

DEPARTMENT OF JUSTICE

ITEM 188 of the Budget Bill

Budget page 476

FOR SUPPORT OF THE DEPARTMENT OF JUSTICE
FROM THE GENERAL FUND

Amount requested ----- \$10,175,392
 Estimated to be expended in 1962-63 fiscal year ----- 9,456,885

Increase (7.6 percent) ----- \$718,507

TOTAL RECOMMENDED REDUCTION ----- \$65,386

Summary of Recommended Reductions		Budget	
	Amount	Page	Line
Division of Civil Law			
Operating expenses			
Printing -----	\$2,600	478	40
Cost of suit -----	2,600	478	45
Subtotal -----	\$5,200		
Division of Criminal Law and Enforcement			
Executive office			
Operating expenses			
Traveling—out-of-state -----	\$550	479	59
Subtotal -----	\$550		
Bureau of Criminal Law			
Personal services			
1 Junior counsel—Sacramento -----	\$6,912	479	77
1 Junior counsel—San Francisco -----	6,912	480	11
3 Junior counsel—Los Angeles -----	20,736	480	16
1 Senior special investigator—Sacramento -----	7,080	479	78
1 Deputy attorney general II—Los Angeles -----	8,196	480	15
Operating expenses			
Traveling—out-of-state -----	\$7,000	480	34
Subtotal -----	\$56,836		
Bureau of Criminal Statistics			
Operating expenses			
General expense -----	\$1,000	480	67
Subtotal -----	\$1,000		
Bureau of Criminal Identification and Investigation			
Operating expenses			
Printing -----	\$1,000	481	31
Traveling—out-of-state -----	800	481	34
Subtotal -----	\$1,800		
Grand total -----	\$65,386		

GENERAL SUMMARY

The Department of Justice is headed by the Attorney General who is an elected constitutional officer of the State. The office of Attorney General was established by the State's first Constitution. The department was created by legislative action in 1944 when the Bureau of Criminal Identification and the Bureau of Narcotic Enforcement were combined with the office of Attorney General. The Bureau of Criminal Statistics was added in 1955 and the Peace Officer Standards and Training Commission in 1959.

The department combines two general types of activity; first, those matters associated with the administration and practice of law in

Department of Justice—Continued

behalf of the State and, second, those matters associated with the general enforcement by all law enforcement agencies of the law dealing with crimes. The Attorney General is the chief law officer of the State and with some statutory exceptions, serves as legal counsel to the State's officers, departments, boards and commissions. His office, on request, renders legal opinions to public agencies, prosecutes cases in behalf of the State and defends the State in court.

The Attorney General appears for the State on all appeals from criminal judgments. He supervises and counsels county sheriffs, district attorneys, chiefs of police and other law enforcement agencies. In the event of need, he may provide assistance to a district attorney or in case of a local breakdown of law enforcement, he may assume the duties of a district attorney. Special counsel may be employed in limited instances such as in actions relative to escheated property.

The department provides a free statewide law enforcement teletype system which is also used for some administrative traffic on a charge basis. The department provides a central agency for the identification of criminals, a small investigative staff, and makes statistical analyses which are used in measuring criminal activity and law enforcement progress within California.

The department has been given statewide responsibility in the enforcement of narcotic regulatory laws. As a part of this duty, the department is charged with the responsibility of surveillance and apprehension of law violators and in this process co-operates with local and federal agencies.

From its inception and largely because of the diversity of its programs the agency has had problems of organization of such magnitude as to be troublesome. We have from time to time, made suggestions for the improvement of the administration of the department. It appears to us that such suggestions are again appropriate for the budget year.

It is our opinion that departmental administration would be simplified if all law matters, both civil and criminal and programs associated with them, were placed together formally in one grouping and all nonlaw activities in a second grouping. The law division could well have civil law, criminal law and special project branches. The other division would include administrative or so-called housekeeping functions in one branch and the enforcement bureaus in another branch. Each division should be headed by a strong executive officer who would report directly to the Attorney General.

This plan of organization would regularize activity and formalize some relationships which now are purely informal. It could be accomplished by order of the director without statutory change.

One other item of organization impresses us as important. The department now has an investigative staff with 29 identifiable positions. Seventeen of these investigators are a part of the Bureau of Criminal Identification and Investigation. The other 12 are scattered between subsequent injury, antitrust, business frauds and tort claim activities under various civil service class titles. Three additional investigative positions are requested in budget proposals for fiscal year 1963-1964.

Department of Justice—Continued

Investigative activity is a search for facts about a particular situation. To investigate is "to follow up, step by step, by patient inquiry or observation." We can find no reason why all investigative positions in this department should not be consolidated into one unit for administrative control. The Bureau of Criminal Identification and Investigation appears to be the appropriate unit for such purposes. Techniques of investigations are the same though subject matter may be different. Economy and efficiency would be secured in assignment schedules and in lessening travel requirements. The real growing problem in the department is that each unit demands its own captive investigators whether there is a full-time job for them or not.

We recommend, therefore, that all investigative positions in the department be placed within the investigation section of CI & I, positions to be made available to other units in the department as required.

ANALYSIS

Expenditures proposed by the Department of Justice for fiscal year 1963-64 amount to \$10,175,392, an increase of \$718,507, or 7.6 percent, over estimated expenditures for the current year.

Personal Services

Wage, salary, retirement and health and welfare expenditures proposed for the budget year total \$8,592,854, which is an increase of \$501,505, or 6.2 percent, over estimated expenditures for personal services in the current year. The personal service expenditures proposed for fiscal year 1963-1964 amount to 84.9 percent of the proposed cost of this department to the General Fund for the budget year.

Sixty-seven new positions are requested by the department for fiscal year 1963-1964 as compared to 74 requested in the budget for the current year. The requested 67, however, will be reduced by salary savings set at the equivalent of 19.3 positions leaving a net of 47.7 positions for effective use.

Operating Expenses

Total operating expenses for all units of the department scheduled for the budget year are \$2,242,308. This is an increase of \$176,396, or 8.5 percent, over estimated expenditures for these purposes during the current year.

The largest single item of operating expense in the department is rental of teletype equipment which is proposed at \$315,937 for the budget year. The department maintains its own radio network for the Bureau of Narcotic Enforcement, for special agents of the Bureau of Criminal Identification and Investigation and for investigators working on subsequent injury cases.

Equipment

Equipment expenditures proposed by the department for the budget year amount to \$206,287, an increase of \$53,726, or 35.2 percent, over estimated expenditures for similar purposes during the current year.

Department of Justice—Continued

Revenue

The Office of General Administration, for administrative messages over the teletype and for services to the Commission on Peace Officer Standards and Training, the Division of Civil Law for all legal services to special fund agencies, and the Bureau of Criminal Identification and Investigation for such items as fingerprint searches and name checks are reimbursed in part for the costs of the services performed. Estimated reimbursements for the budget year total \$866,057. Miscellaneous income of the department for the budget year is estimated at \$39,000.

Division of General Administration

GENERAL SUMMARY

This division contains the executive office of the Attorney General and the general administrative office for the department. General administration provides accounting and fiscal control, personnel services, duplicating and messenger services, and supply services for the department. All clerical positions which work for the three law offices of the department are attached to this division. The division supervises the three law libraries, is establishing a central filing operation at the law offices and operates the statewide teletype system through relay centers at Sacramento, San Francisco and Los Angeles.

ANALYSIS

Expenditures proposed for this division during fiscal year 1963-1964 amount to \$1,953,018, which is \$247,590, or 14.5 percent, over estimated expenditures for this division during the current year.

Personal Services

Proposed New Positions

Sacramento

1 Accounting technician III (budget page 476, line 77)	\$5,556
1 Intermediate clerk (budget page 476, line 78)	4,242
1 Junior intermediate clerk (budget page 476, line 79)	3,666
5 Senior legal stenographer (budget page 476, line 81)	25,140
1 Intermediate stenographer (budget page 476, line 82)	4,452
2 Intermediate clerk (budget page 476, line 83)	8,484
1 Intermediate typist-clerk (budget page 476, line 84)	4,242

Los Angeles

9 Senior legal stenographer (budget page 477, line 8)	45,248
1 Intermediate stenographer (budget page 477, line 9)	4,452
2 Intermediate clerk (budget page 477, line 10)	8,484
1 Librarian II (budget page 477, line 11)	5,556
1 Intermediate typist (budget page 477, line 12)	4,242

San Francisco

3 Senior legal stenographer (budget page 477, line 15)	10,056
1 Intermediate clerk (budget page 477, line 16)	4,242

Department of Justice—Continued

As noted above, this division supplies technical, secretarial and clerical staff for itself and also for the department's three law offices located in Sacramento, San Francisco and Los Angeles.

Thirty positions, nearly half of the department's total request, are sought for this division—12 for Sacramento, 4 for San Francisco and 14 for Los Angeles.

Sacramento

An accounting technician and two clerks are requested for the accounts and records section on a workload basis. The department notes that since fiscal year 1960-1961 there has been a 14.5 percent increase in expenditures, a personnel increase of 21.4 percent and a 13.8 percent increase in purchases, audits and postings to ledgers. In addition it is noted that the services rendered to the Commission on Peace Officer Standards and Training required an audit of approximately 2,000 claims from cities and counties totaling \$435,494 for fiscal year 1962-1963. The department is reimbursed for this service to the commission. Only one position has been added to this section since the 1960-1961 Budget Act.

Five senior legal stenographer positions are requested for added staffing in the Sacramento law office. For many years, the department has employed a staffing ratio of two senior legal positions for each three attorney positions in the law offices. This year, for the first time, the department seeks to modify the ratio to provide added staffing for office chiefs and for subject matter section supervisors. As we calculate the ratio with the addition of the legal stenographic positions, the ratio will be exceeded departmentwide by only two positions. For Sacramento, then, there would be added three senior legal positions for four requested attorney positions and two senior legal positions for assistance to legal supervisors.

Also requested for the Sacramento law office are one intermediate stenographer and two intermediate clerks as part of the department's program to bring its clerical staffing up to a higher standard. The department cites staffing practices in large private law offices to show departmental deficiencies. The department states that the added clerical positions will be used for routine duties such as completing and operating the central filing systems now being installed as the result of an organization study made by the Division of Organization and Cost Control of the Department of Finance, for messenger service and to relieve the attorneys from some such routine duties. The department appears now to hold to the view that greater efficiencies will be secured by adding small clerical units rather than large numbers of legal staff.

The remaining portion of the request for the Sacramento office is for an intermediate typist-clerk for staffing of the law library.

Los Angeles

Nine senior legal stenographer positions are requested for added staffing in the Los Angeles law office. Seven of these positions are requested on the direct workload ratio basis. Two are requested as added secretarial assistance for supervisory lawyers.

Department of Justice—Continued

One intermediate stenographer and two intermediate clerks are requested to supplement the present clerical staff in the Los Angeles law office. The addition of these requested positions would increase the clerical staff exclusive of legal stenographers and supervising clerks to approximately 14 positions to serve approximately 72 legal positions including those requested in this budget, a ratio of one clerk to five lawyers.

Also requested for the Los Angeles office is a librarian position and an intermediate typist position also for the library. This library, in new quarters, is reported by the department to be understaffed.

San Francisco

Three senior legal stenographers are requested for the San Francisco law office. One would be on a workload basis and two would provide assistance to the supervising lawyers.

One intermediate clerk position is requested for the general service category.

We recommend approval of the above requested positions. Our recommendation with reference to the senior legal stenographer positions, however, is contingent upon approval of the related attorney positions in the current ratio.

We have stated above that except for the added staffing of two senior legal positions in each of the three offices, the standard staffing ratio is being preserved in the budget year.

The fiscal section is brought up to a standard of authorized positions which should expedite handling of claims, audits and budget work.

Extra stenographic and clerical positions are provided to expedite work on central filing in the law offices, to serve an average of eight or nine nonlegal positions in each office and to perform general office routines.

Lastly, the three law libraries would be brought up to a common standard of staffing by positions requested for this purpose.

We have visited the law offices of this department, have observed operations and looked into problems of workload. We called attention in our analysis of the 1960-61 Budget Act to what appeared to us to be a tendency to understaff the clerical side of this department. The requests above described should serve to bring clerical staff up to acceptable standards and make entirely unnecessary the use of high salaried legal positions in the performance of routine clerical tasks.

Division of Civil Law**GENERAL SUMMARY**

The Division of Civil Law handles the civil and administrative legal problems of the various state departments, boards and commissions with certain specific exceptions. The services rendered are those normally associated with the practice of law and include consultation, preparation of formal and informal opinions as requested, drafting of papers, and appearance in courts at all levels and at administrative hearings.

Department of Justice—Continued

The division operates three law offices—Sacramento, San Francisco and Los Angeles. To secure uniformity of treatment seven subject matter sections are organized statewide, covering tax, administrative, public welfare, public resources, business, government and land law. The section on land law is new this year and brings together all condemnation activity under one supervisor.

Potential tort liability of the State, growing out of alleged negligent acts of state employees, has been considerably increased following a line of State Supreme Court decisions abrogating the old rule of sovereign immunity of the State. A current moratorium on damage actions will expire during the current year and workload for the division will be determined with reference to this subject by legislation enacted at the 1963 General Session.

This division represents the State in subsequent injury cases arising under workmen's compensation situations wherein the State becomes responsible for payments to industrially injured employees.

Now merged with this division is the former separate Colorado River litigation unit representing the State in the United States Supreme Court case of *Arizona v. California* now under submission to that court. Four clerical positions in Los Angeles together with related expense are continued in this proposed budget pending final disposition of the case.

Added as a new program at the 1961 General Session is the department's responsibility to maintain continuing statewide investigation of investment frauds and business crimes and assist district attorneys in prosecution of these.

ANALYSIS

Expenditures proposed for the Division of Civil Law during fiscal year 1963-1964 total \$1,806,180, which is an increase of \$43,029, or 2.4 percent, over estimated expenditures for the current year.

Personal Services

Proposed New Positions

Sacramento

1 Deputy attorney general IV (budget page 478, line 17)----- \$13,992

San Francisco

1 Deputy attorney general II (budget page 478, line 19)----- 8,196

1 General auditor III (budget page 478, line 20)----- 9,519

1 Senior special investigator (budget page 478, line 21)----- 7,080

Los Angeles

2 Deputy attorney general III (budget page 478, line 23)----- 21,936

1 General auditor III (budget page 478, line 24)----- 8,604

1 Senior special investigator (budget page 478, line 25)----- 7,080

The four attorney positions are requested by the department on the basis of workload, one for each office to be added to the present 27 deputies handling administrative law problems and one for the business law section in Los Angeles handling matters relative to state agencies

Department of Justice—Continued

regulating corporations, insurance, real estate, and savings and loan operations.

A general auditor III position and that of senior special investigator are requested for the San Francisco and Los Angeles offices to work with the investment frauds section. The auditor position requested for San Francisco was authorized administratively in the current year. Apparently one stenographic position was given up by the Division of General Administration to partially finance this new auditor position. A special consultant position attached to the investment frauds section in Los Angeles is being abolished and an amount added to consulting services to provide continued assistance with reference to bankruptcy and other related matters.

With the changes requested for the investment frauds section, including transfers, abolished positions and new positions, this section except for secretarial help would apparently have in both offices two attorneys, two investigators and one auditor. According to justification material presented by the department, we judge that the section with the added positions could have a minimum of four investigations under way at one time. It is noted by the department that the cases are complex and the team at work on a case must carry it through court proceedings.

We recommend approval of the positions as requested.

Operating Expenses

Printing (budget page 478, line 40)----- \$18,120

The division proposes to spend \$18,120 for printing in budget year 1963-1964 which is an increase of \$10,204, or 128.9 percent, over actual expenses for the same purpose during the 1961-1962 base year. Printing for this division consists primarily of printed briefs and other documents for court use.

We recommend the deletion of \$2,600 to reduce this item to \$15,520.

There is some contingency in this item since the amount of printing depends upon the litigation in process. However, there appears to be a tendency to overbudget this item. The amount recommended reflects an average of five years actual expenditures averaged with currently estimated expenditures and increased by an amount to allow for staff and price increases.

Cost of suit (budget page 478, line 45)----- \$126,000

Cost of suit is estimated by the division for the budget year at \$126,000, an increase of \$31,752, or 33.6 percent, over actual expenditures for the same purpose during the 1961-1962 base year.

We recommend the deletion of \$2,600 to reduce this item to \$123,400.

This item, like printing, is contingent upon the size and character of the total litigation in which the department may be engaged. There appears to be a tendency to overbudget the item. We have taken an average of the last five complete years and the current year and increased it by the relative staff increase to reach the recommended reduced amount.

Department of Justice—Continued

Division of Criminal Law and Enforcement

GENERAL SUMMARY

This division is a composite organization as we stated in the portion of this analysis describing the department generally. It contains on one hand all of the criminal law activity of the department and on the other the three law enforcement bureaus. Each of the constituent groups will be discussed separately.

Total expenditures proposed by the division for fiscal year 1963-1964 are \$6,416,194, an increase of \$427,888, or 7.1 percent, over estimated expenditures for the current year.

Executive Office

The executive office of the division contains the personal staff of the division chief and the office of the deputy director who is the direct supervisor of the enforcement bureaus. Also attached to this office is the Registrar of Charitable Trusts and his staff located in Sacramento. The program of uniform supervision of charitable trusts was established by the Legislature in 1955.

ANALYSIS

Proposed expenditures by the executive office for fiscal year 1963-1964 total \$174,494 which is an increase of \$26,183, or 17.6 percent, over estimated expenditures for the current year.

Personal Services

Proposed New Positions

- 1 *Intermediate stenographer (budget page 479, line 40)*----- \$4,888
 3 *Intermediate typist-clerk (budget page 479, line 41)*----- \$13,726

Because of increased workload, the executive office secured an intermediate stenographer position from the Bureau of Narcotic Enforcement during the current year and now seeks to have permanent authorization for such position.

The department presents as justification for the three intermediate typist-clerk positions, a workload calculation on a formula established for the charitable trust unit by the Division of Organization and Cost Control in 1960. These positions would be added to the existing four clerical positions in this unit. It is noted that workload with reference to charitable trusts in 1962 is double that of 1961 and consists of mail, public access to records, and a new registration rate of approximately 135 trusts a month.

We recommend approval of the positions as requested.

Operating Expenses

Traveling—out-of-state (budget page 479, line 59)----- \$2,250

The executive office proposes to spend \$2,250 for traveling out-of-state during fiscal year 1963-1964, which is an increase of more than three times over actual expenditure for this purpose in the base year of 1961-1962.

We recommend the deletion of \$550 to reduce this item to \$1,700.

We find an item in the supporting material for this expenditure for "attendance at hearings and conferences, \$550." This is the item for

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which we have recommended deletion. All other trips by the division chief or deputy director are specifically identified. The reduction will maintain approximately the current estimated level of expenditure.

Bureau of Criminal Law

GENERAL SUMMARY

The Bureau of Criminal Law is composed mainly of deputies who handle the responsibilities of the Attorney General in the field of criminal law. These deputies are scattered between the three law offices of the department and operate through two subject matter sections to insure uniformity of action. One section represents the State on all appeals from criminal judgments which go to the appellate courts. The other section represents the State's interest in the rapidly increasing number of writs now being sought by defendants.

Other responsibilities of the bureau include consultation with law enforcement officers, preparation of opinions as requested, assistance to district attorneys and occasionally the assumption of a prosecutor's duties. This bureau is the portion of the division which we have recommended should be transferred to a new law division established to encompass all attorney activity within the department.

In 1959, the Legislature provided staffing for an antitrust and unfair trade practices program which now operates through this bureau. Also in 1959, on his own order, the Attorney General established a section to work on problems of constitutional rights and another to look into the problem of consumer frauds. As of the beginning of the current year, the constitutional rights section was staffed, so far as lawyers are concerned, with 0.85 man-years of time and the consumer frauds section with 1.2 man-years of deputy time according to information supplied to us.

ANALYSIS

The Bureau of Criminal Law proposes to spend \$780,346 during fiscal year 1963-1964, which is an increase of \$203,339, or 35.2 percent, over estimated expenditures for the current year.

Personal Services

Proposed New Positions

Sacramento

1 Deputy attorney general III (budget page 479, line 75)-----	\$10,968
1 Deputy attorney general II (budget page 479, line 76)-----	8,196
1 Junior counsel (budget page 479, line 77)-----	6,912
1 Senior special investigator (budget page 479, line 78)-----	7,080

San Francisco

1 Deputy attorney general IV (budget page 480, line 9)-----	13,992
1 Deputy attorney general II (budget page 480, line 10)-----	8,196
1 Junior counsel (budget page 480, line 11)-----	6,912

Department of Justice—Continued
Los Angeles

1 Deputy attorney general IV (budget page 480, line 13)-----	\$13,992
1 Deputy attorney general III (budget page 480, line 14)-----	10,968
2 Deputy attorney general II (budget page 480, line 15)-----	16,392
3 Junior counsel (budget page 480, line 16)-----	20,736

Three attorney positions in Sacramento, three in San Francisco and five in Los Angeles are requested by the department on the basis of workload.

We recommend the deletion of one requested junior counsel position, Sacramento; one requested junior counsel position, San Francisco; and three requested junior counsel positions, Los Angeles, for a saving of \$34,560.

The criminal business of the appellate courts has increased over the last 10 years reported by the Judicial Council at a rate of approximately 13.6 percent a year as we calculate it. The request for attorney workload positions being made by the bureau for the budget year amounts to an approximate increase of 36 percent. Such sharp increase is justified by the department on the basis of more appeals and writs, more requests for service by the courts, the addition of a new appellate court, the weight of extradition matters and particularly the demands made by grand juries and district attorneys.

These items are not new but are simply increasing proportionately. In the case of the administration of justice at local levels, the counties already provide, in accordance with their means, very substantial sums of money for law enforcement. In our view, the expansion of the bureau at the level proposed does not appear at this time to be justified. Our recommendation would leave two new attorney workload positions in each of the three law offices and more nearly approximate the increase of court business. It also would keep these positions at a salary level which would prove attractive and which may serve to reduce the continuous turnover of personnel which has been a characteristic of this bureau.

One attorney position is requested by the bureau to expand services for the program of supervision of charitable trusts at Los Angeles. Much of the legal work in this program is concentrated in Los Angeles. Such new position appears justified on the basis of increased workload.

The department requests the authorization of one senior special investigator for the consumer frauds section to be located in Sacramento and one attorney position to be located in Los Angeles to work for the same section. Material supplied in support of these requests states that the function of the section is to protect the consuming public from fraudulent and unethical practices, to inform the public where to get relief, to inform local law enforcement agencies how to curb such practices, to disseminate information as to rights of the public and to assist in prosecution of actions.

We recommend deletion of one requested senior special investigator position and one deputy attorney general II position for a savings of \$15,276.

Department of Justice—Continued

The consumer frauds section was established in 1959 and is currently staffed with 1.2 man-years of attorney time according to information supplied to us by the department. We are informed that within a 10-month period ending in mid-June 1962, approximately 314 complaints were received by the Sacramento office of the Attorney General. Of the reported number, 67 were referred to other state agencies or to local law enforcement agencies, 48 were referred to other sections of the department, 106 were otherwise disposed of, and 93 were still pending.

In California, apprehension of law violators and the enforcement of criminal statutes is a local responsibility with the county district attorney occupying the role of prosecutor. Civil laws, under which an individual may have a right to seek damages from another individual, are not "enforced" in the normal sense of the word.

The State establishes standards of weights and measures and most counties provide for an office of sealer of weights and measures as a protection to the public. The State only recently established the office of Consumer Counsel as a source of information which is designed to protect the interest of people as consumers.

It appears to us that workload in the consumer frauds section has not yet reached a volume which justifies additions to the existing staff of the Attorney General. The information function is already supplied by the Consumer Counsel. Enforcement of the law is normally provided at the local agency level. The current staff in view of services already available to the public would appear adequate to discharge the function of screening and referring complaints to other agencies. In the event that local enforcement of the law becomes inadequate or uniformity of treatment becomes a problem or there is evidence of violation of the law on a statewide basis, the existing staff positions of the Bureau of Criminal Law would be available to assist with prosecutions of law violators.

Operating Expenses

Traveling—out-of-state (budget page 480, line 34)----- \$14,000

For out-of-state travel during the budget year 1963-1964, the Bureau of Criminal Law proposes to spend \$14,000, an increase of \$10,879, a proposed expenditure which is almost five times that actually made in the base year of 1961-1962.

New for the budget year is a proposed item of \$11,000 for attendance at antitrust hearings. In the proposed travel schedule, there is an item of \$1,500 for attendance at hearings and conventions at unknown locations.

We recommend the deletion of \$7,000 from this item to reduce it to \$7,000.

The recommended reduction reduces the antitrust request by one-half and eliminates the conjectural conventions but retains the current year level of estimated expenditure. No justification is provided by the bureau for the proposed substantial increase in the travel item.

Department of Justice—Continued

Bureau of Criminal Statistics

GENERAL SUMMARY

The Bureau of Criminal Statistics is the statistical arm of the department collecting, compiling and analyzing statistics of crime, trial and punishment on a uniform basis for the State. Publications report on law enforcement, narcotics and local detention, juvenile probation and on prosecution and adult probation. Source material is supplied by law enforcement agencies, officers, and the courts. The bureau is located in Sacramento.

ANALYSIS

Expenditures proposed for this bureau for fiscal year 1963-1964 amount to \$337,995, an increase of \$18,257, or 5.7 percent, over estimated expenditures for the current year.

Personal Services

Proposed New Positions

- 1 *Tabulating machine operator (budget page 480, line 52)*----- \$4,674
 2 *Intermediate clerk (budget page 480, line 53)*----- 8,484

The department proposes the three positions on the basis of a workload which is showing an average gain of about 10 percent a year. The three positions will amount only to a budget year 7 percent addition to the authorized staff.

We called attention in our analysis of the 1961 Budget Act and again in our analysis of the 1962 Budget Act to the apparent desire of this bureau to embark on new statistical programs before those presently underway were thoroughly stabilized. We suggested further that there be no augmentation of staff until present programs were evaluated as to basic necessity and efficiency of procedure. We are now satisfied that progress has been made during the current year and that staff additions are warranted for the budget year.

We recommend approval of the above positions as requested.

Operating Expenses

General expense (budget page 480, line 67)----- \$11,800

The bureau proposes to expend \$11,800 during fiscal year 1963-1964 on the item of general expenses. This is an increase of \$3,268, or 38.3 percent, over actual 1961-1962 base year expenditures for this purpose. General expense includes such items as office supplies, services, subscriptions and express charges.

We recommend the deletion of \$1,000 to reduce this item to \$10,800.

According to the price letter issued by the Department of Finance, the cost of office supplies has decreased since the 1961-1962 base year. Other services have increased to balance the decreases. No justification has been presented by the bureau for a 38.3 percent increase in this item. The reduced amount provides for staff increase and would maintain the current year level of expenditure.

Department of Justice—Continued

Bureau of Criminal Identification and Investigation

GENERAL SUMMARY

This bureau, from small beginnings at San Quentin Prison in 1905, is now the largest unit in the department with 530.3 currently authorized positions. Its administrative section provides personnel and budget assistance to the bureau and through zone meetings, maintains close relationship with local chiefs of police and sheriffs. The fingerprint section receives, classifies and searches fingerprints. The special services section classifies criminal information by crime while the record section has a file on all criminals booked by police. The laboratory and the special agents of the investigation section are available for service to local law enforcement agencies. Resident special agents are stationed at Redding, San Francisco, Los Angeles, Riverside and San Diego.

In our analysis of the 1961 Budget Act, we called attention to the apparent never ending expansion of the activities of this bureau. Most of its record keeping is specified by law. Constant expansion resulting from the continual accretion of more records for the basic population, compounded by the addition of records for the expanding population, results in an almost geometric increase in space and personnel requirements to process, store, and use this vast and increasing accumulation of information. Some idea of what the cost of continuing expansion within this program is can be gained from comparing the actual cost of this bureau for fiscal 1961-62 with the estimated cost for the budget year 1963-64. The cost in 1961-62 was \$2,949,664. The budget for 1963-64 is \$3,634,970. The increase is \$695,306, or 23.7 percent, in a two-year period. It can confidently be predicted that these costs will continue to rise in the future and will continue to increase even without the impetus of increased population or increased personnel and other costs. This is so because the basic unit cost of the operations performed is fixed by the personnel time required for its accomplishment and the numbers of such units of work to be performed. The only answer to manually conducting more or even the same number of record file searches in constantly expanding files is to use more searchers and employ more supervisors and messengers under tighter and tighter organizational control in constantly expanding work and storage areas.

If the same rate of increase is experienced in the next biennium as has occurred in the last two years, the cost of operating this bureau in 1965-66 can be expected to approximate \$4½ million. We have previously suggested and again reiterate that electronic data processing offers the only hope of containing the accelerating cost increases which inhere in the present operation. The bureau itself has studied the problems of conversion to EDP operations and during the current year has received proposals from five vendors of equipment which indicate the confidence of the manufacturers in their ability to provide the equipment to do the required job. These proposals were requested and submitted for a two-stage transition to EDP operations for all functions of the bureau which can be mechanized. The first phase for which proposals were received on July 2, 1962, would convert the operations

Department of Justice—Continued

of the special services section and the second phase for which proposals were received November 1, 1962, would convert the balance of the convertible functions of the bureau.

The immediate problem facing the bureau is the evaluation of the proposals which have been received and the decision as to the system or systems to be utilized together with scheduling the necessary activities preliminary to beginning use of the machines. The 1963-64 budget does not reflect any program for continued activity in this field. In effect, this means that action to start the conversion from a manual to an EDP system is deferred until at least mid-1964. It can be expected that the actual conversion itself once decisions are made will require more than another year. Thus, the increase in costs which we discussed earlier will occur and be required to simply keep the present system in operation.

It is our belief that the evaluating, decision and scheduling phases of the program can easily be accomplished so as to permit the actual conversion to start at a much earlier date than the latter half of 1965. To accomplish this, however, the bureau should be in a position to acquire expert technical EDP personnel to assist in the evaluation, decision and scheduling phase and to form the nucleus of the personnel needed for the conversion and operations phases. No provision is made in the current budget for staffing for any of these necessary preliminary activities and it seems inevitable that the costly delays we have discussed will, in fact, occur. *We recommend that the bureau and the Office of Cost Control of the Department of Finance immediately establish a time schedule for the study and evaluation of the current proposals and for the making of the decision as to whether or not to convert to an EDP system. We further recommend that the staffing needs of the bureau and OCC in all phases of activity for this program during the remainder of the current year and the budget year, be ascertained and budget augmentations proposed to the extent necessary to insure the most immediate accomplishment of the contemplated program.*

ANALYSIS

The department proposed to spend for support of this bureau during fiscal year 1963-1964, the sum of \$3,634,970, which is an increase of \$105,576, or 2.9 percent, over estimated expenditures for the current year, the smallest of the increases contained in the last three budget requests.

Personal Services

Proposed New Positions

1 Junior clerk (administration) (budget page 481, line 12)	-----	\$3,666
3 Fingerprint examiner II (budget page 481, line 14)	-----	18,380
2 Fingerprint examiner I (budget page 481, line 15)	-----	10,308

The above positions are requested by the bureau on a workload basis which relies on work projections made under formulas which have been used for a number of years.

We recommend approval of the positions as requested.

Department of Justice—Continued

Operating Expenses

Printing (budget page 481, line 31)----- \$3,000

The bureau proposes to double its estimated printing expenditures for the budget year over the estimated expenditures in the current year. The increase is in the number of modus operandi and other manuals published for distribution.

We recommend deletion of \$1,000 to reduce this item to \$2,000.

The reduced amount will maintain current levels of service. No justification is offered by the bureau for the proposed 100-percent increase in printing.

Traveling—out-of-state (budget page 481, line 34)----- \$2,800

The bureau proposes to spend the sum of \$2,800 for out-of-state travel in fiscal year 1963-1964, an increase of \$1,302, or 86.9 percent, over actual 1961-1962 base year expenditures for this purpose. The major portion of the request is investigations taking an unknown number of days at unknown locations by various representatives of the bureau and the item is priced at \$2,000.

We recommend that \$800 be deleted to reduce this item to \$2,000.

The bureau spent \$2,965 in fiscal year 1959-1960 for out-of-state travel; \$833 in 1960-1961; and \$1,498 in fiscal year 1961-1962. The average of these three years is \$1,765. Our recommended figure provides for a modest increase over this figure.

Bureau of Narcotic Enforcement

GENERAL SUMMARY

This bureau enforces state narcotic laws and serves as a training agency for local law enforcement officers. Field offices are maintained in Sacramento, San Francisco, Fresno, Los Angeles and San Diego.

We have noted in previous analyses that the attack on the narcotic problem proceeds on three levels. Federal agencies look primarily for violators who cross the international or state borders or who fail to pay taxes. The state bureau pays particular attention to laws regulating the prescription and sale of legal narcotics and to the major violators in efforts to suppress illicit narcotic traffic at its sources. Local agencies are restricted in jurisdiction and often by lack of funds and their efforts are directed to the immediate police cases.

ANALYSIS

Expenditures proposed for this bureau for budget year 1963-1964 amount to \$1,488,389, an increase of \$74,553, or 5.2 percent, over estimated expenditures for the current year.

Personal Services

Proposed New Positions

Sacramento—Headquarters

1 Intermediate stenographer (budget page 481, line 67)----- \$4,452

Los Angeles

1 Intermediate typist-clerk (budget page 481, line 69)----- 4,242

Department of Justice—Continued

The bureau lost an intermediate stenographer to the executive office of the division during the current year. A replacement is now requested to serve in the headquarters office of the bureau in Sacramento.

The position requested for Los Angeles is one which this office resisted during the hearings on the current budget until opportunity was presented to review duties and workload and for the bureau to rejustify the need for the position.

We recommend approval of the two positions as requested.

The Sacramento position is requested on a workload basis and on the further basis that the headquarters office is short in stenographic work necessary to maintain case control and the new inservice training program records.

The need for the Los Angeles position grows out of the peculiar central office layout in the old state building in which the bureau is located. We have studied this situation. There is no adequate way to revise the telephone circuit plan which as now laid out requires the services of an operator, the position this clerk will occupy.

Operating Expenses

<i>Traveling—out-of-state (budget page 482, line 11)</i> -----	\$5,000
<i>Informer—evidence (budget page 482, line 12)</i> -----	100,000
<i>Inservice training (budget page 482, line 16)</i> -----	8,000

We call attention to the above three items of operating expense as we did in our analysis of the current year's budget because they represent new ventures for the bureau. Less than \$500 was spent by the bureau in fiscal year 1960-1961 in travel to adjoining states and into Mexico to improve working relations leading to common efforts to suppress illicit narcotic traffic. Current expenditures for this purpose now estimated at \$5,000 will offer the first valid base for expenditure comparison.

It became more expensive recently to secure evidence leading to large suppliers of illicit narcotics. This cost is expressed in larger appropriations for "big buys."

Inservice training, undertaken by the bureau for the first time during the current year, is expected to orient the field force of agents to a common plan of attack on the narcotic problem and to keep information up to date.

We recommend approval of these items as budgeted.

Department of Justice

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

ITEM 189 of the Budget Bill

Budget page 483

FOR SUPPORT OF THE COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING FROM THE PEACE
OFFICERS' TRAINING FUND

Amount requested	\$74,531
Estimated to be expended in 1962-63 fiscal year	60,875
Increase (22.4 percent)	\$13,656
TOTAL RECOMMENDED REDUCTION	None

Commission on Peace Officers' Standards and Training—Continued
GENERAL SUMMARY

This commission is located within the Department of Justice and was established by the Legislature in 1959 to raise standards, improve recruitment and secure adequate and uniform training for peace officers employed by cities and counties within the State. The commission is appointed by the Governor with the advice of the Attorney General and consent of the Senate. The commission's nine members must include five sheriffs or chiefs of police and two elected or administrative officers each from cities and counties. The commission establishes standards for recruiting and training, approves training schools, and inspects co-operating agencies to determine whether or not there is adherence to requirements.

The commission is supported by and administers and allocates the Peace Officers' Training Fund which is derived from a 5-percent penalty assessment upon all fines and forfeitures for penal offenses except vehicle operation, vehicle parking and fish and game code violations.

Within available revenues, the commission allocates funds to co-operating local agencies on a formula by which the State may bear up to one-half of the cost of salary and living expenses of each trainee under the program. In order to participate in the program, each city or county must pass and submit in advance of allocation an ordinance assuring compliance with commission standards.

ANALYSIS

The commission proposes to expend out of its special fund, for administrative purposes during fiscal year 1963-1964, the sum of \$74,531 which is an increase of \$13,656, or 22.4 percent, over estimated expenditures for these purposes in the current year. The department provides some services to the commission and is reimbursed therefor.

Personal Services

1 *Field representative (budget page 483, line 47)*----- \$8,520

The commission notes in its supporting statements, that there are 434 cities and counties which presently have organized law enforcement units. Of these, 281 are participants in this program with 153 yet to affiliate. The present participants are estimated, however, to represent about 90 percent of the State's population and about 95 percent of its peace officers. Thirty-six schools are approved for training.

The commission staff consists of the executive secretary and his assistant and two clerical positions. The law requires commission inspection of participant agencies to insure continued adherence to standards. The added position requested is sought for the purpose of enabling the staff to take care of existing workload.

We recommend approval of the position as requested.

However, we point out that the act under which the commission functions specifies that administrative costs are to be kept at a minimum (Section 13505 of the Penal Code). While the eventual workload of the commission is measured by the number of law enforcement units and officers to be trained, it appears to us that the staff of this commission should be stabilized at this budget year level in the future.

Items 190-191

Military Department

Commission on Peace Officers' Standards and Training—Continued

Fund Condition

The commission proposes to spend \$74,531 for operations during the budget year and to apportion \$535,238 to participating cities and counties. Total proposed expenditures of \$609,769 exceed estimated income in the budget year of \$502,700 by the sum of \$107,069. Since the fund is expected to enter the budget year with a surplus of \$187,009, the budget year can be closed with a small surplus providing income is received as estimated.

The commission recognizes the problem and is expected to seek an increase in income levels.

Reimbursements to cities in fiscal year 1961-1962 averaged \$241.54 per officer for 1,803 trainees.

MILITARY DEPARTMENT

ITEMS 190 and 191 of the Budget Bill

Budget page 485

FOR SUPPORT OF THE MILITARY DEPARTMENT FROM THE GENERAL FUND

Amount requested—support	\$2,995,172
Amount requested—military retirement	44,189

Total	\$3,039,361
Estimated to be expended in 1962-63 fiscal year	2,960,283

Increase (2.7 percent)	\$79,078
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TOTAL RECOMMENDED REDUCTION	\$8,872
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Summary of Recommended Reductions

	Amount	Budget Page	Line
Headquarters Staff			
Personal Services			
Civil defense signal officer	\$8,604	486	52
Reduce reimbursements (50 percent civil defense signal officer paid from federal funds)	+4,302	486	81
Field Organization—National Guard			
Operating Expense			
Travel—out-of-state	2,370	488	45
California National Guard Reserve			
Operating Expense			
Travel—in-state	2,200	488	71

GENERAL SUMMARY

This department's beginnings goes back to the period when California achieved statehood. The organization was not designated as the National Guard of the State of California until 1866. Legal authority for the present organization is found in the Military and Veterans Code, Sections 50-54, 100-472; and for the National Guard Reserve in Section 51, 550-567 and the California Cadet Corps, Section 51, 500-520.1.

The head of this department is the senior military officer in the state service with the title of Adjutant General, at present in the grade of major general. He is the Governor's Chief of Staff and commander of the State's military forces. This position as well as all other full-time