

"All items being received by the various sections of this component cannot be processed as deemed necessary. The following summary reflects the unprocessed items which should be processed to provide complete information to local law enforcement agencies:

## Department of Justice—Continued

Item	1967-68
Intelligence information .....	15,000
Reports on forgery crimes .....	33,200
Reports on fraud .....	14,150
Burglary reports .....	44,000
Robbery reports .....	70,750
Pawn reports .....	50,000

"Fourteen clerical positions are proposed to process the rapidly increasing number of crime reports being received."

The department reports that an increase in clerical personnel would permit this section to reduce the number of unprocessed crime reports. As noted above, the department also states that "staffing standards based on workload measurements are used to determine personnel requirements." Our review of this section indicates that the basis for determining staffing requirements is inadequate, and that the backlog for this function is not in the clerical processes but is in the units where technical personnel analyze the reports.

In developing its staffing formulas, the department has divided the number of crime reports processed by a section by the total number of persons (including clerical personnel) in the particular section and has used the resulting figure as the number of reports that can be processed by each person. However, this procedure does not take into account the fact that the clerical personnel do not "process" crime reports, but merely sort the reports as they are received and distribute them to the technical personnel in the individual units who analyze them.

Thus, the backlog figures cited above cannot be reduced by adding clerical personnel. Moreover, the significance of the backlog data is not clear, since an unknown number represents reports that do not meet current criteria for processing.

The six clerical positions that we are recommending for approval are proposed for the Wanted Persons unit, the Deadly Weapons Control unit, the Stolen Property unit, and the Intelligence unit.

**Organized Crime Unit**

*We recommend that the costs of the 22 positions comprising this unit be specifically identified in the Governor's Budget in order to relate total program costs with program outputs.*

Last year the Legislature authorized the Department of Justice to create a unit to combat organized crime. This unit has been established within the Bureau of Criminal Identification and Investigation and is composed of 15 investigators, three attorneys, and four clerical positions. Its functions include assisting local agencies in the investigation of known criminals, criminal cartel money invested in legitimate business, loan sharking, organized gambling, and any other activities that may be uncovered in the investigative process.

The department has been instructed to report annually to the legislature the activities of the unit including an indication as to the magnitude of the organized crime problem in California. We have been advised that this report is forthcoming.

## Department of Justice—Continued

## Bureau of Narcotic Enforcement

The Bureau of Narcotic Enforcement is responsible for the enforcement of Divisions 10 and 10.5 of the Health and Safety Code relating to the use or abuse of narcotics and dangerous drugs. The bureau reviews medical and pharmaceutical records associated with the legitimate prescribing and dispensing of narcotics, and it also conducts an enforcement program to combat the illegal trafficking, sale and use of narcotics and dangerous drugs. The bureau cooperates with federal, local and Mexican agencies which also have responsibilities in this type of law enforcement. In addition to its Sacramento headquarters, the bureau maintains field offices in San Francisco, Los Angeles, Fresno, San Diego and Santa Ana.

A total amount of \$2,488,169 is proposed for the budget year for the narcotic enforcement program which is an increase of \$9,969 or 0.4 percent over estimated expenditures for the current year.

Projections by the Bureau of Criminal Statistics indicate that narcotic arrests in the calendar years 1969 and 1970 will continue to show an increase in all categories but are increasing much faster in the juvenile category. Table 3 shows the actual and estimated number of arrests by calendar year.

Table 3  
Statewide Arrest Statistics  
Bureau of Narcotic Enforcement and Local Agencies

	<i>Actual</i>		<i>Estimated</i>		
	1966	1967	1968	1969	1970
Marijuana arrests					
Adult -----	14,209	26,527	36,000	36,600	38,200
Juvenile -----	4,034	10,987	20,800	26,600	32,500
Opiates					
Adult -----	6,364	8,197	8,300	8,600	9,000
Juvenile -----	118	272	450	1,200	2,000
Dangerous drugs					
Adult -----	6,064	9,558	19,200	21,000	21,800
Juvenile -----	1,007	2,809	7,750	15,200	22,500
All other drug violations					
Adult -----	1,630	2,750	5,500	5,800	6,000
Juvenile -----	196	692	2,000	5,000	8,000

The data in Table 3 shows the number of persons arrested on drug charges or on drug and other charges. The projections of arrests are based on the assumption that nothing will divert the current trend line. The level of arrests in the narcotics program is influenced by enforcement policies of local governments and the number of personnel assigned to this work at both the state and local levels.

**PEACE OFFICERS STANDARDS AND TRAINING****Item 177 from the Peace Officers Training Fund**

Requested .....	\$374,485
Estimated 1968-69 .....	256,975
Actual 1967-68 .....	112,942
Requested increase \$117,528 (45.7 percent)	
Total recommended increase .....	\$14,966

**SUMMARY OF RECOMMENDED REDUCTIONS**

Need to Consolidate Programs	Amount	Analysis page
(1) We recommend deletion of one vacant and three proposed consultant positions .....	\$49,104	664
(2) We recommend that four training positions now budgeted to the Vocational Education Program of the Department of Education (Item 101) be transferred to this item and that this item be augmented by \$14,966 to fund the costs of the transferred positions .....	+ 64,070	664

**GENERAL PROGRAM STATEMENT**

The Commission on Peace Officers Standards and Training, a nine-member body appointed by the Governor, is responsible for establishing minimum standards of physical, mental and moral fitness for the recruitment and training of city and county peace officers. These standards apply to local jurisdictions that receive state aid for peace officer training through the Peace Officers Training Fund as provided by Chapter 1823, Statutes of 1959. Each local jurisdiction that participates in this program is entitled to reimbursement from the Peace Officers Training Fund of up to 50 percent of the salaries and expenses of peace officers who are selected to participate in training programs. Revenues accruing to this fund are derived from a penalty assessment of \$5 for every \$20 of criminal fines and \$1 for every \$20 of traffic fines collected by local governments.

**ANALYSIS AND RECOMMENDATIONS**

The commission is requesting a support appropriation of \$374,485 from the Peace Officers Training Fund, which is an increase of \$117,528 or 45.7 percent over estimated expenditures from this fund in the current year. In addition, the commission anticipates \$5,826 in federal funds for a total expenditure program of \$380,311 or an increase of \$87,863 over estimated expenditures in the current year. About 75 percent of this increase is attributable to the costs of four proposed new positions and merit salary adjustments.

Chapter 1305, Statutes of 1968, provided for the \$1 penalty assessment on traffic fines which is estimated to increase annual revenues to the Peace Officers Training Fund by approximately \$4,000,000. Total revenues for this fund in the budget year are estimated at \$6,250,000. The revenues provided by Chapter 1305 will allow the commission to expand greatly its police training programs.

**Peace Officers Standards and Training—Continued**  
**Need to Consolidate Police Training Programs**

The commission is requesting the establishment of three new consultant positions at a cost of \$37,353 and one stenographer position at a cost of \$5,582.

- (1) *We recommend approval of the stenographer position.*
- (2) *We recommend the deletion of the three proposed consultant positions and one authorized but unfilled consultant position contingent upon the transfer of positions from the Vocational Educational Program (Recommendation No. 3).*
- (3) *We recommend that four police officer training positions presently authorized for the Vocational Educational Program of the Department of Education (Item 101 of the Budget Bill) be transferred to this item in order to eliminate duplication and improve efficiency and economy.*

The Commission on Peace Officers Standards and Training and the police training unit of the Department of Education engage in similar activities. The police training unit (which is financed 50 percent with federal funds) supervises and coordinates police officer training programs, develops training manuals, and trains police officer instructors in institutes and workshops. The commission maintains liaison with educational institutions providing police training courses, provides counseling services for local police agencies to improve their administrative and management practices, surveys police problems, and establishes and encourages compliance with minimum standards of police officer selection and training. Representatives of both programs attend the same statewide and regional meetings of law enforcement organizations.

In order to secure greater efficiency and economy, we believe that the police training unit in the Department of Education should be transferred to the Commission on Peace Officers Standards and Training. The recommended transfer appears consistent with the legislative policy which has placed administrative responsibility for a greatly expanded peace officer education and training program under the jurisdiction of the Commission on Peace Officers Standards and Training.

Implementation of this recommendation would result in a General Fund saving of \$32,035 in the Department of Education budget and an augmentation to this item in the amount of \$14,966. The \$14,966 represents the difference between the costs of the positions proposed to be transferred and the positions recommended for deletion.

# CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

## Item 178 from the General Fund

Requested 1969-70	-----	\$75,000
Estimated 1968-69	-----	75,000
Requested increase—None		
Total recommended reduction	-----	None

### GENERAL PROGRAM STATEMENT

The California Council on Criminal Justice, created by Chapter 1661, Statutes of 1967, is composed of 25 members. Its objectives are to (1) develop plans for the prevention, detection and control of crime in the administration of criminal justice, (2) encourage coordination, planning and research by law enforcement and criminal justice agencies throughout the state and act as a clearinghouse for proposals and projects in this field, (3) develop plans for the dissemination of information on proposed, existing and completed research and development projects and (4) advise the Governor, Legislature, and state law enforcement agencies on criminal justice matters. The council is also responsible for approving the budget of the California Crime Technological Research Foundation prior to submission to the Legislature.

The council has been designated by the Governor as the state planning agency responsible for implementing the *Federal Omnibus Crime Control and Safe Streets Act of 1968*. The major purpose of this act is to encourage state and local governments to prepare and adopt comprehensive law enforcement plans based on their evaluation of state and local problems. States complying with the provisions of the act are eligible to receive federal grants. The council, as the state's planning agency, is responsible for the preparation, development, and updating of a comprehensive statewide plan for the development of a criminal justice system. The Safe Streets Act requires each state to have on file with the federal Law Enforcement Assistance Administration (LEAA) an approved, up-to-date comprehensive state plan before any "action" grant moneys are released. The act authorizes LEAA to pay up to 90 percent of the cost of preparing a comprehensive law enforcement plan, and 40 percent of this grant must be available to units of local government or combinations of local units. From the \$19 million allocated for the first year's planning effort, California will receive \$1,387,900 based on the council's planning grant application which has been approved by the federal government. Of this sum \$657,271 will be allocated to local agencies for planning purposes.

The Safe Streets Act also authorized funds to improve and strengthen all aspects of law enforcement. Twenty-nine million dollars, allocated to states on the basis of population, has been set aside for action grants during the first year of operation. When California's comprehensive plan is approved by LEAA, the state will receive a block grant of \$2,351,600 for action projects; 75 percent of this amount will be available to local governments. The purposes for which the money can be

**California Council on Criminal Justice—Continued**

used include the following: public protection, recruitment and training of personnel, public education, construction of various facilities, control of riots and disorders, and the development of community service officer programs. In most cases, action grants may be federally funded up to 60 percent of program costs. On construction proposals there is a 50 percent funding limit. Higher limits up to 75 percent apply to organized crime and riot-control programs. The comprehensive state plan will be the guide for decisions on approved action grant proposals.

**ANALYSIS AND RECOMMENDATIONS**

*We recommend approval.*

The appropriation proposed for fiscal year 1969-70 is \$75,000 which is equal to estimated expenditures for the current year. The council will use \$730,629 of the federal grant money discussed above to establish a staff of consultants to coordinate planning by local agencies and to provide for the additional administrative functions of the council attributable to implementation of the Safe Streets Act of 1968.

The council is engaged in developing a statewide plan for improving the criminal justice and law enforcement system and has organized regional advisory boards and task forces to assist in this effort.

**CALIFORNIA CRIME TECHNOLOGICAL RESEARCH FOUNDATION****Item 179 from the General Fund**


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Requested .....	\$75,000
Estimated 1968-69 .....	75,000
Requested increase—None	
Total recommended reduction .....	None

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**GENERAL PROGRAM STATEMENT**

The California Crime Technological Research Foundation, a public corporation to be composed of 15 members, was authorized by Chapter 1661, Statutes of 1967, for the purpose of fostering and supporting scientific and technological research on crime in California. To date, the members of the foundation have not been appointed. The statutory responsibilities of the foundation are to (1) identify, review and evaluate research developments which may be applied to the detection and prevention of crime and the treatment of criminals, (2) sponsor and conduct conferences and studies, and (3) collect information and issue periodic reports.

The budget of the foundation is subject to the approval of the California Council on Criminal Justice.

**ANALYSIS AND RECOMMENDATIONS**

*We recommend approval.*

An appropriation of \$75,000 is proposed for fiscal year 1969-70, which is equal to estimated expenditures for the current year.

**California Crime Technological Research Foundation—Continued**

The administration advises us that the members of the foundation have been selected and that announcements of their appointments will be made prior to March 1, 1969. Under existing law, the foundation will terminate on the 61st day after adjournment of the 1971 Regular Session of the Legislature.

**TORT LIABILITY CLAIMS****Item 180 from the General Fund**


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Requested 1969-70 .....	\$2,219,262
Estimated 1968-69 .....	1,321,354
Actual 1967-68 .....	563,080
Requested increase \$847,908 (68.0 percent)	
Total recommended reduction .....	None

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**SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS****1. Identification of Program Costs**

We recommend that all proposed charges against this item other than for the payment of adjudicated claims be specifically shown in the Governor's Budget. (Analysis page 668)

**GENERAL PROGRAM STATEMENT**

Chapter 1681 of the 1963 Regular Session defined the liability of public entities and public employees for tortious acts. The state protected itself during the first year following that act by purchasing risk insurance from a carrier at a cost of approximately \$1 million, while conducting a study on the feasibility of becoming noninsured. As a result of this study, the state, since 1964, has been noninsured for individual claims under \$1 million, but it purchases risk insurance at a cost of approximately \$150,000 per year for the payment of individual claims ranging between \$1 million and \$50 million. At the time that this program was established, the Attorney General's office became responsible for the investigation and defense of tort actions in the general liability field for all state agencies except the Department of Public Works, which handles its own claims, and the University of California, which carries insurance. The program described above applies to all types of claims except automobile and aircraft (which are covered by other insurance), and inverse condemnation claims.

**ANALYSIS AND RECOMMENDATIONS**

Under a procedure prescribed by Section 945 of the Government Code, tort claims (except those against the University) must be filed with the Board of Control within 100 days (or one year in some cases) after the accident or other cause of action occurs. The board's staff forwards all claims to the Attorney General's office or (in the case of public works claims) to the Department of Public Works for investigation. Claims may be settled by the board on the recommendation of

**Tort Liability—Continued**

the Attorney General or Public Works Board, but if the Board of Control denies the claim, the plaintiff may then file suit.

With the approval of the Board of Control, the Attorney General may settle administratively claims not exceeding \$4,000 for General Fund agencies or \$1,000 for Special Fund agencies. After litigation has begun but before a judgment is rendered, he may also settle claims above these limits with the concurrence of the Department of Finance and the agency concerned. Special fund agencies reimburse the General Fund for payments made on their behalf.

In past years, this appropriation has been made to the Department of Finance for the purpose of paying litigated claims and allocating funds to defray administrative and other costs of agencies involved in the settlement of those claims. In the budget year, however, it is proposed that the appropriation be made directly to the Department of Justice in order to facilitate and expedite the payment of claims.

**Staffing and Workload**

The Department of Justice has a staff of 17 positions assigned to this function consisting of five attorneys, seven investigators, one claims supervisor, and four clerical positions. The workload for this staff is reflected in Table 1.

**Table 1**  
**Department of Justice Tort Section Workload<sup>1</sup>**

	1964-65	1965-66	1966-67	1967-68	(Est.) 1968-69
Number of tort incident reports....	2,451	2,426	2,578	2,523	2,976
Number of claims received by the Board of Control .....	335	994	453	387	462
Total amount paid .....	\$32,690	\$47,376	\$35,246	\$34,245	\$830,000 <sup>2</sup>
Number of claims paid by the Board of Control .....	41	44	41	45	50
Law suits filed .....	60	40	173	166	172

<sup>1</sup> Excludes inverse condemnation proceedings.

<sup>2</sup> Claims paid to date total \$810,169.

**Need to Identify Cost Elements of Tort Liability Program**

*In order to make the costs of program elements more easily identifiable, we recommend that all proposed charges against this item other than for the payment of adjudicated claims be detailed in the Governor's Budget.*

It should be noted that not all of the money appropriated by this item is available for the payment of claims. The amount requested includes the administrative costs of the Department of Justice and the Board of Control, the cost of the excess insurance premium, and funds allocated to the Department of Justice for the settlement of minor claims. These costs constitute a considerable portion of the total appropriation but are not specifically identified in the Governor's Budget. We have secured details on these costs from the Department of Justice and list them in Table 2.

## Tort Liability—Continued

Table 2  
Tort Liability Claims Item, Distribution of Costs  
(1969-70)

Requested appropriation .....	\$2,219,262
Administration:	
Department of Justice .....	\$280,057
Board of Control .....	10,788
Premiums paid .....	149,967
Amount allocated to the Department of Justice for settlement of minor claims .....	50,000
	490,812
Available for payment of adjudicated claims .....	\$1,728,450

**Board of Control**  
**AID TO VICTIMS OF CRIMES OF VIOLENCE**

## Item 181 from the General Fund

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Requested 1969-70 .....	\$125,000
Estimated 1968-69 .....	100,000
Actual 1967-68 .....	15,414
Requested increase \$25,000 (25 percent)	
Total recommended reduction .....	None

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**ANALYSIS AND RECOMMENDATIONS**

*We recommend approval as budgeted.*

This item provides compensation to needy residents of California who are victims of crimes of violence. Total recovery that may be claimed by the person physically injured or by a third party who is financially dependent upon the victim is limited to \$5,000. From 1965 to 1967 this program was administered by the Department of Social Welfare. Since 1967 it has been the responsibility of the Board of Control. Claims filed with the board within one year of the injury or loss are investigated by the Attorney General. On completion of the investigation a hearing is conducted before the board and, if approved, an award not exceeding the expenses for treatment, loss of wages or support, or other directly related expenses will be paid. Attorney fees up to 10 percent of the award may also be claimed.

Although the General Fund is responsible for the support of this program, the annual appropriation is offset by fines levied by the courts on the perpetrators of the crimes. These receipts are deposited in the Indemnity Fund. Table 1 shows the entire history of expenditures for this program.

Board of Control—Continued

Table 1  
Expenditures for Aid to Victims of Crimes of Violence

	Actual			Estimated	Proposed
	1965-66	1966-67	1967-68	1968-69	1969-70
General Fund -----	\$2,888	\$38,273	\$15,414	\$25,000	\$125,000
Indemnity Fund -----	1,733	18,428	6,997	5,374	2,000
Emergency Fund -----	---	---	---	75,000	---
Total Expenditures ----	\$4,621	\$56,701	\$22,411	\$105,374	\$127,000

Twenty percent (\$25,000) of the total requested for 1969-70 is for the support of investigations conducted by the Attorney General. The remaining funds will be available for distribution to 20 or more claimants. During the current year, the budget appropriation was not sufficient to finance the program and \$75,000 was allocated from the Emergency Fund.

**MILITARY DEPARTMENT**

Items 182 and 183 from the General Fund

Requested 1969-70 -----	\$4,298,728
Estimated 1968-69 -----	4,036,621
Actual 1967-68 -----	3,555,055
Requested increase \$262,107 (6.5 percent)	
Total recommended reduction -----	\$81,986

**SUMMARY OF RECOMMENDED REDUCTIONS**

	Amount	Analysis page
Departmental administration rent reduction -----	\$81,986	672

**GENERAL PROGRAM STATEMENT**

The purpose of the Military Department is to provide an effective military organization for employment within the State of California to protect life and property during periods of civil disturbance, emergency or disaster; to provide military units ready for federal mobilization; and to perform other missions required by law or as directed by the Governor.

The California National Guard has three major units: (1) Army National Guard, (2) Air National Guard, and (3) Administration (Office of the Commanding General, State Military Forces).

**ANALYSIS AND RECOMMENDATIONS**

Army National Guard Program

The federal government fixes the troop and officer strength of the National Guard and pays most of the costs. Presently the Army National Guard has approximately 20,000 enlisted and officer personnel. The force is trained to handle state crises and to serve as first line