

Office of Fire Marshal—Continued

load increase occasioned by the passage of Chapter 1224, Statutes of 1957, regulating transportation of explosives. The deputy position works out designated transportation routes for explosives while the clerical position handles correspondence with local fire districts which are actually required to enforce the act.

Operating expenses show a \$7,029 increase which is practically offset by a decrease in equipment. The increase in operating expense is brought about by the additional positions that have been discussed above.

We recommend approval of the budget as presented with the exception noted below.

Changes Requiring Legislation

The Fire Marshal's Office is required to inspect dry cleaning plants for compliance with fire safety standards for which the Board of Dry Cleaners has paid a maximum of \$60,000 annually into the General Fund. This amount has been adequate in the past. However, the cost of inspecting dry cleaning plants is estimated at \$76,234 and \$82,347 for the current and budget years. It would therefore appear that the maximum amount specified in Section 9575 of the Business and Professions Code should be changed in order to more realistically represent present day costs.

DEPARTMENT OF JUSTICE

ITEM 136 of the Budget Bill

Budget page 329

FOR SUPPORT OF THE DEPARTMENT OF JUSTICE FROM THE GENERAL FUND

Amount requested	\$5,320,173
Estimated to be expended in 1957-58 Fiscal Year	4,942,504
Increase (7.6 percent)	\$377,669

Summary of Increase

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Workload or salary adjustments	New services		
Salaries and wages	\$296,437	\$275,641	\$20,796	335	61
Operating expense	67,480	67,480	---	335	63
Equipment	1,552	1,552	---	335	65
Add decreased reimbursements	12,200	12,200	---	335	73
Total increase	\$377,669	\$356,873	\$20,796		

RECOMMENDED REDUCTIONS

Reduction in budgeted increases	\$20,796
Improved efficiency and policy reappraisal	None
Total reductions	\$20,796

GENERAL SUMMARY

In general, the legal authority for the Attorney General is found in the Constitution, Article V, Section 17, and Title 2, Division 3, Part 2, Chapter 6 of the Government Code. The legal basis of the Department of Justice is also found in the Government Code under Title 2, Division 3, Part 6.

Department of Justice—Continued

The Attorney General is chief law officer of the State and heads the Department of Justice which was created in 1944. It is his duty to see that the state laws are uniformly and adequately enforced in every county. Whenever, in the opinion of the Attorney General, this is not being accomplished he is to prosecute such violations, and he assumes the powers of a district attorney. He may also be directed by the Governor to assist any district attorney in the discharge of his duties. When requested, it is his duty to render opinions, in writing, to the Legislature, Governor, any state agency, and any district attorney upon any question of law relating to their respective offices.

The following components are found in the Department of Justice:

Division of General Administration. All the administrative functions of the department are centralized in this division. These functions include accounting, fiscal control, budget preparation, purchasing, personnel administration and the State Teletype System.

Division of Civil Law. This unit is responsible for writing opinions and handling cases relating to administrative and civil law which involve the interests of the State.

Division of Criminal Law and Enforcement. The following bureaus are included in this division:

The Bureau of Criminal law, legal segment of this division, renders opinions involving criminal law and advises with local peace officers on law enforcement. It also represents the State on appeal from judgments in criminal proceedings from the trial courts. Other functions are preparation of extradition matters and vehicle forfeiture cases in accordance with the State Narcotics Act.

The Bureau of Criminal Statistics compiles and analyzes administrative, population and general crime statistics for the Department of Justice, Department of Corrections and the Youth Authority.

The Bureau of Criminal Identification and Investigation functions primarily to furnish technical assistance to local law enforcement agencies in the investigations of crime. This assistance and aid includes laboratory facilities, fingerprint files, modus operandi information, criminal records, and investigators.

The Bureau of Narcotic Enforcement enforces all laws regulating the cultivation, production, sale, giving away, prescribing, administering, furnishing or having possession, narcotics, as set forth in Division 10 of the Health and Safety Code. It also furnishes technical training and assistance in the field of narcotic enforcement to local law enforcement agencies.

Department of Justice—Continued

ANALYSIS

Summary of Recommended Reductions		No. of positions	Salaries and wages
Proposed new positions			
Supervising narcotic inspector-----	1		\$7,350
Narcotic pharmacist inspector-----	1		6,360
Intermediate stenographer-clerk-----	1		3,630
Intermediate typist-clerk-----	1		3,456
Totals-----	4		\$20,796

The Bureau of Narcotic Enforcement requests the above positions in order to establish a fully staffed independent office in Fresno. These positions will augment the present resident inspectors who comprise the staff of one each narcotic chemist inspector, narcotic inspector II, and narcotic inspector I.

The bureau proposes by the following table that the caseload in that area is more than double the caseload per inspector for the balance of the State.

Table of Arrests by County						Autos seized	Total
Year	Fresno	Tulare	Kings	Kern			
1952-----	75	--	--	--		27	75
1953-----	81	21	11	28		38	141
1954-----	146	19	37	35		43	237
1955-----	95	7	12	26		22	140
1956-----	148	30	3	41		35	222
1957 *-----	90	13	6	46		28	155

* Seven months.

However, the table does not offer caseload statistics from other offices for comparison of caseload per inspector and does not indicate other factors to be taken into consideration, such as types of investigations and aid from local enforcement agencies. The bureau also fails to note that the then existing staff of two was increased by an additional narcotic inspector in the 1956-57 Fiscal Year.

The last office to be established in this bureau was the San Diego office in the 1957 General Session. Since the bureau fails to substantiate their contention that the present caseload can not be properly handled by the present staff of inspectors in the Fresno area, we feel that this is a new level of service and a policy question which should be postponed until the next general session of the Legislature.

We also base our analysis of this request on our recent study of the various offices within this bureau, which appear to be lacking strong direction in regard to uniform procedures. Policies and procedures would appear to be formulated by each individual office, since there is no manual of operations in which regulations, rules and policies are outlined to be used as guide lines by bureau personnel. Although it is our understanding that such a manual is being prepared, we have not, at the present, been shown any evidence that it has been put into effect. Therefore, we feel that any expansion of this bureau should be deferred until sound administrative procedures and stronger central direction are adopted.

Department of Justice—Continued

Since it is our recommendation that the Fresno office not be established, the proposed new positions and related operating expenses and equipment should be deleted from the amount budgeted.

Division of General Administration

The proposed new positions for this division are as follows:

Proposed new positions:	No. of positions	Salaries and wages
Accounts and Records:		
Intermediate account clerk	1	\$3,456
Secretarial:		
Senior legal stenographer	3	17,184
Totals	4	\$20,640

The Accounts and Records Section does the purchasing for the entire department and the auditing of travel vouchers and invoices. Due to increases in operating expenditures and personnel, there is a need for an additional account clerk to aid the two account clerks presently performing these duties in the Sacramento office.

On the basis of seven additional deputies being requested and our concurrence with this request, the secretarial positions are justified by the established ratio of three deputies to two stenographers.

These positions as justified by workload increases are recommended for approval.

Division of Civil Law

This division has requested the following new positions:

Proposed new positions:	No. of positions	Salaries and wages
San Francisco:		
Deputy attorney general II	1	\$7,008
Los Angeles:		
Deputy attorney general II	3	21,024
Totals	4	\$28,032

Previously our office has stated that it is difficult to establish an adequate workload formula for the necessary legal staff in this department. This is due to the wide variance of factors involved in the practice of law.

We feel that the most significant workload factor which reflects the annual workload increase is the number of cases filed by the Attorney General's Office. We must also base our analysis of these requested positions on the administrative discretion of the supervising attorneys. In the past, our observations of this legal staff have led us to believe that the present procedures utilized are reasonably adequate, and the methods for distributing the workload and controlling the attorney's time are not, at this time, open to dispute.

During the 1956-57 Fiscal Year, the number of administrative cases filed by the Attorney General's Office increased by 69 or 7.6 percent over the previous fiscal year. The number of civil cases filed by this office also increased by 160 or 2.9 percent over the previous year. This measure of workload as indicated earlier reflects an increase in the workload of the attorneys.

Civil Law Division—Continued

One deputy is requested to work in the Administrative Law Section since the filings increased last year at the administrative level. Also, there is a constant increase of various licenses being issued and licensing agencies.

The Tax Law Section derives most of its workload from the State Board of Equalization, the Franchise Tax Board and the Department of Employment. Although the cases involve mainly the Department of Employment, the most important and time-consuming cases come from the State Board of Equalization and the Franchise Tax Board. For example, a suit seeking a refund of \$350,000 for personal income taxes has recently been filed. Therefore, an additional deputy is requested for this field.

The statewide acquisition program of the Department of Natural Resources and the Division of Beaches and Parks is expanding rapidly, especially in the southern part of the State. One of the proposed positions is needed to handle this anticipated increase in the Government Law Section. Also, this deputy can be used in connection with the Long Beach and Orange County gas cases.

An additional deputy is requested to be trained in water law problems which are handled in the Government Law Section. This request is based on the anticipated litigation in connection with proposed water projects such as the Feather River Project.

We recommend approval of these positions in accordance with the increased workload and anticipated increase of activities within the above-mentioned sections of this division.

Division of Criminal Law and Enforcement**Executive**

Chapter 2024, Statutes of 1957, extended the Uniform Supervision of Trustees for Charitable Purposes Act for another two years. So far, 881 charitable trusts have been registered with the Attorney General under provisions of this act. The department estimates that 1,500 charitable trusts remain unregistered. These trusts have been instructed by mail to conform with the act by one field representative who currently comprises the Charitable Trust Unit. Therefore, the anticipated increase in workload justifies the proposed new intermediate stenographer-clerk position.

We recommend approval of this position only for the 1958-59 Fiscal Year, after which time the law expires.

The operating expenses include an item for contractual auditing service in connection with the previously discussed charitable trusts. This service presumably will start in the current fiscal year and will be concentrated in the early part of the coming fiscal year. Whereas one permanent accountant position would be burdened by the sudden influx, a contractual arrangement should adequately support the needed assistance in reviewing the financial statements and instruments of trust.

We recommend the inclusion of this item in the operating expenses as budgeted.

Bureau of Criminal Law

The proposed new positions for the Bureau of Criminal Law are as follows:

Proposed new positions:	<i>No. of positions</i>	<i>Salaries and wages</i>
San Francisco:		
Deputy attorney general II-----	1	\$7,008
Los Angeles:		
Deputy attorney general II-----	2	14,016
Totals -----	3	\$21,024

This request is analyzed in accordance with the previous discussion relating to the guides for staffing a legal office.

The workload as measured by the criminal cases filed by the Attorney General's Office shows an increase of 355 or 23.1 percent for the 1956-57 Fiscal Year over the previous fiscal year. This increase, along with other increases in automobile forfeiture cases, anti-trust matters and charitable trusts, appears to justify the three proposed new positions.

Approval of these positions is recommended.

Bureau of Criminal Statistics

One intermediate clerk is requested by this bureau to work in both the Youth Authority Service unit and the Juvenile Delinquency unit.

The volume of work connected with the admissions and processing of cases in the Youth Authority institutions will increase approximately 15 percent. Applying this 15 percent workload increase to the existing staff, it would be equivalent to about one-half man-year in this unit.

There has been a 15.3 percent increase in the number of reporting documents handled by the Juvenile Delinquency unit. This represents a 25 percent workload increase and is equivalent to approximately one-half man-year in accordance with the present staff of this unit.

Since this new position is justified on a workload basis, we recommend approval.

The \$28,939 increase in the equipment item is principally due to the purchase of IBM equipment previously rented. This is in line with the policy of the Department of Finance to purchase rented equipment after thorough study as to its feasibility.

Bureau of Criminal Identification and Investigation

Since January 1957, this bureau has had a sharp increase in its over-all workload. For example, in the Special Services Section it was estimated that 838,440 items in Group I, a unit of this section, would be received by June 30, 1957; however, 949,952 items were actually received, making an increase of 111,512 items over the original estimate. The other sections of the bureau have experienced similar increases due to a great many factors, including increase in population, in crime and reporting thereof, in fingerprinting, and all-around use of the bureau's various facilities by law enforcement agencies.

Due to this increase of workload, a backlog was created in the 1956-57 Fiscal Year and carried into the current fiscal year. A \$20,838 Emergency Fund allocation for salaries and wages was granted for

Division of Criminal Law and Enforcement—Continued

nine permanent positions and one man-year of temporary help. The following nine authorized positions were effective January 1, 1958:

	<i>No. of positions</i>	<i>Salaries and wages</i>
Proposed new positions:		
Fingerprint Section:		
Intermediate fingerprint technician-----	3	\$6,138
Record Section:		
Intermediate typist-clerk -----	5	8,430
Special Services:		
Tabulating machine operator-----	1	1,770
Temporary help -----	1	4,500
Totals -----	10	\$20,838

The nine permanent positions employed in the current fiscal year are included in the following proposed new positions for the 1958-59 Fiscal Year:

	<i>No. of positions</i>	<i>Estimated salaries and wages</i>
Proposed new positions:		
Administration:		
Teletypewriter operator -----	1	\$3,720
Fingerprint Section:		
Senior fingerprint technician-----	1	4,980
Intermediate fingerprint technician-----	6	24,552
Special Services:		
Intermediate modus operandi technician ..	3	14,940
Junior identification -----	7	24,780
Senior typist-clerk -----	1	4,092
Intermediate clerk -----	6	20,232
Tabulating machine operator-----	1	3,900
Record Section:		
Intermediate clerk -----	3	10,116
Intermediate typist-clerk-----	8	26,976
Totals, proposed new positions-----	37	\$138,288

The following table of workload increases justifies the above proposed new positions:

	<i>Actual 1956-57</i>	<i>Estimated * 1957-58</i>	<i>Estimated 1958-59</i>	<i>Estimated increase of 1958-59 over 1957-58</i>
Fingerprints -----	654,489	760,000	810,137	50,137
Special services (Group I) -----	949,952	1,019,776	1,111,505	91,729
Record Section:				
Soundex -----	1,327,353	1,628,915	1,737,432	108,517
Typing manu- scripts -----	385,114	472,385	503,855	31,470
Advise no record--	280,022	310,798	341,574	30,776

* Estimates are based on the average annual increase for a five-year period.

The teletype traffic has increased proportionately with the other work in the bureau. Presently untrained operators, who are shifted from their regular duties, are used to supplement the existing staff of three teletypewriter operators. In order to insure full coverage between 8 a.m. and 1 a.m., seven days per week, and adequately cover sick leave and vacations, one teletypewriter operator is requested.

We recommend approval of these positions.

Bureau of Narcotic Enforcement

The following new positions, in addition to those previously listed in the summary of reduction, are requested for 1958-59 Fiscal Year:

Proposed new positions	No. of positions	Salaries and wages
San Francisco:		
Key punch operator -----	1	\$3,630
San Diego:		
Intermediate typist-clerk -----	1	3,456
Totals -----	2	\$7,086

The tabulation of used prescription forms has been, at times, as much as five months in arrears due to the increasing workload of this unit. In order for this information to be effective, these tabulations must be kept relatively recent. A key punch operator is presently being employed from salary savings. Therefore, we believe that the increased workload justifies this position being made permanent.

The intermediate typist-clerk will be used to accept and deliver teletype messages since the California Highway Patrol is withdrawing from the State Teletype System in their San Diego office in favor of their own system. This will consume approximately one-half of the time of this position, and the other half will be used in assisting with routine clerical work of the San Diego office.

Since the narcotics office appears to be the most logical place for this teletype service to be rendered, rather than other remaining agencies in that city, we recommend approval of this position on the basis of an increase in workload.

Emergency Fund Allocations for the Estimated 1957-58 Fiscal Year

The Emergency Fund allocations for support of the Department of Justice consist of the following net items:

Reduction in reimbursements:	
Teletype -----	\$15,000
Legal services rendered for special fund agencies -----	11,053
Bureau of CII	
Salaries and wages -----	20,838
Operating expenses -----	6,346
Equipment -----	1,000
Total -----	\$54,237

The decrease in reimbursements from the teletype service is due to the progressive withdrawal of the California Highway Patrol from the State Teletype System. There was also a decrease in the estimated reimbursements from expenses for services rendered to special fund agencies. The Emergency Fund allocation to the Bureau of Criminal Identification and Investigation is due to unanticipated increases in workload, as explained in the section covering this bureau.

Division of Criminal Law and Enforcement—Continued**Comment on the Removal of the Separate Item for Special Counsel Fees**

Pursuant to Section 12520 of the Government Code, the Attorney General may employ a special counsel in accordance with the following: when a district attorney is disqualified in conducting any criminal prosecution and when making investigations for discovery and recovery of property to which the State may be entitled by escheat. In the past, there has been a separate item in the amount of \$2,500 included in the Budget Bill. There have been Emergency Fund allocations to supplement this, such as \$6,014 in the 1956-57 Fiscal Year and \$5,300 in the current fiscal year. However, this item for the coming fiscal year has been included in the support budget for the Department of Justice in the amount of \$10,000.

We believe that this should remain a separate item in the Budget Bill and not be included in the support item for the Department of Justice. Since there have been Emergency Fund allocations for this purpose in the past, the department should have used better budget planning and increased the amount requested in this separate item. Now that it has been placed in the support budget, it has been increased to \$10,000. Therefore, there appears to be no need for the transfer of other funds within the support appropriation to meet unanticipated expenditures. It also appears that this will give the department additional funds to be transferred to other matters if not expended for special fees, whereas, if it remains separate the savings revert to the General Fund.

It is noted that the amount of \$2,500 budgeted for 1953-54 was not expended.

Comment on the Reorganization of the Department of Justice

In our analysis of the Department of Justice for the 1957-58 Fiscal Year, we cited an organization chart recommended by the Attorney General's Office. The reorganization of the department into the following three operational divisions was proposed: Division of Civil Law, Division of Criminal Law, and the Division of Operations and Enforcement.

This would allow for sufficient supervision of the respective legal functions. The administrative and enforcement functions of the department as placed in the Division of Operations and Enforcement would also be given more supervision than is presently being administered.

We believe that the present lack of sound administrative procedures in the Bureau of Narcotic Enforcement would have been rectified by firmer supervision. This would have been achieved through the creation of the Division of Operations and Enforcement. It is also our opinion that this reorganization should be put into effect and would result in a more efficient operation of the Department of Justice.

It is our understanding that this reorganization, as recommended by the department, has not and will not be placed in operation. Therefore, we recommend that the Department of Justice reconsider its decision.

Department of Justice
OTHER CURRENT EXPENSES

ITEM 137 of the Budget Bill

Budget page 336

FOR LITIGATION AND LEGAL SERVICES IN CONNECTION WITH ACTIVITIES OF THE COLORADO RIVER BOARD OF CALIFORNIA, DEPARTMENT OF JUSTICE, FROM THE GENERAL FUND

Amount requested	\$645,616
Estimated to be expended in 1957-58 Fiscal Year	647,147
Decrease (0.2 percent)	\$1,531

RECOMMENDED REDUCTIONS

None

ANALYSIS

This item of the Budget Bill is to support litigation and legal services rendered to the Colorado River Board. The purpose of these services is to resolve the conflict between Arizona and California as to division of water available to the lower basin of the Colorado River.

The amount of \$645,616 is requested for the next fiscal year and shows a \$1,531 decrease from the estimated expenditures in the current fiscal year. The 1957 Budget Act appropriation of \$751,188 is not to be fully expended, and there are estimated savings of \$103,941. This is due to hearings which were retained in San Francisco and not transferred to New York as previously announced. These hearings are being held before a special master appointed by the United States Supreme Court. Therefore, the request for the 1958-59 Fiscal Year is based on the retention of the hearings in San Francisco.

Approval of this item as submitted is recommended.

DEPARTMENT OF MENTAL HYGIENE

Budget page 337

FOR SUPPORT OF THE DEPARTMENT OF MENTAL HYGIENE FROM THE GENERAL FUND

Amount requested	\$103,545,647
Estimated to be expended in 1957-58 Fiscal Year	96,729,351
Increase (7.0 percent)	\$6,816,296

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Workload or salary adjustments	New services	
Salaries and wages	\$5,257,622	\$5,077,244	\$180,378	337 64
Operating expense	1,213,161	1,213,161	---	337 65
Equipment	21,181	30,522	9,341	337 66
Reimbursements	16,999	16,999	---	337 67
Contributions to State Employees' Retirement Fund	349,695	349,695	---	337 69
Total increase	\$6,816,296	\$6,626,577	\$189,719	